

Meeting of the

# **STRATEGIC DEVELOPMENT COMMITTEE**

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**Thursday, 13 June 2013 at 7.00 p.m.**

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## **A G E N D A**

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### **VENUE**

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Helal Abbas</b>	
<b>Vice-Chair:</b>	
<b>Councillor Rajib Ahmed</b>	Councillor Carlo Gibbs, (Designated Deputy representing Councillors Helal Abbas, Rajib Ahmed, Marc Francis, Carli Harper-Penman and Denise Jones)
<b>Councillor Zara Davis</b>	Councillor Helal Uddin, (Designated Deputy representing Councillors Helal Abbas, Rajib Ahmed, Marc Francis, Carli Harper-Penman and Denise Jones)
<b>Councillor Dr. Emma Jones</b>	Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
<b>Councillor Denise Jones</b>	Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
<b>Councillor Marc Francis</b>	Councillor Shahed Ali, (Designated Deputy representing Councillors Kabir Ahmed and Maium Miah)
<b>Councillor Carli Harper-Penman</b>	Councillor Joshua Peck, (Designated Deputy representing Councillors Helal
<b>Councillor Kabir Ahmed</b>	
<b>Councillor Md. Maium Miah</b>	

Abbas, Rajib Ahmed, Marc Francis, Carli  
Harper-Penman and Denise Jones)

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

**Committee Services Contact:**

Zoe Folley, Democratic Services,

Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

## Public Information

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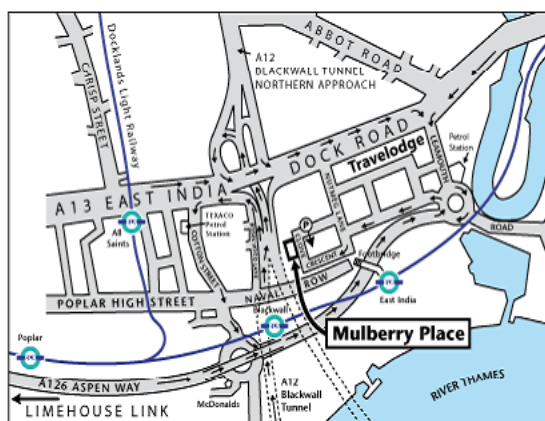
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**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 13 June 2013**

**7.00 p.m.**

**1. APPOINTMENT OF VICE-CHAIR FOR 2013/2014.**

To elect a Vice-Chair of the Strategic Development Committee for the Municipal Year 2013/2014.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

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 Monitoring Officer.

**4. 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 18<sup>th</sup> April 2013.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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<b>5 - 12</b>	
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**5. 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.

## **6. PROCEDURE FOR HEARING OBJECTIONS**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

**13 - 14**

The deadline for registering to speak at this meeting is 4pm Tuesday 11<sup>th</sup> June 2013.

## **7. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS**

**15 - 22**

## **8. DEFERRED ITEMS**

Nil items

## **9. PLANNING APPLICATIONS FOR DECISION**

**23 - 26**

**9 .1 Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 (PA/12/00637)**

**27 - 72**

**East India & Lansbury**

**9 .2 City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248)**

**73 - 134**

**Millwall**

**9 .3 Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03248)**

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**Millwall**

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# Agenda Item 3

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 18 APRIL 2013**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Bill Turner (Vice-Chair)  
Councillor Shahed Ali  
Councillor Stephanie Eaton  
Councillor Judith Gardiner  
Councillor Carlo Gibbs  
Councillor Dr. Emma Jones  
Councillor Helal Uddin  
Councillor Peter Golds (Substitute for (Leader of the Conservative Group)  
Councillor Zara Davis)

**Other Councillors Present:**

None.

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Zara Davis for who Councillor Peter Golds was deputising.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

However, Councillors Helal Abbas, Bill Turner, Carlo Gibbs and Shahed Ali declared an interest in agenda items 6.1 (The Robin Hood Gardens Estate etc (PA/12/03318)) and 7.1 (27 Commercial Road and 29-37 Whitechurch Lane (PA/12/02703)). The declarations were made on the basis that the Councillors had received representations on the items.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 6<sup>th</sup> March 2013 be agreed as a correct record and signed by the Chair.

### **4. 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

### **5. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

### **6. DEFERRED ITEMS**

#### **6.1 The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street (PA/12/03318)**

Update Report Tabled

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding reserved matters consent for Woolmore School relating to the Robin Hood Gardens Estate, under planning permission dated 30th March 2012.

Amy Thompson (Planning Officer) presented the report. It was noted that at the last meeting on 6<sup>th</sup> March, Members were minded not to accept the Officers recommendation to grant the application due to concerns over the loss of the existing building due to its heritage value. There was also some debate about the robustness of the heritage assessment. Officers had since considered the suggested reason and drafted a potential reason for refusal based on Members initial views as set out in the report. The report also set out the implications of such a decision.

Officers were of the strong opinion that the suggested reason could not be successfully defended at appeal, based on the fact that the building had no statutory protection, and could be demolished outside of the planning permission at any time. The Officer recommendation therefore remained to grant.

Officers showed images of the school including the Woolmore Street frontage with seven prominent vent stacks, modern day alterations and the internal layout that fell short of current standards.

Officers explained in detail the options further investigated by the applicant and by Officers. This included Option B, highlighted at the March meeting, of extending the existing school to the east. It was confirmed that the sewer ran directly through the centre of the site. It would therefore be necessary to carry out extensive work to build over the sewer with the demolition of part of the eastern building to accommodate such work. The option would also require significant remodelling to comply with current standards. As a result, the option was discounted as unviable.

Officers explained the merits of the scheme as recommended. It sought to provide a bespoke new school with additional school places and measures to minimise noise and maximise sunlight and daylight. Officers were of the strong opinion that the scheme should be supported. The benefit outweighed the case for retention.

Officers also drew attention to the further representations received since agenda publication. This comprised letters and a petition in support and a letter and petitions in objection.

In response, Members noted the shortage of school places in the area and the challenges with defending the refusal on appeal. A Member questioned the potential to retain the existing façade to preserve the traditional aspects.

Members also asked points of clarification of Officers.

In response, Officers confirmed the change in floor space of the new and existing building. English Heritage had not raised any objections to the scheme. The school was considered unworthy of listing partly due to the low heritage value including the recent alternations (plastic windows etc.) The Borough's Conservation Officer, Andrew Hargreaves, was present and supported these views.

Officers highlighted the problems with retaining the existing façade as suggested by a Member. The option would require major structural work. Furthermore, it was unlikely that the school could be brought up to modern standards if partially retained. On balance, Officers did not consider that the building justified such action in view of the heritage value. Officers were anticipating the receipt of a historic building record to be made available to the school for teaching purposes.

On a unanimous of vote, the Committee **RESOLVED:**

1. That the suggested reasons for refusal (paragraph 3.2 of the 18<sup>th</sup> April report) be **NOT ACCEPTED** and that reserved matters consent (PA/12/03318) for the Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street be **GRANTED** for submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30<sup>th</sup> March 2012, reference PA/12/00001 SUBJECT to:
2. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the 6<sup>th</sup> March 2013 Committee report;
3. Any other informative(s) considered necessary by the Corporate Director Development and Renewal.

(Councillors Shahed Ali and Judith Gardiner did not vote on this item as they had not been present when the item was previously considered at the 6<sup>th</sup> March 2013 committee meeting)

## 7. PLANNING APPLICATIONS FOR DECISION

### 7.1 27 Commercial Road and 29-37 Whitechurch Lane London E1 1LD (PA/12/02703)

Item withdrawn by the applicant.

**7.2 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14  
(PA/12/02923)**

Update Report Tabled

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14 for the redevelopment to provide a mixed use development.

The Chair invited registered speakers to address the Committee.

Maurice Patry addressed the committee to raise concerns. He was a resident of an adjacent house boat. He referred to his letter of representation sent to the Planning department in February 2013 in which he requested that certain conditions be imposed on the planning consent. These were that the hours of construction be restricted to protect amenity. He suggested a 6pm finishing time during the weekdays and restrictions on the weekend working hours. He highlighted the other suggested restrictions in his letter to minimize noise and to protect the house boats from dust damage during construction. In reply to Members, he reported that about 28 people lived on the boat houses on a 12 month rolling basis. In practice they had the right to remain indefinitely. He had sent a copy of his letter to the developers but did not receive a reply.

Ben Kelway (Applicant's agent) spoke in support of the application. He reported on the merits of the scheme –prepared following lengthy discussions with Officers in compliance with their guidance. He stated that the applicant was willing to implement the measures in Mr Patry's letter sent in February 2013. This could be included in the conditions.

Members expressed concern about the level of consultation especially with the nearby boat residents and also with ward Councillors.

In response, Mr Kelway drew attention to the scope of their pre-application consultation including 300 leaflets to residents and a public exhibition in July 2012. This was attended by a resident of the house boats. He also answered questions about the contributions for health and transport. On balance, Officers considered that the contributions were acceptable. He noted that the offer for affordable housing (32%) fell marginally short of the policy target. However, it was considered that the scheme secured the absolute maximum that could be sustained based on a robust viability assessment.

Paul Buckenham (Planning Officer) made a detailed presentation of the committee report and tabled update, as circulated to Members. He explained the site location and the surrounding area. He drew attention to the policy context that sought to maximize such mixed use developments in the area. The scheme would help delivery the aims in the policy. It was considered that the change in use (from office to residential) was appropriate given the similar conversions in Lanark Square and lack of suitability of the site for office use.

He explained the outcome of the local consultation and addressed the issues raised. He described the key elements of the scheme. In particular, the design, density range, the open space that on aggregate complied with policy; the nearby open space and child play space. The level of which complied with the London Plan in terms of older children play space.

He explained the affordable housing offer based on the rent levels in the Management Development DPD version May 2012.

He explained the outcome of the testing of the housing mix and the s106 (subject to independent testing). Officers were satisfied that the maximum amount of each had been secured having increased the initial offer. The site had good transport facilities. The scheme would create new jobs. He also explained the plans to remodel the car park.

On balance, Officers were supportive of the scheme in view of the merits and lack of undue impact. Therefore, the application was recommended for approval.

In response to Members, Officers explained the scope of the statutory consultation that complied with the requirements. The Council also encouraged developers to undertake pre - application consultation. Steps were being taken to capture all residential moorings on the Council's Land and Property records. However, this was not a statutory duty.

Officers had carefully considered the impact on the nearby open space taking into account the cumulative impact from other developments (in terms of older children play space). It was considered that such facilities should be able to accommodate the scheme given the expected older child yield was 4.4 based on the Tower Hamlets criteria. It was considered that the balance in child play space was appropriate given the numbers expected in the various age ranges.

Officers explained the range of issues explored during the viability assessment. Officers noted that the offer for affordable housing fell short of the policy target (32% affordable with 68% intermediate). However, it was considered that the scheme secured the maximum amount that could be provided at genuinely affordable levels, as found by the viability assessment. It was proposed to include studio units in the mix to help secure viability. Officers noted the option of imposing an overage clause to increase the housing offer as suggested by a Member. In reply, they emphasised the difficulties with this given the outcome of the viability testing that showed that the offer was already at a maximum.

It was noted that the request from the Primary Care Trust had been partially met with a sum for capital contributions in line with policy. The s106, including the health contributions, had been assessed by the Council's Planning Contributions Overview Panel. It was considered that the overall contributions met the policy requirements.



Officers explained the measures to protect the natural habitat given the proximity to the nearby flight path.

A Member stressed the need for consistency in policy on such matters (with regard to protecting/encouraging biodiversity for developments near flight paths)

On a unanimous vote in favour, the Committee **RESOLVED**:

1. That planning permission (PA/12/02923) be **GRANTED** at 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14 for mixed-use development comprising demolition of existing buildings and erection of a building of between 7 and 13 storeys providing 321sqm of commercial floorspace (use classes A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping SUBJECT to the following:
2. Any **direction** by **The London Mayor**
3. The prior completion of a **legal agreement** to secure the planning obligations set out in the report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement
6. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
7. Any other conditions and informative(s) considered necessary by the Corporate Director Development & Renewal
8. That, if within three months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

The meeting ended at 9.15 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

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# Agenda Item 6

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

# Agenda Item 7

<b>Committee</b> Strategic Development Committee	<b>Date</b> 13 <sup>th</sup> June 2013	<b>Classification</b> Unrestricted	<b>Report No.</b> SDC 01/134	<b>Agenda Item No.</b> 7
<b>Report of:</b> Assistant Chief Executive <b>Originating Officer(s) :</b> Democratic Services		<b>Title :</b> Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings <b>Ward(s) affected:</b> N/A		

## 1. Recommendation

- 1.1 To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

## 2. Background

- 2.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 2.2 The Committee's meetings for the year are as set out in Appendix 3 to this report as agreed at the Council meeting on 17<sup>th</sup> April 2013.
- 2.3 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

## 3. Comments of the Chief Financial Officer

- 3.1 There are no specific comments arising from the recommendations in the report.

## 4. Concurrent report of the Assistant Chief Executive (Legal)

- 4.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 22<sup>nd</sup> May 2013 and April 2013.

## 5. One Tower Hamlets Considerations

- 5.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

## 6. Sustainable Action for a Greener Environment

6.1 There are no specific SAGE implications arising from the recommendations in the report.

## 7. Risk Management Implications

7.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

## 8. Crime and Disorder Reduction Implications

8.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

## 9. Efficiency Statement

9.1 There are no implications arising from the recommendations in the report.

### Appendices

Appendix 1 - Strategic Development Committee Terms of Reference and Quorum

Appendix 2 - Strategic Development Committee Membership 2013/2014

Appendix 3 - Strategic Development Committee Meeting Dates 2013/2014

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### LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	If not supplied, name and telephone number of holder:
Council's Constitution	Zoe Folley, Democratic Services 020 7364 4877
Council AGM 22 <sup>nd</sup> May 2013 – Report and Decision, Agenda item - Appointment to Committees and Panels of the Council.	The papers can also be found on the Council webpages <a href="http://www.towerhamlets.gov.uk">www.towerhamlets.gov.uk</a> under the Council and Democracy section.
Council 17 <sup>th</sup> April 2013 - Report and Decision Agenda item - Programme of Meetings 2013/14	

## APPENDIX 1

### EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

#### 3.3.5 Strategic Development Committee

<p>Nine Members of the Council. Up to three substitutes may be appointed for each Member.</p>	
Functions	Delegation of Function
<p>To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies:</p> <ul style="list-style-type: none"> <li>– Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames).</li> <li>– Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area.</li> <li>iii. Applications for employment floor space on sites of more than 4 hectares.</li> <li>iv. Major infrastructure developments.</li> <li>v. Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres.</li> <li>vi. Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres.</li> <li>vii. Applications for developments including 200 or more car parking spaces.</li> <li>viii. Legal proceedings in relation to the matter are in existence or in contemplation.</li> <li>ix. Three or more members of the Development Committee are disqualified in some way from participating in the decision</li> <li>x. On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the</li> </ul>	<p>No delegations</p>

<p>Strategic Development Committee.</p> <p>xi. To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised).</p> <p><i>It shall be for the Corporate Director Development &amp; Renewal to determine whether a matter meets any of the above criteria.</i></p>	
<p><b>Quorum</b> Three Members of the Committee</p>	



<b>STRATEGIC DEVELOPMENT COMMITTEE</b> (Nine members of the Council)			
<b>Labour Group (5)</b>	<b>Conservative Group (2)</b>	<b>Respect Group (0)</b>	<b>Others (2)</b>
Cllr Helal Abbas (Chair) Cllr Rajib Ahmed Cllr Marc Francis Cllr Cari Harper-Penman Cllr Denise Jones  Deputies:- Cllr Carlo Gibbs Cllr Joshua Peck Cllr Helal Uddin	Cllr Dr Emma Jones Cllr Zara Davis  Deputies:- Cllr Tim Archer Cllr Peter Golds	n/a	Cllr Kabir Ahmed (Ind) Cllr Maium Miah (Ind)  Deputy:- Cllr Shahed Ali (Ind)

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**APPENDIX 3**  
**SCHEDULE OF DATES 2013/14**  
**STRATEGIC DEVELOPMENT COMMITTEE**

Thursday  
13<sup>th</sup> June 2013  
18<sup>th</sup> July 2013 (**5.30pm**)  
29<sup>th</sup> August 2013  
10<sup>th</sup> October 2013  
21<sup>st</sup> November 2013  
9<sup>th</sup> January 2014  
25<sup>th</sup> February 2014 (Tuesday)  
10<sup>th</sup> April 2014  
15<sup>th</sup> May 2014

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 18<sup>th</sup> July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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# Agenda Item 9

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 9
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Proposed Submission Version January 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase

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

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

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

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# Agenda Item 9.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Graham Harrington		<b>Ref No:</b> PA/12/00637	
		<b>Ward(s):</b> East India and Lansbury	

## 1. APPLICATION DETAILS

**Location:** Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14

**Existing Use:** Vacant/Cleared site

**Proposal:** Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 5 to 22 storey buildings to provide 206 dwellings and 129 sqm of new nursery space falling within use class D1, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

**Drawing Nos:** Submission Documents

Design and Access Statement dated March 2012,  
Design and Access Statement Addendum dated January 2013,  
Tower Analysis dated September 2012  
Planning Impact Statement dated March 2012,  
Affordable Housing Statement dated March 2012,  
Daylight and Sunlight Analysis Report prepared by XC)2 dated November 2011,  
Design Note prepared by XCO2 dated 30/7/12 (Daylight and sunlight),  
Design Note prepared by XCO2 dated 02/08/12 (Daylight and Sunlight),

Flood Risk Assessment prepared by M3 Mayer Brown dated November 2011,  
Air Quality Assessment prepared by M3 Mayer Brown dated November 2011,  
Energy Report prepared by XCO2 dated November 2011,  
Sustainability Statement prepared by XCO2 dated November 2011,  
Transport Assessment prepared by M3 Mayer Brown dated November 2011,  
Email from Tim Gaskell dated 13<sup>th</sup> August 2012 with supplementary Highways and Transport information,  
Landscape Design report, prepared by HED (rev 02) dated 06.12.11,  
Wind Microclimate Analysis Report prepared by XCO2 dated November 2011,  
Noise & Vibration Assessment prepared by M3 Mayer Brown dated November 2011,  
Ground-Borne Noise & Vibration Mitigation Package - Train Induced Vibration Assessment prepared by M3 Mayer Brown dated August 2012,  
Air-Borne Noise Mitigation Package - External Building Fabric Report prepared by M3 Mayer Brown dated August 2011,

Note on Community Involvement prepared by polity dated November 2012,  
Radio and Television Signal Interference Assessment prepared by HOARE LEA  
Geo-Environmental Interpretative Report prepared by CARD Geotechnics dated Feb 2004  
Landscape and Public Realm- Outline Specification dated 25 November 2011  
Affordable Housing Viability Submission dated May 2013 (Confidential)  
Letter from HEDC dated 16<sup>th</sup> May 2013 (with appendices) regarding Viability Revisions (Confidential)

Drawings - 3220 (PL) 001, 3220 (PL) 50, 3220 (PL) 09 Rev B, 3220 (PL) 10 Rev a, 3220 (PL) 11 Rev B, 3220 (PL) 12 Rev B, 3220 (PL) 13 Rev a, 3220 (PL) 14 Rev B, 3220 (PL) 15 Rev B, 3220 (PL) 16 Rev B, 3220 (PL) 17 Rev B, 3220 (PL) 18 Rev B, 3220 (PL) 19 Rev B, 3220 (PL) 20 Rev A, 3220 (PL) 21 Rev A, 3220 (PL) 22 Rev B, 3220 (PL) 100 Rev B, 3220 (PL) 101 Rev B, 3220 (PL) 102 Rev B, 3220 (PL) 103 Rev B, 3220 (PL) 104 Rev A, 3220 (PL) 105 Rev A, 3220 (PL) 106 Rev A, 3220 (PL) 107 Rev B, 3220 (PL) 108 Rev B and HED-949-L-100 05, Fire Strategy Diagram

**Applicant:** Ballymore  
**Owner:** Ballymore  
**Historic Building:** N/A  
**Conservation Area:** N/A

## Report Context

- 1.1 The application to redevelop this site was submitted in April 2012. Following discussion with officers and amendments, the application was reported to the Strategic Development Committee on 6<sup>th</sup> March 2013 with an officers' recommendation for approval. After consideration of the substantive and update reports, Members resolved not to accept the officers' recommendation and were minded to refuse planning permission for the proposal because of six specific concerns (set out in paragraph 4.6)
- 1.2 The applicant has submitted a number of significant amendments to the proposal in an effort to address Members' concerns. These are set out in detail in paragraph 4.7. Given the extent of the revisions to the proposals, the consequential need to re-consult, and the changes to the membership of the Strategic Development Committee since the original proposal was considered in March 2013, officers took the view that it would be more appropriate to report the application back to the Committee not as a deferred item, but as an item under Section 7 of the agenda (Planning Applications for Consideration).

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Managing Development Document (2013) and associated Supplementary Planning Guidance; as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
  - The principle of redeveloping the site to provide a residential led development with an ancillary ground floor children's' nursery unit(D1 Use Class) is acceptable in land use terms, and is consistent with adopted national and local planning policy, in accordance with policy 3.1 and 4.8 of the London Plan 2011, SP01, SP02 and SP12 of the Core

Strategy (2010) and DM1, DM3 and DM8 of the Managing Development Document (2013).

- The proposal makes efficient use of the site with a mixed use redevelopment and optimises residential density and as such accords with policy 3.3 and 3.4 of the London Plan (2011) and policies S07 and SP02 of the Core Strategy (2010).
- The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policies DM24 and DM25 of the Managing Development Document (2013) which seek to ensure development acknowledges site capacity by optimising density and that it does not have an adverse impact on neighbouring amenity.
- Impacts of the development on the amenity of neighbours in terms of loss of light, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- On balance the quantity and quality of housing amenity space, communal space, publicly accessible open space and child play space are acceptable and accords with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development Document (2013) which seek to improve amenity and liveability for residents.
- The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Langdon Park Conservation Area, the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy 2010 and policies DM24, DM27 and DM28 of the Managing Development Document (2013) which seek to ensure buildings are of a high quality design and sensitive to the boroughs heritage assets.
- Transport matters, including car and cycle parking and access are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development Document (2013) which seek to ensure developments minimise parking and promote sustainable transport options.
- Environmental sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, transportation improvements, education facilities and employment opportunities for residents, community facilities, public realm improvements and sustainable transport in line with the NPPF, policy LBTH POLICY and the Councils adopted Planning Obligations SPD (2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.
- The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available and employing a formal pre-application process, including free duty officer advice and through the use of a Planning Performance Agreement. The Local Planning Authority has also produced policies and provided written guidance, all of

which are available on the Council's website and which has been followed in this instance.

### 3. RECOMMENDATION

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

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

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

#### Financial Obligations

- a) Enterprise and Employment: £50,023
  - b) Community Facilities (Idea Stores and Leisure): £259,755
  - c) Education (Primary and Secondary School Places): £555,753
  - d) Health: £258,942
  - e) Sustainable Transport: £26,171
  - f) Public Realm Improvements (Public Open Space and Streetscene): £383,543
  - g) TfL (DLR improvements): £250,000
  - h) Sub-total: £1,784,187
  - i) Monitoring (2%): £35,684
- Total: £1,819,871

#### Non-Financial Obligations and Affordable Housing

- j) 31.5% affordable housing by habitable room
- k) Payment of a financial contribution of £230,492 for the provision of off-site affordable housing in lieu of additional on-site affordable housing
- l) Affordable housing financial viability review mechanism if development is not commenced within 2 years from date of a decision notice (to secure a further financial contribution for the provision of further off-site affordable housing if financial viability improves before development starts)
- m) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- n) On Street Parking and Permit-free development
- o) Travel Plan
- p) Code of Construction Practice
- q) Electric Vehicle Charging Points
- r) 9 parking spaces allocated to on-site affordable family housing
- s) Communal play space and child space accessible to all future residents of the development
- t) Public realm area, publicly accessible open space and footpaths through site to be open to the public
- u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

#### **CONDITIONS & INFORMATIVES**

- 1. Three year time limit
- 2. Compliance with approved plans and documents
- 3. Submission and approval of samples of external materials
- 4. Submission of details to demonstrate adaptability of duplex units to provide

accessible units

5. Details of Landscaping and Public realm to include play space, ramps and boundary treatments, to be approved in consultation with London city Airport
6. Delivery of Energy Strategy
7. Code for Sustainable Homes- Code Level 4
8. Details of living roofs on Blocks 2 and 3 to be submitted to and approved by the Council before commencement of development – with implementation in accordance with approved details.
9. Development to comply with Secure by Design
10. 100% of homes secured to Lifetime Homes Standard
11. 33 dwellings (16%) to be designed to be 'easily adaptable' to wheelchair housing;
12. Notwithstanding Condition 2, 1:50 scale floorplans of all proposed 'easily adaptable' Social Rented units to be submitted to and approved by LPA prior to commencement
13. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
14. Foundation design to include elastomeric bearings
15. Cycle parking for residential units to be provided in accordance with approved plans
16. Refuse and recycling provision to be provided in accordance with approved plans
17. Details of cycle parking for the commercial unit to be submitted and approved in consultation with TfL
18. Servicing Management Plan to be submitted and approved in consultation with TfL
19. Highway Improvement Works to be submitted and approved
20. Construction Environmental Management Plan to be submitted and approved in consultation with TfL
21. Impact study of existing water supply infrastructure, to be approved in consultation with Thames Water
22. Car Parking Management Plan to be submitted and approved in consultation with TfL
23. Detail of construction methodology adjacent to the DLR to be submitted and approved in consultation with TfL
24. Unrestricted access to be maintained to Langdon Park Station during the construction phase of the development
25. Restriction of use of ground floor non-residential unit to D1 use (children's nursery) with no permitted change from this use
26. Restricted hours of opening for the ground floor children's nursery to 07.00 to 19.00 (associated outdoor play area 08.00 to 18.00)
27. Environment Agency condition- Development to be completed in accordance with the FRA submitted and hereby approved
28. Environment Agency condition- Submission and approval of surface water drainage details

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives:**

- S106 required
- S278 required
- Internal room layouts to comply with Inclusive Access BS8300:2009 (2010)
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice
- London Fire and Emergency Planning Authority Advice

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 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

### Site and Surroundings

#### The application site

- 4.1 The subject site comprises an area of 0.41 hectares and is broadly rectangular in shape. The site is currently cleared and unoccupied, with hoardings surrounding its perimeter. The site falls in height by between approximately 0.35m to 0.6m south to north.
- 4.2 The site boundaries are formed by Cording Street to the north, the DLR tracks to the east, Carmen Street to the south (which is a pedestrianised street connecting Langdon Park DLR Station with Chrisp Street) and Chrisp Street to the west. The area to the north of Cording Street comprises 2 to 3-storey industrial buildings. The 16-storey Parkview Apartments building stands immediately to the south of the site, the other side of Carmen Street. This building has planning permission to be extended by three storeys to a 19-storey building. To the south of that, on the west side of Chrisp Street is a recently completed housing development of between 6 and 9-storeys. A housing development of between 4 and 9-storeys is currently being built immediately opposite the site, on the west side of Chrisp Street.
- 4.3 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Langdon Park, which lies to the east of the site.

#### Transport infrastructure and connectivity

- 4.4 The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the site's south-eastern boundary and therefore provides excellent connectivity in and out of the borough providing connections to the West End, the City, Stratford and City Airport. Bus stops exist on Chrisp Street located a 2 minute walk from the site and run in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town.

### Proposal

#### Original Scheme

- 4.5 The application to redevelop this site was submitted in April 2012. Following discussion with officers and amendments, the proposal (hereafter referred to as the original scheme) was reported to the Strategic Development Committee on 6<sup>th</sup> March with an officers' recommendation for approval. This sought permission for the following:
- Erection of part 5 to 22 storey buildings;
  - 223 residential units, including 22.2% affordable housing;
  - 129sqm of floorspace comprising A1, A2, A3, A4, B1, D1 and/or D2 uses;
  - 39 car parking spaces provided at basement level (including 4 disabled bays); and
  - On site cycle parking spaces.
- 4.6 After consideration of the substantive and update reports, Members resolved not to accept the officers' recommendation and were minded to refuse planning permission for the original scheme because of concerns over the matters listed below. Please note, these have been placed in a different order than they appear in the Committee's resolution in order to group them into themes. The concerns were:
- (a) Housing mix in relation to the high number of 1-2 bed and studio units;
  - (b) Lack of affordable housing particularly social housing;

- (c) Height, bulk, scale and design in relation to its lack of coherence with the surrounding area;
- (d) Relationship/ lack of cohesion with the adjoining Langdon Park Conservation Area.
- (e) Overdevelopment; and
- (f) Size of the shop unit.

### Revised Scheme

4.7 The applicant has sought to address the concerns of Members by bringing forward a significant number of revisions to the original scheme and additional supporting material. The submitted revisions can be summarised as follows:

#### *Design*

- Changes to internal layouts of buildings (to allow for a different dwelling mix);
- Consequential minor changes to some elevations;
- Changes to landscaped areas (to allow for a different distribution between communal amenity space and play space); and
- Relocation of a sub-station and changes to the proposed ground floor commercial unit and surrounding area (to allow for use as a children's nursery).

#### *Dwelling Mix*

- Removing all proposed 16 studio units (reducing the proposed percentage dwelling mix of studios from 7% to 0%);
- Reducing the number of 1-bed units from 105 to 70 (reducing the proposed percentage dwelling mix of 1-bed units from 47% to 34%) with the proposed percentage dwelling mix of proposed studio and 1-bed units reducing from 54% to 34%;
- Increasing the number of proposed 'family' (3-bed plus) units from 20 to 39 (increasing the proposed percentage dwelling mix of family homes from 9% to 18%); and
- Reducing the overall number of units from 223 to 206 (with the revised dwelling mix resulting in an increase in the number of habitable rooms from 568 to 607).

#### *Affordable Housing*

- Increasing the amount of on-site affordable housing provision from 22% to 31.5% (by habitable room) split 69:31 Social Rent: Intermediate;
- Switching all of the previously proposed Affordable Rented units to Social Rented units;
- Payment of a financial contribution of £230,492 for the provision of additional off-site affordable housing; and
- Offering a review mechanism to increase financial contributions for off-site affordable housing if values improve further.

#### *Commercial unit*

- Replacing the proposed flexible use ground floor commercial unit (A1, A2, A3, A4, B1, D1 and/or D2 uses) with a proposed children's nursery only use (D1) (with associated outdoor space).

The revised scheme can be summarised as follows:

- Erection of part 5 storey to 22 storey buildings;
- 206 residential units, including 31.5% affordable housing;
- 129sqm of floorspace comprising D1 use;
- 39 car parking spaces provided at basement level (including 4 disabled bays); and
- On site cycle parking spaces.

## Relevant Planning History

- 4.8 PA/04/01620; Application for Demolition of existing buildings and construction of four blocks up to 17 storeys comprising 821sqm commercial/community floorspace (B1/D1 uses), 125sqm retail space (A1/A2/A3 uses) and 154 residential units, plus amenity space and car parking. Members resolved to grant planning permission subject to the completion of a S106 agreement. However, a legal agreement was not signed and a decision was not therefore issued for this scheme.
- 4.9 Whilst the resolution to grant permission established a principle for the redevelopment of the application site for a residential-led mixed-use development, there is no extant consent at the site which the developers could seek to implement.

## 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 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Town Centre Activity
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

### 5.3 Managing Development Document 2013 (MDD)

Policies:	DM1	Development within the town centre hierarchy
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites



DM29 Zero-Carbon & Climate Change  
DM30 Contaminated Land

**5.4 Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

**5.5 Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.1 Developing London's Economy
- 4.8 Supporting a successful and diverse retail sector
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings

- 7.8 Heritage Assets and archaeology
- 7.11 London View Management Framework
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.6 **London Plan Supplementary Planning Guidance/Documents**

London Housing Design Guide 2012  
 Housing Supplementary Planning Guidance Nov 2012  
 Sustainable Design & Construction 2006  
 Accessible London: Achieving an Inclusive Environment 2004  
 Shaping Neighbourhoods Play and Informal Recreation SPG 2012  
 Early Minor Alterations to the London Plan June 2012- DRAFT

5.7 **Government Planning Policy Guidance/Statements**

NPPF The National Planning Policy Framework 2012

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

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

6. **CONSULTATION RESPONSE**

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

**Original Scheme**

6.2 The following were consulted regarding the original application:

**LBTH Accessibility Officer**

- 6.3
- The internal layout of units should comply with guidance in BS8300:2009 (2010); (**Officer comment:** It is recommended that an informative is added to any permission to ensure the applicants are aware of the standards the new build development should achieve).
  - The site should be provided with level thresholds; (**Officer comment:** The site provides level access with ramps in and around the site and internal lifts to the upper floors and basement level).
  - Details of adaptability of the duplex units should be provided; (**Officer comment:** It is recommended that these details are secured by condition for approval at a later date).
  - Further information regarding disabled parking provision, visitor parking and taxi drop off requested; (**Officer comment:** Four disabled parking spaces are proposed for the basement, the scheme provides no visitor car parking on-site. Whilst there is no designated taxi drop off point, the basement would be accessible for drop-off purposes with lifts to provide access to the upper levels).
  - The scheme should provide adequate external lighting; (**Officer comment:** It is recommended that these details are secured by condition for approval at a later date).
  - Ramps within the public realm should be at a crossfall of no greater than 1:50;

**(Officer comment:** It is recommended that these details are secured by condition for approval at a later date, plans show the ramps being provided at 1:20)

Cycle parking should have the flexibility to accommodate tricycles and scooters;

**(Officer comment:** The applicant is now proposing a dedicated mobility scooter/charging room within the basement).

#### **LBTH Biodiversity Officer**

6.4 No comments received to date.

#### **LBTH Parks and Opens Spaces**

6.5 No comments received to date.

#### **LBTH Arboricultural Officer**

6.6 No objections.

#### **LBTH Energy Officer**

6.7 The information provided in the energy strategy is principally in accordance with adopted climate change policies. The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine is in accordance with London Plan 2011 policies. Photovoltaic Panels (PV) are also proposed on site. The total anticipated CO2 savings are expected to be 36% which exceeds local policy requirements of the Managing Development Document. The applicant is also achieving a Code for Sustainable Homes Level 4. A condition is recommended to secure implementation of the energy strategy.

**(Officer Comment:** A condition is recommended to secure the delivery of the energy strategy as proposed and the delivery of Code Level 4 is achieved within all new dwellings).

#### **LBTH Building Control Officer**

6.8 No comments received to date.

#### **Crime Prevention Officer**

6.9 The following comments have been provided:

- Gates to the car park should be secured to prevent unauthorised access and the basement should be provided with CCTV;

**(Officer comment:** Details of security gates and boundary treatment would be conditioned - and secured at a later date, although amended basement plans do incorporate the controlled access gates suggested by the CPO).

- It is expected that no access should be provided to the rear of the site (abutting the DLR line);

**(Officer comment:** The design at ground floor level (gates at Cording and Carmen Street) will prevent access to the rear of the site.)

- It is requested that only one pedestrian access is provided into the development;

**(Officer comment:** The access from Carmen Street and Cording Street provide level access into the various blocks within the site, whilst concerns are raised over the isolation of the access on Cording Street, should concerns arise from loitering, the applicant is able to provide gates to this elevation to secure the entrance.)

- Metal Louvers are a climbing hazard;

**(Officer comment:** Through scheme revisions, louvres are now only proposed from the 2<sup>nd</sup> floor onwards and therefore present less concerns for climbing)

- An access control system should be implemented at the site;

**(Officer comment:** This is a management consideration for review by the applicants at a

later date. A concierge desk is provided at ground floor level within the Tower Block (Block 1)).

- Signage should be provided to deter unauthorised access;

**(Officer comment:** This is a management consideration for review by the applicants at a later date).

A condition will also be imposed to ensure the development is compliant with Secure By Design standards.

### **LBTH Housing Officer**

6.10 - This application proposes to deliver 31.5% affordable housing within this development. Whilst this is below the Council's minimum policy target of 35% affordable housing requirement, the viability of the offer is currently being independently tested to establish if this is the maximum viable quantum of affordable housing.

**(Officer comment:** Affordable housing, including viability, is discussed in detail in Section 8)

- The tenure split within the affordable is 69%:31% in favour of social rented housing. This is broadly in line with the Council's 70:30 target therefore acceptable.

- The unit mix within the social rented is 12% one bed units against a target of 30%, 36% two bed against a target of 25%, and a 42% provision of three beds against a target of 30%. 9% of 4 bed units against a target of 15%. Overall the scheme is providing 51% social rented family housing, which is slightly above our policy of 45% family units. Given the borough high needs for family affordable rented units within the borough this is deemed acceptable.

- Within the intermediate tenure there are 48% of one bed units against our target of 25%, 48% of two bed units against our target of 50%, there are 4% of three bed units against a target of 25%. We would suggest a better balance of one and two bed units within the private mix of the scheme.

**(Officer comment:** dwelling mix is discussed in detail in Section 8)

- The scheme is delivering 33 wheelchair accessible units across the scheme, which is above our 10% policy requirement. The applicant also proposes to provide 9x accessible wheelchair social rent units and will allocate 4 wheelchair car parking spaces. 1:50 scale drawings for Social Rented identified as wheelchair/accessible units in order to obtain comments from O.T. Team.

**(Officer comment:** A condition is recommended to require the submission and approval of 1:50 scale drawings for these units).

- All units will be designed to the space standards set within the Mayor of London's Housing Design Guide. The applicant has provided a separate kitchen in all of the larger affordable family rental units which is welcomed.

- Important to ensure secure by design.

- Need to ensure that the scheme is achieving policy requirements on child play spaces standards within the scheme.

**(Officer comment:** 100% of required 0-5 year old play space would be provided on-site)

- Subject to the points raised above, overall we would be supportive of this application.

### **Environmental Health**

#### **6.11 Contaminated Land**

No objections, subject to a condition to secure a site investigation and remediation.

**(Officer comment:** It is recommended that a contamination and remediation condition is included in a decision notice).

#### **6.12 Noise and Vibration**

Officers are happy for Planning Permission to be considered. EH does request the provision of elastomeric resilient bearings on the foundation during the construction stage as a mitigation method.

(**Officer comment:** It is recommended that a condition to secure elastomeric resilient bearings is included in a decision notice).

### **LBTH Highways Officer**

- 6.13 A summary of the Highway comments are provided below:
- The proposed level of car parking is acceptable;
  - The development should be secured as permit free;  
(**Officer comment:** It is recommended that this is secured through a legal agreement)
  - Revisions are requested to the disabled car parking bays;  
(**Officer comment:** The proposed layout has been amended to provide 4 policy compliant disabled parking bays)
  - Provision of electric vehicle charging points;  
(**Officer comment:** charging points are proposed at basement level)
  - The proposal only shows 260 cycle parking spaces, the scheme is required to deliver 268;  
(**Officer comment:** The revised scheme only requires 245 cycle parking spaces. However, it continues to propose 268 cycle parking spaces, thus allowing some spaces for visitors, in accordance with policy requirements.)
  - No details have been provided for the commercial cycle spaces;  
(**Officer comment:** Given the limited floorspace of this unit and the number of spaces required for the commercial unit, it is considered that these can be accommodated externally, this is to be conditioned with details to follow at a later date)
  - Servicing to the tower block is proposed via Carmen Street, with the remainder of the servicing via Cording Street and the on-site basement. In principle, the only concern raised is with the Carmen Street servicing arrangements. It has now been agreed that residential servicing will be provided on street, from Chrisp Street and only limited servicing to the commercial unit will be via Carmen Street. This will be restricted through a Servicing Management Plan to limited trips and hours of servicing, although a site wide servicing plan will be secured through condition;  
(**Officer comment:** It is recommended that a condition secures a Servicing Management Plan).
  - A Highway Improvement Works condition is also to be secured to ensure appropriate works around the perimeter of the site;  
(**Officer comment:** It is recommended that a condition secures Highway Improvement Works).
  - A Travel Plan and Construction Management Plan should also be secured by condition as part of any consent;  
(**Officer comment:** It is recommended that a condition secures a Travel Plan and Construction Management Plan.)
  - Planning obligations of £20,000 should also be secured towards highways works within the vicinity of the site;  
(**Officer Comment:** This is discussed further within the main body of the committee report).

### **LBTH Employment and Enterprise Officer**

- 6.14 No objection, subject to the following obligations:
- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
  - To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
  - A financial contribution of £48,617 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction

phase of all new development and for the end user/ commercial unit operation. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

**(Officer Comment:** The revised scheme requires a larger financial contribution of £50,023 to satisfactorily address training needs. The obligations requested and larger financial contributions have been agreed and it is recommended that these are secured through a S106 legal agreement).

### **LBTH Communities, Localities and Culture**

6.15 Communities, Localities and Culture note that the increase in population as a result of the proposed development would increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. The proposed development of 223 units is calculated to result in 403 new residents and 13 employees. Accordingly the following financial contributions are requested:

- Idea Stores/Libraries/Archives: £51,060
- Sports Facilities: £185,781

6.16 **(Officer comment:** The revised scheme of 206 units but greater affordable housing and children's nursery would generate a slightly larger residential population of 413, but only 8 employees. This means that the required financial contributions to satisfactorily mitigate impacts on these services and facilities would need to increase to £259,755. The larger financial contributions have been agreed and it is recommended that these are secured through a S106 legal agreement).

### **LBTH Children, Schools & Families**

6.17 No comments received to date.  
**(Officer comment:** The required financial contributions to mitigate the demand for additional school places arising from the revised scheme have been calculated using the Planning Obligations SPD 2012. Accordingly, the school child yield from this development requires contributions for 15.6 primary school places and 23 secondary school places. This requires a financial contribution £555,753 towards the provision of additional school places (this is larger than the contribution that would have been required for the original scheme).

**(Officer comment:** The financial contributions required by the SPD have been agreed and it is recommended that these are secured through a S106 legal agreement).

### **LBTH Waste Policy and Development Officer**

6.18 No objection to the waste storage arrangements.

### **London Fire and Emergency Planning Authority (LFEPA)**

6.19 Initial comments were received requesting further information of pump appliance and water supplies, which should accord with Section B5 of Approved Document B. Following this, the applicants liaised with the LFEPA and prepared a plan to show compliance with the guidelines, drawing no. 3220/SK/100.

### **London City Airport**

6.20 No objection is raised to the proposed development subject to the imposition of two conditions regarding the height of cranes during the construction phase and proposed landscaping.

**(Officer Comment:** It is recommended that the requested conditions are attached to a decision notice).

### **English Heritage Archaeology**

- 6.21 There are no known sites or finds within the immediate vicinity, and a watching brief during the construction of the new DLR station did not yield any significant results. As such, no watching brief or conditions are necessary for this development.

### **Thames Water**

- 6.22 Thames Water have raised no in principle objections subject to the imposition of a condition which requires further impact studies of the existing water supply infrastructure to be submitted and approved in consultation with Thames Water. Other standard informatives have also been requested relating to drainage and fat traps.

**(Officer Comment:** It is recommended that the requested conditions and informatives are attached to a decision notice).

### **National Air Traffic Services Ltd (NATS)**

- 6.23 No objection raised.

### **Natural England**

- 6.24 No objection raised.

### **London Underground Limited**

- 6.25 No objection raised.

### **Mayor of London (GLA Stage 1 Report)**

- 6.26 In summary, the Mayor of London has advised that the original scheme did not comply with the London Plan, but that there were possible remedies. In particular, the Mayor made the comments set out below.

#### Principle of development

- The principle of the use of the site is acceptable and has previously been agreed under planning application PA/04/01620. The proposed commercial uses comply with London Plan policy 4.8; supporting a successful and diverse retail sector.

#### Housing

- Affordable Housing provision is below the borough requirement and therefore details of the viability review will determine the acceptability of this level of provision. Whilst the density of the scheme exceeds the guidance, given the highly accessible location and prominent corner location, the site is suitable for a landmark building and therefore justifies increased density levels.

**(Officer comment:** It should be noted that the revised scheme significantly increases the amount of proposed on-site affordable housing from 22.2% to 31.5% and increases residential density from 1,385hrpah to 1,480hrph).

#### Child play space

- The scheme is within walking distance of Langdon Park, Limehouse Cut and Bartlett Park and all contain playspace facilities. It is also supported that 0-4 and most 5-11 years are provided with on-site child play space. Older children within the 5-10 and 11-15 year old group would be able to use Langdon Park, subject to a contribution toward public open space improvements.

**(Officer comment:** The revised scheme incorporates on-site play space for 0-10 year olds in accordance with the 10sqm per child standard, i.e.516sqm).

#### Urban design

- The overall principles of the scheme are considered acceptable, and it is of high design quality. The proportion of dual aspect units is encouraging and all units meet or exceed the minimum floorspace standards.

#### Tall Buildings/Views

- The location of the tower in the south east corner is viewed as acceptable and there is no objection to a tall building on this site, subject to an assessment of the longer range views to demonstrate that there is no unreasonable harm to local or more distant environments. The lower block is also considered to be acceptable.
- No concerns are raised with the layout and access of the proposed development, the proposal provides activation of frontages and enhances the street relationship.
- The building line does not encroach into the safeguarded DLR space along the eastern boundary.
- It has been requested that the 6<sup>th</sup> and 7<sup>th</sup> floor of the lower block to the north of the site are removed in order to enhance the quality of the courtyard amenity space.

**(Officer comment:** This has not been incorporated and on balance it is not considered that this reduction in bulk and scale is likely to reduce overshadowing. A full assessment of overshadowing of the courtyard has been undertaken and the courtyard area meets the BRE standards. The loss of the floorspace would also reduce the affordable housing provision at the site as this block comprising the majority of the affordable housing within the scheme).

#### Residential Quality

- All units comply with the floorspace standards of policy 3.5 and 72% of units will be dual aspect with no north facing single aspect units, which is acceptable. The provision of 10% accessible units is also welcomed.

#### Access and Inclusive design

- Wheelchair accommodation is provided across all three tenures and is welcomed. The amenity space and balconies will all be fully accessible, as will access to and from the residential cores. Blue badge parking spaces are provided in the basement. Public realm improvements are proposed around the vicinity of the site and these should be level or gently ramped. The proposal broadly complies with London Plan policies.

**(Officer comment:** As the area is within the vicinity of the site and formal public highway land, the works would be undertaken through the S278 agreement and not by the developer).

#### Sustainable Development

- The carbon dioxide savings within the development are 36%. This exceeds the targets within policy 5.2 of the London Plan.
- Confirmation is requested of the size of the energy centre.

**(Officer comment:** The energy centre measures 180sq.m)

#### Climate Change Mitigation

- The application proposes a green/brown roof. The proposals therefore comply with London Plan policies and supplementary planning guidance.

#### Transport

- In principle the scheme is supported subject to conditions and provision of planning obligations- full comments set out with the 'TfL' section below.

#### Community Infrastructure Levy

- The applicant will need to include appropriate contributions relating to CIL.



## Conclusions

- Whilst the application is broadly acceptable in planning terms, the following remedies could possibly lead to the application being compliant;
- Housing- further interrogation of the viability information;  
**(Officer comment:** This is discussed in full in the body of the committee report).
- Children's Playspace- Applicant to confirm the playspace facilities within Langdon Park and LBTH to secure contributions;  
**(Officer comment:** Whilst there are facilities within Langdon Park, financial contributions have been secured to fund improvements to public open spaces in the vicinity of the site).
- Urban design- further information/revisions sought;  
**(Officer comment:** Whilst it is noted that a reduction in height is sought for the lower block. This reduction was sought in order to improve the courtyard amenity space. The submitted daylight and sunlight assessment concludes that the courtyard would meet the BRE requirements and would not be unduly overshadowed. It is not therefore considered necessary to reduce the height as requested. The height is considered acceptable in townscape terms).
- Transport- further information and obligations are required;  
**(Officer comment:** see response to TfL comments below for full information).

## **Transport for London (TfL)**

### 6.27 Car Parking

- The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area. The applicants are asked to identify on or off street car club parking spaces. A car parking management plan should be conditioned as part of any approval.  
**(Officer comment:** The EVCP and permit free agreement will be secured through the S106 agreement. The applicant has agreed to provide 9 on-site basement car parking spaces for affordable family sized units; therefore it is not considered that there is sufficient capacity on site to provide a car club space. Whilst a car club cannot be accommodated on site, a car club space is proposed as part of an adjoining development, therefore this space will be promoted through the Travel Plan delivered at the site. It is recommended that a condition is attached to a decision notice requiring a car parking management plan).

### 6.28 DLR Infrastructure

- TfL request a condition regarding construction methodology adjacent to the DLR line. A condition is required to ensure unrestricted access to Langdon Park station during the construction phase of the development. It is also requested that a condition is imposed preventing encroachment into Carmen Street through the laying out of tables and chairs. Full details of the boundary treatment along the DLR boundary line shall be submitted to TfL for approval, via an appropriate condition. Any construction method statement secured at the site should be consulted on with TfL given the proximity of the DLR line.  
**(Officer comment:** It is recommended that all requested conditions are added to a decision notice).

### 6.29 DLR Capacity

- Contributions are requested of £250,000 to fund enhancements to passenger facilities at the station.  
**(Officer comment:** This has been agreed and it is recommended that this is secured through a S106 agreement).

### 6.30 Cycle Parking

- The cycle parking provision complies with London Plan standards. The applicant should seek to provide access to showering and changing facilities for the ground floor

commercial unit.

**(Officer comment:** The applicant has investigated options to provide showering facilities, however, there is considered to be insufficient floorspace to provide the facilities without significantly reducing the floorspace of the unit. It is considered excessive to provide these facilities for the scale of commercial unit proposed – which in the revised scheme is proposed as a children’s nursery. On balance, officers do not consider that this could be a reason for refusal on the grounds that it is unlikely to be upheld on appeal).

6.31 Buses

- The impact of this development on the bus network is negligible and can be accommodated within the existing infrastructure.

6.32 Construction Deliveries and Servicing

- The principle of using Carmen Street, and relocating the existing fire access gate is acceptable, subject to a Delivery and Servicing Plan being secured. A construction and logistics plan is also required to be submitted and approved via an appropriate condition.

**(Officer comment:** It is recommended that this is secured via conditions).

6.33 Travel Planning

- Full details of a Travel Plan should be secured through the S106 agreement.

**(Officer comment:** It is recommended that this is secured through a S106 agreement).

**Canal and River Trust**

6.34 No comments received to date.

**Commission for Architecture and the Built Environment (CABE – part of the Design Council)**

6.35 No comments received to date.

**Environment Agency**

6.36 No objection to the development as proposed.

Conditions are requested to be attached regarding implementation in accordance with the assessment submitted and surface water drainage.

**(Officer Comment:** It is recommended that the requested conditions are included in a decision notice).

**BBC**

6.37 No comments received to date.

**British Telecom**

6.38 No comments received to date.

**EDF Energy**

6.39 No comments received to date.

**English Heritage**

6.40 No comments received to date.

**Tower Hamlets Primary Care Trust**

- 6.41 Financial contributions of £280,311 are required for this development to secure appropriate capacity within local healthcare facilities.  
(**Officer comment:** The reduction in the number of proposed units in the revised scheme means that this figure reduces slightly to £258,942. This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).

### **National Grid**

- 6.42 No comments received to date.

### 6.43 **Revised Scheme**

Given the nature of the revisions to the application, all external organisations that were consulted on the original scheme have been consulted on the revised scheme. At the time of writing this report, no comments had been received. Any comments that are received will be included in an update report.

## **7. LOCAL REPRESENTATION**

### **Original Scheme**

- 7.1 A total of 4,546 neighbouring properties within the area shown on the map appended to this report were notified about the original application and invited to comment. The original application was also publicised in East End Life and public notices have been displayed around the site. The number of representations received from neighbours and local groups in response to notification and publicity of the original application were as follows:

No of individual responses: 12      Objecting: 12      Supporting: 0  
No of petitions received: 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 **Land Use**

- Commercial ground floor use will increase anti-social behaviour and disturbance in the area- lack of policing resources to patrol this problem;

(**Officer comment:** This comment was made on the original scheme, which would have allowed for a range of retail, business and leisure uses. The revised scheme proposes a children's nursery (only), which is unlikely to lead to anti-social behaviour.

- Overdevelopment of Poplar/excessive density of development;
- Given the scale of adjoining development it is not considered that this proposal is necessary to regenerate the Poplar area;

(**Officer comment:** The density of the proposed development is considered acceptable given the site's PTAL and lack of overdevelopment symptoms; this is discussed in detail within the 'Land Use' section of the committee report).

### 7.4 **Design & Heritage**

- Proposed buildings are too tall;

(**Officer comment:** It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site).

- The proposed height does not relate to the surrounding area;

(**Officer comment:** It is considered that the proposal sits comfortably within the backdrop of the skyline, local views, and other landmarks).

### 7.5 **Amenity**

- Construction impacts – noise, air pollution and associated health risks;

**(Officer comment:** If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled).

- Loss of light/overshadowing.

**(Officer Comment:** On balance, the impact of the proposed development is not considered to be unduly detrimental on the existing residential occupiers. An independent daylight and sunlight review has been undertaken and full details are set out within Section 8 of the report).

- Overlooking/Loss of Privacy and perception of overlooking from high level balconies

**(Officer comment:** The separation distances between the proposed development and neighbouring properties are considered to be acceptable and will not lead to a substantial loss of privacy. This is discussed further within Section 8 of the committee report).

- The large windows within the development add to the perception of overlooking and should be amended;

**(Officer comment:** The large windows will be set behind the proposed balconies/amenity spaces and it is considered that this set back reduces the level of overlooking to adjoining properties, it is not considered that amendments to the windows details are necessary).

#### 7.6 Housing

- No private amenity space within the units which will lead to increased pressure on public open spaces;

**(Officer comment:** Private amenity space is proposed for all residential units).

- There is no information provided on affordable housing provision within the scheme
- Insufficient affordable housing is proposed within this scheme (less than 20%).

**(Officer comment:** The revised scheme proposes the delivery of 31.5% of affordable housing. This is discussed in detail within the main body of the report).

#### 7.7 Highways & Transportation

- Increased vehicular congestion in the area;

**(Officer Comment:** LBTH and TfL have assessed the Transport Assessment submitted and consider the proposal to be acceptable subject to the imposition of a permit free agreement).

- Conflict between vehicles and school children crossing to get to Langdon Park School.

**(Officer Comment:** There is an existing pelican crossing at the site which provides safe crossing for pedestrians along Chrisp Street).

- Car free policy should be secured at the site

**(Officer Comment:** The residential and commercial unit will both be secured, through the legal agreement, as car and permit free).

#### 7.8 Other

- Impact on local infrastructure including traffic, drainage, doctors surgeries;

**(Officer comment:** It is recommended that financial contributions are secured to mitigate against the infrastructure impacts of this development).

- The provision of open space at the junction of Carmen Street and Chrisp Street will encourage loitering;

**(Officer comment:** The redevelopment of the site and the provision of natural surveillance from the new residential units are likely to enliven the space and deter loitering. The delivery of public open space is supported given the borough wide shortage).

- No real/substantial efforts at pre-application community engagement were undertaken;

**(Officer comment:** The applicants undertook a public consultation event on the 19<sup>th</sup> October 2011 and notified local residents in advance that the event was taking place. In addition, through the planning application process, community engagement has been undertaken as part of the formal submission).

7.9 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Loss of Views;

**(Officer comment:** The loss of an unprotected view is not considered to be a material planning consideration).

### **Revised Scheme**

- 7.10 Given the nature of the revisions to the application, the revised scheme has been the subject of the following local re-consultation: written notification to all those who commented on the original scheme; public notices displayed around the site and statutory adverts in East End Life. At the time of writing this report, a letter in support of the scheme had been received from Matchbox Day Nursery Limited (the proposed operator of a children's nursery). Any additional comments that are received will be set out in an update report.

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development and Land Uses
- Density
- Design
- Heritage and Conservation
- Housing
- Amenity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Health Considerations
- Section 106 Planning Obligations
- Localism Act
- Human Rights Considerations
- Equalities Act Considerations

### **Principle of Development and Land Uses**

- 8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states "the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs".
- 8.4 As noted under the Planning History heading above, in 2005 the Council resolved to grant planning permission for a 17 storey residential led development.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

### **Non-residential Uses- Ground Floor Level**

- 8.6 The application proposes the provision of a 129sqm (GIA) double height commercial unit on the ground floor of Block 1 (the tower), next to the proposed public realm area adjacent to the DLR bridge. The original scheme proposed a range of potential uses to maximise the

prospect of the unit being let. These included uses falling within Classes A1 (Retail Shops), A2 (Financial and Professional Services), A3 (Restaurants/Cafes), A4 (Drinking Establishments), B1 (Business), D1 (Non-Residential Institutions) and/or D2 (Assembly and Leisure).

- 8.7 When the Committee considered the original scheme on the 6 March 2013, Members were concerned about the size of the proposed unit and included this concern as one of six reasons for not accepting the officers' recommendation. Although not included in the Members' resolution not to accept officers' previous recommendation, concern was also expressed about the use of the proposed commercial unit, given the large range of potential uses
- 8.8 The revised scheme keeps the size of the unit the same at 129sqm. However, it proposes that this unit is used for a single use – as a children's nursery capable of providing pre-school childcare and education for up to 35 children (depending on age of children). Revisions to the layout of this part of the ground floor on Building 1 (the tower) and adjoining land, including the minor re-positioning of a proposed electricity sub-station, would also enable the provision of adjoining and secure outdoor play space (approximately 44sqm). The applicant is in discussion with Matchbox, a 'not for profit' provider of child care services who generally charge below typical commercial rates.
- 8.9 The proposed single-use of the unit as a children's nursery should remove any concern that Members may have had about adverse impact on the Crisp Street District Centre and would help cater for the higher child yield expected to be generated by the revised scheme. Children's nurseries are compatible with housing and do not raise any significant concerns in terms of amenity. The use would also help animate the scheme by introducing an appropriate non-residential use next to the proposed public realm area along the southern boundary of the site. This element of the proposed development accords with Core Strategy Policy SP03 (Creating healthy and liveable neighbourhoods) and policies DM8 (Community infrastructure) and, subject to a condition restricting hours of use to 07.00 to 19.00 (associated outdoor play areas 08.00 to 18.00), DM25 (Amenity) in the Managing Development Document.

### **Density**

- 8.10 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.11 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the Core Strategy also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.12 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The site and surrounding area has a largely 'urban' character and the average number of habitable rooms per unit is between 2.7 and 3.0. Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and 70 to 260 units/hectare (u/h).
- 8.13 When the Committee considered the original scheme on the 6 March, Members considered that the proposed residential density of 1,385hrph (not 1,534hrph as reported) and 544u/ha represented overdevelopment. The revised scheme proposes a reduction in the number of units from 223 to 206 and a different dwelling mix, as outlined below. This results in an

increase in proposed density when measured in habitable rooms to 1,480hrph, but a reduction in the density when measured in units to 502u/ha.

- 8.14 A high residential density (particularly one that exceeds the indicative density range in the London Plan) can be an indicator of overdevelopment. However, a high residential density is not, in itself, a reason for refusal. For residential density to be a reason for refusal, a proposed high density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:
- Inadequate access to sunlight and daylight for proposed or neighbouring homes;
  - Sub-standard dwellings (size);
  - Insufficient open space (private, communal and/or publicly accessible);
  - Unacceptable housing mix;
  - Unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
  - Unacceptable increase in traffic generation;
  - Detrimental impacts on local social and physical infrastructure; and
  - Detrimental impacts on visual amenity, views, character of surrounding area.
- 8.15 Officers consider that the revised scheme would provide good quality homes, including larger family-sized maisonettes, of an appropriate mix alongside the delivery of on-site affordable housing. They also consider that the scheme would be high quality, would respond to the local context and would deliver a positive relationship to the surrounding area. They do not consider that it would result in any of the adverse symptoms of overdevelopment to warrant refusal nor have any significantly adverse impacts on the amenity of existing or future residential occupiers.
- 8.16 The GLA Stage I Report also noted that the site location is on an important arterial road, on a prominent corner, immediately adjacent to a park, where a landmark building is promoted through planning policy and that this may justify increased density levels.
- 8.17 Given the above, officers consider that the revised scheme would optimise the residential density of the site and help create a sustainable place in line with London Plan Policy 3.4 and Policies SP02 and SP10 of the Core Strategy.

## **Design**

- 8.18 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.19 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 8.20 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 8.21 Core Strategy policy SP10 and Policy DM23 and DM24 of the Managing Development Document seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.22 This is a full planning application for the provision of a part 6-storey and part 22-storey development. When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the height, bulk, scale and design of the original scheme in

relation to its lack of coherence with the surrounding area. They also had concerns about the relationship/lack of cohesion with the adjoining Langdon Park Conservation Area (which are discussed in more detail below). The revised scheme has not changed in terms of proposed height/scale/massing, although the applicant has produced additional illustrative material to explain the proposed relationship with the surrounding area, including the Langdon Park Conservation Area. This is discussed below.

#### Assessment– General

- 8.23 The revised scheme retains the same scale of development as originally proposed. Whilst a number of changes have been made to the design of the scheme, these comprise alterations to internal layouts and ground floor external areas. Changes to the proposed external elevations are minor, with these generally being behind proposed screen facades and not readily visible from outside the site. The overall external appearance of the proposed buildings essentially remains unchanged.
- 8.24 The northern and eastern boundaries of the site, adjoining lower rise commercial properties to the north of Cording Street and the DLR tracks to the east, would accommodate mainly 7-storey buildings (Block 3), although part of the elevation along Cording Street would be 5 and 6-storey (Block 2B). A vehicular access to a basement car parking area would be located at the eastern end of the Cording Street frontage, in Block 3. Block C would include a number of 3 and 4-bed duplex apartments at ground and first floor level with private gardens. Development along the western Chrisp Street frontage (Blocks 2A and part of 2B) would be mainly 6-and-a-half storeys, with the ground floor set a half-a-storey above the basement parking area. The Chrisp Street frontage would also incorporate projecting balconies, helping to animate and enliven this frontage. Together these blocks would provide an inner courtyard area comprising communal amenity and play space and a publicly accessible open space (approximately 0.1ha) along part of the Chrisp Street frontage. The courtyard space would sit between around 1 and 1.5m above the surrounding streets, but ramped pedestrian paths would provide accessible routes in and through the site.
- 8.25 Entrance to homes fronting Cording Street would be from the street, through small approximately 2m deep front gardens. Entrance to some of the homes fronting Chrisp Street would be from the street, again via an approximately 2m deep threshold space between homes and the street. However, entrance to other homes here would be from the proposed courtyard. The roofs of Blocks 2A, 2B and 3 would be flat and comprise 'living roofs', which would also accommodate photovoltaic arrays.
- 8.26 The proposed tall building (22-storeys) would be located along the southern boundary of the site, set back behind a proposed hard landscaped public realm area that would adjoin the existing paved route to and from the bridge over the DLR tracks. The proposed double height ground floor unit (children's nursery) would be located on the ground floor of this tall building, fronting the proposed public realm area and would have its own secure private outdoor space (approximately 44sqm) to the east, next to the DLR tracks.
- 8.27 The proposed planning of the site is considered appropriate, with the proposed part 5, 6 and 7-storey flat roof buildings providing active frontages to Cording Street and the majority of Chrisp Street. The proposed tiered semi-public landscaped open space onto Chrisp Street would be located to ensure that both it and the proposed courtyard to the north enjoy good levels of sunlight. Officers consider that the proposed scale of development along these frontages is appropriate and would complement the 4 to 9-storey housing development that is currently being built on the west side of Chrisp Street. Officers also consider that the proposed scale would satisfactorily safeguard the amenity and development potential of the non-residential buildings to the north and, as discussed below, the amenity of existing homes and those that are currently being built to the west. The proposal provides for activity at street level and provides overlooking and natural surveillance.



- 8.28 The proposed façade treatment varies across the site. Blocks 2A, 2B and 3 would present fairly calm facades to Chrisp Street and Cording Street. The proposed window location and spandrel (flooplete) details would break the perceived mass of these buildings into two and three-storey elements. Both elevations would comprise terracotta panels (or similar), with powder coated aluminium infill panels and window systems. The Chrisp Street elevation would be enlivened by projecting balconies. The south and west facing elevations of these buildings would need to manage solar gain and would incorporate powder coated two-storey louvre panels around balconies to provide solar shading. A condition reserving proposed external materials is recommended to be attached to any planning permission.
- 8.29 As such, the revised scheme is considered to generally accord with Chapter 7 of the London Plan (2011), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM26 of the Managing Development Document which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Assessment - Building Heights and Tall Buildings

- 8.30 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.31 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.32 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.33 The height of the proposed 22-storey tower proposed at the southern end of the site follows discussion with officers and is 3-storeys lower than originally proposed by the applicant. Officers consider that the result is a well-proportioned elegant tower with a one-to-three ratio between width and height. The proposed façade design would ensure that the tower would have a 'bottom', 'middle' and 'top' – with the ground and first floor and top three floors being different from the middle floors. The proposed façade treatment would be similar to Blocks 2A, 2B and 3 in that the, east and west facades need to manage solar gain and would incorporate powder coated two-storey louvre panels around balconies to provide solar shading. These louvres, together with the proposed deep spandrel (floor slab) detail, mean that these facades would read as two-storey elements. The treatment of the north façade would be calmer, with no balconies or screening and comprise a terracotta panel system, or similar, to be agreed with the Council. A condition reserving proposed external materials is recommended to be attached to any planning permission.
- 8.34 Overall, the proposed development would provide a transition in scale between the tall and

large scale developments located around the edge of the Chrisp Street district town centre to the south, and the residential/commercial scale of the area to the north and west of the site. The Council has already resolved to grant approval for a 17-storey tower on this part of the site. Officers consider that a taller (22-storey) building here would be acceptable and, together with Parkview Apartments building immediately to the south which has permission to extend to 19-storeys, would provide a gateway and signpost to the Langdon park DLR Station and make the most of the public transport accessibility that this provides.

- 8.35 In terms of views, the application is accompanied by a number of views including Langdon Park to the east of the site, Chrisp Street (looking north and south), Canning Town DLR and Greenwich Park. Following consideration of the site and surrounding context and resolution-to-grant scheme, it is considered that the proposal would relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

### **Heritage & Conservation**

- 8.36 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environment.
- 8.37 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Managing Development Document seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough conservation areas.
- 8.38 London Plan policies 7.11 and 7.12, policy SP10 of the Core Strategy and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

### Strategic Views

- 8.39 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The view analysis submitted suggests that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The Mayor of London does not raise any objections in this respect.

### Local Views and Impacts

- 8.40 Views surrounding the site have been considered and assessed, although there are no protected local views. When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the height, bulk, scale and design of the original scheme in relation to its lack of coherence with the surrounding area. They also had concerns about the relationship/lack of cohesion with the adjoining Langdon Park Conservation Area. The applicant has responded to these concerns by providing images that illustrate existing and proposed views from the following additional locations in and around the Langdon Park Conservation Area
- Hay Currie Street looking north
  - Spey Street and St Leonards Road Junction looking north-west
  - Junction of St Leonards Road and Bright Street looking west
  - Bright Street looking west
  - Langdon Park looking south-west
- 8.41 Two of these additional images are set out below. They are all available at higher resolution

on the Council's public planning website and all will be displayed at the Committee meeting.



**Figure 1: Langdon Pak Looking South-West (with permitted additional 3 floors added to the image of the existing Park View Apartments building).**



**Figure 2: Junction of St Leonards Road and Bright Street Looking West.**

8.42 Officers consider that the additional views help to show the relationship between the proposed tower and Parkview Apartments (as extended to 19-storeys) and further demonstrate that the proposal would not have a detrimental impact on local views. The visual impacts of a taller 22-storey development would be seen in the context of the surrounding built form, which also comprises tall buildings. As set out in the GLA comments,

the site forms a prominent location that provides a gateway to the Langdon Park DLR Station. The proposed tower would act a further landmark to the Langdon Park DLR Station and officers do not consider this would harm views or the skyline.

- 8.43 The surrounding area, including much of the Conservation Area, comprises a varied and eclectic mix of periods and architectural styles, without one single strong building form or use of external materials. The proposed development benefits from strong design logic and officers consider that it would sit well with existing and proposed buildings. On balance it is considered that the proposed development would safeguard local and strategic views, conserving the setting of the Greenwich Naval College (World Heritage Site), as well as the adjoining Langdon Park Conservation Area.

### **Housing**

- 8.44 Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.45 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.46 As noted in Paragraph 4.7 of this report, the applicant has submitted revisions that:
- Remove all of the previously proposed 16 studio units;
  - Reduce the number of 1-bed units from 105 to 70;
  - Increase the number of 2-bed units from 82 to 97;
  - Increase the number of proposed 'family' (3-bed plus) units from 20 to 39; and
  - Reduce the overall number of units from 223 to 206 (although the revised dwelling mix would result in an increase in habitable rooms from 568 to 607).
- 8.47 The revised scheme also simplifies the proposed split of tenures across the proposed development, so that Block 1 (the tower) and Block 2B are Market sale, Block 2A is Intermediate (Shared Ownership) and Block 3 is Social Rent.

### Affordable Housing

- 8.48 Policy Core Strategy Policy SP02 requires 35-50% affordable homes on sites providing 10 homes or more. Policy DM3 in the Managing Development Document seeks to maximise affordable housing based on a tenure split of 70:30 Rented: Intermediate, with a minimum of 35%. It seeks to maximise on-site delivery, with off-site housing only being acceptable in specific circumstances and payments-in-lieu only being acceptable in exceptional circumstances.
- 8.49 When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the lack of affordable housing, particularly social housing. The applicant has submitted revisions that:
- Increase the amount of on-site affordable housing provision from 22.2% to 31.5% (by habitable room):
  - Switch all of the proposed Affordable Rented units to Social Rented units:
  - Makes a financial contribution of £230,492 towards off-site affordable housing; and
  - Offer a review mechanism to increase financial contributions towards off-site affordable housing provision, if values improve further.
- 8.50 The above is based on meeting the Council's full s.106 financial contribution requirements (as outlined below).
- 8.51 Intermediate affordable housing is defined as: Housing at prices and rents above those of

Social Rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing. The intermediate housing being proposed in this case is shared ownership for sale. The affordable housing offer in relation to the original scheme that Members found unacceptable is set out in Table 1 below.

	Units	% of units	Habitable rooms	% Hab rooms
Social Rent	0	0%	0	0%
Affordable Rent	23	10.3%	94	16.6%
Intermediate	11	4.9%	32	5.6%
<b>Total Affordable</b>	<b>34</b>	<b>15.2%</b>	<b>126</b>	<b>22.2%</b> 75:25 Rent: Intermediate
Market Sale	189	84.8%	442	77.8%
Total	223	100%	568	100%

**Table 1: The Original Scheme Tenure Mix**

8.52 The revised on-site affordable housing offer in relation to the revised scheme is set out in Table 2 below.

	Units	% of units	Habitable rooms	% Hab rooms
Social Rent	33	16%	132	21.8%
Affordable Rent	0	0%	0	0%
Intermediate	23	11.2%	59	9.7%
<b>Total Affordable</b>	<b>56</b>	<b>27.2%</b>	<b>191</b>	<b>31.5%</b> 69:31 Rent: Intermediate
Market Sale	150	72.8%	416	68.5%
Total	206	100%	607	100%

**Table 2: The Revised Scheme Tenure Mix**

8.53 The applicant has submitted a revised Affordable Housing Viability Submission. This and a covering letter explain that the applicant has been able to increase its on-site affordable housing offer to 31.5% affordable housing by habitable room (69:31 Rent: Intermediate) as a result of a combination of (i) its revisions to dwelling mix and layout of proposed homes and (ii) an increase in average values for the proposed private sale homes of over 7% since the applicant's original viability appraisal submission in March 2012.

8.54 The amendments to the scheme that help increase expected values include simplifying the split of tenures within the revised scheme, so that Block 1 (the tower) and Block 2B are Market sale, Block 2A is Intermediate and Block 3 is Social Rent. Whilst these buildings would have separate entrances, they would adjoin each other and all residents would share communal amenity and play space. Revisions to the proposed dwelling mix (including the removal of the previously proposed studios) have also helped generate higher expected sales values. In addition, housing prices across London have risen since the applicant last undertook a viability appraisal and there have been a number of recent housing developments in the surrounding area.

8.55 The applicant was asked to undertake sensitivity testing to determine whether additional

affordable housing could be delivered if the proposed Social Rented homes were switched back to Affordable Rented properties (with rents based on POD rent levels). The applicant's revised Affordable Housing Viability Submission notes that as Social Rents are exclusive of service charges, but POD rents are inclusive, the difference between the two rent levels in this location is relatively small and has a relatively small impact on the financial appraisal. Consequently, the applicant has estimated that the impact of changing all of the 33 Social Rent units now proposed to POD level Affordable Rent would yield approximately £375,000 in additional capital value. This would fund one or at most two additional rented units, depending on the type of dwelling. It would also create difficulties in practical terms as the 33 Social Rented homes now proposed are all in a single building (Block C), which facilitates better management and greater control of service charges by a Registered Provider. Adding one or two additional rented flats would mean that these would have to be within the building(s) currently proposed for sale (Blocks 1 and 2B). Officers consider that this is likely to impact negatively on sales values achievable in this block or blocks, as well as complicating management responsibilities and service charges.

- 8.56 The proposed overall delivery of 31.5% on-site affordable housing (by habitable rooms) does not meet the Council's minimum requirement of 35%. However, the proposed amount of on-site affordable housing has significantly increased since the application was last reported to Members. The type of affordable housing has also significantly changed, with all rented accommodation now proposed as Social Rent, which is the Council's priority form of affordable housing for people in housing need. In addition, the tenure split between Rented and Intermediate (at 69:31) is generally in accordance with policy.
- 8.57 The applicant's revised Affordable Housing Viability Submission has been reviewed by the Council's external consultants (BNP Paribas). They have concluded that with the proposed 31.5% on-site provision, payment of 100% of financial contributions required by the Council's SPD to mitigate impacts and payment of the likely Crossrail CIL requirement, the proposed development would generate a surplus of £230,492 which could be used to fund further affordable housing.
- 8.58 A number of options have been considered as to how this surplus could be used to fund additional affordable housing on site and still ensure a deliverable scheme. This could take a number of forms, including, depending on tenure, the introduction of between 2 and 5 additional on-site affordable homes or the 'upgrading' of shared ownership homes to rented properties. However, as outlined above, the revised scheme is based on proposed Market sale housing, Social Rent housing and Shared Ownership housing being provided in separate but adjoining buildings. Any further additional affordable housing would involve introducing a small number of homes of different tenure in buildings that are otherwise all one tenure (i.e introducing rented homes into the shared ownership block or introducing rented or shared ownership into the market for sale blocks).
- 8.59 Officers consider that proposed on-site affordable housing offer as it stands is a good one and would provide a successful development. Officers consider that changing this offer by introducing a small number of additional or different affordable homes would upset the balance of the proposed tenure distribution (which has helped generate additional value that has allowed for an increase in proposed on-site affordable provision) and would be likely to complicate management responsibilities and service charges. The applicant has confirmed that it is not willing to amend the scheme further. Officers consider that exceptional circumstances exist and that the only reasonable way of maximising affordable housing provision and ensuring a deliverable scheme is to accept a financial contribution of £230,492 in-lieu of additional affordable housing on site, to fund the provision of affordable housing off-site on an as yet unidentified scheme.
- 8.60 Given that the increase in average sales values over the last two to three years has been the major factor in enabling the applicant to increase and improve its affordable housing offer, officers consider that it would be sensible to require a further financial review if the

development is not commenced within two years of the date of a decision notice. If such a review demonstrated that additional affordable housing could be delivered, then the applicant would make a further financial contribution to provide additional affordable housing off-site.

- 8.61 The applicant is understood to be in discussion with Poplar Harca over the delivery of the proposed on-site affordable housing.

Housing Type and Tenure Mix

- 8.62 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.63 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.64 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.65 When the Committee considered the original scheme on the 6 March 2013, Members had concerns over the proposed housing mix in relation to the high number of 1-bed and 2-bed and studio units. The proposed dwelling mix for the original scheme that Members found unacceptable is set out in Table 3 below.

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	16	98	70	5	0	0	189
Intermediate	0	3	6	2	0	0	11
Affordable Rent	0	4	6	10	3	0	23
Total	16	105	82	17	3	0	223
	121(54%)		82 (37%)	20(9%)			(100%)

**Table 3: Original Scheme - Summary of Tenure Unit Mix**

- 8.66 The proposed dwelling mix for the revised scheme is set out in Table 4 below.

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	0	55	74	21	0	0	150
Intermediate	0	11	11	1	0	0	23
Social Rent	0	4	12	14	3	0	33
Total	0	70	97	36	3	0	206
	70 (34%)		97(47%)	39 (19%)			(100%)

**Table 4: Revised Scheme - Summary of Tenure Unit Mix**

- 8.67 Whilst noting that there was an over provision of 1 and 2-bed units and an under provision of 3-bed units in the Market Sale tenure, officers considered that, on balance, the original overall dwelling mix was acceptable given that the proposed proportion of family-sized housing in the Affordable Rent tenure exceeded policy targets.
- 8.68 The revised scheme would remove all previously proposed studios and reduce the number of proposed 1-bed units from 105 to 70. This reduces the percentage of proposed 1-bed units from 54% to 34%. It also increases the number of proposed 'family' (3-bed plus) units from 20 to 39, increasing the proposed percentage of family homes from 9% to 18%.
- 8.69 Policy DM3 in the Managing Development Document makes clear that development should provide a balance of housing types, including family homes, in accordance with the



breakdown of unit types set out within the most up-to-date housing needs assessment. The dwelling mix that this policy advocates and the dwelling mix included as part of the original and revised scheme are set out in Table 5 below.

	Affordable Housing						Private Housing		
	Affordable Rent/ Social Rent			Intermediate			Market Sale		
Unit size	Original %	Revised %	Target %	Original %	Revised %	Target %	Original %	Revised %	Target %
Studio	0%	0%	<b>30%</b>	0%	0%	<b>25%</b>	9%	0%	<b>50%</b>
1-bed	17%	12%		27%	48%		52%	37%	
2-bed	26%	36%	<b>25%</b>	55%	48%	<b>50%</b>	36%	49%	<b>30%</b>
3-bed	44%	42%	<b>30%</b>	18%	4%	<b>25%</b>	3%	14%	<b>20%</b>
4-bed	13%	9%	<b>15%</b>	0%	0%		0%	0%	
5-bed	0%	0%		0%	0%		0%	0%	
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Table 5: Original Scheme and Revised Scheme Dwelling Mix Comparison**

8.70 Table 5 above demonstrates that there would still be an oversupply in the revised scheme of 1-bed in the Intermediate sector, an over provision of 2-bed properties in the Market and Social Rented sectors and an under provision of family-sized accommodation in the Market and Intermediate sectors. However, overall, dwelling mix would be better aligned with Policy DM3 than the original scheme and would deliver 51% of Social Rented homes for families (where no Social Rented units were proposed in the original scheme). Officers consider that the dwelling mix included in the revised scheme is better aligned with Council policy and is acceptable and is in general compliance with Policy 3.8 of the London Plan, Policy SP02 of the Core Strategy and Policy DM3 of the Managing Development Document which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### Internal Space Standards

8.71 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5 and Managing Development Document policy DM4 require development to make adequate provision of internal residential space.

8.72 The proposed development is designed to the Mayor of London's Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, separate kitchens are proposed for all proposed larger family rented units, which is welcome.

#### Private and Communal Amenity Space

8.73 Policy DM4 of the Managing Development Document sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor of London's Housing Design Guide, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is



provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in general accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

- 8.74 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 206 units the minimum communal amenity space required would be 246sqm. Overall, the revised scheme would deliver approximately 416sqm of usable communal amenity space, together with 632sqm of semi-public space (the proposed tiered landscaped space next to Chrisp Street) and additional public realm space on the southern edge of the site, thus meeting policy requirements

Child Play Space

- 8.75 Policy 3.6 of the London Plan, Core Strategy SP02 and Policy DM4 of the Managing Development Document seek to protect existing child play space and require the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London’s SPG on ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.76 Using the Mayor of London’s SPG child yield multipliers, the revised scheme is anticipated to accommodate 68 children and accordingly the scheme should provide a minimum of 680sqm of play space. This requirement is broken down as shown in Table 6.

	Mayor of London SPG Requirement	Proposed within scheme
0-4	265sqm	516sqm
5-10 year olds	251sqm	
11-15 year olds	164sqm	0sqm
Total	680sqm	516sqm
Shortfall in play space		164sqm

**Table 6: Revised Scheme Play Space Requirements**

- 8.77 The revised scheme would provide on-site play to the required standard of 516sqm for 0 to 10 year olds by way of a formal play area of 359sqm to the north of Block 1 (the tower) and an informal play area of 157sqm located in the courtyard area next to Blocks 2 and 3.
- 8.75 The Mayor of London’s SPG identifies maximum walking distances to play areas of 400m for 10-15 year old children. Langdon Park is less than 50m to the east of the site. The recommended s.106 financial contributions outlined below would secure monies to improve public open space, including Langdon Park. Whilst no child space would be provided on site for 11-15 year-olds, officers consider that there are adequate facilities (subject to improvement) within close proximity of the site. On balance, the proposed provision of on-site communal amenity and play space for the revised scheme, alongside the proposed private amenity spaces, is considered acceptable.

Lifetime Homes Standards and Wheelchair Housing

- 8.76 London Plan Policy 3.8 and Core Strategy Policy SP02 require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.78 All of the proposed flats in the revised scheme are designed to meet Lifetime Homes Standard and 33 homes across all tenures would be ‘easily adaptable’ to wheelchair housing (11 more than the original scheme, representing 16% of the total number of homes). This

more than meets the requirements of London Plan Policy 3.8. The proposed 'easily adaptable' homes include 9 x Social Rented units. It is recommended that 1:50 scale floorplans of these homes are submitted to and approved by the Council, to enable Occupational Therapists to comment on detailed layouts to ensure that the homes meet specific needs of identified tenants.

## **Amenity**

### Daylight, Sunlight and Overshadowing

- 8.79 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.80 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

### Daylight and Sunlight

- 8.81 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. Average Daylight Factor or ADF measures the internal living conditions of new build dwellings, or in this case, the proposed development.
- 8.82 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

### Proposed Development

- 8.83 The submitted Daylight and Sunlight Analysis Report found that all of the proposed flats in the original scheme met BRE Guidelines in terms of daylight and sunlight. The changes to the internal layout of the proposed flats in the revised scheme involve repeating previously proposed floor plans in Block 1 (the tower), and different layouts on the sixth (top) floor of Block 3. All floorplans in Block 1 have been assessed and found to be acceptable in terms of daylight and sunlight. Officers consider that the revised layout of flats on the top floor of Block 3 would not materially affect their performance in terms of daylight and sunlight. As such, officers consider that the revised scheme satisfies Core Strategy Policy SP10 and Policy 25 in the Managing Development Document.
- 8.84 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "*it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March*". The overshadowing results for the proposed amenity areas in the original scheme were found to be acceptable and accorded with the BRE guidelines. This provides assurance that the proposed space would provide a high quality, usable amenity area for all future residents.
- 8.85 The height and footprint of proposed buildings in the revised scheme remain unchanged from the original scheme. As such, the overshadowing effects of these buildings on proposed communal amenity and play spaces remain unchanged. This was assessed in relation to the original scheme and found to meet the BRE Guidelines. Given this, officers consider that the revised scheme satisfies Core Strategy Policy SP10 and Policy 25 in the Managing Development Document.

### Neighbouring Properties

- 8.86 The submitted Daylight and Sunlight Report also assessed likely effects that the original scheme would have on neighbouring properties. As stated above, the height and footprint of the proposed buildings in the revised scheme remain unchanged from the original scheme. As such, the effects of these buildings would have on neighbouring properties remain unchanged. The neighbouring buildings that were tested were:
- Terraces along Chrisp Street;
  - Housing on north-west corner of Chrisp Street and Carmen Street (under construction);
  - Langdon Park School building 1;
  - Langdon Park School building 2; and
  - Parkview Apartments on Carmen Street.
- 8.87 The Daylight and Sunlight Report has been independently reviewed and it was found that the impact that the proposal would have on the two Langdon Park School buildings would be acceptable and in accordance with the BRE guidelines. An assessment was undertaken of the adjoining industrial site, located to the north of Cording Street. Whilst the property does experience a loss of light in excess of the BRE guidelines, the guidance does advise that the criterion should be applied flexibly for non-domestic buildings. Given the use of this premises and as a number of the rooms are served by more than one window, it is not considered unacceptable that the site experiences some loss of light in this urban location.
- Terraces along Chrisp Street*
- 8.88 There are 8 terrace houses located to the west of the proposed development site on Chrisp Street. Of the units tested, 4 units fail to meet the VSC targets and 5 units (including the 4 which fail the VSC targets) fail the daylight distribution targets (NSL). The report concludes that the 4 residential units which fail both the VSC and NSL targets will experience a material loss of internal daylight.
- 8.89 Of the 16 ground and first floor windows tested, 8 windows comprising the ground and first floor windows of 4 residential units fail to achieve the BRE guidelines. The failures are considered to be minor adverse impacts on the existing residential units. The ground floor windows achieve a ratio of 0.64, 0.65, 0.68 and 0.69 all against a target of 0.8. The upper floor windows achieved a ratio of 0.65, 0.70, 0.69 and 0.69, again against a target of 0.8.
- 8.90 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the west of the site that is in excess of the maximum levels set out in BRE guidance. However it should be acknowledged that in a city centre or urban context such as Poplar, significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” Similar daylight impacts have been found to be acceptable, on balance, in other cases in the Borough.
- 8.91 Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings that on balance, impact of the development on daylight to neighbouring properties is considered to be acceptable.
- 8.92 *Housing on north-west corner of Chrisp Street and Carmen Street (under construction)*  
This housing is currently under construction and is known in the local area as the Equinox development. The independent review notes that this development would experience a material loss of light due to the VSC results from the proposed development which achieve ratios of between 0.56 and 0.71 against a target of 0.8.
- 8.93 Officers note that the design of this development allows some units to have dual aspect properties and the layout also accommodates for many living/dining areas to be served by

more than one window which will limit the impacts. This development is also designed with external balconies which serve the living dining rooms within the block. Balconies and overhangs are acknowledged with the BRE guidance to significantly reduce the light entering windows below them. The combination of the balconies and the proposed development results in the loss of daylight and sunlight at this property.

- 8.94 A supplementary assessment has also been undertaken against the Average Daylight Factor. In this regard, it is concluded that whilst the impact as a result of the development would be noticeable, the habitable rooms will meet the ADF standards. On balance, given the design of this new build development it is not considered that the impact on this particular building will be unreasonable given the circumstances.

*Parkview Apartments on Carmen Street*

- 8.95 This site is located directly to the south of the application site and comprises a 16 storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.
- 8.96 Officers have reviewed the approved layout of this building which comprises dual aspect living rooms and bedrooms on the northern elevation. The dual aspect living rooms are served by high level windows which face the development site, and full size bedroom windows. Only the bedroom windows on this elevation were assessed given that the living room windows serve as secondary room windows, the independent review considered this approach to be acceptable.
- 8.97 All bedrooms tested on the northern elevation of this building would experience failures of daylight, with windows achieving ratios between 0.58 to 0.63 against a target of 0.8. Whilst the new development would result in a noticeable loss of daylight to the existing Carmen Street residential development, as the existing levels of natural daylight are exceptionally good, the BRE guidelines state that greater percentage losses may be acceptable in these cases. As a result, the residual levels of natural light would not be substantially below comparable dwellings in this part of the borough, therefore the impact is considered to be acceptable.

Noise and Vibration

- 8.98 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The Framework states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.99 Policy 7.15 of the London Plan, policies SP03 and SP10 of the Core Strategy and policy DM25 of the Managing Development Document seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.100 As discussed above, the application site adjoins the DLR route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Throughout the course of the application, officers have sought to establish the mitigation proposed through the provision of adequate glazing on this elevation of the building. Environmental Health officers are now happy with the proposed treatment of this elevation and it not considered that there will be a detrimental impact on future residents.
- 8.101 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will

further assist in ensuring noise reductions for future and existing neighbouring occupiers.

- 8.102 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the Core Strategy and policy DM25 of the Managing Development Document.

#### Sense of Enclosure, Outlook and Privacy

- 8.103 Policy SP10 of the Core Strategy seeks to protect residential amenity and policy DM25 of the Managing Development Document requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 8.104 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the west on Chrisp Street and on the south on Carmen Street. Along Chrisp Street and Carmen Street, separation distances between directly facing habitable rooms windows would be between 18 and 24 metres. This meets the 'rule of thumb' standard referred to in the Mayor of London's Housing Design guidelines of 18m and is considered acceptable.

#### **Transport, Connectivity and Accessibility**

- 8.105 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. London Plan Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.106 Core Strategy Policies SP08 and SP09 and Policy DM20 of the Managing Development Document together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.107 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site is located next to the Langdon Park DLR station and is well served by bus routes on Chrisp Street and further links available at East India Dock Road, which is a short walk to the south of the site.

#### Car Parking

- 8.108 Policies 6.13 of the London Plan, Core Strategy Policy SP09 and Policy DM22 of the Managing Development Document seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.109 Parking Standards in Appendix 2 of the Managing Development Document sets specific parking levels based on the PTAL of a given site. For the revised scheme, these would allow a maximum of 45 spaces (as opposed to 47 for the original scheme). The revised scheme would continue to provide 39 basement car parking spaces, the same as the original scheme. This accords with policy.
- 8.110 For the original scheme, the applicant was willing to allocate 8 car parking spaces to the family-sized affordable housing (a ratio of 0.53 space per home). The revised scheme proposes a greater number of family-sized affordable homes and the applicant has agreed to allocate car parking spaces for these on the same ratio, meaning that 9 spaces would be allocated. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area.

- 8.111 It is also recommended that a travel plan be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.112 Officers consider that, subject to securing the provisions outlined above, the proposed on-site car parking provision is acceptable.

#### Servicing and Deliveries

- 8.113 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 8.114 Deliveries and servicing are proposed from Cording Street and Chrisp Street. The Chrisp Street block would be served by servicing on-street and there would be some limited servicing from Carmen Street in relation to the proposed children's nursery. It is recommended that the detailed servicing arrangements, including appropriate servicing times, are approved via a Delivery and Servicing Plan. It is also recommended that a Construction Logistics Plan is also required by a condition.

#### Waste, Refuse & Recycling

- 8.115 The revised scheme would incorporate adequate storage facilities on site to serve the proposed development, including indicative locations for refuse collection within the basement and fronting Cording Street. Cording Street is an existing refuse collection route and this arrangement is therefore considered to be acceptable. Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery and Servicing Plan to be prepared and submitted prior to occupation of the development.

#### Provision for Cyclists

- 8.116 In accordance with cycle parking requirements set out in Appendix 2 of the Managing Development Document, 268 cycle parking spaces are being proposed in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13 and policy DM22.

#### Public Transport Improvements

- 8.117 Core Strategy policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 8.117 Financial contributions have been sought by TfL for improvements to the DLR and Langdon Park Station and it is recommended that these are secured by way of an s.106 agreement.

#### **Energy & Sustainability**

- 8.118 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.119 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 8.120 The London Plan also includes the target to achieve a minimum 25% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy

Hierarchy (Policy 5.2).

- 8.121 Core Strategy Policy SO3 seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. Policy DM29 of the draft Managing Development Document requires:
- 2011-2013 = 35% CO2 emissions reduction;
  - 2013-2016 = 50% CO2 emissions reduction; and
  - 2016-2031 = Zero Carbon
- 8.122 The revised scheme follows the Mayor of London's energy hierarchy by making use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrating a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the development (Be Clean) and utilising photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 36%. This exceeds the policy requirements of London Plan Policy 5.2 and DM29 and is considered acceptable.
- 8.123 It is recommended that compliance with Code for Sustainable Homes Level 4 is secured by way of a planning condition and that details of the proposed living roofs on Blocks 2 and 3 are submitted to and approved by the Council.

### **Contamination**

- 8.124 The policy context is established by the NPPF and policy DM30 of the Managing Development Document.
- 8.125 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. It is therefore recommended that a condition be imposed to secure further exploratory works and any necessary remediation.

### **Flood Risk**

- 8.126 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.127 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.128 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

### **Health Considerations**

- 8.129 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough. Core Strategy Policy SP03 seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being and seeks to support opportunities for healthy and active lifestyles through various means.

- 8.130 The revised scheme proposes incorporates additional public open space and communal amenity space and play space in accordance with Council policy. The applicant has also agreed to make financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.131 Given the above, officers consider that the proposal meets the objectives of London Plan Policy 3.2 and Core Strategy Policy SP03.

### **Section 106 Agreement**

- 8.132 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.133 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.134 Securing appropriate planning obligations and financial contributions is further supported by Core Strategy policy SP13, which makes clear that the Council will seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.135 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education

The Borough's other priorities include:

- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.136 This application is supported by a revised viability toolkit which detailed the viability of the development proposal through interrogation of the proposed affordable housing provision and the planning obligations/financial contributions required to satisfactorily mitigate the likely adverse impacts. The revised viability appraisal is discussed in detail under the Affordable Housing heading above. This confirms that proposed on-site affordable housing and financial contribution to off-site affordable housing is achievable alongside the full financial contributions in accordance with the Council's adopted SPD. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering 31.5% on-site affordable housing.
- 8.137 The revised toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary,



the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.138 Based on the Council's adopted SPD, the viability of the revised scheme and the need to mitigate against the likely adverse impacts of the development, officers recommend that 31.5% on-site affordable housing and full financial contributions are secured by way of an S.106 agreement. Given that the increase in average sales values over the last two to three years has been the major factor in enabling the applicant to increase and improve its affordable housing offer, officers consider that it would be sensible to require a suitable formal financial appraisal review mechanism to ensure that further financial contributions for off-site affordable housing are made if financial viability improves again before development starts (within 2 years of a decision notice granting permission).

8.139 The obligations can be summarised as follows:

#### Financial Obligations

- Enterprise and Employment: £50,023
- Community Facilities (Idea Stores and Leisure): £259,755
- Education (Primary and Secondary School Places): £555,753
- Health: £258,942
- Sustainable Transport: £26,171
- Public Realm Improvements (Public Open Space and Streetscene): £383,543
- TfL (DLR improvements): £250,000
- Sub-total: £1,784,187
- Monitoring (2%): £35,684
- Total: £1,819,871

#### Non-Financial Obligations and Affordable Housing

- 31.5% affordable housing (by habitable room)
- Payment of a financial contribution of £230,492 for the provision of off-site affordable housing in lieu of additional on-site affordable housing
- Affordable housing financial viability review mechanism if development is not commenced within 2 years from date of a decision notice (to secure a further financial contribution for the provision of further off-site affordable housing if financial viability improves before development starts)
- Access to employment initiatives (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- On-street Permit-free development
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points
- 9 parking spaces allocated to on-site affordable family housing.
- Communal play space and child space accessible to all future residents of the development
- Public realm area, publicly accessible open space and footpaths through site to be open to the public
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

#### Financial Considerations

8.140 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:  
"In dealing with such an application the authority shall have regard to:  
a) The provisions of the development plan, so far as material to the application;

- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.”

- 8.141 Section 70(4) defines “local finance consideration” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to arelevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.142 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.143 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.144 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £514,570which is based on the gross internal area of the proposed development (taking account of the proposed on-site affordable housing).
- 8.145 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.146 There is no policy or legislative requirement to discount the New Homes Bonus that would be deliverable for this scheme against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 8.147 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.148 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community*

*as a whole".*

- 8.149 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.150 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.151 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.152 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.153 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.154 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

#### **Equalities Act Considerations**

- 8.155 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.156 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.157 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.158 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

8.159 The contributions to affordable housing support community wellbeing and social cohesion.

**Conclusions**

9.0 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.



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# Agenda Item 9.2

<b>Committee:</b> [Strategic] Development	<b>Date:</b> 13 <sup>th</sup> June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/12/03248
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** City Pride Public House, 15 Westferry Road, London, E14 8JH

**Existing Use:  
Proposal:**

Erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 1624 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

**Drawing Nos/Documents:** Drawings

P-SL-C645-001 rev A, P-S-C645-001 rev B, P-LC-C645-001 rev A, P-L- C645-001 rev A, P-B2-C645-001 rev F, P-B1-C645-001 rev F, P-00-C645-001 rev G, P-01-C645-001 rev F, P-T0A-C645-001 rev D, P-T0B- C645-001 rev D, P-T1A-C645-001 rev B, B-T1B-C645-001 rev B, P-AM1-C645-001 rev E, P-T2-C645-001 rev E, P-T3-C645-001 rev E, P-AM2-C645-001 rev E, P-T4-C645-001 rev E, P-T5-C645-001 rev E, P-T6-C645-001 rev E, P-T7-C645-001 rev E, P-75-C645-001 rev E, P-R-C645-001 rev E, P-LC-C645-001 rev B, P-L-C645-001 rev B, P\_AM\_C645\_001 rev B, P\_AM\_C645\_002 rev B, P\_TY\_D811\_001 rev A, P-TY-D811-002 rev A

E-JA-E-C645-001 rev A, E-JA-N-C645-001 rev A, E-JA-S-C645-001 rev A, E-JA-W-C645-001 rev A, E-01-C645-001 rev A, E-CE-N-645-001 rev A ,E-CE-S-645-001 rev A, E-CE-W-645-001 rev A, E-E-C645-001 rev C, E-N-C645-001 rev C, E-S-C645-001 rev C, E-W-C645-001 rev C, S-NS-C645-001 rev C, S-EW-C645-001 rev C

E-BS1-C645-001 rev C, E-BS2-C645-001 rev C, E-BS3-C645-001 rev C, E-BS4-C645-001 rev C, E-BS5-C645-001 rev C ,D\_00\_C645\_001 rev A, D\_01\_C645\_001 rev A, D\_02\_C645\_001 rev A, D\_03\_C645\_001 rev A, D\_04\_C645\_001 rev A

Documents

Design and access statement dated 10/12/12, Design and access statement addendum dated 22/2/13, Environmental Statement 'Non Technical Summary' dated 10/12/12, Environmental Statement volumes I, II and III dated 10/12/12, Environmental Statement Addendum dated 22/2/13, Sustainability statement

dated 10/12/12, Planning Statement dated 10/12/12, Planning Statement, Addendum dated 22/2/13, Transport Assessment dated 10/12/12, Energy Statement dated 10/12/13.

Response to review of the ES by URS dated 27<sup>th</sup> March 2013, Response to highways comments dated 1<sup>st</sup> March 2013, Response to TfL letter dated 13<sup>th</sup> February 2013, Response to energy officer comments by Hoare Lea dated March 2013, Canal and River Trust response by GVA dated March 2013, Response to Technical note dated 20<sup>th</sup> March 2013, Generic quantitative risk, environmental assessment and remedial recommendations dated Nov 2012, Acoustic strategy report by Sandy Brown consultants ref 12305-R01-A, Ground investigation report by WSP dated 16/8/12, Phase I Geo, Environmental Assessment from WSP dated April 2012, Aviation Safeguarding and Aircraft collision risk assessment ref P1016/R1/Issue 1 dated Feb 2013.

<b>Applicant:</b>	Chalegrove Properties Limited
<b>Ownership:</b>	Landmark North Ltd and UK Power Network Holdings
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	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 adopted Core Strategy (2010), Managing Development Document 2013 as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development Document 2013.
- 2.3 The development, in combination with PA/12/03247 would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provide a mix of housing which meets the needs of the local population and provides a minimum of 50% affordable housing (subject to viability).
- 2.4 The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance policies 7.8 of the London Plan (2011), and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views
- 2.5 The urban design, layout, building height, scale and bulk and detailed design of the tower are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM27 of the Managing Development Document 2013 which seek to ensure buildings and places are of a



high quality of design, suitably located and sensitive to the locality.

- 2.6 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development Document 2013 which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.7 On balance the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site, and as such the proposal accords with policy SP10 of the Core Strategy (2010 and policy DM25 of the Managing Development Document 2013 which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.8 On balance the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.9 Transport matters, including parking, access and servicing are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development Document 2013 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development 2013 which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, policy SP12 of the Core Strategy 2010 and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

### 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permission subject to:
  - A. Any **direction** by **The London Mayor**
  - B. The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.2 Financial Obligations
  - a) A contribution of £201,376 towards enterprise & employment.
  - b) A contribution of £596,451 towards leisure and community facilities.
  - c) A contribution of £168,269 towards libraries facilities.
  - d) A contribution of £341,498 to mitigate against the demand of the additional population on educational facilities.

- e) A contribution of £1,010,238 towards health facilities.
- f) A contribution of £1,180,522 towards public open space.
- g) A contribution of £19,860 towards sustainable transport.
- h) A contribution of £304,120 towards streetscene and built environment, including highways improvements.
- i) A contribution of £200,000 towards TfL London Buses.
- j) A contribution of £100,000 towards wayfinding.
- k) A contribution of £20,000 towards realtime display boards
- l) A contribution of £82,846 towards S106 monitoring fee (2%)

**Total: £4,225,180**

### 3.3

#### Non-Financial Obligations

- a) 37% affordable housing (across both City Pride and Island Point sites), as a minimum, by habitable room
  - 61% Social Target Rent (family sized units)
  - 11% Affordable Rent at POD levels (one and two bedroom units)
  - 29% Intermediate Housing
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) On Street Parking Permit-free development
- e) Electric Vehicle Charging Points
- f) Travel Plan
- g) Code of Construction Practice
- h) Off-site Highways Works: Improvements within the vicinity of the site and along Marsh Wall towards South Quay DLR station
- i) Public access to roof of amenity pavilion
- j) Public access to 75<sup>th</sup> floor two weekends each year between 10am and 5pm. To be advertised in local press.
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- l) Completion and delivery of affordable housing scheme on Island Point prior to the occupation of units on City Pride.

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### **CONDITIONS & INFORMATIVES**

3.6 Prior to Commencement' Conditions:

1. Construction management plan
2. Surface water drainage scheme
3. Impact studies of existing water supply

3.7 Prior to works about ground level conditions:

4. External materials
5. Noise and vibration details
6. Landscaping
7. Visitor cycle parking
8. Crain heights / aircraft obstacle lighting
9. Details of external lighting

3.8 Prior to Occupation' Conditions:

10. Contaminated land
11. Car parking management plan
12. Delivery and servicing plan
13. Code for sustainable homes
14. CCTV and lighting plan

3.9 'Compliance' Conditions –

15. Permission valid for 3yrs
16. Development in accordance with approved plans
17. Energy
18. Electric vehicle charging points
19. Cycle parking
20. Lifetime homes
21. 10% Wheelchair housing
22. Laminated glass to be installed
23. Information display boards in reception area
24. Hours of construction
25. Hours of construction for piling operations
26. Serviced apartments to be occupied for no more than 90 days.

- 3.10 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.11 **Informatives:**

- S106 planning obligation provided
- Consent under s57 of the Town and Country Planning Act 1990.
- Advertisement consent required for signage
- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 agreement.
- No bus stops to be moved without prior consent from TfL.

- 3.12 Any other informative(s) considered necessary by the Corporate Director Development

&Renewal

- 3.13 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**

##### **Site and Surroundings**

- 4.1 The application site is located to the north of the Isle of Dogs, east of the River Thames and west of the main Canary Wharf cluster. It is approximately 300m south of Westferry Circus and has a boundary on both Westferry Road and Marsh Wall. It is 0.28ha and is currently vacant. The City Pride public house previously occupied the site, this ceased trading on May 2012 and was demolished in late 2012 as part of the extant consent on the site.
- 4.2 To the north of the site is a single storey pumping station. To the south is the Landmark development which comprises of 4 buildings ranging between eight and 44 storeys in height. The closest building to the application site is 30 storeys. These buildings are predominantly residential with some commercial elements on the ground floors. To the west, beyond Westferry Road, are two residential developments – Quayside which is 3-4 storeys in height and Cascades which fronts the river Thames and is up to 20 storeys.
- 4.3 The site is located within the Tower Hamlets Activity Area, where a mix of uses are supported. The site lies within Flood Zone 3, the River Thames is approximately 100m to the east. There are no listed buildings on the site and the nearest conservation area is West India Dock 500m to the north.
- 4.4 The site has a Public Transport Accessibility Level of 5 which is 'very good'. It is approximately a five minute walk to Heron Quay DLR station and 10 minutes to Canary Wharf. A number of bus routes pass the site, the D7, D3, 135 and N550 run along Westferry Road and the D8 runs along Marsh Wall.

##### **Proposal**

- 4.5 The application proposes the erection of a 75 storey residential-led mixed use building. The total height would be 239m (Above Ordnance Datum) and would comprise of the following:
- 752 residential units (Use Class C3) of which 70 would be within the shared ownership tenure;
  - 162 serviced apartments (Use Class C1&3,359 GIA);
  - Retail (Use Class A1) 240sqm (GIA)
- A double/two-level basement is also included in the proposal which would contain associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities.



(View of City Pride from west. Includes consented schemes – shown in grey)

- 4.6 41 car parking spaces are provided within the basement (13 of which are disabled spaces), these are located within the first basement and are accessed through a car lift, the entrance to which is to be from Westferry Road. 904 cycle spaces are provided within the second basement. This is also where the plant and refuse store is located.
- 4.7 At ground level the main tower covers the western portion of the site, it is rectangular in shape with the long end of the building facing east and west, the shorter portion therefore faces north and south. The remainder of the site comprises various landscaping works are access round the building as well as an amenity pavilion.
- 4.8 The amenity pavilion has an approximately triangular shape, the ground floor would consist of a café and some play space for 0-3 year olds. A green roof is proposed which would essentially lift up from ground level to provide a publicly accessibly space overlooking the dock (see image below).



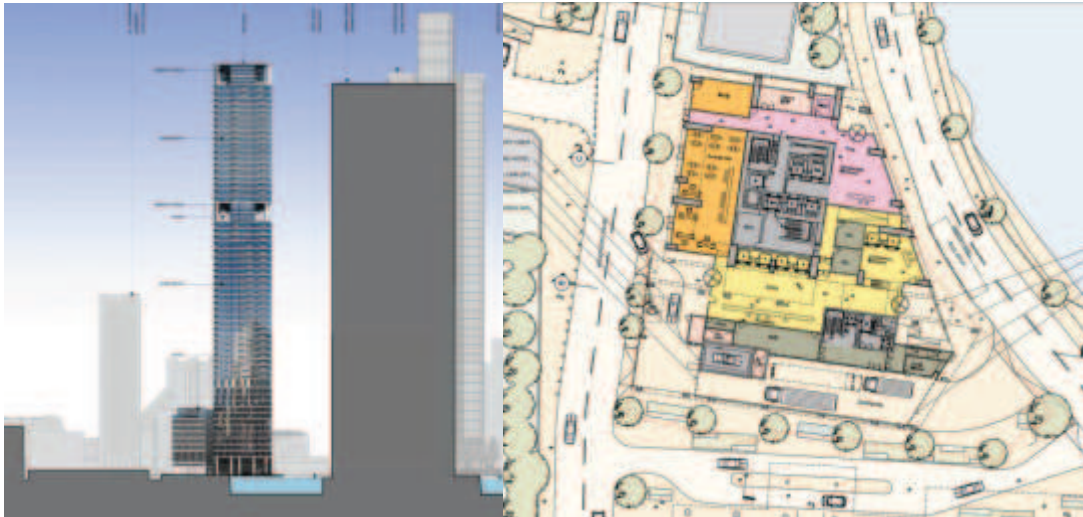
- 4.9 The scheme would be linked via a legal agreement to another development by the same applicant at 443-451 Westferry Road which is also to be determined. This site provides 173 residential units all of which are either shared ownership or affordable rent / social rented



units (PA/12/03247). 37% affordable housing would be provided across the two sites which is a total of 243 affordable homes (951 habitable rooms).

## 5 Relevant Planning History

- 5.1 There is an extant consent on the subject site for a 62 storey tower comprising 430 residential units and a 209 bedroom hotel (PA/08/02293). This was granted on 27<sup>th</sup> October 2009 and a certificate of lawfulness was granted on 11/2/2013 (PA/12/3342) confirming that the development has been lawfully implemented. This proposal also included provision of commercial use on the ground floor of approximately 1,300sqm (GIA) which was flexible space of A1 – A4 uses.



(East elevation and ground floor plan of extant scheme).

- 5.2 The extant consent was 215m (AOD) compared to 239m (AOD) under the current proposal. The site coverage was greater under the extant scheme with a greater degree of servicing required for the hotel use. No amenity / open space at ground floor level.
- 5.3 This site was also linked via a legal agreement to the site at 443-451 Westferry Road (PA/08/02292) to provide affordable housing.
- 5.4 The tables below compare the extant scheme with the proposed scheme in terms of residential housing numbers:

	<b>City Pride (extant)</b>	City Pride (proposed)	<b>Island Point (extant)</b>	Island Point (proposed)
Market units	<b>412</b>	752	<b>23</b>	0
Shared ownership units	<b>18</b>	70	<b>48</b>	31
Affordable Rent/Social Rented units	<b>0</b>	0	<b>118</b>	142
<b>Total residential housing</b>	<b>430</b>	822	<b>189</b>	173

- 5.5 The extant scheme provided a combined total of 41.5% affordable housing, whereas the proposed scheme provides a combined total of 37% affordable housing. Overall however, there is a total increase in affordable habitable rooms by 201 compared to the extant scheme across both Island Point and City Pride. In actual housing numbers, this is a total increase from 184 under the extant scheme compared to 243 under the current scheme. Within the Island Point specifically scheme there are 24 additional units (or 52 additional affordable habitable rooms) compared to the extant scheme.

## 6. POLICY FRAMEWORK

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

### Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Annexe 9:		Canary Wharf Vision, Priorities and Principles

### Managing Development Document (2013)

Allocations:		
Proposals:		Flood risk area
		Activity Area
Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

### Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

### Spatial Development Strategy for Greater London (London Plan 2011)

2.1 London

- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature



## **London Plan Supplementary Planning Guidance/Documents**

London Housing Design Guide 2010  
Housing Supplementary Planning Guidance Nov 2012  
London View Management Framework 2012  
Land for Transport Functions 2007  
East London Green Grid Framework 2008  
Sustainable Design & Construction 2006  
Accessible London: Achieving an Inclusive Environment 2004  
Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012  
All London Green Grid 2012  
Housing 2012  
London World Heritage Sites – Guidance on Settings 2012

## **Government Planning Policy Guidance/Statements**

The National Planning Policy Framework 2012 (NPPF)

**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

## **7. CONSULTATION RESPONSE**

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 7.2 The following were consulted and made comments regarding the application:

### **LBTH Environmental Health**

#### Contaminated Land

- 7.3 LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

#### Noise

- 7.4 The development will be exposed to a high degree of noise from Westferry Road traffic, London City Aircraft noise and local Thames noise; as such the development will fall into a SOAEL as defined in the Noise Policy Statement for England (NPSE).
- 7.5 Environmental Health are of the opinion that suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels along the Westferry Road. Full details will be required of the acoustic noise insulation and ventilation; we would also not recommend the use of trickle vents on the main road, unless they have been approved in cooperation with environmental protection. Mechanical acoustic ventilation should be used on these façades to ensure that windows can remain closed whilst in occupation.
- 7.6 The noise insulation of the glazing is not defined, although its specification should be approved so as to ensure that the "good" internal design standard of BS8233 is met at all times.

- 7.7 Should Planning be minded to grant this application, we would recommend that the building insulation, including glazing and acoustic ventilation is approved by environmental protection. We would also require the details of any M&E Plant, deliveries and waste management, any external areas should also meet the requirements of the WHO standard.

(OFFICER COMMENT: The applicant has confirmed that there will be no use of trickle vents. The glazing would meet the BS8233 criteria and relevant conditions would be placed on any approval granted.)

### **LBTH Communities Leisure and Culture**

- 7.8 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:
- Leisure.
  - Open Space
  - Library / Idea stores

(OFFICER COMMENT: Full planning obligations have been agreed in response to these requests).

### **LBTH Energy Efficiency**

#### Energy

- 7.9 The Energy Statement (dated 10/12/2012) and additional information (Response to Officer Comments Rev A) follows the Mayor's energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 7%.
- 7.10 A communal heating system is proposed which includes linking into the Landmark CHP (by extending its full-load-equivalent running hours); installing a new City Pride CHP unit (expected capacity of around 160kWe); and top-up and at peak time loads met through high efficiency gas boilers. The current proposals for delivering the space heating and hotwater are considered acceptable and should be secured through an appropriately worded condition.
- 7.11 There are no renewable energy (Be Green) technologies proposed for the site. The sustainable development team wish to see renewable energy technologies integrated into the scheme where feasible as required by Core Strategy Policy SP11. The applicant has demonstrated that the roof area and facades are not appropriate for this scheme. This is accepted as the total anticipated CO2 savings from the development are 35% through a combination of energy efficiency measures and communal heating system.
- 7.12 The submitted information commits to achieving a Code 4 rating, and a pre-assessment demonstrating this level is deliverable has been submitted. It is recommended that achievement of the excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council prior to occupation.
- 7.13 (OFFICER COMMENT: The application does not fully comply with the 'be green' part of the Mayor's hierarchy due to the difficulties of incorporating renewable technology into the building. Photovoltaic panels were considered, however these have a significant impact upon the

maintenance of the tower and would reduce light and outlook to the residential units. They would also have an impact upon the design and appearance of the building. The carbon dioxide emission reduction from the development exceeds the London Plan and meets the Managing Development DM29 policy and is therefore considered acceptable regardless of the lack of renewable technology.

### **LBTH Highways**

- 7.14 **Car parking**  
The development should be a permit free development so the future residents are not able to apply for on-street parking permits.
- 7.15 The policy maximum for car parking at this site is 82 spaces. 40 are proposed, 13 of which are disabled spaces which exceeds the 10% minimum. As such the car parking provision is acceptable.
- 7.16 Car parking is provided within the basement and would be accessed from Westferry Road. The design of the car parking entrance, via two lifts, is acceptable, however a car parking management strategy should be conditioned to ensure blue badge holders are allocated on-site spaces and how the car park lift will operate to ensure vehicles are not forced to wait on Westferry Road or to reverse back onto Westferry Road from the waiting area in front of the car lift.
- 7.17 **Cycle parking**  
904 cycle parking spaces are provided which meets the policy minimum. They are located within the basement which offers secure and covered storage. The cycle storage is in double stacked storage facilities with a small amount of Sheffield stands. This is acceptable providing the racks are not vertical hanging stands.
- 7.18 Further details have been provided to show that a gully along the stair case would be provided for wheeling bicycles and the lift to the basement has been increased to allow two cyclists and bikes access to the basement at one time. This is considered to be an acceptable arrangement.
- Servicing**
- 7.19 The development is to be serviced from the private road between City Pride and Landmark. This is acceptable in principle and a servicing management plan would be included as a condition.
- 7.20 **Trip Generation.**  
The vehicular trip generation from the development would be minimal. The pedestrian movements are however likely to be significant with an additional 473 pedestrian movements in the am peak and 328 in the pm peak. In order to mitigate the impacts of this, a financial contribution of £250,000 is requested towards the improvements in the public realm in the vicinity of the application site and on the approach to South Quay station.
- 7.21 **Travel Plan**  
A draft travel plan has been submitted which outlines the measures that will be taken to encourage more sustainable forms of transport. This is acceptable, subject to a more details travel plan being submitted via a condition.
- 7.22 **Construction**  
The construction of the building will require a significant number of deliveries which will place the highway under additional stress. A construction logistics plan is requested via condition to minimise the impact upon the highway.

(OFFICER COMMENT: The conditions requested above are all included with the

recommendation and the financial contributions of £250,000 have been agreed).

### **LBTH Arboricultural Officer**

7.23 Inadequate tree planting scheme in terms of units proposed trees to be planted - a minimum acceptable level would be one new tree to be planted for each unit built.

7.24 (OFFICER COMMENT: Given the number of units which are proposed within the development (822) it is considered unreasonable to request one tree per additional unit. Landscaping has been proposed within the site and street trees are also proposed. This is considered to be satisfactory.

### **Tower Hamlets Primary Care Trust (PCT)**

7.25 PCT have confirmed the HUDU model requires:  
A Capital Planning Contribution      £1,222,743  
A Revenue Planning Contribution      £4,660,080  
This is a combined figure for both the City Pride and Island Point sites.

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions). Revenue contributions are not sought as the contribution is only required to accommodate a 3 year funding gap prior to the onset of national funding which is based on population data.

### **Canal and River Trust**

7.26 Position and layout: The proposed 75 storey tower would appear overbearing in the setting of this 1920's structure. A greater set-back is therefore requested.

7.27 (Officer response: The principle of a tall building on this site has been accepted and given the restricted nature of the site it is not possible to position it further away from the pumping station and still have an acceptable impact upon the residents of Landmark. It should also be noted that the proposed building is further from the pumping station than the extant scheme.)

7.28 Transportation and access: There must be no structural movement in the pumping station as a result of the development and the site-specific construction environmental management plan must be agreed prior to the commencement of the development.

7.29 (Officer response: The applicant has agreed to enter into discussion with the Canal and River Trust regarding impact upon the structure of the pumping station and the construction plan. A construction environmental management plan would be requested by condition.)

7.30 Waterborne Freight: In the interests of sustainable development the use of water-borne transport should be considered with the development serviced from the adjacent dock.

7.31 (Officer response: The site is not located adjacent to the dock and as such materials would need to be lifted over Marsh Wall. This has potential health and safety implications that will need to be considered post application stage through the submission of the construction management plan)

7.32 Neighbouring amenity: There is concern that the noise from the pumping station, including its emergency generator may affect the amenities of the future residents, leading to complaints which could then threaten the essential use of the facility. As a result a contribution of £50,000 is requested towards noise insulation measures and landscaping around the pumping station be secured.

7.33 (Officer response: The facades of the development are to be constructed to a standard which mitigates against the noise of road and air traffic and also to any other external noise generating items, including the pumping station. This would be subject to review by the Environmental Health department through a condition. It is not considered necessary to request any additional noise mitigation measures. It is also considered that the inclusion of landscaping around the pumping station would not be necessary to make the application acceptable. It should however be noted that the applicant is in talks with the Canal and River Trust, outside of the planning application, to negotiate some landscaping of the area to the front of the pumping station)

7.34 Sustainability: The use of the canal water for heating and cooling is encouraged

(Officer response: The site is not adjacent to a dock so logistically this is difficult, it also has potential impacts upon biodiversity. Finally, the energy strategy has discounted this method due to the high level of efficiency of the combined heat and power plant).

### **English Heritage**

7.35 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

(Officer response: The councils design and conservation team have been closely linked in to the pre-app relating to the proposal, and have provided comments that do not object to the proposal. Design matters are discussed in more detail in the paragraphs 9.14 to 9.38 )

### **Environment Agency**

7.36 The Environment Agency has no objections, subject to the imposition of the following conditions:

No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved

(Officer response: The requested condition has been attached as detailed above in section 3 of this report)

### **Greater London Authority (GLA)**

7.37 The GLA have provided a stage I response which covers both the City Pride and the Island Point application. Their summary of the schemes are as follows:

7.38 Principle of the development

Whilst the provision of a residential led development of these sites is supported in principle further discussions is needed regarding the provision of social infrastructure in the wider area and associated section 106 contributions and the tenure of the donor site.

7.39 (Officer response: The applicant is providing full s106 contributions in accordance with the Councils SPD in order to mitigate the impacts of the development. Council officers are working to identify sites for new schools and health centres within the borough and a number have been identified within the MDD. Officers are satisfied that this development would have an acceptable impact upon social infrastructure)

### **Housing**

7.40 The donor site should be amended to include an element of market housing. The rented units should be affordable rent rather than social rented units. Further discussion is needed on

viability

7.41 (Officer response: The housing offer seeks to maximise the amount of affordable housing provided by the development and the review of the viability has confirmed that the 37% offered is greater than the current conditions allow for as 35% is all that is viable. Officers are satisfied that the development offers a good mix of social rent for the much needed larger family units, affordable rent for the one and two bedroom units and a substantial number of shared ownership units. Both London Plan and local policies allow for the provision of both social and affordable rent and it is therefore considered that the development complies with those policies.)

Child Playspace

7.42 With regard to the Island Pointsite the applicant should set out the capacity of the off-site older children play spaces the development will rely upon and whether they are in need of upgrade.

7.43 (Officer response: The landscaping report provided with the design and access statement details the play spaces within 400m and 800m of the site. These include Mudchute Park and Masthouse Terrace play area. The GLA have confirmed verbally that this is satisfactory, further details of the child play spaces are detailed in the main body of each report.)

Design

7.44 With regard to the City Pride development further information is needed regarding the quality of the single aspect units together with illustrations of the route adjacent to the south of the tower to illustrate how the negative impact of the inactive frontage is being mitigated.

7.45 (Officer response: The GLA design guidance states that 'development should avoid single aspect dwellings that are north facing...or contain three or more bedrooms. None of the apartments are single aspect north facing as those that are single aspect are east or west facing. The three and four bedroom units are 100% dual aspect, 85% of the two bedroom units are also dual aspect. This therefore meets the GLA design guidance.

7.46 The lack of activity on the ground floor south elevation is due to the need to have a servicing area on one side of the building and also provision of an electricity sub-station which needs to be located at ground level. The longer sides of the building provide an active frontage and the amenity pavilion also provides activity at ground floor level. The appearance of the south elevation is mitigated to some degree by the incorporation of trees and planters.

7.47 The GLA officer has verbally confirmed that this is satisfactory and Council officers are also satisfied with the design and layout of the scheme.)

7.48 Inclusive design

A schedule of units setting out tenure types and flat sizes should be provided. With regard to City Pride suitable tactile paving to differentiate the edge of the footway and carriageway along Marsh Wall should be provided. The applicant should confirm all playspace is accessible and provide further explanation of the ramped access to the amenity pavilion roof level / playspace. With regard to Island Point the blue badge parking should be amended so that the spaces are located nearest to the lift and the applicant should investigate if there is scope to further reduce the gradient of the entry ramps into the site. Further information is needed on how the wheelchair accessible units off Westferry Road are accessible. Further consideration should be given to reservation of a space for a lift in the future.

7.49 (Officer response: Details of the wheelchair accommodation and tactile pavements have been provided and would be secured by condition. All play space areas within City Pride and the amenity pavilion would be fully accessible. The amenity pavilion roof would be wheelchair accessible along the ramps which traverse the roof and are integrated into the landscaping design.



- 7.50 A parking management plan is requested by condition to detail where the blue badge parking will be.
- 7.51 The wheelchair accessible units within Island Point would be fully accessible from Westferry Road and two lifts have been included on an amended plan to ensure those on the upper floors are fully compliant.)

#### Sustainable development

- 7.52 Further discussions and commitments are needed regarding flooding and drainage. The applicant should confirm that all building uses of the City Pride site will be connected to the site heat network and should provide evidence of correspondence regarding connection to Landmark. The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available, it should confirm the community building will be connected to the heat network and a drawing showing the route of the heat network and a drawing showing the route of the heat network should be provided.
- 7.53 (Officer response: The applicant has provided additional information in relation to flooding and sustainable drainage which is to the satisfaction of the Environment Agency.

Further details have been provided relating to the connection of City Pride to the Landmark CHP. This is to the satisfaction of the Council's and the GLA's energy officers.)

#### **London City Airport**

- 7.54 London City Airport is generally supportive of this development and in principle has no objections. In order to complete the detailed assessment required for there to be no safeguarding objection details of the construction methodology and the use of crane with proposed maximum working heights will be needed. Details of the intended materials for the exterior of the building are also required in order to assess interference to the airports navigation aids.

(OFFICER COMMENT: Appropriately worded conditions have been included with Section 3 of this report).

#### **London Fire and Emergency Planning Authority**

- 7.55 The Brigade is satisfied with the proposals in terms of access to the site and water supplies subject sufficient Thames Water supplies being available for the whole development. Clarification points were also requested: 1) does the development propose a car stacker system and 2) whether there is more than 45m between the stair core and the furthest flats.

(OFFICER COMMENT: Thames Water have requested that water supply infrastructure impact studies be carried out prior to the commencement of the development and this is to be dealt with via a condition.

In terms of points 1 and 2 the development does not proposed a car stacker and there is less than 45m between the stair core and the furthest flat. )

#### **London Underground Ltd**

- 7.56 No comments received.

#### **National Air Traffic Services Ltd (NATS)**

- 7.57 No objections.

## **Natural England**

7.58 No comments received.

## **Transport for London (TfL)**

### Car parking

7.59 The car parking level is acceptable. 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and should be conditioned.

### Cycle parking

7.60 The level of residential cycle parking is acceptable. Visitor cycle parking would be located within the public realm around the site. This would be secured via condition.

### Trip generation.

7.61 The trip generation exercise is considered acceptable and there would be no significant impact upon the surrounding highway network as a result of this development.

### Walking

7.62 A pedestrian environment review system (PERS) audit has been completed identifying areas where the pedestrian environment can be improved. It is noted that the footway on Westferry Road, to the north of the site is unable to be widened due to the proximity of the pumping station. The new buildings will however be set back from the red line boundary and hence the existing footway will be significantly widened which is welcomed. Nevertheless, it is recommended that to ensure that the footway is maintained, Tower Hamlets Council adopted the footway.

7.63 Officer Comment: Although the footway will not be adopted by the Council, it does remain within the red line boundary of the proposal and is therefore subject to conditions requiring the development to be completed in accordance with the approved plans.

7.64 In regards to guard railing, the applicant is encouraged to liaise with Tower Hamlets Council to establish whether the existing guard railing and bollards remain fit for purpose.

### Bus contributions

7.65 There is a capacity problem on Westferry Road northbound in the morning peak, the trips generated by this development plus other developments will likely generate a need for further capacity on the bus network beyond that funded by contribution from other completed developments. Therefore TfL seeks £200,000 towards improving bus capacity.

### DLR

7.66 A significant number of trips onto the DLR will approach from the west where wayfinding is currently lacking. Due to the scale of buildings and infrastructure within the vicinity of Heron Quays station, Legible London signage is not considered appropriate. Accordingly, to assist in encouraging walking trips for both residents and visitors of the site to Heron Quays station a contribution of £100,000 is required towards the provision of enhanced station identification in accordance with London Plan policy 6.4.

### Travel plan, servicing and construction.

7.67 It is welcomed that the applicant has explored the viability of utilising the river and dock during the construction phase and it is accepted that this has proven unviable. It is expected that the Travel Plan is secured within the s106 agreement with the Delivery and Servicing Plan and Construction Logistics Plan secured by condition.

*Crossrail/CIL*



Contributions are applicable.

(OFFICER COMMENT: All requests for planning contributions from TfL have been met by the developer. Also, all conditions requested above have been included within the recommendation)

**British Broadcasting Corporation (BBC)**

7.68 No comments received.

**Greenwich Maritime World Heritage Site**

7.69 While the proposal is some distance from the WHS and to the west of the Grand Axis, its substantial scale means it will still be highly visible. This proposal, if implemented, will make a very significant addition to the apparently uncoordinated cluster of tall buildings on the Isle of Dogs. Of additional concern is the proposed tower 'crown', described as offering 'dramatic night illumination' which will further impact detrimentally on the strategic view from Greenwich WHS.

7.70 (Officer response: The townscape assessment within the environmental statement has assessed two views within the London View Management Framework (LVMF), from General Wolfe Statute and from the Royal Naval College. The LVMF states that the view from General Wolfe "would benefit from further incremental consolidation of the cluster of taller buildings on the Isle of Dogs. However, any consolidation of the cluster needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated." In this case the building would be located to the west of this axis and would not affect the view towards Queen Mary's House. The Councils Design and Conservation team have assessed the views contained within the townscape assessment and are satisfied that the proposal would not result in an unacceptable impact on the World Heritage Site.

7.71 It should also be noted that there is an extant consent on the site for a 62 storey tower and there are a number of other planning permissions on neighbouring sites which are equally tall (if not taller) which all affect the view from the world heritage site. Once constructed it is considered that the proposals would add to the consolidation of the tall building cluster and would have an acceptable impact upon the world heritage site. )

**Association of Island Communities**

7.72 No comments received.

**London Borough of Greenwich**

7.73 No objections raised.

**London Borough of Southwark**

7.74 No objections raised

**London Wildlife Trust**

7.75 No comments received.

**Metropolitan Police**

7.76 The first 10 storeys of the block requires laminate glass on the external pane throughout. Laminate glass should also be provided to all amenity floors including roof level.

- 7.77 (OFFICER COMMENT: The applicant has agreed to this and it would be secured by condition.)
- 7.78 Hostile vehicle prevention measures would be required at ground level.
- 7.79 (OFFICER COMMENT: Bollards have been included along a small section of Marsh Wall to prevent a hostile vehicle entering the site from Marsh Wall and driving through the entrance door. The rest of the building would be protected either by laminate glass or through the provision of other elements eg the substation or car park security entrance.)
- 7.80 The barrier to the car park would need to be level with the building entrance
- 7.81 (OFFICER COMMENT: The security gates, which are remotely accessed from an approaching vehicle, are flush with the building line.)
- 7.82 There should be CCTV in the entrance area, mail room and car park, a lighting strategy for the car park should also be supplied.
- 7.83 (OFFICER COMMENT: This would be the case and a condition would ensure this.)
- 7.84 Access control should be in place between the floors and the stairs / lifts.
- 7.85 (OFFICER COMMENT: Each resident would only have access to their floor and the amenity floors. There would be a concierge service and security on the ground floor who would also be able to monitor who enters the building and whether they have access to the lifts. The stairs are not for general use.)
- 7.86 Substation doors should be of a solid steel construction where possible, if louvered doors are required they should have a wire mesh attached to the rear of the door to prevent fingers getting through and forcing entry.
- 7.87 (OFFICER COMMENT: Louvered doors are required in order to provide ventilation and to have an acceptable impact upon the ground floor elevation. The applicant has confirmed that the wire mesh will be installed.)

#### **National Grid**

- 7.88 No comments received

#### **EDF Energy**

- 7.89 No comments received.

#### **Thames Water**

- 7.90 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be imposed requesting an impact study of the existing water supply infrastructure which would determine the magnitude of any new additional capacity required and a suitable connection point.
- 7.91 A piling method statement is also requested via condition to ensure there is no damage to subsurface water infrastructure.
- 7.92 (OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

#### **Conservation and Design Advisory Panel**

- 7.93 Concern is raised over whether the height of the building fits in with the established pattern of development for Canary Wharf where the tallest buildings are in the centre of the Canary Wharf cluster with height reducing towards the periphery.
- 7.94 (OFFICER COMMENT: The site is positioned at the western end of the south dock, there are three docks which run through the north of the Isle of Dogs and each has a tall building consented at its western end. Columbus Tower is at the end of the north dock, Riverside South and Newfoundland Towers would frame the central dock. Both Columbus Tower and Riverside South are both taller (once constructed) than the City Pride Tower would be. It is considered that the cluster of tall buildings is being extended by previously approved scheme and a number of schemes which are coming forward and the City Pride Tower would not be out of character within this emerging townscape.)
- 7.95 The amenity pavilion was welcomed as an exciting addition to the townscape, but concern is raised as to whether this provides sufficient amenity for the occupants of the tower. Softer landscaping would be encouraged to avoid isolated trees in planters.
- 7.96 (OFFICER COMMENT: The amenity pavilion is not the only amenity space provided for the residents of the tower. Three dedicated amenity levels are provided within the tower at floors 27 and 56 and on the roof. Officers consider that sufficient amenity space is provided to serve the residents of the building. Soft landscaping is provided on the amenity pavilion roof, the trees and shrubs need to remain in planters in order to provide a sufficient growing medium and to allow pedestrian routes throughout the site. Officers are satisfied that the landscaping is acceptable .)
- 7.97 Elevational studies to see what the building would look like in different lighting conditions i.e. daytime / night time should be provided as it is possible that the stacking of different typologies could result in an awkward vertical alignment of solid and transparent panels.
- 7.98 (OFFICER COMMENT: Verified views of the proposed development during the day and night have been provided, this shows the lighting arrangements and how the amenity levels will stand out and allow the building to be viewed in three distinct elements. Details of all external lighting would be secured by condition. Regarding the stacking of different apartment typologies and concerns about the vertical alignment of solid and transparent panels, the building is designed such that the locations of winter gardens and the solid façade panels are vertically arranged and stacked regardless of the apartment type behind. The different types of apartments would have no effect on the external appearance of the building and officers are satisfied with this approach)
- 7.99 Concerns over the lack of visitor parking and servicing arrangements.
- 7.100 (OFFICER COMMENT: The parking arrangements of the site meet the Council and London Plan guidelines and LBTH and TfL are satisfied that the scheme provides the requisite level of parking. The site benefits from a good level of public transport and the lack of visitor parking would promote more sustainable methods of transport. Disabled visitors to the site can be accommodated through pre-arrangement within the basement or at ground level at the drop off area or on street close to the site subject to normal parking restrictions)
- 7.101 The development exceeds the London Plan target of no more than 8 units per core.
- 7.102 (OFFICER COMMENT: The proposal complies with the GLA design guide criteria but does provide more than 8 units per core. From levels 27 to 66 the core serves 14 units and from 67 to 73 they serve 10 units. The circulation space has been designed with pools of space adjacent to each flat door which seek to alleviate the feeling of a long corridor. It should be noted that the number of doors per core is a result of the high level of smaller apartments within the scheme. For example, the proposed population of each floor, if all bed spaces are

occupied, would be 36. If larger units were provided there would be less doors but the same amount of occupants, e.g. 6 x 2 bed and 2 x 3 bed would also provide 36 residents. Officers consider that whilst the scheme does not strictly meet this GLA housing design criteria, it would still, on balance, provide a high quality living environment and that the design solution overcomes any significant adverse impacts.)

## 8. LOCAL REPRESENTATION

8.1 A total of 3,619 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. This was done twice, in January 2013 and March 2013, following an number of scheme amendments.

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

No of individual responses: 124      Objecting: 122      Supporting: 2      Neither: 0  
No of petitions received:      One with 35 signatures

8.3 (It should be noted that a total of 128 objection letters were received in total to both the City Pride and Island Point applications, a number of objection letters referred to both applications, as such are reported here as separate letters.)

The objections raised can be summarised as follows:

8.4 The building is too tall and out of context with the Canary Wharf cluster and in relation to the Landmark tower.

*(Officer response: A thorough consideration of the height of the building within the context of the surrounding developments is provided within 'Design' section of the report. It is considered that the scale of the building is acceptable and would be in keeping with the height of other recently consented developments. It is of a similar height to Hertsmere House which is located at the end of the northern dock.)*

8.5 Loss of daylight and sunlight to Cascades, Landmark, Quayside House, Waterman building.

*(Officer response: The daylight and sunlight report has been assessed by an independent consultant who has found that the loss of daylight and sunlight to the surrounding properties would be comparable to the consented scheme and as such there is no planning reason to refuse the scheme. Further details of this can be found within the 'Amenity' section of the report.)*

8.6 The density of the development is excessive and contrary to policy.

*(Officer response: Density is only one indicator of whether a proposal represents and over-development of a site. It is acknowledged that the density for this scheme is substantially higher than the suggested maximum within the London Plan due to the relatively small site area compared to the height of building, however, as discussed within the 'Density' section of the report, it is not considered that the development exhibits other signs of over-development and therefore the density is acceptable)*

8.7 The development would cause increased traffic congestion and the likelihood for accidents.

*(Officer response: There is only a small amount of parking proposed, the remainder of the development would be car free. As such it is not considered that there would be a significant amount of congestion caused by the development. A specific lay-by for the development has been proposed on the private road between Landmark and the subject site which would enable off-street servicing which would further reduce congestion on the surrounding streets. The Councils highways team and Transport for London have not objected to the scheme.)*

8.8 There is inadequate parking for the scale of the development.

*(Officer response: Council policies seeks to reduce parking provision in areas of high Public Transport Accessibility in order to reduce congestion and improve air quality. This site has a PTAL of 5 which is 'very good' and as such is suitable for a low car / car free development.*

8.9 Does not represent a mixed and balanced community.

*(Officer response: The tower proposes a mix of private housing, shared ownership units and serviced apartments. Island Point which is reported separately on this agenda provides the affordable rented accommodation. The Island Point site is considered to be a better site for larger family units as it is less dense with more open space so it offers a better quality living environment for families. Given the benefits which can be provided by the off-site affordable housing scheme it is considered that the separation of the rented units and the market housing in this instance is acceptable. This is discussed in more detail in the housing chapter of the report)*

8.10 The development must be considered in the context of nearby and adjacent developments at Westferry Circus and Marsh Wall which indicate gross overdevelopment for the existing infrastructure.

*(Officer response: The development is providing a s106 package which is in full accordance with the planning obligations SPD. This will go towards improving the infrastructure in the area including additional buses, improved public realm, more funding for schools and health centres and improvements to leisure facilities and libraries / idea stores. This is considered sufficient to mitigate the impacts of the development)*

8.11 The development would significantly reduce views from the flats within Landmark.

*(Officer response: There is an extant consent for a 62 storey tower on the application site which also would have an effect on views from Landmark. Whilst views are not protected in planning law, an assessment has been made on the difference between outlook when comparing the extant scheme to the proposed scheme and the majority of units have an improved outlook. Further details can be found within the 'Amenity' section of the report.)*

8.12 The use of the private road between Landmark and City Pride would have an unacceptable impact upon the use of the front entrance to Landmark and would therefore be detrimental to the amenities of the existing occupants.

*(Officer response: The use of the road between Landmark and City Pride allows servicing to occur off-street which reduces congestion and is less hazardous. The use of the service road also allows for the front of the site to be landscaped and allows for the amenity pavilion which would be of benefit to the residents of the application site and also Landmark. A servicing area is required for this building and it is considered that this is a preferable location as opposed to off Marsh Wall or Westferry Road.)*

8.13 The development would lead to a loss of privacy to the occupants of Landmark, Cascades and Quayside House.

*(Officer response: There are no clear glazed windows which face towards Landmark so there is no direct overlooking between the two developments. There is over 18m between the proposed development and Cascades which is considered a sufficient distance in policy terms to prevent a significant loss of privacy. Also, the majority of habitable room windows face north and south, not east towards the application site so the impact on privacy is reduced further. There is over 70m between the application site and Cascades so there is not considered to be any significant loss of privacy to the occupants of this property.)*

8.14 The site should be used for recreation facilities rather than new housing.

*(Officer response: Housing is in significant demand in Tower Hamlets and across London, this site is considered suitable for housing and as such this application is recommended for approval. There is no formal designation or allocation for leisure facilities on the site and therefore this is not something the Local Planning Authority can require..)*

8.15 There is a significant demand for hotel rooms within London and the hotel which was part of



the extant consent should have remained part of the proposal.

*(Officer response: The hotel element has been removed from the scheme, 162 serviced apartments are now proposed. These are both C1 uses and as such form a similar function. Both are considered acceptable in principle, the applicant has chosen to propose serviced apartments and there is no objection to this)*

8.16 Serviced apartments as opposed to a hotel use may result in reduced security as they do not have the same 24-hour controls, it also a greater number of short-term movements of people with luggage, taxis, take-aways etc.

*(Officer response: The appropriate levels of security and management are considered to have been employed within the development. The service road between the two developments allows for deliveries and the drop-off area to the front of the building would allow for short-term taxi drop-off and pick-up.)*

8.17 Within the Isle of Dogs area action plan the preferred use for this site is residential, employment, retail and leisure. There is no retail or leisure at this site.

*(Officer response: There is a retail unit proposed on the ground and first floor of the site and there is leisure in the form of the amenity pavilion which provides open space and a café. The more recent policy designations for the Tower Hamlets Activity Area states that mixed use, residential-led developments are appropriate in this area. The principle of the uses are considered to be policy compliant)*

8.18 Concerns over the noise and disruption during the construction period.

*(Officer response: A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period.)*

8.19 There have been a number of policy changes since the initial application was accepted in 2009 which the proposed development now does not comply with including respecting the context of the surrounding scale of buildings and protecting the amenities of neighbouring residents.

*(Officer response: Further consideration of the relevant policies is explored within the material consideration section of the report. It is considered that the proposed development does comply with current policies including design and amenity policies.)*

8.20 Unacceptable housing mix as there are too many small units.

*(Officer response: The development is proposed in conjunction with the proposal at Island Point, across both sites there is considered to be suitable mix of smaller units and larger family sized units with an appropriate balance between the two sites.)*

8.21 The entrance to the car park is too close to the existing bus stop and the entrance to Cascades which could be dangerous.

*(Officer response: There are only a small number of car parking spaces within the basement and it is therefore anticipated that there would not be a significant number of vehicle movements into and out of the development. The scheme has been reviewed by the Council's highways department and Transport for London and no objections have been raised.)*

8.22 The development may result in a wind tunnelling effect.

*(Officer response: The environmental statement has reviewed the impact upon wind resulting from the development. The assessment demonstrates that the development would increase the wind levels along Wesferry Road from a level which is currently suitable for 'standing' to a level which is suitable for 'leisure walking'. Given that the main purpose of these areas is not for sitting but for passing through it is considered that this minor adverse impact is acceptable and would not have a significant detrimental impact upon the micro climate of the way pedestrians experience the local environment.)*

- 8.23 Parking should be available for contractors/ visitors to the building.  
*(Officer response: There is no visitor parking available for this development, however short term drop-off would be possible at the front of the site and within the lay-by at the side of the development. There is no policy requirement for visitor parking and as such there is no objection to the scheme on this basis.)*
- 8.24 There is potentially a significant impact upon utilities such as water pressure, drainage and electricity.  
*(Officer response: The development provides its own electricity sub-station. Thames Water have requested a water impact study to determine levels of additional capacity. Drainage is a matter for building control.)*
- 8.25 Concerns over the stability of the building given the relatively small footprint.  
*(Officer response: The structural integrity of the building would be a matter for building control)*
- 8.26 Concerns that the building could become a terrorist target.  
*(Officer response: The crime prevention officer has reviewed the proposal and has made suggestions with a view to reducing the ability of the building to be used as a terrorist target. These measures include bollards to the front of the site to prevent hostile vehicle collisions through the main entrance and ensuring access is restricted to non-residents including, also secured access to the roof area.)*
- 8.27 The management of Landmark is poor and there is potential that this development, as a result of poor management would lead to increased social and environmental problems.  
*(Officer response: The development is to be assessed on its planning merits, there is a concierge and security desk within the ground floor, residents would need key fob access into the lifts and the amenity floors and also into the basement. The development has also been designed in accordance with the comments made by the secured by design officer to reduce the potential for ant-social behaviour.)*
- 8.28 The design of the building lacks imagination.  
*(Officer response: The design is considered to be acceptable, it is in keeping with the architectural language of the Canary Wharf cluster and reflects the design of Landmark towers. Further consideration is given to the design within the 'Design' section of the report.*
- 8.29 The development would put pressure on the existing services such as education, health care and the police service.  
*(Officer response: Full contributions are being made by the developer in terms of education and health care facilities. It is not considered that there would be a significant impact upon the police service as a result of this development and funding is not requested through planning obligations to fund police services.)*

## 9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issues raised by this application that the committee are requested to consider are:
- General Principles.
  - Design
  - Housing
  - Amenity
  - Transport
  - Energy and Sustainability (biodiversity)
  - Environmental considerations
  - Development Viability

## General Principles

- 9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.

### *Housing*

- 9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes. The London Plan identifies that there is a pressing need for more homes in London and sets out housing targets which each borough is expected to meet and exceed (policy 3.3). Overall Tower Hamlets is expected to deliver 2,885 new homes per year.
- 9.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. The majority of new housing is anticipated to occur within the eastern part of the borough with 'very high' growth anticipated in the Isle of Dogs. In particular, Millwall ward is predicted to provide an additional 6,150 homes over the plan period.
- 9.5 The subject application would provide 822 new residential units which would be 28% of the borough's annual target. When combined with the Island Point scheme the developments would contribute 35% of the total annual requirement.
- 9.6 The site is currently vacant but was previously occupied by the City Pride public house. This was demolished under the extant consent so consideration is not given here to the loss of the public house.
- 9.7 The site does not have a specific site allocation within the Managing Development Document, it is however within the Tower Hamlets Activity Area. Within these areas a mix of uses are supported, developments should have active ground floors with residential or office spaces on the upper floors.
- 9.8 It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'desperate and pressing need' (policy 3.3 of the London Plan).
- 9.9 The City Pride scheme is a high density residential led-scheme, it would provide a large number of market housing and a proportion of shared ownership accommodation. The quantum of residential development along with the off-site affordable housing offer is discussed in detail in housing section of the report. However, in terms of general principles, it is considered that this is a suitable location for a high density residential development, given the excellent levels of public transport accessibility (including the anticipated Crossrail station) and the existence of surrounding constructed, consent and proposed high-rise developments.

### *Serviced apartments*

- 9.10 The development seeks to also provide 162 serviced apartments. These would have the same layout as the residential uses but would only be occupied for a period of up to 90 days and therefore fall within the C1 use class. There would be a separate entrance and reception area for these visitors and the majority of the first floor of the building is devoted to servicing these



apartments. The serviced apartments would be located on floors 2 – 9.

- 9.11 The serviced apartments are therefore given the same consideration as a hotel use. A 203 bedroom hotel was previously approved on this site in 2009 and there is still support for additional hotel bedrooms within the London Plan. Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2031 (of which 10% should be wheelchair accessible). Hotels should generally be located within the CAZ (central activities zone), within town centres, opportunity areas and intensification areas. There should also be good public transport access into central London.
- 9.12 Within policy SP06 of the Core Strategy hotel uses are directed towards the CAZ, City Fringe and Canary Wharf activity areas and major and district centres. The site is located within the Tower Hamlets Activity area and also has very good links to central London via public transport. This is therefore considered to be a suitable location for serviced apartments.

*Ground floor commercial unit*

- 9.13 A unit measuring 240sqm is located over ground and first floor level, on the Westferry Road frontage which is proposed as either a retail use or an office use. It is considered that a flexible use is acceptable in this location as it would add activity to the ground floor frontage and potentially provide a useful ancillary function for the residents of the block. The inclusion of this assists with the provision of a mixed use development which is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.

**Design**

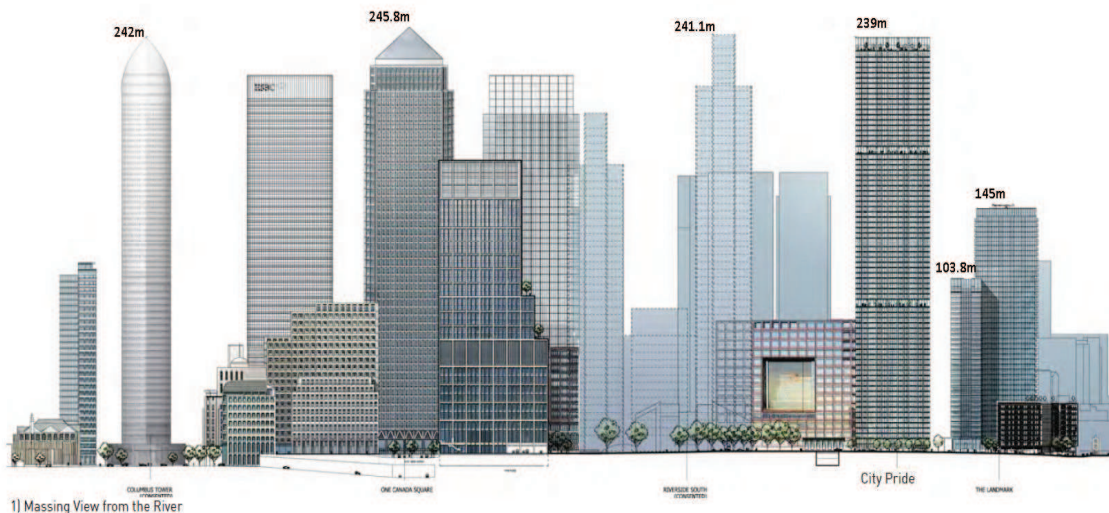
- 9.14 The main attributes of the schemes design are the presence of a tall tower (239m) which has a simple form reflective of the Landmark Towers to the south of the site and generally in keeping with the established Canary Wharf vernacular. Within the tower amenity floors are proposed which are a key feature in the scheme as not only do they provide generous amenity spaces for the residents but also seek to provide articulation to the development when viewed at a distance.
- 9.15 The development is sited at the eastern end of the south dock, the height and scale of the development is a reflection on the other tall buildings which have been consented at the end of the docks. Hertsmer House is at the end of the north dock and is 242m, Newfoundland at the end of the middle dock is approved at 150m in height. The building has a north-south axis, allowing the broad side to face the dock. This has the advantage of not having a large proportion of single aspect north facing flats and also reducing the impact upon the amenities of the occupants of the Landmark building.
- 9.16 At ground floor level an 'amenity pavilion' is proposed which provides activity at ground floor level in the form of a café and play space and publicly accessible green space above this. The areas around the main building and amenity pavilion would also be landscaped with a number of trees being planted along Westferry Road and the service road between City Pride and Landmark.

*Design policies*

- 9.17 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.18 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.19 Chapter 7 of the London Plan places an emphasis on robust design in new development.

Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.

- 9.20 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.21 Specific guidance is given in the London Plan and Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:
- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
  - Within the Tower Hamlets Activity Area developments are required to demonstrate how they respond to the difference in scale of buildings between the Canary Wharf centre and the surrounding residential areas.
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas.
  - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters.
  - Should not adversely impact upon heritage assets or strategic and local views.
  - Present a human scale at street level and enhance permeability of the site where possible.
  - Provide high quality private and communal amenity spaces for residents.
  - Provide public access to the upper floors where possible.
  - Not adversely affect biodiversity or microclimates.
- 9.22 Canary Wharf and the north of Isle of Dogs in general are recognised as a key location for high density development and iconic tall buildings, reflecting its status as an important commercial/corporate hub in London. A large scale of development has extended beyond the original commercial cluster in recent years to include new high density mixed-use and residential developments, particularly to the south, east and west of Canary Wharf. Higher density residential developments have replaced older low density commercial buildings (which traditionally bounded Canary Wharf) and have started to change the skyline around Canary Wharf. Indeed, these new buildings have started to form new clusters/landmarks which define the transition between the commercial heart of Canary Wharf and the more residential aspects to the south.
- 9.23 The siting of a tall building in this location is considered acceptable. There is a previous consent for a 215m tall building on this site, the proposed scheme would be 24m taller than this (13 storeys). Whilst this is an increase in the height of the tower it is still considered to be in keeping with the surrounding scale of development. The diagram below shows the height of buildings around the site, some of which are consented (Riverside South and Columbus Tower) and other are already part of the Canary Wharf skyline (One Canada Square and Landmark)



- 9.24 Whilst the building would be taller than the adjacent Landmark building, it would be consistent with the heights of other developments and would therefore relate well in form, proportion, composition and scale to the surrounding character.
- 9.25 Development within the Activity Area as opposed to the Canary Wharf major centre is expected to provide a transition between the larger scale buildings within the Canary Wharf Cluster and the lower scale residential developments to the south. This development is relatively consistent in terms of height to buildings within the Canary Wharf cluster but is within the Activity Area. In this specific case it is however considered that the scale is appropriate. The building would step down in height from the Riverside South development but would be taller than Landmark. Given the position of the site adjacent to the dock, the height of the extant consent and its relatively northerly position on the Isle of Dogs compared to other sites within the activity area (for example along Marsh Wall where the more suburban residential character is much more immediate) it is considered to be an appropriate form of development which would not compromise the general aims of the activity area policy to provide a transitional form of development.
- 9.26 Accurate visual representations have been provided for the development, both at night and during the day and at a variety of spatial scales including views from across the river. At the local level it is anticipated that the development would complement the existing Landmark development in terms of layout and design. It would also provide a building of high quality at the junction of Westferry Road and Marsh Wall which is a prominent junction that would act as a key wayfinding feature.
- 9.27 The detailed design of the scheme has evolved to present a building which is essentially formed of three parts. The ground and first floor facades are grouped in terms of their fenestration and detailing. These match the larger glazed modules for the upper floor amenity levels but contrast to the typical residential floors. The amenity floors, roof terrace and ground floor would have backlighting which would express these elements against the main residential portions of the building. The slender form of the tower is an expression of its residential use and is articulated through key design interventions including the roof terrace at the top of the building, and the two amenity levels where the glazing modulation changes. The tower is further articulated through the provision of winter gardens benefiting from sliding doors which will open and provide a changing pattern on the façade of the building.
- 9.28 The grouping of the ground and first floor façade assists in providing a human scale to the building at ground floor level as the second floor and above would read differently and not appears as one solid form rising from ground floor. Lighting is proposed around the ground floor edge of the building which would add further interest to the building entrances.

- 9.29 The east and west elevations are the main elevations for this building and are active in terms of providing entrances for the residential units, shared ownership properties and the serviced apartments. The retails / office use along Westferry Road also assists in the provision of an active frontage.
- 9.30 The amenity pavilion provides a café and sitting out space upon a sloping roof. This is a low level contrasting building to the main tower which also provides activity at street level and a meaningful contribution to public open space locally.

#### Strategic views.

- 9.31 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The management framework suggests that this view would benefit from “further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs however any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary’s House could be appreciated.”
- 9.32 The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The site is to the west of the axial view the Royal Observatory to Queen Mary’s House and therefore would not have a significant impact upon the significance of this view.
- 9.33 The townscape assessment also produces a number of views from strategic locations round London, including from City Hall, Stave Hill (Southwalk), Mudchute Park and Meridian Gardens (adjacent to the O2 arena, North Greenwich).
- 9.34 The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA nor the Councils Design and conservation do not raise any objections in this respect.

#### Heritage & Conservation

- 9.35 The NPPF sets out the Government’s objectives in respect of conserving and enhancing the historic environments.
- 9.36 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011 policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.37 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.38 It is considered that the proposed development safeguards local and strategic views, and for the reasons stated in above in paragraphs, it would not have a negative impact on the setting of the Greenwich Naval College (World Heritage Site). It is considered that whilst the proposal is visible from the nearest conservation areas (Narrow Street and West India Dock), it is sufficiently distant, as to not have a material impact on their character and appearance.



### *Microclimate*

- 9.39 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.40 The environmental statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 9.41 The assessment demonstrates that the development would increase the wind levels along Westferry Road from a level which is currently suitable for 'standing' to a level which is suitable for 'leisure walking'. The same would also occur within the north east corner of the Landmark development. Given that the main purpose of these areas is not for sitting but for passing through it is considered that this minor adverse impact is acceptable and would not have a significant detrimental impact upon the micro climate of the way pedestrians experience the local environment.
- 9.42 Within the site, subject to certain mitigations measures such as the installation of a 1.5m balustrade to the top of the amenity pavilion roof and incorporation of soft landscaping, the environment should be suitable for the intended purposes.

### *Secured by design.*

- 9.43 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. The Crime Prevention Design Advisor has reviewed the proposal and is satisfied that the measures put in place such as key fob access, CCTV, lighting and on-site security are sufficient to ensure the occupants of the units would be sufficiently secure.
- 9.44 All recessed areas around the building have been removed to ensure there are no hidden spaces, access to the bicycle park and the car park would be possible only to residents with either a bicycle or a car in the basements. All communal areas of the building would be covered with CCTV. In order to prevent hostile vehicle attacks the main entrance of the building has been protected to prevent direct vehicle access from Marsh Wall. This has been done through the use of careful landscaping and without the use of bollards as these can create issues for visually impaired pedestrians.

### **Density**

- 9.45 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to meet and exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period.
- 9.46 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.

9.47 The MDD has identified various strategic sites (Billingsgate Market, Wood Wharf, Millennium Quarter, WestferryPrintworks, Crossharbour Town Centre and Marsh Wall East) in order to accommodate housing growth alongside other complementary uses and the table below outlines the number of units, either completed, under construction or committed (with planning permission). Development completed prior to 2010 should not be factored into these housing targets and it is clear from this evidence that implementation of targets could well be hampered unless further progress is made in the short to medium term towards further residential permissions and starts on site, especially in view of the current economic climate.

Ward	Number of completed units (Net)	Number of units under construction (Net)	Number of approved units with planning permission	Core Strategy Target	Percentage of target approved, completed or under construction								
Blackwall&Cubitt Town	13	3580	AsdaCrossharbour = 850 Wood Wharf = 1668 Blackwall Reach = 1575 New Union Wharf = (net) 210 Other = 206	Cubitt Town = 4,190 Blackwall and Leamouth = 4,050									
Millwall	1017	2568	429	Canary Wharf = 2,640 Millwall = 6,150									
<b>Total</b>	<b>1030</b>	<b>6148</b>	<b>4938</b>	<b>17,030</b>	<table border="1"> <tr> <td><b>Completed</b></td> <td><b>6%</b></td> </tr> <tr> <td><b>Under Construction</b></td> <td><b>36%</b></td> </tr> <tr> <td><b>Approved</b></td> <td><b>29%</b></td> </tr> <tr> <td><b>Total</b></td> <td><b>71%</b></td> </tr> </table>	<b>Completed</b>	<b>6%</b>	<b>Under Construction</b>	<b>36%</b>	<b>Approved</b>	<b>29%</b>	<b>Total</b>	<b>71%</b>
<b>Completed</b>	<b>6%</b>												
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<b>Approved</b>	<b>29%</b>												
<b>Total</b>	<b>71%</b>												

### Housing Delivery Against Targets Table 1 (2010 onwards)

9.48 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

9.49 The site has a “very good” public transport accessibility level (PTAL 5). For central locations with a PTAL of 5, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek to provide a density of between 650 and 1,100 habitable rooms per hectare. The proposed residential density is 5,803 habitable rooms per hectare or 2,935 units per hectare. It is acknowledged that this figure is significantly in excess of the London Plan density ranges. However, the intent of the London Plan and Council’s MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.50 The scheme incorporates an area of public open space and internal amenity space levels, as well as planning obligations towards transport infrastructure, public realm and connectivity to improve sustainable travel options.

9.51 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a useful quote in the SPG which reads as follows:

9.52 *“One the other hand, the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone*

*grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions”.*

- 9.53 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. As previously stated, the slender form of the tower is an expression of its residential use and it is articulated through key design interventions and thus it represents a high quality design that it is required to justify the high density of the scheme. There is also significant pressure placed on the Isle of Dogs Opportunity Area, by both the London Plan at a strategic level, and the Core Strategy at a local level to provide housing where limited number sites are available. In this instance, the relatively small site area will undoubtedly produce high density levels, however this has to be weighed up against the pressure to provide housing. Officers consider that this development offers a significant contribution to that housing need, and together with the high quality design and acceptable amenity impacts, the proposal has demonstrated that exceptional circumstances exists to justify the high density levels.
- 9.54 The SPG outlines the different aspects of liability which should be rigorously tested, these include the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “place shaping”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development.
- 9.55 Whilst it is fully acknowledged that developments should be considered on their own merits and the acceptability of residential densities need to take account of a wide variety of factors, approval of schemes in excess of the London Plan density ranges is not an out of the ordinary occurrence in Tower Hamlets, bearing in mind the Borough’s growth agenda (in terms of additional housing and affordable housing). Most cases are required to be considered “in the balance” with not all density criteria being fully satisfied. Your officers continually monitor and review planning permissions to determine and manage the housing growth agenda and also use this monitoring information to inform the Council’s Planning for Population Change and Growth Model, which underpins the on-going Infrastructure Delivery Plan and identifies infrastructure requirements to support the level of housing growth envisaged by the London Plan and the Core Strategy.
- 9.56 Whilst it is recognised that the City Pride scheme is not without its challenges because of the restricted nature of the site, it is significant from a density of development point of view that the site is located within an Opportunity Area, as defined by the London Plan and the Canary Wharf Activity Area. The Core Strategy recognises the importance of this area in terms of the growth agenda and as highlighted above, the Core Strategy (Appendix 2) advises that 12,980 new homes are expected to be delivered up to 2025 within the Cubitt Town, Canary Wharf and Millwall “places”. This is clearly the context for the scheme and the desire to create new sustainable “places” such as that proposed for the City Pride site.
- 9.57 It is important to note that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient child play space. The scheme also provide public open space in the form of a community pavilion with café and green space above and generally complies with other aspects of the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space.
- 9.58 To conclude, density figures only serve as an indication of the likely impact of a development

and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above. This is further supported by the site's designation within the Tower Hamlets Activity Area, of which encourage high density development in central locations. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

## **Impact upon local infrastructure / facilities**

### Local Schools

- 9.59 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.60 The Inspector, in his recent report into the Managing Development Document, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools and a minimum of 5 new primary schools. These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are discussion opportunities for new educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards a mixed use solutions and complement formal allocated school sites.
- 9.61 The approach to planning for school places and other infrastructure takes into account committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.
- 9.62 The Managing Development Document also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.63 Work on the site allocations has been integrated into the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.64 Clearly, the identification of new school sites (both primary and secondary) is required to take into account the locations most likely to generate the extra pupils, given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the Borough. Consequently, the need is clearly greater and more urgent in the east, including the Isle of Dogs.
- 9.65 Turning to the likely level of need over the Core Strategy period (2010 to 2025), the Council's estimates of new secondary school places are partly based on an average scale of new housing delivery (about 4,300 per year) that significantly exceeds not only the number of units delivered over the last few years but also more importantly, the strategic requirements of the



London Plan (around 2,900 per year).

- 9.66 The development is likely to generate 17 primary school places and 4 secondary school places. When considered in context of the combined application with Island Point the total school yield from the development is 114 primary school children and 62 secondary school children. The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.

#### Health facilities.

- 9.67 The development is expected to accommodate an additional 1,324 residents, when combined with the Island Point scheme a total of 1,885 additional residents would potentially require health care services offered by the Tower Hamlets PCT. The NHS is currently undertaking an ambitious programme to develop health and wellbeing centres across Tower Hamlets to meet the needs of the rapidly growing population. To accommodate the additional population growth from this and other sites a new 'service hub' is being planned at Wood Wharf. The financial contribution from these developments would go towards the long lease or fit out costs of the Wood Wharf service hub. The applicant has also agreed to meet the full financial contributions required of it in this regard.

#### Open space

- 9.68 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals will accord with the objectives of this policy.
- 9.69 Policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.70 It is calculated that 1,324 people will live in the proposed development with approximately 66 employees for the serviced apartments and ground floor commercial use. Based on the occupant and employee yield of the development, the proposal would normally be expected to deliver approximately 1.9 hectares of public open space which is clearly not possible on such a small site (bearing in mind the requirement to deliver additional housing units within the Borough and on the Isle of Dogs in particular.). Notwithstanding this, the scheme would deliver approximately 310sqm of public open space in the form of the amenity pavilion roof which would provide a pleasant sitting out area looking out onto the south dock for residents of the subject development and surrounding properties. It would also complement the existing open spaces within the vicinity of the application site including the various green spaces within the Canary Wharf estate and Lenaton Steps / Sir John McDougal gardens to the south.
- 9.71 Irrespective of this, the proposed level of open space would fall below LBTH's standard of 12 sqm per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would only provide approximately 0.2sqm per person. Accordingly, the applicant has agreed to a financial contribution of £1,180,522 to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement.
- 9.72 In addition to the area of open space which would be provided in the form of the amenity pavilion, the applicant has also agreed to allow public access to the 75<sup>th</sup> floor for two weekends each year. This would be free of charge and details of how this would be advertised would be secured within the legal agreement. This is considered to be a public benefit of the scheme.

9.73 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

### **Housing**

9.74 The scheme has been submitted in conjunction with a development at 443-451 Westferry Road (Island Point) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is made at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.

9.75 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

9.76 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:

- Current and future requirements for affordable housing at local and regional levels
- Affordable housing targets
- The need to encourage rather than restrain development
- The need to promote mixed and balanced communities
- The size and type of affordable housing needed in particular locations and
- The specific circumstances of the site.

The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

9.77 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

9.78 The issue of affordable housing and off-site provision is similarly dealt with in the Councils policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

9.79

The Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- a) It is not practical to provide affordable housing on-site
- b) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- c) It can provide a minimum of 50% affordable housing overall
- d) It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- e) Future residents living on all sites use and benefit from the same level and quality of local services.

9.80

Assessment against policy

In summary, when considering national, regional and local policies off-site affordable housing is only acceptable in exceptional circumstances, if it is to be accepted it should provide a higher quantum than if it were on-site, should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

9.81

*Quantum of affordable housing*

The policy requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations.

Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites

9.82

should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

A viability toolkit has been submitted with the scheme and this has been independently reviewed by BNP Paribas. The review of the toolkit concluded that the two sites combined could viably provide 35% affordable housing. The applicant is offering 37% affordable housing on the basis that viability may improve prior to the units being sold. This additional 2% affordable housing is offered at a risk to the developer.

9.83

The affordable housing that is being offered is all at social rent levels of the family sized units with the smaller one and two bed flats being offered at affordable rent. The rent levels are to be in accordance with the POD rent levels which are generally considered to be affordable to Tower Hamlets residents.

9.84

The affordable housing offer of 37% is made in conjunction with a full package of planning obligations in accordance with the Council’s SPD. Further details of the s106 package are found at section 3.

9.85

The quantum of affordable housing is dependant, not only on viability of the scheme but also on the physical constraints of the site. Officers consider that the level of affordable housing has been maximised on the Island Point site. Any additional provision or increase in density is likely to result in unacceptable amenity impacts in terms of sunlight and daylight, privacy, and level of amenity space. Taking this into account, the redesigned proposals for Island Point still results in a higher amount of affordable housing provision, than what was provided on the two combined sites than under the

9.86

redesigned proposals for Island Point still results in a higher amount of affordable housing provision, than what was provided on the two combined sites than under the

extant scheme.

9.87

*Mixed and balanced communities*

This development represents a mix of tenure in terms of providing some shared ownership properties but the majority of properties being market housing. The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices have been exacerbated by the tendency for new social housing to be built where it is already concentrated. The supporting text to policy 3.9 states that new social housing development should be encouraged on areas where it is currently under represented.

9.88

A number of objections have been raised to this development on the basis that this development is not contributing to a mixed and balanced community and fails to meet the policies within the London Plan and Managing Development Document. The concerns are generally raised in relation to concentrations of social housing, however the reverse argument could be made in relation to housing development which only seeks to provide private housing.

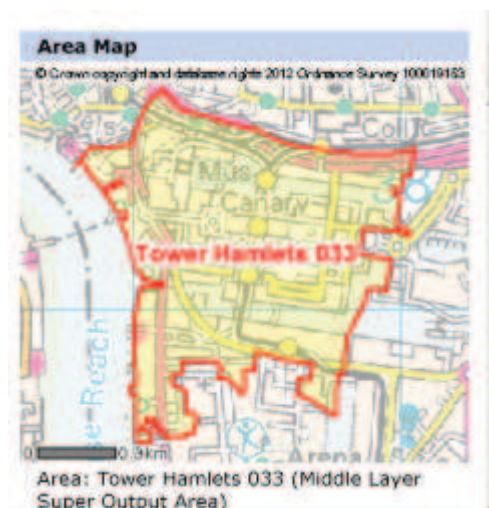
9.89

In the case of this application it is not considered that the development would detrimentally affect the balance of the community in the locality as there are a number of mixed tenure schemes including the adjacent development at the Landmark.

9.90

The following table is formulated from census data and shows the make-up of housing tenure at various spatial scales:

Tenure	Borough Average	Cubitt ward	Town Millwall ward	Super Output layer (more specific than ward level)
Owner	24%	26%	35%	26%
Shared ownership	2%	3%	1%	3%
Social rented	40%	29%	32%	14%
Private rented	33%	41%	31%	56%



9.91

The above table shows that there is a significantly higher than borough average number portion of households which privately rent, and a lower proportion compared to the borough average for social rented properties. It cannot be determined whether the units within the City Pride development would be owner / occupied or predominantly let for private rent. The tables below explain how this development would change the make-up of the area if the total market units were to be owner/occupier and also if they were to be

private rented flats:

Tenure	If total market housing were owner/occupied	If total market housing were to be private rented	Borough average
<b>Owner</b>	41%	21%	24%
<b>Shared ownership</b>	4%	4%	2%
<b>Social rented</b>	11%	11%	40%
<b>Private rented</b>	44%	64%	33%

9.92

Under both scenarios the type of housing tenure within this localised area is not representative of the borough average, however given the nature of the location being within close proximity to Canary Wharf major commercial centre and the lack of any established social housing estates within the defined area it is not unexpected that the number of social rented units are underrepresented within the table. The development would increase the number of shared ownership units within the locality and would allow for a better quality provision of family sized social rented units in a less dense form of development where suitable outdoor spaces can be provided for child play space.

### Housing Mix

9.93

Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

9.94

Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.

9.95

Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.96

If the committee decides that the principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

9.97

Overall, across both sites, the residential breakdown is as follows:

	Private Units/hab rooms	Social/Affordable rent Units/hab rooms	Intermediate Units/hab rooms	Total Units/hab rooms	% Units/hab rooms
Studio	176 / 176		2 / 2	178 / 178	18% / 7%
1-bed	324 / 648	11 / 24	45 / 90	380 / 762	38% / 30%
2-bed	212 / 636	22 / 80	50 / 156	284 / 872	28% / 34%
3-bed	36 / 144	73 / 354	4 / 19	113 / 517	11% / 19%
4-bed	4 / 20	26 / 156		30 / 176	3% / 7%
5-bed		10 / 70		10 / 70	1% / 3%

Total	752 / 1624	142 / 684	101 / 267	995 / 2575	100%
% of total	76% / 63%	14% / 27%	10% / 10%	100%	

The table below demonstrates the breakdown of mix and tenure at the City Pride scheme:

	Private Units / hab rooms	Intermediate Units/hab rooms	Total Units/hab rooms	% Units/hab rooms
Studio	176 / 176	2 / 2	178 / 178	22% / 10%
1-bed	324 / 648	36 / 72	360 / 720	44% / 40%
2-bed	212 / 636	32 / 96	244 / 732	30% / 41%
3-bed	36 / 144		36 / 144	4% / 8%
4-bed	4 / 20		4 / 20	>1% / 1%
Total	752 / 1624	70 / 170	822 / 1794	100%
% of total	91 / 91	9 / 9	100%	

- 9.98 In order to assess the acceptability of the proposed mix against the Council's preferred mix, Table 3 below describes the proposed overall mix of both the City Pride and Island Point developments in the context of the Borough's preferred dwelling mix:

Unit size	Total units / %	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	178 / 18%	0	0%	0%	2	2%	0%	176	23%	0%
1 bed	380 / 38%	11	8%	30%	45	44%	25.0%	324	43%	50.0%
2 bed	284 / 29%	22	15%	25%	50	50%	50.0%	212	28%	30.0%
3 bed	113 / 11%	73	51%	30%	4	4%	25%	36	5%	20%
4 bed	30 / 3%	26	18%	15%	0	0%		4	>1%	
5 bed	10 / 1%	10	7%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOT</b>	<b>995</b>	<b>142</b>	<b>100%</b>	<b>100%</b>	<b>101</b>	<b>100%</b>	<b>100%</b>	<b>752</b>	<b>100%</b>	<b>100%</b>

- 9.99 Across both developments 15% of the total units would be family sized. This is below the 30% policy target, however within the affordable rented/social rented tenure 76% of the units would be family sized, which includes three, four and five bedroom properties. All



of the family sized units are to be provided at social rent levels. This meets a priority need within the borough and is welcomed. Whilst there is a relatively low proportion of family sized units and higher proportion of smaller units across all of the tenures, the level of family housing within the social rented tenure is considered to be a significant benefit to the scheme.

- 9.100 In terms of the intermediate provision the development provides a higher than policy compliant provision of 1 bed units and a below policy requirement provision of family sized units (4% as opposed to 25%). So why is this acceptable?
- 9.101 Across both sites there is a relatively high proportion of smaller units, within the City Pride scheme 94% of the housing would be studio, one bed and two bed flats. This is against a policy target of 80%. Given the nature of the two sites it is considered to be more appropriate to locate the majority of the family sized units within Island Point as this scheme is less dense and allows for more generous outdoor play space for children.
- 9.102 Overall it is considered that the developments provide a good level of family accommodation within the social rented tenure which is a significant benefit of the scheme. As a result of the constrained nature of the site, and the drive to increase the viability of the proposal in order to maintain higher levels of affordable housing, the provision of smaller units within the private sale tenure is higher than the policy suggests. However, given the level of family sized accommodation provided on Island Point, it is considered that on balance the housing mix is acceptable.

9.103 **Quality of accommodation provided**

- 9.104 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

*Internal space standards / layout*

- 9.105 Each of the units meets the London Plans space standards and is therefore acceptable in this respect. The studio units are between 37sqm and 46sqm, one bedroom units are between 50sqm and 66sqm, the two bedroom flats are between 70sqm and 94sqm and are generally located at the ends of the block and are therefore dual aspect. The three bedroom units are around 100sqm and are also dual aspect. There larger flats are located towards the top of the building with floors 67 to 73 containing a mix of one, two and three bed flats and the top residential floor (floor 74) containing four x four bed units. These are approximately 200sqm in floor area.
- 9.106 The layout of the building ensures that there are no single aspect north facing flats. Whilst the majority of units are single aspect they all face either east or west so suitable levels of sunlight would be available either in the morning or in the evening. Each flat has its own private amenity space in the form of a winter garden. These winter gardens measure between 6sqm and 9sqm. The winter gardens are building into the façade of the building so residents would not be stepping out onto balconies. This is considered to be a particular benefit for the residents of the flats within the upper levels of the building. The inclusion of a winter garden also allows the space to be enclosed in the winter which ensures it is usable even when the weather is inclement.

- 9.107 Given the layout of the development in a standard rectangular shape and with the narrow side positioned adjacent to Landmark there is no overlooking internally within the development or from the adjacent development due to the positioning of obscure glazing. The potential overlooking from the subject site to The Landmark is examined in more details in paragraph 9.159 of the report.

*Wheelchair housing*

- 9.108 10% of all new housing should be wheelchair accessible. This includes incorporating a variety of measures such as wider corridors, turning circles within living rooms and access to two different lifts. Within the shared ownership units a two bedroom flat from floors 14-20 is provided at the south east corner of the building. Within the private tenure 76 x 1 bed units are provided over floors 30 to 62.
- 9.109 It should also be noted that 16 of the 162 serviced apartments would be wheelchair accessible.

*Lifetime homes.*

- 9.110 All of the flats are designed to lifetime homes standards and a condition would be placed on any approval to ensure this remains the case.

*GLA design standards*

- 9.111 The development is in full compliance with the 63 of the 73 design standards. Five are not relevant for this type of development, three are in partial compliance and two are not in compliance. Part 7.5 of the Design and access statement details which flats are in partial compliance with the design standards. This essentially relates to the provision of separate storage areas within each flat, the provision of one car parking space per wheelchair units and ventilation and natural light into internal corridors.
- 9.112 Whilst not all flats have specific storage areas, they do all meet the minimum internal space requirements and it would be possible for future residents to install storage areas. The provision of one disabled parking space for each disabled flat is not possible as there are 86 wheelchair units provided but only a total provision of 41 parking spaces. 13 out of the 41 spaces are wheelchair accessible which has been considered acceptable by both the Council's highways department and Transport for London.
- 9.113 The layout of the corridors also needs consideration. It is a baseline requirement that internal corridors are naturally lit and ventilated, a good practice criteria suggests that no more than 8 apartments per core. In this case the internal corridors would be ventilated but would not be naturally lit, there would also be 14 apartments per core. Given the relatively large and deep footprint of the building it is difficult to achieve natural light into the corridors and if this were to be achieved it would potentially reduce the number of windows to the flats or reduce the number of dual aspect units, neither solution is particularly desirable. The design and access statement provides details of the high quality design which is proposed for the internal corridors and subject to further details being provided by condition it is considered that this would provide a suitable living environment for the future occupants of the site.

Equally, the provision of more than the recommended number of doors per core is not considered to be significantly detrimental to the quality of the living environment. Due to the relatively large number of smaller units within the scheme there is proportionately more flats per core than if it were to be a greater mix of smaller units and family sized units so the number of residents were core would be similar if the number of doors were reduce but the unit mix changed. The flat entrances have been grouped with four at each end and six in the centre, this is considered to assist with the sense of community



and security.

### *Amenity space*

9.114 The for all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

9.115 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.

9.116 Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.117 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space

9.118 The residential and child yield figures are shown below and are based on the Council's planning for population change and growth model.

<b>Type of amenity</b>		<b>Total required</b>	<b>Total provided</b>
Child play space (private)	0-3 years	350sqm	361sqm
	4-10 years	200sqm	215sqm
	11-15 years	60sqm	136sqm
Communal Space		862sqm	1208sqm (+334sqm for gym)
Public open space		18,923sqm	310sqm

### **Child play space**

9.119 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.

9.120 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.

9.121 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. These areas should be available within 800m of their homes.

### *The amenity strategy*

9.122 Amenity space is provided in the form of three amenity floors within the building at floor 27, 56 and 75, the amenity pavilion on the ground floor also provides play space, a café and green space which is publicly accessible on its roof. The play spaces for the children of the shared ownership units are located within the ground floor of the main building. The amenity floors are a storey and a half high (4.5m) and form strips along the length of the building with the stair and lift cores in the centre. The amenity floors are 48m long by 7.5m wide. Each floor therefore has 720sqm of amenity space and provides a variety of uses including a gym, relaxation areas and play spaces.

#### Ground floor

9.123 The amenity pavilion covers approximately 450sqm to the east of the main tower. Within the building a café would be provided as well as the play space for the younger children within the shared ownership tenure. The café would be accessible to the public but the play space would only be for residents of the shared ownership flats within City Pride. The roof of the pavilion would be soft landscaped at the top with grass terraces. Towards the lower element of the pavilion roof sculptural timber is proposed, this could be used as play space for children but also as a sitting out space for the general public.

9.124 The area towards the lower end of the amenity pavilion is allocated as play space for the 4-10 year olds. There is space allocated for this age group within the market tenure at amenity level 27 and the shared ownership units would have access to this amenity space too. In order to meet the overall space requirements in relation to the child yield a portion of the publicly accessible space would also be designed to meet the needs to children aged 4-10. To ensure double-counting of the space does not occur the financial contribution towards open space has only included that area which is not counted towards child play space. 310sqm of the amenity pavilion roof remains available to be counted towards the public open space provision.

9.125 The area surrounding the building at ground floor would be predominantly hard landscaped with granite paving slabs to match those at The Landmark. Trees are proposed around the site along the service road between City Pride and Landmark and along Westferry Road. Smaller trees in planters are also proposed between the main building and the amenity pavilion to add a softer appearance to the landscaping. Multi-stem trees have been carefully selected to ensure that they will be successful in windy environments. The planters which they would be set in would also allow for informal seating around the building.

9.126 Within the ground floor of the main building the play space for the 0-3s and the 12+ children within the shared ownership tenure is provided adjacent to the entrance for these flats in two separate areas. Both spaces have been provided in accordance with the requirements of the SPG. The spaces are proposed to be well equipped with age-appropriate facilities such as table tennis / table football for the over 12s and games rooms for the younger children with area for parents to supervise.

#### Amenity level 27

9.127 This amenity level is available to the occupants of the shared ownership units. The roof terrace and the amenity floor at level 56 would not be accessible shared ownership occupants. This is partly due to the lift strategy within the building – some lifts can only reach certain levels due to the overall height, and also to keep service charges to a reasonable level for the occupants of the affordable housing.

9.128 Within level 27 the eastern side of the building would comprise children's play space which would include play equipment and spaces for parents to supervise. Below is an image of how the play space could be used:



9.129 To the other side of the building a series of lounges are proposed which provide seating areas, they are communal but arranged in such a way to allow different groups of people to congregate. The lounges would provide an area away from the flat for people to meet / socialise or to work. At the corners of the building dining rooms are included. The aim of these is to allow areas that residents can book in advance for social events if they do not want to hold them in their flats.

9.130 **Amenity level 56**  
This is for the occupants of the private units. A gym is provided on the western side of the building with a number of different uses provided on the eastern site including a cinema room, a games room, library or study area and a soft landscaped area called a 'wifi zone' on the plans.

9.131 **Amenity level 75**  
This is at roof level and whilst enclosed on the sides would be open at the top so residents would be able to experience an element of outside space. This area would comprise of seating, lounge areas and sun loungers with soft landscaping in the form of trees inside planters and other planting. This floor would be 7.5m tall and would appear light and spacious.

9.132 The inclusion of internal amenity areas is considered to be an innovative solution to the constraints of the site. Given the small site area and the number of units proposed within the development it is clear that any type of tall building on this site would not be able to provide sufficient outdoor space for the occupants. The extant scheme provided approximately 1,000sqm to amenity space (plus a restaurant on the 61<sup>st</sup> floor), in total (excluding the amenity pavilion on the ground floor) the current scheme provides 2,160sqm of amenity space. This is significantly more than the previous proposal and also provides for a variety of uses rather than just seating areas. The reduction in footprint of the building compared to the extant scheme also allows for the provision of public open space which was not possible under the extant scheme. It is acknowledged that the current scheme also provides accommodation for a significantly increased residential population and as such the amenity space would be expected to be larger, however there is still proportionally more amenity space provided by the current scheme than the extant scheme.

9.133

The amenity levels are considered to be well thought out and designed to suit a number of purposes. The roof terrace would provide a space which has a more outdoor feel as it is exposed to the elements. The amenity levels at 27<sup>th</sup> and 56<sup>th</sup> floor would provide spaces which could be used all year round thereby providing general communal amenity as well as child play spaces which would always be available.

9.134

The applicant has provided examples of places where indoor amenity has been successful, these are generally within tall buildings and are mostly outside of the UK, these examples include the Millennium Tower in San Francisco where there is a floor devoted to amenity with an outdoor terrace which leads through to an indoor lounge area with fitness centre and swimming pool or the Poydras Tower, New Orleans which has double height lounge spaces and media rooms. The concept has also been accepted within the London context the development known as 'Vauxhall Sky Gardens' was approved in 2010 in Nine Elms and includes internal amenity floors.

9.135

The development provides a policy compliant amount of private amenity space, the communal space proposed is well in excess of the policy requirement and also significantly more than the extant scheme. The child play space provides a good differentiation of uses and defined areas within the building which would accommodate the child yield of the development. Public open cannot be accommodated on site to the degree that is required but a financial contribution is offered by the applicant to provide additional open spaces or to upgrade existing spaces in the borough, in accordance with the planning obligations SPD.

#### **Impact upon neighbouring amenities**

9.136

Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

#### *Daylight and sunlight*

9.137

Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

9.138

Core Strategy Policy SP10 and Policy DM25 of the draft MDD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

9.139

The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.

9.140

For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

9.141

British Standard 8206 recommends ADF values for new residential dwellings, these being:

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

#### Vertical sky component

Within the Environmental Statement there is a detailed section on the impact the proposed scheme will have on the surrounding properties. 1,747 windows were tested in regards to VSC, these are within the following properties:

- 2 Manilla Street
- 4 Manilla Street
- 6 Manilla Street
- 22-30 Chandlers Mews
- 10-20 Chandlers Mews
- 1-9 Chandlers Mews
- 11-85 Anchorage Point
- 1-9 Quayside
- 15 Westferry Circus
- 20 Columbus Courtyard
- 1-5 Cabot Square
- 10 Cabot Square
- 22-28 Marsh Wall blocks 1, 2 and 3.
- 2-4 Cascades.

9.142 Of the 1,747 windows tested 751 do not meet the minimum VSC criteria, in that the VSC would be reduced to less than 27 and less than 0.8 times its former value (or a reduction of more than 20%). A reduction of less than 20% is not discernible to neighbouring residents but more than 20% and this will be noticeable. It should be noted that under the current scheme the number of windows which failed to meet the VSC criteria was 595.

9.143 In order to analyse the impact further the failures have been divided into two parts. Failure of between 20% - 50% and failures of 50% +. 189 of the 751 windows which failed have a loss of VSC of more than 50%. The worst affected window is within the Cascades development. It is a second floor window which is located behind a buttress which already reduces the light into this room, the reduction in VSC would be 90% to this window. The next worse failure is to the ground floor window, the existing VSC is 3.74 and the proposed would be 0.54, this is a reduction of 85%. It should be noted that whilst the reductions appear larger in percentage terms the levels of VSC available to these rooms is already severely limited due to the architectural constraints of the building including the buttresses and the overhanging balconies.

9.144 When compared with the consented scheme the results show the greatest loss of VSC would be to properties within block 3 of the Landmark scheme, this saw a reduction of 100% in VSC. Therefore, whilst the effects of the development would be felt differently around the site, the loss of VSC to any one window would not be as severe as under the consented scheme.

#### No sky line

9.145 To better understand the impact upon the residents of the properties which are losing a significantly amount of the VSC to their windows, a further test analysing the distribution of daylight within the rooms has been carried out. As per the VSC criteria, if there is a 20% reduction from the existing situation to the proposed then the difference would not be discernible.

9.146 1,010 windows were tested for their reduction in daylight distribution. Of these, 210 did not meet the minimum criteria. Under the extent scheme 176 rooms also failed this test. As per the VSC results, the worst affected rooms are within the Cascades development and are the same lower floor windows. It is understood that the loss of daylight to windows R14/160 and R14/161 would be 84%. The next worst affected room is also a ground floor room within Cascades and would have a 66% reduction in daylight. All of these rooms are bedrooms and the BRE guidelines states that these are less sensitive



rooms than living rooms.

- 9.147 Given the inherent architectural constraints within the Cascades architectural design and the distance from the application site is it not considered that the difference between the extant scheme and the proposed would be significant to the occupants of this property and therefore there is not considered to be a reason to refuse the scheme on the effects of daylight reduction to Cascades.
- 9.148 The results of the consented scheme demonstrate that the worst affected rooms were within the Landmark development and suffered a 87% loss of daylight.
- 9.149 Block 1 within Landmark is the closest block to the development site and the effects are therefore analysed further. The current scheme is narrower than the consented scheme but closer to block 1 of Landmark. There are 278 rooms which face onto the development site. Currently these enjoy an open view to the north which is uncharacteristic of this area where tall buildings are becoming the norm. As a result of the proposed development 136 rooms facing towards the application site would have a noticeable loss of daylight which can be broken down as follows:
- 20-30% reduction = 27 rooms
  - 30-40 % reduction = 27 rooms
  - 40-50% reduction = 28 rooms
  - 50-63% reduction = 54 rooms.
- 9.150 The greatest reduction is to the one bedroom flat located second in from the western edge of the building. The daylight to the living room would be 50% less and the daylight to the bedroom would be 63% less.
- 9.151 The losses suffered should be balanced against the losses which would occur under the extant consent. There are 119 windows which have a worse level of daylight. Of these 24 are located on the NW corner and are dual aspect, thereby deriving light from the west. As a result these rooms continue to have average daylight factors (ADF) of between 6.02% and 9.54% which results in a well-lit space (BRE guidelines recommends that an ADF of between 2% and 5% for a well-lit space with no need for artificial light).
- 9.152 Of the 95 remaining rooms 50 of these are bedrooms and retain an ADF of 1.04% and 1.86% which exceeds the BRE minimum recommended criteria of 1% for bedrooms. 45 of the 95 rooms are open plan living room / kitchens. The difference in light levels between the extant and the consented scheme for 22 of these rooms is less than 0.1% difference which is not significantly different. The other 22 rooms would suffer a loss which is between 18-20% different. The light levels would remain between 1.59% ADF and 1.74% ADF, which is below the 2% recommended minimum. This failure to comply with the minimum BRE guidelines needs to be considered in context of the surrounding pattern of development and whether the harm identified to 8% of the total rooms within the north facing façade of block 1 is significantly detrimental to outweigh the benefits of the scheme.
- 9.153 Whilst the proposed scheme would enable an improvement in the daylight levels of 159 of the 278 rooms it is considered that, on balance, the impact of the proposal is acceptable and not unusual within the context of the site and its surroundings.

#### Sunlight

- 9.154 The BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south. Bedrooms and kitchens are less important, although care should be taken not to block too much

sunlight.

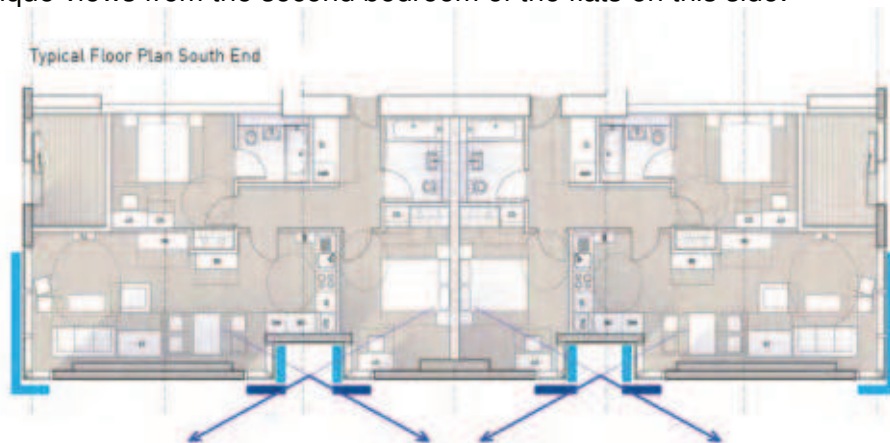
- 9.155 In this case 688 windows have been tested, this equates to 298 rooms. 22 windows do not meet the minimum BRE criteria and the worst affected are within the Cascades and Quayside development. There would be an 87.5% loss of sunlight hours to two bedrooms within Cascades. There would also be a 72% loss to a bedroom window within 1-9 Quayside. These are substantial reductions but the windows do serve bedrooms which as set out above, are considered less important when analysing the loss of sunlight. This was a similar level of sunlight loss under the extant scheme so there is not considered to be a substantiated reason for refusal on this basis.
- 9.156 There are 17 windows within the Cascades development which would have up to a 75% reduction in the sunlight hours as a result of the proposed scheme, the rooms served by these windows are however served by three other windows and as a result the loss of sunlight hours to these living rooms would be 30%, whilst the difference would be discernible, it would not be significantly detrimental.

#### Overshadowing to gardens and open space

- 9.157 The BRE guidelines recommend that at least 50% of the area of all amenity spaces should receive at least 2 hours of sunlight on 21<sup>st</sup> March. If, as a result of a new development an existing amenity area does not meet the above criteria and the area which can receive 2 hours of sunlight on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of light to be noticeable.
- 9.158 The results from the ES demonstrate that all existing neighbouring amenity areas surpass the minimum BRE recommendations. The results show that 87.5% of more of each amenity space will receive at least two hours of sunlight on 21<sup>st</sup> March. This is very similar to the consented scheme which saw 87.4% of each amenity space receiving at least 2 hours of sunlight.

#### *Privacy*

- 9.159 In addition to any reduction in daylight and sunlight consideration also needs to be given to any loss of privacy which may occur to the neighbouring residents. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. In this case the windows of the Landmark tower are within 14m of the south elevation of City Pride. In order to prevent direct overlooking there is limited glazing on the south elevation of the building. The diagram below shows how obscure glazing is being used to allow only oblique views from the second bedroom of the flats on this side:



- 9.160 The darker elements which face towards the Landmark are obscure glazed when looked

at directly, however, if the occupants look through the glass at an angle it provides a view through. This is a relatively new concept but allows occupants to have sufficient outlook from the habitable rooms without allowing direct overlooking to the neighbours.

- 9.161 Quayside House is the next closest property to the west of City Pride. This is 21m away and has its flank wall facing towards the application site. Overlooking into the rear windows of the Quayside flats would only be possible at an oblique view from the flats at the southern end of the City Pride tower and even then the distance between windows would be at least 30m. All other properties are significantly further away than the Landmark and are outside of the 18m privacy distance. It is therefore considered that the development would have no significant impacts upon neighbouring occupants in terms of a loss of privacy.

*Outlook / sense of enclosure*

- 9.162 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.
- 9.163 The proposed development should be considered in context of the extant scheme. Whilst the development is taller than currently approved the outlook from a number of the lower level flats within the Landmark development would be improved due to the reduced width of the tower at ground to ninth floor in particular but also the proposed reduced width on the upper floors too.
- 9.164 The outlook would be improved for all of the north facing flats at floors one to ten of the Landmark, above this the outlook would be improved for the north facing flats at the eastern edge of the building but would be worse for the flats at the western end of the block due to the southern elevation of City Pride being closer by 20m at floors 11 – 30.
- 9.165 On floors 11-30 there are two flats at the western end of the building which have a worse outlook under the current scheme than under the extant permission. The flat at the end of the building has a dual outlook and therefore the impact is not as significant. The flat which is labelled as flat 2 on each of the floor plans would have a reduced outlook from both the living room windows and the bedroom. This equates to 20 flats with a partially reduced outlook and 20 flats with a more significant reduction in outlook. This should be balanced against the flats which would have an improved outlook due to the reduced width of the building in comparison to the extant scheme. The three flats towards the eastern end of the Landmark tower would have an improved angle of view from their windows under the proposed scheme. This equates to 87 flats with an improved angle of view northwards.
- 9.166 Whilst there are a number of flats which would have an improved outlook in comparison to the extant scheme it is considered that the development in its own right is acceptable as the slender nature of the tower, and its north south orientation would allow the occupiers of the Landmark Tower to benefit from an acceptable outlook, particularly towards the east.
- 9.167 In terms of other surrounding residential properties, the development would clearly be visible from a number of surrounding blocks including Quayside House and Cascades in particular. Quayside house does not face towards the application site and views would only be possible if looking obliquely out of the south facing windows. There is a roof terrace upon the second floor roof of this building which is adjacent to Westferry Road.



This roof terrace would be overlooked by the City Pride development and would also have an impact upon the view from the roof terrace. This is considered to be unavoidable if any development is to come forward on this site and the impact of the extant scheme in comparison to the proposed scheme would be insignificant. On balance, it is not considered that the scheme could reasonably be refused on the impact upon the roof terrace of Quayside House. The flats within Cascades would face towards the application site as this property has a similar north – south axis. At over 70m away it is not considered that any impact in terms of a loss of outlook or sense of enclosure would be significant enough to warrant a refusal of the application.

#### *Conclusion*

- 9.168 The site is within the Tower Hamlets Activity area and within an opportunity area, as such it is anticipated that high density developments would come forward in these locations. The relationship between City Pride and its neighbours is considered acceptable in this context and there is no harm identified above which would be significant enough to warrant refusal of the application.

### **Transport, Connectivity and Accessibility**

- 9.169 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.170 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.171 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). It is approximately a 5minute walk to Heron Quay DLR station and 10 minutes to Canary Wharf. A number of bus routes pass the site, the D7, D3, 135 and N550 run along Westferry Road and the D8 runs along Marsh Wall.

#### Highways

- 9.172 The application proposes a basement car park with 40 spaces, 13 of which would be for bluebadge holders. The access to the basement is via a car lift, there would be two lifts, one for going down and one for coming up. They would be set back from Westferry Road in order to provide a reservoir space for cars waiting for the lift so they do not back up onto Westferry Road.
- 9.173 The submitted Transport Assessment demonstrates that the development would result in nine additional car trips in the am peak and 14 in the pm peak. The majority of trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the developmentproposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBH Highways.

#### Servicing and Deliveries

- 9.174 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. The servicing of the development is proposed to be carried out from the private road between the City Pride site and the Landmark development. This is essentially where the 'back of house' elements would occur and a lay-by has been

incorporated into the design of the road. All refuse would be contained within the basement until the refuse vehicle arrives.

- 9.175 From the layby all refuse will be collected and all general servicing needs for the serviced apartments and the residential units would occur from here. Across the day the site would generate 56 two way light goods vehicles movements and 10 two way heavy goods vehicles movements for the residential element. For the serviced apartments there is anticipated to be an additional two deliveries, one in the early morning for the provision of breakfasts and one around 2pm for the linen collection.
- 9.176 Whilst this is a significant number of vehicle movements it is anticipated that a total of only six would occur within the am peak and none are scheduled for the pm peak. As such it is considered that this indicative strategy is acceptable, subject to further details being required at condition stage.

#### Car Parking

- 9.178 Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The parking levels for this site should be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger. This equates to a total maximum parking of 80 spaces. The development proposes 40 spaces, 13 of which would be for disabled users. This is in accordance with the policy and is considered acceptable.
- 9.179 The development would be secured as a permit free development, meaning that none of the residents would be able to apply for a parking permit for the surrounding streets.

A travel plan would also be secured for the development which would encourage residents and visitors to utilise sustainable forms of transport.

#### Provision for Cyclists

- 9.180 988 cycle parking spaces are provided in total for the scheme. This equates to 792 for the private flats, 70 for the shared ownership and 25 spaces for staff. These are accessed via a lift within the amenity pavilion. This lift has been increased in size to accommodate two cyclists and bikes at one time. There is also a gully provided on the adjacent staircase should the cyclist choose to wheel their bike down the stairs. Changing rooms and showers for the staff are provided on the first floor. Visitor cycle parking would be located around the site and designed into the landscaping. This would be secured via condition. Overall the level of cycle parking is considered acceptable and it is suitably accessible for future residents of the site.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.181 TfL considers that it is likely that most trips will be made from Heron Quay DLR station and a contribution towards wayfinding to this station has been requested by TfL. The contribution of £100,000 would enable a large DLR roundel identifying the station. The applicant has agreed to this.
- 9.182 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.

##### *Crossrail*

- 9.183 The development will be required to make a contribution of around £3,054,275 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

#### *Buses*

- 9.184 TfL estimates that the development will have an impact upon the bus capacity within the Isle of Dogs which is currently nearly at capacity. As a result TfL have requested £200,000 towards improving the bus services which serve the site, which the applicant has agreed to.

TfL have also requested that no bus stops within the vicinity of the site should be altered without prior consent from their infrastructure team. This would be added as an informative to any permission granted.

#### Pedestrian Environment

- 9.185 The development will add a significant number of additional pedestrian trips locally, either accessing surrounding public transport nodes or walking directly to the Canary Wharf area. As a result a number of highways improvements have been incorporated into the scheme.
- 9.186 The building has been set back from the western edge of the site so there would be a footway width of between 4m and 7.2m along the western edge of the building. An area of public realm and public open space is provided on the eastern side of the building which also improve the pedestrian environment within the immediate vicinity of the site. A raised table and drop-off zone to the front of the site would signal to drivers to slow down as there is a vehicle entrance and there are also likely to be additional pedestrians.
- 9.187 Where possible existing guard railing around the site would be removed as part of the highways works, in consultation with the Council's highways team. Overall, given the enhanced landscaping around the site and the additional footway width along the Westferry Road elevation, there is considered to be an improvement to the pedestrian environment locally.
- 9.188 The Council's highways team have sought £250,000 towards improvements to the surrounding streets, mainly on the approach to South Quay DLR station and also upgrades to crossing points on Westferry Road and Marsh Wall which serve the site.

#### Inclusive Access

- 9.189 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.190 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has generally been designed with the principles of inclusive design in mind.

Bollards are proposed across the eastern boundary of the site, whilst the general principle is to reduce street furniture in order to improve the pedestrian environment and made it more accessible, in this instance the bollards are required as a hostile vehicle prevention measure by the metropolitan police and on balance are considered acceptable.

- 9.191 The use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins

along Marsh Wall. Further details of the hard landscaping would be requested via condition.

### **Energy & Sustainability**

- 9.192 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.193 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 9.194 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.195 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.196 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve Code for Sustainable Homes Level 4.
- 9.197 The energy strategy involves reducing carbon dioxide emissions by 7% below those of a 2012 Building Regulations compliant scheme through energy efficient measures alone. The main source of power would be from a gas fired CHP plant which exists within the Landmark development and a secondary CHP plant within the City Pride scheme itself. When combined with the energy efficiency measures a total carbon emissions savings would be 35%.
- 9.198 The energy strategy fails to comply with the 'be green' part of the Mayor's hierarchy. The GLA have accepted this in their stage 1 response on the basis that the development complies with the overall reduction in carbon emissions required within the London Plan policies.
- 9.199 The applicant has investigated the use of photovoltaic panels to provide a source of renewable energy, however these have not been found to be practical in this instance. The applicant has provided the following response to the use of PV panels: "Façade mounted PV systems generate less energy per unit of area when compared with traditional panels due to their technology and orientation and would be significantly detrimental to the current elevational design by the addition of a dark zone on the middle of the southern elevation, at a level above the shadow line of The Landmark development. The PV will also increase the maintenance requirements for the façade which on a tower building such as City Pride is a very important consideration. For these reasons the integration of façade PV is not proposed, and additional carbon savings will be achieved through other measures."
- 9.200 The development will also achieve the code for sustainable homes level 4 which is in accordance with adopted policy DM29.

On balance, it is considered that the development is acceptable and provides a sufficient level of climate change mitigation and relevant conditions are included within the recommendation.

## **Environmental Considerations**

### Air quality

- 9.201 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.202 In this case the development provide a minimal level of car parking, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including the amenity pavilion roof would assist with urban greening.

### Noise and vibration.

- 9.203 The environmental statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.
- 9.204 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.205 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested
- 9.206 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated impacts which will be conditioned accordingly.

### Flood Risk

- 9.207 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 9.208 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.209 The Application Site lies within Flood Zone 3 as shown on the EA Flood Map. This zone comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up

to the year 2030.

- 9.210 The site is protected by raised flood defences along the River Thames. In addition to this the non-vulnerable uses are located at ground and basement level with the more vulnerable uses i.e. residential located on the upper floors of the building. The basement would be waterproofed and sustainable drainage measures have been included within the design of the scheme to reduced surface run-off. Soft landscaping around the site, including the amenity pavilion roof would also assist in refusing surface run-off into the drains which can cause flooding. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.211 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

### Biodiversity

- 9.212 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.213 Through the provision of a landscaping scheme that includes native planting at ground level such as trees, scrubs and planting on the roof of the amenity pavilion the proposed Development provides an ecological enhancement to the local area.
- 9.214 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

### **Health Considerations**

- 9.215 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.216 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.217 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 9.218 The applicant has agreed to a financial contribution of £1,010,238 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.219 The application will also propose public open spaces within the site which are to be



delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.

- 9.220 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

- 9.221 Planning Obligations Section 106 Head of Terms for the proposed development at the City Pride site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

- 9.222 The NPPF requires that planning obligations must be:

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

- 9.223 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 9.224 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 9.225 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 9.226 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 37% affordable housing based on a social rent/affordable rent to intermediate split of 72% and 28% respectively (across the City Pride and Island Point sites). The independent advice concluded that 35% affordable housing based on the above split is all that could viably be provided, however the applicant is offering 37% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: "the development is providing the maximum

reasonable amount of affordable housing”.

9.227 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document and Planning Obligations SPD (2012).

9.228 Also factored into this was financial contributions in full accordance with the planning obligations SPD, a total for both sites of **£8,294,542**. As the site is providing 100% affordable housing it would not be liable for any Mayor of London CIL charges. However, combined with the City Pride development the total CIL charge would be **£3,045,490**.

9.229 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

- m) A contribution of £201,376 towards enterprise & employment.
- n) A contribution of £596,451 towards leisure and community facilities.
- o) A contribution of £168,269 towards libraries facilities.
- p) A contribution of £341,498 to mitigate against the demand of the additional population on educational facilities.
- q) A contribution of £1,010,238 towards health facilities.
- r) A contribution of £1,180,522 towards public open space.
- s) A contribution of £19,860 towards sustainable transport.
- t) A contribution of £54,120 towards streetscene and built environment.
- u) A contribution of £200,000 towards TfL London Buses.
- v) A contribution of £120,000 towards wayfinding and real-time departure screens
- w) A contribution of £250,000 towards highways improvements within the vicinity of the site and along Marsh Wall towards South Quay DLR station.
- x) A contribution of £82,846 towards S106 monitoring fee (2%)

### **Localism Finance Considerations**

9.239 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

9.240 In dealing with such an application the authority shall have regard to:

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

9.241 Section 70(4) defines “*local finance consideration*” as:

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



In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use:

a) ;

- 9.242 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 9.243 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.244 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £3,045,490.
- 9.245 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.246 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £1,345,324 - £1,589,690 in the first year and a total payment £8,071,944 - £9,538,141 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 9.247 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.248 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has

recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.249 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.250 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.251 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.252 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.253 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.254 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

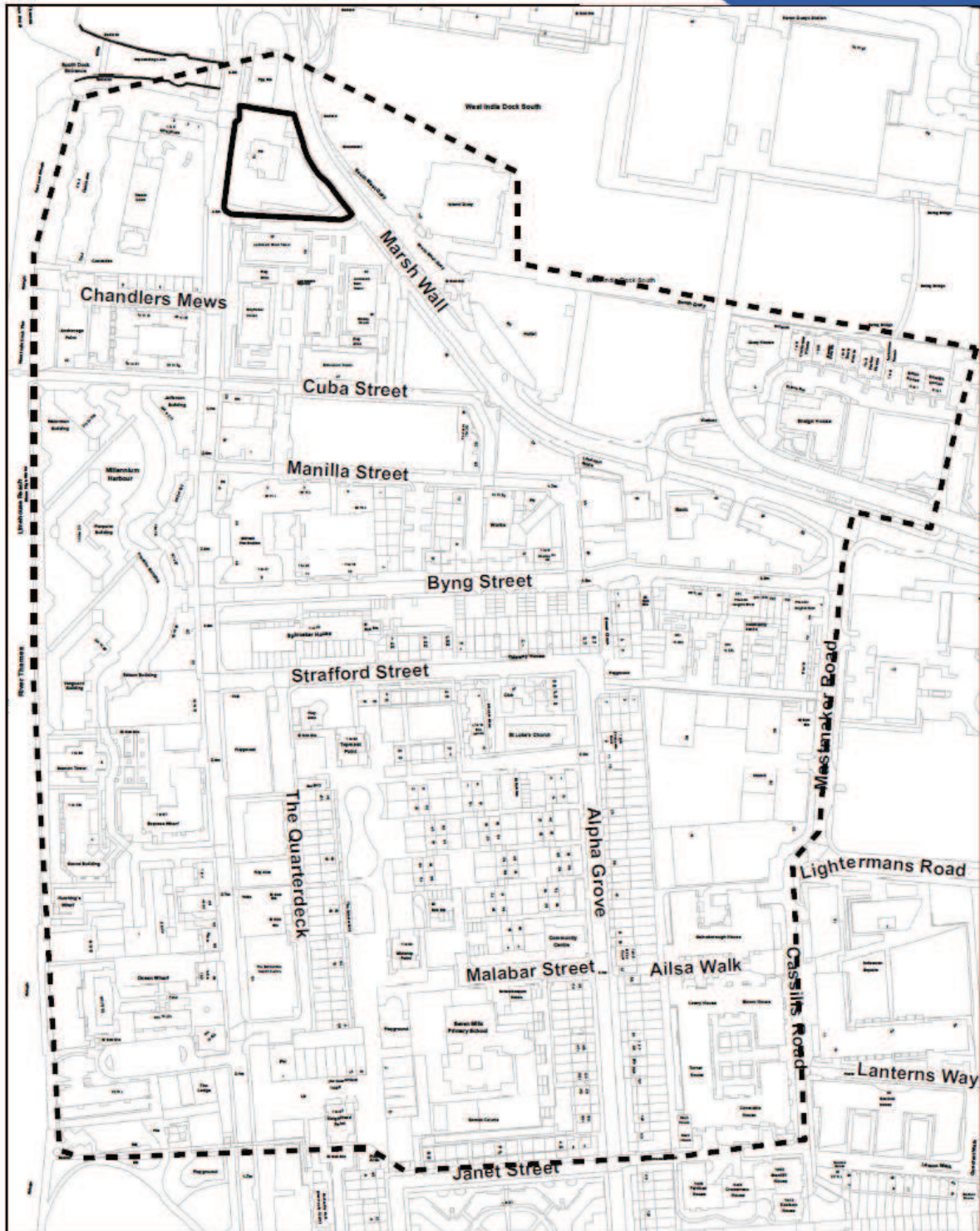
- 9.256 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.257 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.258 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.259 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports



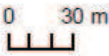



and leisure facilities provide opportunities for the wider community.

9.260 The contributions to affordable housing support community wellbeing and social cohesion.

## **10 Conclusions**

- 10.1 The proposed development would form an integral part of the cluster of buildings to the north of the Isle of Dogs, it would provide a high quality, well designed mixed use scheme including much needed market and shared ownership housing. The proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 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 Boundary		Locally Listed Buildings	 0 30 m	 1:3,000
	Consultation Area		Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 9.3

<b>Committee:</b> [Strategic] Development	<b>Date:</b> 13 <sup>th</sup> June 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/12/03247
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

<b>Location:</b>	Island Point, Site At 443 To 451, Westferry Road, London
<b>Existing Use:</b>	
<b>Proposal:</b>	Erection of buildings ranging in height from 3 to 5 storeys with rooftop pavillions rising to 6 storeys, providing 173 residential units (Use Class C3) with underground parking, open space, plant and associated community building (Class D1).
<b>Drawing Nos/Documents:</b>	Drawings: P_AL_C645_002 rev A, XP_AL_C645_001 rev A, XE_AL_C645_001_1 rev A, XE_AL_C645_001 rev A, P_AL_C645_001 rev A, P_B1_C465_001 rev A, P_00_C645_001 rev B, P_01_C645_001 rev B, P_02_C645_001 rev B, P_03_C645_001 rev B, P_04_C645_001 rev B, P_05_C645_001 rev B, P_RF_C645_001 rev B, E_01_C645_001 rev B, E_03_C645_001 rev B, E_06_C645_001 rev B, E_11_C645_001 rev B, E_12_C645_001 rev B, E_14_C645_001 rev B, E_02_C645_001 rev A, E_04_C645_001 rev A, E_05_C645_001 rev A, E_07_C645_001 rev A, E_08_C645_001 rev A, E_09_C645_001 rev A, E_10_C645_001 rev A, E_13_C645_001 rev A, E_15_C645_001 rev B, E_16_C645_001 rev A, E_17_C645_001 rev A, E-T1-C645-001 rev A, E-T1-C645-001_2 rev A, E-T2-C645-001 rev A, E-T3_C645-001_1 rev A, E-T3-C645-001_2 rev A, P-T1-C645-001 rev A, P-T4-C645-001 rev A, P-T2-C645-001 rev A, P-T3-C645-001_1 rev A, P-T3-C645-001_2 rev A, P-T5-C645-001 rev A, E_20_C645_001 rev A, S-01-C645-001 rev A, S-02-C645-001 rev A, P584-PL-01-L006, P584-PL-01-L007, E_01_G200_001 rev A, SK_028 rev A and SK_029 rev A.  Documents: Design and access statement dated 10/12/12, Design and access statement addendum dated 22/2/13, Environmental Statement 'Non Technical Summary' dated 10/12/12, Environmental Statement volumes I, II and III dated 10/12/12, Environmental Statement Addendum dated 22/2/13, Sustainability statement dated 10/12/12, Planning Statement dated 10/12/12, Planning Statement Addendum dated 22/2/13,

Transport Assessment dated 10/12/12, Energy Statement dated 10/12/13, Landscape report dated 10/12/12

Response to the review of the ES by URS dated 22<sup>nd</sup> March 2013, Final response by URS dated 30<sup>th</sup> April 2013, Response to energy officer comments by Hoare Lea dated February 2013, Response to Environment Agency by URS dated 19<sup>th</sup> March 2013, Response to TfL letter 13<sup>th</sup> February 2013, Response to LBTH highways e-mail 5<sup>th</sup> March 2013, Phase 1 and 2 Ecology Report by URS dated July 2012.

**Applicant:** Chalegrove Properties Limited  
**Ownership:** Landmark North Ltd and UK Power Networks Holdings  
**Historic Building:** N/A  
**Conservation Area:** Chapel House

## **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 adopted Core Strategy (2010), Managing Development Document 2013; as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 Through the provision of a residential development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance with Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development Document 2013 which seek to increase London's supply of housing.
- 2.3 The development, in combination with PA/12/03248 would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provides a mix of housing which meets the needs of the local population and provides a minimum of 50% affordable housing (subject to viability).
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the proposal is considered to be of a high quality which would respect local character of the area including the adjacent Chapel House Conservation Area in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM27 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the nearby by Chapel House Conservation Area.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development Document 2013 which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the relatively urban nature of the site, and as such the proposal

accords with policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development Document 2013 which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are considered to be well designed and effectively meet the needs of the development, in accordance with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.8 Transport matters, including parking, access, and servicing are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development Document 2013 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development Document 2013 which seek to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

### 3. RECOMMENDATION

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

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

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

#### 3.2 Financial Obligations

- a) A contribution of £47,655 towards enterprise & employment.
- b) A contribution of £250,535 towards leisure and community facilities.
- c) A contribution of £70,686 towards libraries facilities.
- d) A contribution of £2,734,636 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £212,617 towards health facilities.
- f) A contribution of £395,803 towards public open space.
- g) A contribution of £8,415 towards sustainable transport.
- h) A contribution of £65,424 towards streetscene and built environment including within the immediate vicinity of the site and around Island Gardens DLR station
- i) A contribution of £103,800 towards TfL London Buses.

j) A contribution of £100,000 towards road safety improvements including the provision of a new zebra crossing.

k) A contribution of £79,791 towards S106 monitoring fee (2%)

3.3 **Total: £4,069,362**

3.4 Non-Financial Obligations

a) 37% affordable housing (across both Island Point and City Pride Site), as a minimum, by habitable room

- 61% Social Target Rent (family sized units)
- 11% Affordable Rent at POD levels (one and two bedroom units)
- 29% Intermediate Affordable Housing

b) All of the affordable housing units on Island Point to be completed prior to the completion of the development on City Pride.

c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

d) On Street Parking Permit-free development

e) Electric Vehicle Charging Points

f) Code of Construction Practice

g) Travel Plan

h) Off-site Highways Works including new zebra crossing across Westferry Road

i) Access to public open space during daylight hours

j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

**CONDITIONS & INFORMATIVES**

'Prior to Commencement' Conditions:

1. Construction management plan
2. Surface water drainage scheme

Prior to works about ground level conditions:

3. External materials
4. Noise and vibration details
5. Landscaping



6. Visitor cycle parking

Prior to Occupation' Conditions:

7. Contaminated land
8. Car parking management plan
9. Delivery and servicing plan
10. Code for sustainable homes
11. Flood emergency plan
12. CCTV and lighting plan

'Compliance' Conditions –

13. Permission valid for 3yrs
14. Development in accordance with approved plans
15. Unexpected contamination
16. No infiltration of surface water.
17. Penetrative foundations and piling
18. Energy
19. Renewables
20. Electric vehicle charging points
21. Lifetime homes
22. 10% Wheelchair housing
23. Hours of construction
24. Hours of construction for piling operations

3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

**3.8 Informatives:**

- S106 planning obligation provided
- Consent under s57 of the Town and Country Planning Act 1990.
- Advertisement consent required for signage
- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 and a s72 agreement.

3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.10 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**

### **Site and Surroundings**

- 4.1 The application site is a 1.32ha site in the southern portion of the Isle of Dogs. It is north of Westferry Road with the rear gardens of properties on Chapel House Street surrounding the property to the north and east. Locksfield Place is immediately to the west of the application site and comprises houses and flats. The site is currently derelict and was occupied by hard standing and the steel frame of a former engineering shed, this was demolished in October 2012.
- 4.2 Residential is the predominant land use in the vicinity with a small number of other land uses which support a residential community. There are two schools in the area; Harbinger Primary School, which is approximately 350m to the north west and George Green Secondary School which is approximately 500m to the east. Millwall park is a 300m walk from the entrance to the site.
- 4.3 The surrounding scale of buildings are generally lower in the south of the Isle of Dogs compared to the significantly taller buildings around the north of the Isle of Dogs, around the Canary Wharf cluster. Within the immediate vicinity of the site there are a mix of two storey semi-detached and terrace property and larger blocks of flats. St Davids Square to the south of Westferry Road and fronting the river rises to 10 storeys. Locksfield Place is immediately adjacent and to the east of the application site ranges from two to three storeys.
- 4.4 The site has a Public Transport Accessibility Level of 3 which is 'moderate'. Island Gardens DLR is the closest station at approximately 350m away. The site is also served by bus routes D7 and 135.
- 4.5 The site lies within Flood Zone 3, the River Thames is approximately 140m to the south. The Chapel House Conservation Area adjoins the site to the north, the application site and Locksfield Place to the east are excluded from the conservation area designation. There are no listed buildings on the site or within close proximity.

### **Proposal**

- 4.6 The application proposes a residential development on the site which would range from two to six storeys in height, providing 173 residential units which would be affordable housing accommodation, comprising a mix of social target rent, affordable rent and intermediate affordable housing. 31 shared ownership units are proposed (9 x 1 bed, 18 x 2 bed and 4 x 3 bed), 142 are social/affordable rent (11 x 1 bed, 22 x 2 bed, 73 x 3bed, 26 x 4 bed and 10 x 5 bed)
- 4.7 The scheme has been submitted in conjunction with a development at 15 Westferry Road (City Pride) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site, whilst and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.
- 4.8 City Pride provides 822 residential units, the majority of which are private sale units with 70 shared ownership properties (PA/12/032478). A total 36.9% affordable housing would be

provided across the two sites which equates to 245 affordable homes (951 habitable rooms).

- 4.9 A basement is provided under the rear part of the site which would accommodate the energy centre, some cycle and motorcycle parking and the car parking. 52 spaces are available for residents, 10 of which would be disabled spaces (two are at street level). There are also two spaces within the basement for regular visitors i.e. health workers / maintenance.
- 4.10 The development consists of flats towards the front of the site and maisonettes and townhouses at the rear of the site arranged around a mews typology. The application is described as forming nine blocks as can be seen below (block numbers in red):



#### Block 1

- 4.11 This is a three storey block comprising 6 x 2 bed shared ownership units. All units would be split level with the ground floor having a front and rear amenity area whilst the kitchen of these units would be on the first floor. On the northern side of block 1 the first floor would comprise the kitchens for the second floor units, an internal staircase for each unit would provide access to the second floor where the living room and two bedrooms for each flat are located. These flats would also benefit from a south facing balcony.

#### Block 2

- 4.12 This block is an 'L' shaped block with four storeys at the western end, rising to five to the east along Westferry Road with a sixth floor proposed further into the site, set back from the main road. This block would comprise a mix of shared ownership and affordable/social rented units. The shared ownership units would be towards the western part of the block and would comprise 9 x 1 bed, 12 x 2 bed and 4 x 3 bed. The eastern part of the block would be the affordable rent / social rented units (9 x 1 bed, 3 x 2 bed, 28 x 3 bed and 7 x 4 bed).

There are four main entrances to this block, each core contains a cycle store and refuse store, there would be a maximum of five flats access from one core. The ground floor units facing Westferry Road would have individual entrances. Each flat has either a ground floor rear garden or a balcony.

#### Block 3

- 4.13 This is a five storey building which would be positioned 12m back from the eastern boundary. The top storey would be set a further 3m back. The entrance to the basement car park is adjacent to this block as it extends over the entrance to the car park at first floor level only. This block would be affordable/social rented units comprising 15 x 2 beds, 28 x 3 beds, 1 x 4 beds

#### Blocks 4 and 5

- 4.14 These are at northwest and southwest corners respectively and enclose the mews, they are adjoined to maisonettes of block seven and nine and the townhouses of block six. Block four is two storeys and comprises 2 x 3 bed flats. Block five is three storeys and comprises 3 x 3 bed flats.

#### Block 6

- 4.15 This is a row of 10 x five bedroom social rented houses. They are three storeys in height and would be positioned between 9m and 11m from the northern boundary (the boundary tapers to the west). These all have their own rear garden and individual cycle and refuse stores. A small garden store is also provided in the rear garden for each house.

#### Block 7 and 9

- 4.16 These blocks are along the west and east boundaries respectively. They would be three storeys in height with single storey closet wings. The single storey elements in the majority of cases would be adjacent to or within 2m of the boundary wall. The upper floors are between 9m and 7m from the boundary. These blocks are maisonettes, the ground floor of both blocks would provide a total of 8 x 3 beds and 2 x 2 beds flats, each with a rear garden, whilst the upper floors would contain 10 x four bedroom maisonettes flats spread over two levels with a balcony at second floor level facing into the site. Each unit would have a separate bicycle and bin store. The three and four bedroom units would be social rent and the two bedroom units would be affordable rent.

#### Block 8

- 4.17 These are also maisonettes in a similar format to blocks 7 and 9 with a mix of social and affordable rent. The most southern two units on the ground floor are one bedroom, the other ground floor units are two and three bedrooms, each with a private garden. The upper two floors contain four bedroom units. As per blocks 7 and 9 each upper floor flat would have a balcony at second floor level facing into the courtyard, they would also have a bicycle and bin store at ground floor level.
- 4.18 A community building is proposed on the site, this would be located at the rear of the public open space and managed by the Registered Provider, within the southern part of block 8. This could be used for small meetings / gatherings. It contains the management office for the development. It also provides pedestrian access to the basement car park.

## Site layout

- 4.19 The pedestrian and vehicle entrances are from Westferry Road. Between blocks 2 and 3 an area of public open space is proposed. This would be landscaped with a mixture of hard and soft materials, including forms of play equipment, trees and planters. The site rises from Westferry Road by 900mm and a gentle ramp would be installed at the front of the site. This would be constructed of different materials to the pavements along Westferry Road in order to ensure a pedestrian is aware that they are leaving the public realm and entering a residential development.
- 4.20 The rear of the site is a more dense layout in the form of a mews. The buildings would be three storeys in height with 10m between the facing blocks. The road layout at the rear of the site is intended to represent an area of informal landscaping and play for children. Vehicle access would only occur occasionally for refuse collection, emergency vehicles and for access to the two disabled spaces at the rear of the site.

Below is an image of the mews layout which is proposed:



## Materials

The development would be constructed mainly from brick. The images below show a visualisation of the scheme. The brick is to be a buff brick with elements of green tiling throughout the development to give it a distinct character.



(View looking west from Westferry Road)





(View looking east from Westferry Road)

## 5 Relevant Planning History

- 5.1 In May 2001 planning permission was granted for the change of use of the general industrial unit (Use Class B2) on the site to a telecom warehouse (Use Class B1) ref PA/00/1768. In February 2002 a revised scheme for a change of use of the engineering works to a data centre was granted permission ref PA/01/1038. These were not implemented.
- 5.2 In April 2002 planning permission was granted for the erection of a telecommunications building linked at ground and first floor to the existing ancillary office building which was to be refurbished, together with the erection of rear plant, landscaping and the formation of a new means of vehicular access to Westferry Road ref PA/02/00018. That permission was also unimplemented and the site has remained vacant.
- 5.3 Prior to permission being granted in October 2009 two schemes were submitted for a residential development on this site in 2007 and 2008. Both were withdrawn due to concerns over the design.
- 5.4 There is an extant consent on the subject site for a residential development providing 189 units (PA/08/02292). This was granted on 27<sup>th</sup> October 2009 and a certificate of lawfulness was granted on 11/2/2013 (PA/12/3341) confirming that the development has been lawfully implemented.



Consented Scheme Aerial View



Consented Scheme Plan

(Layout and aerial view of the consented scheme)

- 5.5 The scheme provided a mix of market housing (23 units), shared ownership (48 units) and social rented accommodation (118 units). This was a total of 719 habitable rooms and was within buildings ranging from two to eight storeys.
- 5.6 This site was also linked via a legal agreement to the site at 15 Westferry Road (PA/08/02293) as the off-site affordable housing provision.
- 5.7 The tables below compare the extant scheme with the proposed scheme in terms of housing unit numbers:

	<b>City Pride (extant)</b>	City Pride (proposed)	<b>Island Point (extant)</b>	Island Point (proposed)
Market units	<b>412</b>	752	<b>23</b>	0
Shared ownership units	<b>18</b>	70	<b>48</b>	31
Affordable/social rented units	<b>0</b>	0	<b>118</b>	142
Total housing	<b>430</b>	822	<b>189</b>	173

- 5.8 The extant scheme provided a combined total of 41.5% affordable housing, whereas the proposed scheme provides a combined total of 37% affordable housing. Overall however, there is a total increase in affordable habitable rooms by 201 compared to the extant scheme across both Island Point and City Pride. In actual housing numbers, this is a total increase from 184 under the extant scheme compared to 243 under the current scheme. Within the Island Point specifically scheme there are 24 additional units (or 52 additional affordable habitable rooms) compared to the extant scheme.

## 6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17<sup>th</sup> April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011. The following policies are relevant to the application:

### Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Annexe 9:		Millwall Vision, Priorities and Principles

### **Managing Development Document (Adopted 2013)**

Allocations:

Proposals: Flood risk area

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

### **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

### **Spatial Development Strategy for Greater London (London Plan 2011)**

	2.1	London
	2.9	Inner London
	2.10	Central Area Zone
	2.13	Opportunity Areas
	2.14	Areas for Regeneration
	3.1	Ensuring Equal Life Chances for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People's Play and Informal Recreation Facilities
	3.7	Large Residential Developments



- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

#### **London Plan Supplementary Planning Guidance/Documents**

London Housing Design Guide 2010  
 Housing Supplementary Planning Guidance Nov 2012  
 London View Management Framework 2012  
 Land for Transport Functions 2007  
 East London Green Grid Framework 2008  
 Sustainable Design & Construction 2006  
 Accessible London: Achieving an Inclusive Environment 2004  
 Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012  
 All London Green Grid 2012  
 Housing 2012  
 London World Heritage Sites – Guidance on Settings 2012

#### **Government Planning Policy Guidance/Statements**

**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

## 7. CONSULTATION RESPONSE

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

7.2 The following were consulted and made comments regarding the application:

### **LBTH Environmental Health**

#### 7.3 Contaminated Land

LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

#### Noise

The development will be exposed to a high degree of noise from Westferry Road, London City Airport and local Thames noise. Suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels along Westferry Road. The building would be expected to meet the requirements of BS8233 “good internal noise design standard”. Conditions though should be imposed to include reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements for a good internal living standard.

(OFFICER COMMENT: The required conditions are included in section 3 of the report.)

### **LBTH Communities Leisure and Culture**

7.4 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

### **LBTH Energy Efficiency**

#### 7.5 Energy

The information provided in the energy strategy is in accordance with adopted climate change policies and follows the Mayor’s energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand. A communal heating scheme incorporating Combined Heat and Power (CHP) is the lead source of hotwater and space heating requirements. In addition to this 100sqm of photovoltaic panels

are provided as a renewable energy source. The total anticipated CO2 savings from the development are 35% which meets the requirements of DM29.

A pre-assessment has been submitted demonstrating that the development will meet Code for Sustainable Homes level 4. This is also in accordance with policy DM29.

(OFFICER COMMENT: Conditions have been attached as requested).

## **LBTH Highways**

### 7.6 Car parking

The scale of the proposed development is such that a s106 on-street residential car parking permit free agreement is required with any permission. This is needed to support sustainable trip making patterns to and from the site and to ensure local on-street parking is not overwhelmed by the development. The MDD sets out the current maximum parking standards for LBTH. For this development, the relevant maximums are 0.3 spaces per 1 or 2 bed unit and 0.4 spaces per 3 bed or larger giving allowances under this policy of 19 and 44 spaces respectively. The proposed residential parking for the development of 55 spaces and is acceptable in policy terms notwithstanding assessment of the impact of the development on highway operations. Of the spaces provided, 10 are designed for disabled use; this meets policy requirements and is acceptable.

Trip generation.

- 7.7 The submitted TA sets out the expected number of vehicle trips generated by the development in peak times accounting for the number of parking spaces proposed. The forecasted trip numbers in both peak periods are minimal and while Highways is of the view that the submitted forecasts are likely to be underestimates - given the high proportion of family sized units - we do not anticipate they will be inaccurate to an extent that concerns Highways that the development will place an undue strain on the local highway network. On this basis and given the compliance with LBTH policy, the proposed level of car parking (including the disabled proportion) is acceptable.

Basement access road

- 7.8 The car parking will be provided at basement level and will be accessed from Westferry Road via a ramp that would allow vehicles to enter and exit the site in forward gear while providing sufficient clearance between the back of the footway and the ramp for vehicles to wait for vehicles passing in the opposite direction. While this arrangement is acceptable, management of the car park entrance will be required to ensure vehicles are not forced to reverse back onto Westferry Road from the waiting area and to minimise the amount of time vehicles are forced to wait –obstructing traffic- on Westferry Road to turn into the site.

Permit transfer scheme.

- 7.9 The applicant will also be aware of the borough's car parking permit transfer scheme (PTS) which allows tenants of social/affordable rent properties that are 3 bed or larger and have had an on street parking permit for over a year to keep said permits even when moving into a 'permit free' development, such as Island Point. As there are 96 properties in this development that meet the above criteria, Highways are concerned this could strain local on-street parking. Highways request that a condition is attached to any permission requiring a Car Parking Management Strategy to help manage some of these risks. This strategy should detail how the allocation of car parking will be managed to ensure blue badge holders are allocated on-site spaces, how larger units are prioritised with regard to MD DPD policy DM22 3c and the PTS and how the car park entrance will be managed.

Cycle parking.

- 7.10 The applicant has indicated that the development will provide the 273 cycle spaces required to meet the London Plan and LBTH minimum standards. While this quantum is acceptable application documents do not provide any information on the type of cycle

stands to be provided in the core areas of the blocks of flats in the scheme. The applicant is required to supply information for each core showing a) the number of cycle spaces b) the type of cycle stands to be installed. With regards to visitor cycle parking, the London Plan (proposed early minor amendments) has a minimum standard of 1 space per 40 units for residential development. For this development, at least five spaces would be required. The applicant has indicated that visitor cycle parking will be provided in the communal open area on site but has not designated an area on the plans. Highways request that an area is marked on the plans showing the location of the required spaces and that the plans are amended accordingly.

#### Servicing.

- 7.11 The scheme will provide a one-way, private service road to provide on-site servicing facilities for all units in the development. This arrangement is acceptable in principle and welcomed but a Deliveries & Servicing Plan is required to ensure effective use of the service road and minimise the possibility of queuing back on to the public highway. This should be secured by condition and approved prior to occupation.

#### Travel Plan.

- 7.12 The applicant has provided a draft Interim Travel Plan to outline the measures that will be taken to encourage the use of more sustainable forms of transport. The developer has indicated that a full Travel Plan will be submitted at a later for comments / approval and this would be acceptable.

#### Construction.

- 7.13 The scale of the proposed development will generate a significant level of goods deliveries that will place the local highway network under additional stress. In order to minimise the number of vehicle trips required as part of the construction phase, and to manage large vehicle movements on and off public highway, Highways requires a Construction Logistics Plan, to be approved by LBTH prior to the commencement of construction, to be secured by condition. This should be prepared with due consideration to MD DPD policy DM21 relating to transport of goods by sustainable modes.

#### Public Realm.

- 7.14 The proposals include designs that will result in the effective widening of the footway adjoining the site on Westferry Road. This is welcomed and needed as current footway widths are considered insufficient to cope with the level of footfall expected from the development. Highways will seek to adopt additional footway to achieve a footway width of 2.4m along the frontage of the development site under section 72 of the Highways Act (1980). This should be agreed prior to planning permission.. The plans show six new trees planted adjacent to the site on Westferry Road. Highways does not object to the principle of new street trees on this section of public highway in conjunction with the proposed scheme. Details on the type of tree, the number and exact location of the trees will require agreement from Highways and the Council's Arboricultural Trees Officer and will take into account visibility splays for the exit to the car park and the service road exit. A sum of money should be provided as part of a section 278 agreement for the provision of works to the public highway necessary to facilitate the proposed development

#### Planning Contributions

- 7.15 Highways request a s106 contribution of £100,000 towards works to the public realm (footway and carriageway) in the vicinity of the development to improve local walking and cycling conditions and links to nearby public transport nodes (including local bus stop accessibility). The contribution is also to fund to provision of a new zebra crossing and other road safety improvements on Westferry Road.

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions/informatives have also been recommended, as detailed within section 3 of

this report).

### **Tower Hamlets Primary Care Trust (PCT)**

- 7.18 PCT have confirmed the HUDU model requires:  
A Capital Planning Contribution £1,222,743  
A Revenue Planning Contribution £4,660,080  
This is a combined figure for both the City Pride and Island Point sites.

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions. The revenue contributions have not been secured as the contribution from planning gain is able to find the spaces needed for health care provision but not the on-going funding to operate the facility. Funding for this provided through other sources including central government). Need to explain why capital not secured.

### **English Heritage**

- 7.19 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

(OFFICER COMMENT: Following extensive pre-application discussions, the Council's urban design officer stated that "overall this is a good scheme". It should also be noted that the Conservation Design Advisory Panel were positive about the design and architecture of the development, further details can be found below)

### **Environment Agency**

- 7.20 The Environment Agency has no objections, subject to the imposition of the following conditions:

- A detailed surface water drainage scheme should be submitted prior to the commencement of development.
- Contamination and verification reports to be approved prior to commencement/occupation
- No infiltration of surface water into the ground from the development.
- No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

### **Greater London Authority (GLA)**

- 7.21 The GLA have provided a stage I response which covers both the City Pride and the Island Point application. Their summary of the schemes are as follows:

- 7.22 Principle of the development  
Whilst the provision of a residential led development of these sites is supported in principle further discussions is needed regarding the provision of social infrastructure in the wider area and associated section 106 contributions and the tenure of the donor site.

- 7.23 (Officer response: The applicant is providing full s106 contributions in accordance with the Councils SPD in order to mitigate the impacts of the development. Council officer's are working to identify sites for new schools and health centres within the borough and a number have been identified within the MDD. Officer's are satisfied that this development would have an acceptable impact upon social infrastructure)

- 7.24 Housing

The donor site should be amended to include an element of market housing. The rented units should be affordable rent rather than social rented units. Further discussion is needed on viability

- 7.25 (Officer response: The housing offer seeks to maximise the amount of affordable housing provided by the development and the review of the viability has confirmed that the 37% offered is greater than the current conditions allow for as 35% is all that is viable. Officers are satisfied that the development offers a good mix of social rent for the much needed larger family units, affordable rent for the one and two bedroom units and a substantial number of shared ownership units. Both London Plan and local policies allow for the provision of both social and affordable rent and it is therefore considered that the development complies with those policies. The development is also in accordance with the Council's Housing Supplementary Planning Document, which is currently in draft form and out to consultation)
- 7.26 **Child Playspace**  
With regard to the Island Point site the applicant should set out the capacity of the off-site older children play spaces the development will rely upon and whether they are in need of upgrade.
- 7.27 (Officer response: The landscaping report provided with the design and access statement details the play spaces within 400m and 800m of the site. These include Mudchute Park and Masthouse Terrace play area. The GLA have confirmed that this is satisfactory, further details of the child play spaces are detailed in the main body of each report.)
- 7.28 With regard to Island Point the blue badge parking should be amended so that the spaces are located nearest to the lift and the applicant should investigate if there is scope to further reduce the gradient of the entry ramps into the site. Further information is needed on how the wheelchair accessible units off Westferry Road are accessible. Further consideration should be given to reservation of a space for a lift in the future.
- 7.29 (Officer response: A parking management plan is requested by condition to detail where the blue badge parking will be.
- 7.30 The wheelchair accessible units within Island Point would be fully accessible from Westferry Road and two lifts have been included on an amended plan to ensure those on the upper floors are fully compliant.
- 7.31 **Sustainable development**  
Further discussions and commitments are needed regarding flooding and drainage. The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available, it should confirm the community building will be connected to the heat network and a drawing showing the route of the heat network and a drawing showing the route of the heat network should be provided.
- 7.32 (Officer response: The applicant has provided additional information in relation to flooding and sustainable drainage which is to the satisfaction of the Environment Agency.)

### **London Fire and Emergency Planning Authority**

- 7.33 Further information was requested regarding fire service access and water supplies. Following this a detailed document has been provided to the LFEPA demonstrating how the development complies with the relevant standards and how a fire appliance can access the site. The swept paths show access for a large refuse truck which is also adequate for a fire appliance. The LFEPA have now confirmed that this development is acceptable.

## **London Underground Ltd**

7.34 No comments received.

## **Natural England**

7.35 No comments received

## **Transport for London (TfL)**

7.36 *Trip generation and Highway Impact*

TfL are satisfied with the trip generation associated with this development.

7.37 *Travel Plan / servicing / construction*

TfL welcomes the submission of a travel plan which is in accordance with TfL's guidance

A delivery and servicing plan should be submitted for approval which ensures highway and traffic impact resulting from servicing activities should be kept to a minimum.

A construction logistics plan should also be submitted for approval prior to commencement of construction. Efforts should also be made to utilise the river as much as possible during construction.

(Officer response: The delivery and servicing plan and the construction management plan can be secured by condition. The applicants have assessed the ability to utilise the river for construction, however, due to the 200m distance from the site it is not practical to utilise river transport in this instance. TfL have since confirmed that they are satisfied with this response.)

7.38 *Buses*

TfL welcome the total contribution of £103,800 to be secured through the S106 agreement towards bus capacity upgrades

### *DLR / Public realm improvements*

There would be additional passengers using Island Gardens station as a result of this development, as such TfL requests £30,000 towards public realm improvements around the station.

(Officer comment: These contributions have been agreed by the applicant.)

7.39 *Parking*

The provision of 55 parking spaces for 173 units is in line with the London Plan and LB Tower Hamlets standards and is deemed acceptable. 20% of the spaces should provide 20% active provision for Electric Vehicle Charging Points with an additional 20% passive provision. Blue badge holder parking should also be detailed.

(Officer response: Details of the position of the electric vehicle charging points would be requested by condition. 10 disabled parking spaces are provided within the basement and two at ground level towards the rear of the site. This is 22% of the total parking which is in excess of the minimum 10% of total parking provision.

#### 7.40 *Cycle parking*

TfL welcomes the provision of 283 cycle parking spaces which is in line with London Plan and borough standards. The applicant should confirm that the spaces will be sheltered and secure.

(Officer response: The cycle parking is either located within the apartment cores or undercover in locked areas by the front doors of the houses and maisonettes.)

#### 7.41 *Crossrail/CIL*

Contributions are applicable.

##### *Summary*

7.42 Following the receipt of further information from the applicant TfL can confirm that no further trip generation exercise is required from the applicant and it is expected that cycle and Blue Badge parking is secured by condition. Furthermore, it is noted that the Section 106 requirements as outlined within the Stage 1 Report will be discussed with Tower Hamlets Council as part of the overall Section 106 agreement negotiations. It should be noted however that for TfL to consider this application to be in full conformity with the relevant London Plan transport policies, all requested contributions should be secured within the Section 106 agreement.

(Officer response: It is noted that the scheme is considered in full conformity with the London Plan transport policies. The developer has agreed to meet all of the financial obligations requested by TfL. There are therefore no outstanding issues with regard to Transport for London)

#### **Conservation and Design Advice Panel.**

##### Conservation Design Advisory Panel

7.43 The scheme was generally accepted as a sound and sensitive proposal for a large residential project within a low rise residential area. Aside from a number of specific reservations listed below, the current scheme was considered to be a significant improvement on the previously consented application.

- 7.44
- Block 1 has a poor outlook over garages and a substation. It is also too close to the rear of roadside blocks, causing overshadowing and lack of privacy. The massing of this block should be re-considered.

*(Officer response: The units within block 1 are all dual aspect, the outlook is considered acceptable. The light levels within the units and the units to the south have all been tested against the BRE guidance and are considered to be acceptable. The distance between the south facing windows of block 1 and the northfacing windows of block 2 is approximately 10m, this is equivalent to within the mews at the rear of the site. There would be no main living rooms facing each other and on all but the first floor it is bedrooms looking towards bedrooms. On balance, it is considered that the location of block 1 is acceptable and provides much needed affordable housing on this site.)*

- 7.45
- The distance of about 10 metres between facing elevations across the main Mews circulation was accepted as a genuine and familiar urban form, conducive to creating an attractive urban environment and a sense of place and community. The



design of these elevations with set-backs, balconies and staggered windows to minimise issues of overlooking and privacy was appreciated

- 7.46
- However, concern was expressed at the close proximity of habitable rooms within the rear facing elevations of these Mews houses within the central block of the north residential area. The rooms and private gardens to this area appeared to be all severely overlooked by the adjoining properties to a potentially unacceptable level

*(Officer response: At first and second floor the maisonettes have a separation distance of 12.5m. The accommodation in each property at first floor consists of a single bedroom and a second floor a single bedroom and the bathroom with obscure glazing. The bedroom windows are staggered so they do not face each other directly This is considered to be a reasonable mitigation measure to allow suitable privacy for the future occupants of the site.)*

- 7.47
- The landscaping was thought to be rather too rigid and corporate in character. It was considered that the formal and broadly symmetrical layout of the housing would be better balanced and lightened by a more natural and informal landscaping scheme.

*(Officer response: The landscaping has been designed to suit the needs of children of varying ages and also the adults of the development, It has been designed to be a flexible space which all residents can enjoy. It has also been developed in conjunction with the requirements of the Registered Provider who have their own requirements as to landscaping and maintenance. Overall it is considered that the landscaping scheme has been well thought-out and functional.)*

- 7.48
- The largely car free nature of the development was accepted but there seemed a lack of accommodation for visitor parking and deliveries. This should be addressed.

*(Officer response: The level of car parking is in accordance with LBTH and London Plan policies which seek to reduce on-site parking and promote sustainable methods of transport. There are pay and display spaces on-street for visitors and disabled visitors could be accommodated on-site through the on-site management team.)*

- 7.49
- The tiled feature to window openings was supported, particularly for its genuine reference to previous manufacturing activities on the site. However this feature needs to be carried out to a high quality using the bespoke tiles suggested by the applicant for the aesthetic to work and for the historic references to resonate. The use of standard mass produced tiles would render this aesthetic meaningless and possibly ugly. Detailed consideration should also be given to the materiality of soffits to balconies, which are a prominent feature throughout the scheme.

*(Officer response: Details of the use of materials would be dealt with via a condition.)*

#### **British Broadcasting Corporation (BBC)**

- 7.50 No comments received.

#### **Greenwich Maritime World Heritage Site**

- 7.51 No comments received

#### **Association of Island Communities**

7.52 No comments received.

**London Borough of Greenwich**

7.53 No objections raised.

**London Wildlife Trust**

7.54 No comments received.

**Metropolitan Police**

7.55 All entrance recessed should be no more than 600mm, the canopies over the entrance should also be no more than 600mm wide to prevent them being climbable.

7.56 The boundary wall surrounding the site should be 2.4m in height.

7.57 Windows should be inserted into the side elevation of the maisonettes to give an element of surveillance to the steps to each dwelling.

7.58 The front boundary wall should be low enough to prevent it being sat on.

7.59 An additional lobby door with access control should be included to prevent tailgating.

7.60 There should be lighting and CCTV to the basement car park.

(OFFICER COMMENT: Pre-occupation conditions added to ensure the CCTV and lighting is in place and the Police are consulted on these proposed arrangements. All of the other above points have been taken into account and the proposals amended to accommodate these, apart from the boundary wall being increased to 2.4m. Due to the elevated nature of the site it would mean the boundary wall would appear as 3.3m from the properties which border the site. This is considered to have a significant impact upon the light and outlook from these properties. Given that there are no publicly accessible areas bordering neighbouring gardens it is considered that the boundary wall should remain the same height as existing as the risk of getting into one of the private gardens within the site and then over the wall into the neighbouring property is minimal).

**National Grid**

7.61 No comments received

**EDF Energy**

7.62 No comments received.

**Thames Water**

7.63 No comments received.

**8. LOCAL REPRESENTATION**

8.1 A total of 340 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. This was done twice, in January 2013 and

March 2013, following an number of scheme amendments.

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

No of individual responses: 61      Objecting: 61      Supporting: 0      Neither: 0  
No of petitions received:      None

- 8.3 Does not support the principles of a mixed and balanced community.  
*(Officer response: The site proposes a mix of shared ownership units and affordable rented/social rented properties, the housing offer is to be viewed in conjunction with the City Pride scheme which is a mixture of private housing and shared ownership properties. Island Point site is considered to be a better site for larger family units as it is less dense with more open space so it offers a better quality living environment for families and also is currently under-represented in terms of existing affordable housing provision. Given the benefits which can be provided by the off-site affordable housing scheme it is considered that the separation of the rented units and the market housing in this instance is acceptable.)*
- 8.4 It is likely to result in anti-social behaviour.  
*(Officer response: The scheme has been designed with the input of the crime prevention design advisor who has suggested a number of changes to ensure crime and anti-social behaviour are discouraged through the design and layout of the scheme. It is considered that this is a well-designed scheme which would not necessarily lead to anti-social behaviour.)*
- 8.5 Detracts from the Chapel House conservation area  
*(Officer response: It is considered that the design and scale of the proposal is appropriate in its context and provides a transition between the taller scale buildings to the south and the smaller, more suburban nature of the properties to the north which are covered by the conservation area designation.)*
- 8.6 There will be a loss of light to properties within Locksfield Place and it may overshadow properties to the south on Westferry Road  
*(Officer response: The daylight and sunlight report has been reviewed by an independent consultant who has found that the overall impact of the development is not considered to be significantly detrimental. When compared with the extant scheme the number of properties which would suffer a loss of light would be very similar. Further details can be found within the 'Amenity' section of the report.)*
- 8.7 Insufficient infrastructure to support these developments in terms of health care and education provision. And the proposal is seriously deficient in s106 mitigation measures.  
*(Officer response: The developer has agreed to meet all of the planning obligations requested including a fully compliant provision of educational requirements.)*
- 8.8 There is insufficient parking on the site which will increase pressure locally. There will also be an increase in traffic congestion.  
*(Officer response: The level of parking on site has been designed to comply with the Council's policies but also to balance the need for parking provision of residents against the potential to cause congestion on the surrounding highway network. 30% of the units would have access to a car parking space, leading two thirds of the properties to be car free. This is considered to be an acceptable balance.)*
- 8.9 There is insufficient capacity on the DLR and local buses to support this development.  
*(Officer response: Transport for London have been consulted on the application and have sought a financial contribution towards the provision of additional buses locally. The developer has agreed to meet this request. No capacity issues on the DLR have been identified.)*

- 8.10 The boundary wall to Locksfield Place is being increased by 1.5m which would obscure views from these properties.  
*(Officer response: The boundary walls around the site are remaining as existing. There is no proposal to increase the height by 1.5m)*
- 8.11 The boundary wall with Julian Place is being lowered which causes concerns over security  
*(Officer response: The boundary wall when viewed from Julian Place would be 2.4m in height. From inside the site the height would be 2m. This is considered to be satisfactory to alleviate security concerns.)*
- 8.12 The proposal adds to the general over development of the Isle of Dogs.  
*(Officer response: The Isle of Dogs has been identified as an opportunity area and within Millwall ward and additional 6,150 new homes are required before 2025. This development would seek to meet some of this target thereby providing homes for Tower Hamlets residents and helping to meet an overall strategic need for new homes across the Capital).*
- 8.13 There is insufficient water pressure in the area to cope with the additional demands of the scheme.  
*(Officer response: Thames Water have provided a response to the application but have not raised any concerns with the water pressure / capacity in the locality. Any additional capacity required would have to be met by the applicants. On this basis it is not considered that this should be a reason to withhold planning permission.)*

## 9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issues raised by this application that the committee are requested to consider are:
- General Principles.
  - Housing
  - Design
  - Amenity
  - Transport
  - Energy and Environmental considerations
  - Development viability / planning obligations

### General Principles

- 9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.
- 9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes. The London Plan identifies that there is a pressing need for more homes in London and sets out housing targets which each borough is expected to meet and exceed (policy 3.3) Overall Tower Hamlets is expected to deliver 2,885 new homes per year.

- 9.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. The majority of new housing is anticipated to occur within the eastern part of the borough with 'very high' growth anticipated in the Isle of Dogs. In particular, Millwall ward is predicted to provide an additional 6,150 homes over the plan period.
- 9.5 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a residential development. The application seeks to provide 173 new homes which would contribute to the boroughs annual housing target. When combined with the units provided on the City Pride scheme the developments would contribute significantly to the total annual requirement.

## **Housing**

- 9.6 As noted in paragraph 4.7 the scheme has been submitted in conjunction with a development at 15 Westferry Road (City Pride) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site, whilst and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.
- 9.7 Policy summary  
At the national level the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 9.8 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.9 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:
- a) Current and future requirements for affordable housing at local and regional levels
  - b) Affordable housing targets
  - c) The need to encourage rather than restrain development
  - d) The need to promote mixed and balanced communities
  - e) The size and type of affordable housing needed in particular locations and
  - f) The specific circumstances of the site.

The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

- 9.10 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative

site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

9.11 The issue of affordable housing and off-site provision is similarly dealt with in the Councils policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

9.12 The Managing Development Document, which is now adopted, requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- a) It is not practical to provide affordable housing on-site
- b) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- c) It can provide a minimum of 50% affordable housing overall
- d) It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- e) Future residents living on all sites use and benefit from the same level and quality of local services.

9.13 Assessment against policy

In summary, when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances, if it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site. These tests are considered at paragraphs 9.15–9.32 below.

9.14 It should be noted that there is an extant consent on this site to provide 189 new homes which is to be an off-site affordable housing offer for the City Pride site. Of the 189 homes, 166 were to be affordable (118 social rented and 48 intermediate tenure). This represented 41% affordable housing across both sites. This current scheme provides 173 new homes, all of which would be affordable. 52 additional habitable rooms have been accommodated within the current scheme but due to the increase in units within the City Pride development (430 to 822) there is an overall reduction in the percentage of affordable housing to 37%. The extant consent is a material planning consideration as it has been implemented and could lawfully be developed at any time.

*a) Quantum of affordable housing*

9.15 The policy requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.

9.16 Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

9.17 A viability toolkit has been submitted with the scheme and this has been independently reviewed by BNP Paribas. It has been concluded that 37% affordable housing is more than can viable be provided across the two sites. This is on the basis that a full package of planning obligations in accordance with the Council’s SPD is being provided. Further details of the s106 package are found at section 3.

9.18 The level of affordable housing provided across the Island Point and City Pride sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability).. The combined schemes are offering 37% affordable housing against a conclusion that 35% is all that is viable at the current time. The acceptability of the Island Point site for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the City Pride tower, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance officers support the off-site provision of affordable housing in this instance is set out below.

*b) Mixed and balanced communities*

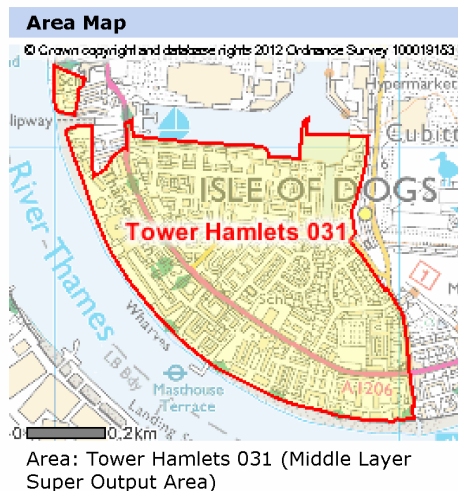
9.19 This development represents a mix of tenure in terms of providing some shared ownership properties but a majority of social/affordable rented properties, 18% of properties are shared ownership, 19% are affordable rent and 63% are social rented.. The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices have been exacerbated by the tendency for new social housing to be built where it is already concentrated. The supporting text to policy 3.9 states that new social housing development should be encouraged on areas where it is currently under represented.

9.20 A number of objections have been raised to this development on the basis that this development is not contributing to a mixed and balanced community and fails to meet the policies within the London Plan and Managing Development Document. Whilst the site itself would be providing only affordable housing it is important to note the context of the surrounding area to understand whether this scheme would be providing more social rented housing in an area which already has a high concentration of social housing.

9.21 The following table is formulated from census data and shows the make-up of housing tenure at various spatial scales:

Tenure	Borough Average	Cubitt Town ward	Millwall ward	Super Output layer (more specific than ward level)
<b>Owner</b>	24%	26%	35%	33%
<b>Shared ownership</b>	2%	3%	1%	1%
<b>Social rented</b>	40%	29%	32%	17%
<b>Private rented</b>	33%	41%	31%	48%

Tenure	Super Output area % change if application is approved and constructed.
Owner	32%
Shared ownership	1%
Social rented	19%
Private rented	46%



(Map showing super output layer referred to above. A super output layer is an area smaller than a ward which can therefore provide very detailed information about a specific area.)

9.22 The tables above demonstrate that the immediate area has a relatively low proportion of social rented accommodation compared to the borough average and as such the introduction of a housing scheme which is a mix of rented accommodation and shared ownership units would not significantly undermine the existing mixed community and would not result in an overconcentration of one particular tenure. The percentage of social rented accommodation would increase from 17% at present to 19% if approved.

9.23 The applicant has also sought to engage with a Registered Housing Provider at an early stage in the design process to ensure that the housing is delivering in such a manner that would enable ease of management and maintenance, reducing the likelihood of anti-social behaviour and other associated issues which can occur within mono-tenure estates.

9.24 *c) Better addressing a priority need*  
 The Island Point scheme provides a high proportion of social rented family units which are a priority for the Borough. Policy SP02 seeks to ensure that within the social rented tenure 45% of housing would be suitable for families. 64% of this site would be three, four and five bedroom properties which would all be provided at social rent levels. Each of these units have their own private amenity space, many of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children. The provision of ground level, private amenity space is not possible on the City Pride site due to its restricted size. The majority of amenity space within the tower is provided within 'amenity floors', whilst some child's play space is provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of social rented units. There is also a higher quantum of communal and public open space that can be provided on this site when compared to the high density City Pride site which is more suitable for non-family accommodation.

9.25 Overall it is considered to be a better solution to allow the social rented units to be provided on the Island Point site as it is a less dense form of development which can provide a better standard of family housing.

*d) Future residents living on all sites use and benefit from the same level and quality of local services.*

9.26 The proposed development at Island Point is considered to be of a high quality design which would be located within an established residential area. It is within easy access of Island Gardens DLR station and is served by two bus routes. There are a number of convenience stores and other associated ancillary uses locally. The site is also within close proximity of the proposed district centre at Crossharbour (approximately 700m). Mudchute park is also an important amenity within the Isle of Dogs and is approximately 10 minutes walking distance from the site. It is therefore considered that the future residents of the Island Point site would



have access to a good range of services and amenities. These would be a different range of amenities and facilities to the residents of the City Pride site but it is considered that they would be of equal benefit to the residents.

9.27 If the City Pride scheme were a stand-alone development seeking to provide all of the affordable housing requirement on-site there would be a number of implications for the overall quantum of affordable housing and the quality of accommodation for residents.

9.28 The high-rise living environment within City Pride is not necessarily suitable for families, particularly families within the social rented tenure due to the larger child yield. The amenity floors and pavilion within City Pride provide a sufficient quantum of space for the current scheme but this is on the basis that the majority of the accommodation is smaller, private units, where the child yield is significantly smaller than if social rented family accommodation were to be provided. The Island Point site is able to allow more family sized units with their own private, outdoor gardens. There is also a more generous [provision of communal outside space for children and adults to use. Island Point is also within easy walking distance of Mudchute Park which can provide an amenity area for the older children. This is not possible within the City Pride tower.

9.29 The inclusion of social rented units within the City Pride tower would reduce the viability of the scheme, it would not be possible to provide the same quantum (or quality) of social rented accommodation if all affordable housing were to be 'on-site'. This is compounded by the service charges which would be applicable to within the City Pride scheme. The cost of service charges within this development would be relatively high for a number of reasons including the provision of several lifts, 24-hour security, and maintenance of the internal amenity spaces. Whilst it would be possible for the developer to not pass on the service charges to the affordable units, this would be at the cost of the viability of the scheme, thereby further reducing the amount of affordable housing (or financial contributions) which could be provided on-site.

9.30 Conclusion.

9.31 On balance, it is considered, in this instance that the provision of off-site affordable housing is acceptable. Whilst the scheme is unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing beyond what is currently viable.

9.32 The benefits of the scheme, including the ability to provide a large number of family units within the social rented tenure, the higher quantum of open space and the provision of surrounding public open spaces are considered to outweigh the inability of the scheme to provide 50% affordable housing.

### **Housing Mix**

9.33 If the committee decides that the principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

Overall, across both sites, the residential breakdown is as follows:

9.34

	Private Units	Social/Affordable rent units	Intermediate Units	Total Units	% Units
Studio	176		2	178	18%
1-bed	324	11	45	380	38%
2-bed	212	22	50	284	28%
3-bed	36	73	4	113	11%
4-bed	4	26		30	3%
5-bed		10		10	1%
Total	752	142	101	995	100%
% of total	76%	14%	10%	100%	

9.35 The table below demonstrates the breakdown of mix and tenure at the Island Point scheme:

	Social/Affordable rent units	Intermediate Units	Total Units	% Units
1-bed	11	9	20	11%
2-bed	22	18	40	23%
3-bed	73	4	77	45%
4-bed	26		26	15%
5-bed	10		10	6%
Total	142	31	173	100%
% of total	82	18	100%	

9.36 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that developments should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.

9.37 The table below shows the overall unit mix of both the City Pride and Island Point scheme compared to the policy requirement in DM3:

Unit size	Total units / %	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	178 / 18%	0	0%	0%	2	2%	0%	176	23%	0%
1 bed	380 / 38%	11	8%	30%	45	44%	25.0%	324	43%	50.0%
2 bed	284 / 29%	22	15%	25%	50	50%	50.0%	212	28%	30.0%
3 bed	113 / 11%	73	51%	30%	4	4%	25%	36	5%	20%
4 bed	30 / 3%	26	18%	15%	0	0%		4	>1%	
5 bed	10 / 1%	10	7%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>995</b>	<b>142</b>	<b>100%</b>	<b>100%</b>	<b>101</b>	<b>100%</b>	<b>100%</b>	<b>752</b>	<b>100%</b>	<b>100%</b>

9.38 In terms of unit numbers, the development (both City Pride and Island Point) provides a total of 15% family sized units against a policy target of 30%. There is a significant demand for family sized units within the social rented tenure and accordingly a policy target of 45% of the social rented units to be family sized is included in the policy. Whilst there is a shortfall in the provision of family units across both sites, this is off-set by the high level of family units which are secured on this site -76% of the social rented units are provided for families including 40 four and five bed units. The high provision of family units within the social rented tenure is welcomed as it would meet an identified need in the borough and therefore is considered acceptable

9.39 In terms of the intermediate provision the development provides a higher than policy compliant provision of 1 bed units and a below policy requirement provision of family sized units (4% as opposed to 25%).

9.40 Across both sites there are a relatively high proportion of smaller units, within the City Pride tower 94% of the housing would be studio, one bed and two bed flats. This is against a policy target of 80%. This is not policy compliant, however this needs to be weighed against the high proportion of family sized units within the social rented tenure which is a priority for the Council. Given the nature of the site it is considered to be more appropriate to locate the majority of the family sized units within Island Point as this scheme is less dense and allows for more generous outdoor play space for children.

9.41 The applicant has been working with a Registered Provider(RP) to ensure that the scheme can be suitably managed in terms of the high proportion of family sized units within a 100% affordable housing development. The RP has been involved in the design of the scheme and is satisfied that the development could be effectively managed and it is on this basis that the scheme is considered to provide a satisfactory mix of units.

Conclusion.

9.42 On balance, the mix of units across both sites is considered to be acceptable. Within the social rented tenure 76% of the units would be family sized with 7% being five bedroom houses. It is noted that there is a higher than policy compliant provision of smaller (studio and one bedroom) units but this assists with the viability of the scheme and allows the large proportion of family units within the social rented tenure which is the priority for the Council.

## **Design**

- 9.43 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.44 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.45 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 9.46 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

## Design Strategy

- 9.47 The application is supported by a Design and Access Statement (and Addendum). The proposal is based on the principles of providing an active street frontage along Westferry Road, providing easily accessible public open space which would benefit from good levels of light, providing a more intimate mews layout at the rear which is not intended to be a more private space and providing back gardens against back gardens where possible.
- 9.48 The development provides a rational layout with low rise buildings and a high quality pallet of materials. The previous scheme received 189 objections from local residents with 30 in support. Many of the objections related to the scale and design of the proposal and its impact upon the Chapel House conservation area. This development has sought to overcome these concerns by reducing the overall height of the development, this has come at the cost of the amount of open space on the site. This will be explored in more detail within the amenity section of the report. This has also altered the density levels within the scheme.

## Density

- 9.49 Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 3 the anticipated density range is 200-450 habitable rooms per hectare or 70-170 units per hectare. The extant scheme has a density of 545 habitable rooms per hectare and 143 units per hectare. The proposed scheme provides 591 habitable rooms per hectare or 131 units per hectare.
- 9.50 The units per hectare figure is lower than the previous scheme because more family units are provided on the site, overall there is more habitable rooms on the site than under the extant scheme. The number of habitable rooms provided on this site does exceed the figure set out within the London Plan density matrix
- 9.51 It should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above.

### *Layout*

- 9.52 The proposed arrangement of the mews development allows back gardens to be adjacent to the back gardens of the neighbouring properties on Chapel House Street and Locksfield Place. This provides a more neighbourly relationship and ownership over these spaces at the rear of the site as they are part of an individual dwelling.
- 9.53 The link through to Julian Place at the western side of the site has not been included within this proposal. Julian Place is a private road and access onto this road has not been possible to obtain. It is likely, were the extant scheme to be constructed that this link would not form part of this scheme either. The link is not considered essential to the success of the scheme as it is unlikely that residents / visitors would enter the site through this access. This would not be the desired route from either Mudchute or Island Gardens DLR station or from the closest bus stop. Under the current scheme, the publicly accessible open space is at the front of the site and the Julian Place link is less important in providing access to this space.
- 9.54 The development is considered to address the street well, the existing narrow pavement along Westferry Road would be widened from 1.5m to between 3m and 4m. There would be entrances to individual flats and a communal entrance on Westferry Road which would add activity to an otherwise inactive part of Westferry Road as the development to the south turns its back on Westferry Road and presents a blank wall to the street. Tree planting would also be included. The pedestrian and vehicle entrances are separated with the basement car park entrance located at the eastern end of the site. Overall the layout is considered to be a positive addition to the Westferry Road frontage, the public open space would be more accessible than under the extant scheme and the back garden to back garden arrangement would be a more neighbourly form of development.

### *Scale*

- 9.55 The surrounding scale of buildings in the locality is varied, though generally immediately to the north of the site the buildings are more suburban in scale at generally two-three storeys. The Chapel House conservation area which is immediately to the north is characterised by terrace and semi-detached dwellings. To the south of the site, between Westferry Road and the river the scale of buildings is larger, St David's Square development for example rises to nine storeys as it fronts the river
- 9.56 This development provides the tallest buildings along Westferry Road, these would be five storeys. A sixth floor is also proposed on the roof of block 2, this however would be set back from all sides of the block and would not be significantly visible from the street. It is considered that these blocks sit comfortably opposite the three storey blocks of St Davids Square, which in height terms are more akin to a four storey building. They are set back from the pavement and blend into the streetscene as they do not appear dominant or imposing.
- 9.57 Three storey buildings are proposed at the rear of the site. It is considered that the scale of the development is appropriate and provides an acceptable transition between the larger blocks of flats further south and the lower scale dwellings to the north. This would also respect the character and appearance of the Chapel House conservation area.

### *Materials*

- 9.58 The buildings are proposed to be constructed from a buff brick with dark metal detailing for the window/door frames and balconies. Green glazed bricks are proposed as feature panels with the development. The windows and balcony doors are set within relatively deep reveals which improve the quality of the design further. The bricks have been chosen to respond to the local context of industrial / warehouse buildings on the Isle of Dogs, Burrells Wharf has been referred to as an example of development which this scheme is aiming to reflect.
- 9.59 The extant consent utilised more modern materials including a larger amount of glazing and

cladding panels. It is considered that the proposed use of materials under the subject scheme would result in a higher quality development which would better reflect the context of the local area and the predominantly brick built buildings within the conservation area.

#### *Chapel House conservation area*

- 9.60 Whilst not located within the conservation area, the boundary is immediately adjacent to the site to the north. The conservation area was designated in 1987 by the London Docklands Development Corporation. The design of the area is based on the Garden City approach with traditional village architecture. The houses are predominantly constructed of stock brick with red brick detailing.
- 9.61 Policy DM27 of the MDD states that developments are required to protect and enhance the borough's heritage assets. Development should not result in any adverse impact upon the character, fabric or identify of the heritage asset and it should be appropriate in terms of design, scale, form, detailing and materials.
- 9.62 It is considered that the predominant use of brick as the construction material for the development would reflect the adjacent conservation area and would complement to stock brick used for the Chapel House properties. The scale of the development is also considered appropriate in the context of the Chapel House conservation area, the lower scale of development towards the rear of the site would preserve the character and appearance of the conservation area, with the taller buildings located towards the front of the site, away from the conservation area and towards the taller buildings across Westferry Road with the St David's Square development.

#### **Quality of accommodation provided**

- 9.63 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

#### *Open space*

- 9.64 Where communal open space is provided it should be overlooked by the surrounding development, accessible to wheelchair users, designed to take advantage of direct sunlight and have suitable management arrangements in place. The open space would be overlooked by the residents of the flats and also the management office within the pavilion building, there are no buildings to the south obstructing the daylight to the space and is all on one level so accessible for wheelchair users. This development therefore meets all of the above criteria and is therefore considered to be a well-design outdoor space which would be a benefit to the occupants of the units.

#### *Approaches to dwellings*

- 9.65 All ground floor entrances should be visible from the public realm. In this case the majority of entrances are accessed from Westferry Road, the area of public open space within the centre of the site or the mews road at the rear. The ground floor maisonettes of block 1 are accessed from the communal amenity space at the rear of block 2. Whilst these are less visible from an area of public realm it is still considered an acceptable position for the entrances as there would be a relatively busy footfall within this area as it is immediately to the rear of the entrance to block 2 and the cycle store of this block. It is also overlooked by a number of properties to both the east and south. The other criteria under this item are part of the lifetime homes standards. The design and access statement accompanying the planning application confirms that all dwellings on this site are to be constructed to the Lifetime Homes standards.

### *Circulation*

9.65 In the majority of cases two flats are accessed off each core per floor. The largest number of flats per core is 20, this is within block 2 and equates to five flats per floor. The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, properties at fourth floor and above should be served by at least one lift. The development meets all of these criteria apart from providing natural light to the corridors. The stair cores are generally internal allowing the habitable spaces to make best use of the light and outlook available. It is considered that the provision of dual aspect units is more beneficial than natural light to the communal stair cores.

### *Internal space standards and layout.*

9.66 Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.

9.67 The document also provides a baseline standard and a good practice standard for the size and layout of each room. The development complies with the good practice guidance for all aspects relating to living rooms, bedrooms and bathrooms. Storage cupboards are also provided within each dwelling. 133 of the 142 social rented units have separate kitchen and living rooms, this is 96% of the family sized units, 77% of the two bedroom units and 100% of the one bedroom units. Within the shared ownership tenure the three bed units have separate kitchen/dining rooms, the smaller one and two bed flats have an open plan kitchen/living room. Meeting each of the good practice criteria is an indicator that this would be a high quality development that would provide a good standard of amenity for the future occupants of the dwellings.

### *Privacy and dual aspect.*

9.68 Development should avoid single aspect north facing dwellings. In this case there are 25 units which are single aspect, these however do not face north so would still receive a good level of daylight. These are not the family units but one and two bedroom flats. The extant application included 41 single aspect flats throughout the development.

9.69 As well as having a good internal space it is important to consider whether the occupants of the unit would be unduly overlooked to a degree where their privacy would be compromised. Policy DM25 of the Managing Development Document sets out that a distance of 18m between habitable room windows reduces inter-visibility to a degree acceptable to most people. This figure is a guideline and depends on the design and layout concerned.

9.70 Defensible space in the way of planting has been introduced to the front of all ground floor units to improve the privacy and security of these properties.

9.71 At the front portion of the site where there dwellings are in flats there is over 20m between the facing windows. This is sufficient to provide privacy to the occupants of these units. At the rear of the site the distance between dwellings is significantly reduced. This is typical of a mews layout and the applicant has provided a number of examples of mews type developments where privacy distances are significantly below the distances of standard housing schemes.

9.72 There is no overlooking to the townhouses at the rear of the site as they face onto the flank walls of the maisonette blocks. The mews street is 10m wide which would result in mutual overlooking between the units. This is considered acceptable however, as at ground floor the bedrooms and kitchens which face towards each other have been off-set so the kitchen (which is not assumed to be a main habitable space) would look towards one of the single bedrooms. At first floor level the main living spaces face towards each other but again have been off-set as far as possible to ensure that kitchens look towards living rooms and vice versa so living rooms are not directly opposite. At first floor level the privacy distances are

increased due to the presence of the balconies, there is between 12 and 13.5m between facing bedrooms at this level. This is not considered to be particularly unusual for an urban residential development and the 18m distance is only to be used as a guide.

9.73 Block eight in the centre of the site has also adopted a method of off-setting habitable room windows. There is 12.5m between the two facing rear elevations, at both first and second floor level there is no direct facing habitable room windows between the rear elevations.

9.74 The mews typology is considered acceptable as a number of measures have been put in place to ensure that the development provide adequate levels of privacy for the occupants of the units. It also provides overlooking and close surveillance of the rear part of the site which would not be gated and therefore accessible to the general public. The mews street also provides an element of informal doorstep play which would be supervised from inside the houses. Having an inward facing development at the rear also alleviates concerns over loss of privacy to the existing residents which surround the site on Chapel House Street and Locksfield Place. The impact upon the existing residents is considered in details in a later section.

*Wheelchair housing*

9.75 Ten percent of all new dwellings should be wheelchair accessible. Within the shared ownership tenure 4 x 1 bed wheelchair units are provided across the first to fourth floors.

9.76 Within the social rented tenure the majority of wheelchair accessible units are located at ground floor level, comprising 8 x 2 beds, 1 x 3 bed and 1 x 4 bed. Over the second, third and fourth floor 3 x four bedroom units are provided as wheelchair accessible.

9.77 This is a total of 17 wheelchair units (10% of the total). Each would be served by two lifts and would therefore be fully accessible.

**Amenity space**

9.78 The for all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

9.79 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.

9.80 Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.81 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the ‘Children and Young People’s play and information recreation SPG provide guidance on acceptable levels and quality of children’s play space

9.82 The residential and child yield figures are shown below and are based on the Council’s planning for population change and growth model.

Type of amenity		Total required	Total provided
Child play space	0-3 years	640sqm	766sqm
	4-10 years	1070sqm	1,527sqm
	11-15 years	630sqm	(No specific area for 11-15 play)



Communal Space		213sqm	787sqm
Public open space		6732sqm	813sqm
Total required		9285sqm	3,893sqm

9.83 Overall there is an under provision of 5,392sqm, this is predominantly due to the public open space requirement of 6,732sqm. If considering the child play space and communal space figures separately there is an over provision of 327sqm. Despite there being no specific play area dedicated to the older children there is sufficient space within the site to provide amenity for all children's play and for general adult recreation too. The developer is promoting a flexible use of the landscaped area with children's play equipment. Financial contributions are being provided to meet the lack of public open space on site which would be used to upgrade local parks and facilities. This could be used to upgrade the 11-15 play areas such as Masthouse Terrace and Mudchute Park.

9.84 Each of the types of open space are explained and assessed below.

### **Child play space**

9.85 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.

9.86 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.

9.87 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. For older children it is considered acceptable for them to travel up to 800m from their homes in order to reach the most suitable spaces with the most appropriate equipment.

9.88 In this case the landscape strategy seeks to enable all open space to be playable. There are 'play pockets' within the publicly accessible open space to the front of the site and within the communal gardens to the rear of the block of flats (blocks 2 & 3). This is to allow maximum flexibility for the residents of the site.

9.89 The SPG provides and interpretation of playable space and does not require it to be provided in the form of one formal play area within a development: "A playable space is one where children's active play is a legitimate use of the space. Playable space typically includes some design elements that have 'play value': that they act as a sign or signal to children and young people that the space is intended for their play. Fixed equipment obviously has play value, but so do other elements such as informal recreation features of playful landscape features. The creation of incidental playable spaces is dependent on the creative use of the public realm to provide enjoyment and discovery for children and young people for example through the creation of landscaping and high quality public art. These spaces can, with good design, be multifunctional offering a range of leisure and recreation opportunities for users of all ages as well as being playable."

9.90 A differing use of hard landscaping materials would be used to signify different areas of the site i.e. the publicly accessible areas to the front of the site would have a different material to that used for the mews street. This would also be different to the communal gardens at the rear of the block of flats. The communal gardens would be locked and only accessible to the

residents of the respective blocks i.e. the residents of block 2 would have access to the west facing communal garden and the residents of block 3 would have use of the garden at the eastern edge of the site.

9.91 The publicly accessible space to the front of the site would incorporate areas of planting, seating, formal play equipment and tree planting. The area to the rear of the site, within the mews, would incorporate elements of doorstep play (with play equipment) for younger children as well as providing additional general recreation space within the mews street as this would not have regular vehicle activity. The communal gardens would also incorporate play equipment as well as potentially areas for growing plants (the management of this would need further consideration and a condition is recommended to secure this.)

9.92 The play areas would all be kerb free and sensory planting is to be included which would benefit any disabled children and make the amenity spaces a more inclusive environment.

9.93 The equipment and spaces provided are mainly aimed at the 0-3 and 4-10 year olds as these children require play areas closer to the home where they can be supervised. The provision of dedicated spaces for older children has not been incorporated into the landscape design as the type of equipment / facilities used by older children could result in a relatively dominant use of space, for example the provision of a ball court or skate park would require a substantial proportion of the open space which would then only be used for this purpose. Given that older children are able to walk / cycle to spaces further from their home than the younger children it is considered appropriate that the spaces be used for this purpose rather than accommodate equipment for all age groups on site which could result in less usable space for each group. The proximity of age appropriate equipment within neighbouring open spaces and the inclusion of £395,803 towards improvements in public open space within the s106 agreement is considered to be acceptable. This is also supported in policy terms within policy 3.6 of the London Plan and the associated supplementary planning guidance.

9.94 The Mayor's SPG sees 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. An analysis of the existing play provision within 400m and 800m of the site has been carried out to understand whether there is suitable provision for the over 11's within easy walking distance from the site. Within 400m there are four parks; Great Eastern Slipway (342m), Johnson's Drawdock (378m), Millwall Park (138m) and Mudchute Farm (263m). These have a variety of facilities including playgrounds, sporting facilities a farm and café. Within 800m there are two additional areas of publicly accessible open space including the Mast House Terrace Play area which was partially redesigned in 2006 and includes a skate park and ball games area.

9.95 There are therefore considered to be an acceptable level of play spaces for the various ages of children generated by this development, either on the site or within close proximity.

### **Communal space**

9.96 In addition to the provision of child play space communal space is also required on site for the future residential of the scheme. Approximately 1,285sqm of space is available for communal space, this includes the mews street. Planters and seating are proposed within this street with the aim of creating informal courtyards. Given the orientation of the site there should be good levels of light available within this space. It is considered that it is acceptable to include this area as a form of amenity space due to the lack of vehicular activity and the quality of landscaping proposed.

9.97 The total communal amenity space required is 213sqm, therefore there is a significant over provision of this type of open space within the site. Whilst no formal play areas are proposed

for older children it is considered that there would be adequate communal space available to allow informal play whilst still accommodating the needs of other residents. The design of the spaces would also allow for this as there are differently designed areas, suitable for different occupants. It also prevents one particular group of residents dominating the space for their own purposes which can often be an issue for areas of communal space.

### **Public open space.**

9.98 The Tower Hamlets planning obligations SPD sets out that the borough as a whole is deficient in public open space and new and improved spaces are needed. Public open space is sought on-site, however where this is not possible a financial contribution can be made in-lieu of the provision of space. These contributions are pooled to allow expenditure to be planned on a borough wide basis.

9.99 The 2006 open space strategy identified that a local minimum of 1.2 hectares of open space per 1,000 of the population should be provided. This equates to 12sqm per person. As such, for every new development 12sqm of open space should be provided per occupant either on-site or as a financial payment.

9.100 Whilst the landscaping strategy for this site does suggest a flexible approach to play space and general open space, it is not considered appropriate to double count as this could lead to undue pressure on local surrounding facilities without the require mitigation measures. From the above table it can be seen that the development should be providing 6,732sqm of public open space to be fully policy compliant. Policy DM4 requires children's play space for at least the 0-5 year olds to be on-site. Communal space should also be integrated into the design of the development and not rely on surrounding open spaces for this provision. When the dedicated children's play spaces and communal amenity provision have been removed from this figure the remaining area which would be available to count towards the public open space is 813sqm. This is a shortfall of 5,919sqm and because of this a financial contribution of £66.87 per sqm which would assist in the upgrade of existing open spaces or the creation of additional spaces and therefore is considered acceptable

### **Private space.**

9.101 There are five units on the ground floor within the apartment blocks which do not have private amenity space, these are 3 x 1 bed, 1 x 2 bed and 1 x 3 bed, these units all have a space to the front of the property, this however fronts Westferry Road and is considered to be defensible space as opposed to private space. All of the remaining units have private open space and on balance in an urban scheme the lack of private amenity space for the three units is considered acceptable.

9.102 Each of the flats within blocks 2 and 3 (aside from those mentioned above) have a ground floor garden area of approximately 23sqm, the upper floors have balconies measuring 8sqm, 12 of the dual aspect flats have two balconies at front and rear. The flats within block 1 also have either a balcony each of a ground floor garden area.

9.103 To the rear of the site the ground floor maisonettes have a rear garden measuring 31sqm. The upper floor maisonettes have balconies which are 8sqm. The town houses along the northern boundary have 50sqm gardens.

9.104 The scheme is considered to be well set out with regard to the private amenity space, the balconies and gardens to the flats and maisonettes all face east, west or south. Only the gardens of the town houses face north. Given the generous size of these gardens it is considered that despite some overshadowing of the garden by the building it would still provide a good level of private amenity space for the families within these dwellings.

Communal amenity / play strategy

- 9.105 The applicant has chosen to create a mixed space which can be used by both children and adults for recreation, rather than having specific play equipment for different ages of children.

### **Secured by design**

- 9.106 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. The Crime Prevention Design Advisor has reviewed the proposal and is satisfied that the development has been designed to ensure that sufficient security can be provided to the future occupants of the site and the surrounding existing occupiers without compromising the design quality of the scheme.

- 9.107 Lighting is to be installed around the site to ensure any recessed areas or stairwells are not an easy place to congregate without being observed. The canopies underneath first floor balconies are to be no deeper than 600mm to prevent them being climbed upon. The mews layout ensures that the rear part of the site is overlooked from both sides, the public open space to the front of the site is overlooked by the flats opposite and would also discourage the congregation of people and associated anti-social behaviour. The communal gardens to the rear of the blocks of flats would be gated and only accessible by the residents of flats within this block, there would therefore be a sense of ownership over these spaces as they would only be available to a small proportion of the residents.

- 9.108 The crime prevention design advisor initially advised that the boundary around the site should be 2.4m in height. This would involve increasing the existing boundary wall by approximately 1m. As the site levels are raised by 900mm in comparison to the surrounding sites (due to flood protection measures) this would mean that the boundaries when viewed from some of the neighbouring properties could be as high as 3.4m which would potentially have significant impacts upon light and outlook. Given that there are mainly back gardens to individual dwelling boarding the neighbouring sites it would be difficult to any public access to be possible to then climb the boundary wall into neighbouring properties. It is considered that the design of the development in comparison to the extant scheme provides a more secure environment for the surrounding residential properties.

### **Impact upon amenities**

- 9.109 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

#### *Daylight and sunlight*

- 9.110 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

- 9.111 Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

- 9.112 The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.

- 9.113 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably

be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

British Standard 8206 recommends ADF values for new residential dwellings, these being:

- 9.114
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.

#### VSC

9.115 The reduction in VSC has been measured for 409 windows which surround the site. This includes the properties on Chapel House Street, Julian Place, Locksfield Place and those to the south on Westferry Road. Of the 409 windows tested 54 (13%) do not meet the minimum VSC criteria in that the VSC figure is less than 27 and is less than 0.8 times its former value once the development is constructed. The previous application saw 61 windows which failed to meet the VSC criteria so overall there is an improvement in the VSC figures between the consented and proposed schemes.

9.116 According to the BRE guidelines reductions of more than 20% would have a noticeable effect to the occupants. In this case the failures of the 54 windows ranges from 23% to 37% loss of VSC. The greatest loss of VSC occurs to 7 to 12 Langbourne Place, the ground floor windows of the eastern most unit would suffer the greatest reduction (0.63 against a BRE target of 0.8). The previous application saw the greatest loss of VSC occurring to 63 Locksfield Place (0.65 or 35% reduction). There is now no significant loss of VSC to this property.

#### NSL

9.117 A further test has been carried out to understand how the daylight is distributed within the dwellings, this is known as the 'No skyline test' (NSL). Again 7-12 Langbourne Place are the most affected properties with the room on the ground floor at the east of the block having the greatest loss of NSL. The reduction in NSL is 0.4 against a BRE target of 0.8 which means that the loss of light would be noticeable to these occupants. It should be noted that this was also the room which suffered the greatest NSL reduction under the consented scheme (a loss of 0.49) so overall the impact of the proposed scheme and the consented scheme on the occupants of Langbourne Place would be very similar, a loss of light would be noticeable compared to the existing situation but the difference in loss of light between the consented and proposed scheme would not be discernable.

9.118 There are some properties which would have an improved level of light when compared with the existing situation due to the removal of the existing structures on the site, 19-20 and 35 – 38 Locksfield Place should all see an improvement in the light levels within the properties.

#### Sunlight

9.119 The levels of direct sunlight have also been tested for all windows that face within 90 degrees of due south. This was a total of 229 windows, of these 66 (29%) have a greater than 20% reduction in annual probable sunlight hours. By comparison 85 of the windows within the extant scheme had a loss of more than 20% of the annual probable sunlight hours. The properties which are greatest affected are 17, 18 and 40 to 63 Locksfield Place and 453B Westferry Road. This is the same for both the extant scheme and the proposed scheme.

9.120 It should be noted that there are six windows within the surrounding properties which have a 100% reduction in their winter sunlight hours. The six windows serve three different properties, 63 and 43 Locksfield Place and 453B Westferry Road. Within 63 and 43 Locksfield Place the windows serve a kitchen and bedroom. These are identified within the BRE guidance as having less requirement for sunlight than living rooms. Whilst a 100% reduction in winter hours appears significant, it should be noted in both of the above properties only 2 hours of winter sunshine are received currently so they already suffer from a lack of sunshine during the winter and the extra impact of the proposed development is not considered to be significantly detrimental. In the case of 453B Westferry Road, the 100% reduction is to a

kitchen and living room, both of these rooms only receive 1 hour of winter sunlight so, again the loss of sunlight, whilst being a 100% reduction, is not considered to have a significant impact upon the amenities of these residents. The level of non-compliance in terms of reduction in sunlight is also similar to the extant scheme

#### Overshadowing to gardens

9.121 All existing amenity areas surpass the minimum BRE recommendations with the exception of the rear garden at no. 17 Locksfield Place (the garden achieves 2 hours of sunlight to 49.8% of its area – against the BRE target of 50%). The marginal non-compliance with the BRE recommendations is largely due to the fact the amenity area is relatively small and is hampered by the existing building to the south which already limits sunlight availability at ground level.

9.122 The results of the consented scheme indicate that the garden at no. 17 Locksfield Place achieves 2 hours of sunlight to 49.8% of its area. The results therefore confirm that the overshadowing impact on this garden is the same when comparing the consented and proposed schemes.

9.123 Overall it is considered that the impact of the development on the neighbouring windows is acceptable, whilst there is a loss of light which would be noticeable to some of the surrounding occupants the loss is not considered to be significantly detrimental enough to warrant a refusal of the site. Whilst the areas of non-compliance have moved around the site in comparison to the extant scheme the overall level of light non-compliance is broadly the same. Any redevelopment of this site which seeks to maximise the housing potential it can offer would lead to a reduction in daylight when compared with a largely vacant site. It is therefore officer's opinion that the loss of daylight to a small number of properties, when balanced with the improved daylight to others, the relatively similar impact of the extant scheme and the provision of much needed family housing that the development is acceptable in this regard.

#### *Privacy*

9.124 In addition to any reduction in daylight and sunlight consideration also needs to be given to any loss of privacy which may occur to the neighbouring residents. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.

9.125 Whilst there are units within the site that breach this distance, this distance is maintained to the existing occupiers around the site. To the south the development would maintain an 18m gap at all points so there would be no significant overlooking between the existing residents of the St David's Square development.

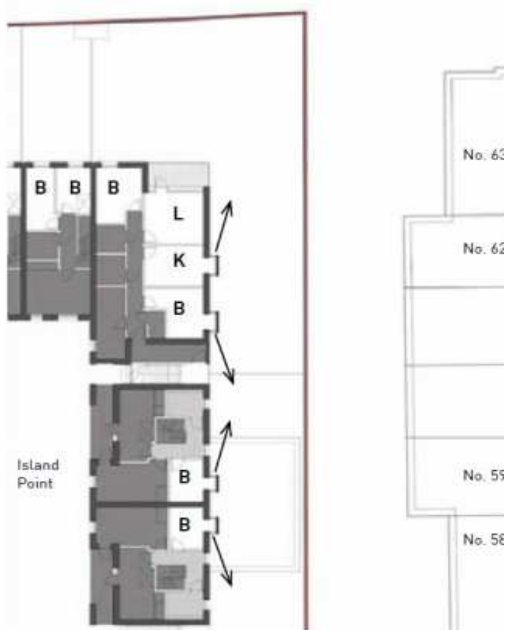
9.126 To the south west corner of the site there is not considered to be any significant overlooking from block 1 to the properties on Julian Place or to the existing block on the corner of Chapel House Street and Westferry Road as there are no direct facing habitable room windows.

9.127 Towards the rear of the site the properties have garden depths of approximately 10m with some of the residential properties beyond this relatively close to the site boundary, in the case of 20 and 22 Chapel House Street the corner of the properties are 2-3m from the shared boundary. The diagram below shows how the scheme has been designed so as not to cause any direct overlooking into these properties (and other neighbouring properties in the north west corner).



Overlooking study - north west corner, first floor

9.128 To the eastern side of the site the buildings at Locksfield Place are also located within 18m of the rear elevation of the proposed buildings, with between 9m and 17m available between properties. In order to alleviate any issues of overlooking the majority of the habitable rooms are on the western part of the building, facing into the site. There are windows to single bedrooms on the rear elevation of these properties. The windows has been designed in such a way to ensure only oblique views are possible from these rooms. As can be seen from the diagram below, the window projects out from the elevation with an obscure glazed main pane and clear glazing to the sides:



Overlooking study - north east corner, second floor

9.129 To the southern part of the site there is a greater distance between the five storey block of flats and the properties at Locksfield Place. This distance ranges from 20m to 23m. There should therefore be no significant overlooking from this development to the occupants of Locksfield Place.

#### *Outlook / sense of enclosure*

9.130 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

9.131 The development as currently proposed is generally lower in scale than the extant scheme, with the larger element of the building towards the front of the site, along the main road. This is considered to be the most appropriate location for the larger scale building as it would not have any significant impact upon the residents opposite due to the distance involved between them.

9.132 The lower scale development of two to three storeys at the rear of the site is considered to better reflect the more suburban character. The erection of three storey properties with between 9m and 23m of the rear of these properties are considered to be an acceptable relationship. Prior to the demolition of the existing structures on site in October 2012 a steel frame of the original industrial building remained on site. This was closer to the neighbouring properties in the north western corner of the site than the proposed development. Whilst the impact of a relatively open steel structure would be different to that of a dwellinghouse, its presence and impact upon the amenities of these occupants is a material consideration.

9.133 The existing boundary wall is being retained around the site. The immediate impact in terms of the view from the rear of the surrounding properties and gardens would be unaffected in this regard.

9.134 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

#### **Transport, Connectivity and Accessibility**

9.135 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

9.136 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.137 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). Island Gardens DLR station is 350m away and the site is also served by bus routes D7 and 135.

#### Highways

9.138 The application proposes a basement car park which is accessed off Westferry Road, to the



eastern end of the site. Within the basement 55 car parking spaces are proposed, 10 of which would be disabled spaces. An area for motorcycle parking is also included as is a space for a service vehicles and health visitor. The service vehicle space is intended for a small maintenance vehicle and occupation of this space will be managed by the on-site management. Other deliveries and refuse collection will occur at surface level. Two disabled parking spaces are also located at surface level towards the rear of the site.

- 9.139 The submitted Transport Assessment demonstrates that the development will generate a net decrease of 2 AMpeak hour and 3 PM peak hour two-way vehicle trips on the surrounding highway network. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBH Highways.

#### Servicing / Deliveries and Refuse

- 9.140 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 9.141 The layout allows for delivery vehicles and refuse trucks to enter the site and drive around in a clockwise direction. Swept paths have been provided to demonstrate that the site can adequately accommodate a large refuse vehicle. The transport assessment estimates that a total of 10, two way trips would occur on an average day but that none of these would occur during the am and pm peak. The highways team have assessed the proposal and found this situation to be acceptable, subject to a 'delivery and service plan condition' which should details how the use of the road through the site will be managed to minimise the possibility of vehicles queuing back onto the public highway.
- 9.142 Refuse stores are located around the site and are not more than 5m from the collection point. The flats within the front block have communal refuse stores and the maisonettes at the rear have individual refuse stores. Collection of these would be from the shared surface road in the manner of a regular refuse collection on a weekly basis.

#### Car Parking

- 9.143 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.144 The proposed car parking of 55 spaces for 173 units (0.3 per unit) is in line with the London Plan and Tower Hamlets standards. This has been found acceptable by both the Council's highways team and Transport for London. In order to minimise the impact of development on the surrounding highways in terms of parking stress the application would be permit free which would ensure that the only car parking available to residents is that which is on-site.
- 9.145 It is possible that, due to the Council's permit transfer scheme the occupants of 96 of the family sized units, (if they currently have a permit for an on-street space), would be able to bring their permit with them and park on-street. As a result of the large number of family sized units within the scheme the highways team are concerned that this could have a potential impact upon the parking stress locally. Highways have therefore requested that a condition is attached to any permission requiring a Car Parking Management Strategy to help manage some of these risks. This strategy should detail how the allocation of car parking will be managed to ensure blue badge holders are allocated on-site spaces, how larger units are prioritised with regard to MDD policy DM22 3c and the PTS and how the car park entrance will be managed.
- 9.146 In accordance with policy 6.13 of the London Plan 20% of the parking spaces should also be

electric vehicle charging points with an additional 20% passive provision for possible future connection. A condition would be added to the permission to secure this.

- 9.147 The access into the car park is to the east of the site, this is in a similar position to the existing one. The applicant has demonstrated that there is sufficient visibility for drivers pulling out onto Westferry Road and the highways department have confirmed that this is a satisfactory arrangement.

#### Provision for Cyclists

- 9.148 The development provides 283 cycle spaces in total. The maisonettes have two cycle hanging stands per unit, these are located within a secure store at the entrance to each dwelling. The houses at the rear of the site have a single storey accommodating two hanging cycle stands each. The apartments have communal cycle stores, there are 11 communal stores in total with between 12 and 32 flats sharing these. The double stacking bicycle stand is to be used within the communal blocks.
- 9.149 A minimum of five cycle spaces should be provided for visitors. It is understood that these are to be provided within the landscaped area to the front of the site. Details of these would be requested via a condition.
- 9.150 The level of cycle parking and type of stands provided is considered to be acceptable and would help to promote cycling for the residents of the development.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.151 TfL considers that it is likely that most trips will be made from Island Gardens DLR station, this will be in the region of 60 a day. In order to improve station signage and passenger facilities a contribution of £30,000 has been agreed by the applicant.

##### *Buses*

- 9.152 The site is served by bus routes D7 and 135, there are capacity issues identified on the bus routes along Westferry Road northbound within the am peak. It is estimated that the proposed development could add 16 additional trips within the morning peak which would further exacerbate the capacity issues faced. In light of these issues TfL has requested £103,800 to be secured towards bus capacity upgrades which would fund additional vehicles and deliver higher frequency services. This figure has been agreed by the applicant and is considered sufficient to mitigate against the additional demand created by the development.

#### Pedestrian Environment

- 9.153 The proposals include designs that will result in the effective widening of the footway adjoining the site on Westferry Road. This is welcomed and needed as current footway widths are considered insufficient to cope with the level of footfall expected from the development. The highways department have confirmed that the additional footway would be adopted under section 72 of the Highways Act.
- 9.154 Additional tree planting would also occur along the Westferry Road frontage. This would help to improve the public realm and the biodiversity value of the site. In order to ensure there are no issues with visibility for vehicles exiting the site from the car park or the service road the highways team have requested that the type of tree to be planted, and its exact location be secured by condition.
- 9.155 A financial contribution of £100,000 has been secured towards various public realm

improvements within the vicinity of the site. These include improvements to the footway and caridgeway to improve local walking and cycling conditions and also to fund a new zebra crossing on Westferry Road. The exact position of the zebra crossing is to be determined by the highways department following receipt of the requisite funds.

#### Inclusive Access

- 9.156 Policy 7.2 of the London Plan (2011), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.157 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. There is step free access onto the site via ramped access, this is sufficiently shallow to be easily accessible to wheelchair users. There are no bollards or other barriers to movement within the shared surface space (apart from the items which are placed in front of the dwellings to create defensible space to the ground floor window) which would restrict movement for partially sighted people.
- 9.158 The difference in hard landscaping treatments between the application site and the public footway would assist in indicating that a person has moved from the public realm to a semi-private space.

#### **Energy & Sustainability**

- 9.159 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.160 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 9.161 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.162 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.163 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve Code for Sustainable Homes Level 4.
- 9.164 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 2% carbon savings over the regulated energy

baseline. The photovoltaic panels would be located on the roof of block 2 and would cover an area of 100sqm.

9.165 The total anticipated CO2 savings from the development are 35% through a combination of energy efficiency measures, a CHP power system and renewable technologies. This meets the requirements of the London Plan and policy DM29 of the Managing Development Document

9.166 In terms of sustainability measures, a pre-assessment has been submitted which details that the scheme will meet the Code for Sustainable Homes level 4. This is in accordance with the policy DM29 and policy 5.3 of the London Plan.

## **Environmental Considerations**

### Air quality

9.167 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

9.168 In this case the development provides a minimal level of car parking, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the open space within the development provides a greening of the site which is otherwise a derelict former industrial site.

9.169 The environmental statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.

### Contamination

9.170 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.

9.171 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.

9.172 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

### Flood Risk

9.173 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.

9.174 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.

- 9.175 The Application Site lies within Flood Zone 3 as shown on the EA Flood Map. This zone comprises of land assessed as having a 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.
- 9.176 In addition to the general flood defences on the Thames, the site has been raised 900mm from road level to further reduce the risk of flooding to the occupants of the site. The entrance ramp into the basement car park has also been raised to reduce the risk of floodwater entering the basement. In addition to this 591sqm of brown roofs are proposed and over 700sqm of permeable paving. A total of 50% of the surface water run-off would be reduced which would also aid in reducing flooding of surrounding sites.
- 9.177 The flood risk assessment recommends that occupants stay within the building during a flood, this is considered to be the preferable solution given that the land on this site is generally higher than those around it. This requires certain measures to be implemented such as a flood emergency plan for each building and ensuring utility services are located in flood-proof enclosures so power can be maintained throughout a flood. It is considered that these details can be dealt with via a condition.

#### Biodiversity

- 9.178 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.179 Through the provision of a landscaping scheme that includes the creation of a biodiversity area including native planting at ground level such as trees, scrubs and ornamental planting the proposed development provides an ecological enhancement to the local area.
- 9.180 A condition was attached to the extant consent which required a survey of all protected species to be undertaken prior to the demolition of any buildings on site. This condition has been discharged and no protected species were found. The buildings have now been demolished.
- 9.181 The proposal seeks to incorporate a range of biodiversity measures including planting of trees, plants and grasses throughout the site and installation of brown roofs. Overall it is considered that the development would increase biodiversity as the site currently has no significant biodiversity value.

#### **Health Considerations**

- 9.182 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.183 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.184 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.

- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.185 The applicant has agreed to a financial contribution of £212, 617 to be pooled to allow for expenditure on health care provision within the Borough.

9.186 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.

9.187 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

9.188 Planning Obligations Section 106 Head of Terms for the proposed development at the Island Point site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

9.189 The NPPF requires that planning obligations must be:

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

9.190 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

9.191 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.192 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 9.193 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 37% affordable housing based on a social rent/affordable rent to intermediate split of 72% and 28% respectively (across the City Pride and Island Point sites). The independent advice concluded that 35% affordable housing based on the above split is all that could viably be provided, however the applicant is offering 37% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: “the development is providing the maximum reasonable amount of affordable housing”.
- 9.194 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document 2013with Modifications and Planning Obligations SPD (2012).
- 9.195 Also factored into this was financial contributions in full accordance with the planning obligations SPD, a total for both sites of **£8,294,542**. As the site is providing 100% affordable housing it would not be liable for any Mayor of London CIL charges. However, combined with the City Pride development the total CIL charge would be **£3,045,490**.
- 9.196 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:
- l) A contribution of £47,655 towards enterprise & employment.
  - m) A contribution of £250,535 towards leisure and community facilities.
  - n) A contribution of £70,686 towards libraries facilities.
  - o) A contribution of £2,734,636 to mitigate against the demand of the additional population on educational facilities.
  - p) A contribution of £212,617 towards health facilities.
  - q) A contribution of £395,803 towards public open space.
  - r) A contribution of £8,415 towards sustainable transport.
  - s) A contribution of £135,424 towards streetscene/ built environment and highways improvements
  - t) A contribution of £103,800 towards TfL London Buses.
  - u) A contribution of £30,000 towards public realm improvements within the vicinity of Island Gardens DLR station.
  - v) A contribution of £79,791 towards S106 monitoring fee (2%)

#### **Localism Finance Considerations)**

- 9.197 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: “In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and

c) Any other material consideration.”

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

9.198

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

9.199 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.; Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.200 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £2,343,285

9.201 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.202 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £389,784 in the first year and a total payment £2,338,702 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

9.203 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.204 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person’s civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and



- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.205 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.206 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.207 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.208 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.209 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.210 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 9.211 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.212 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.213 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.214 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

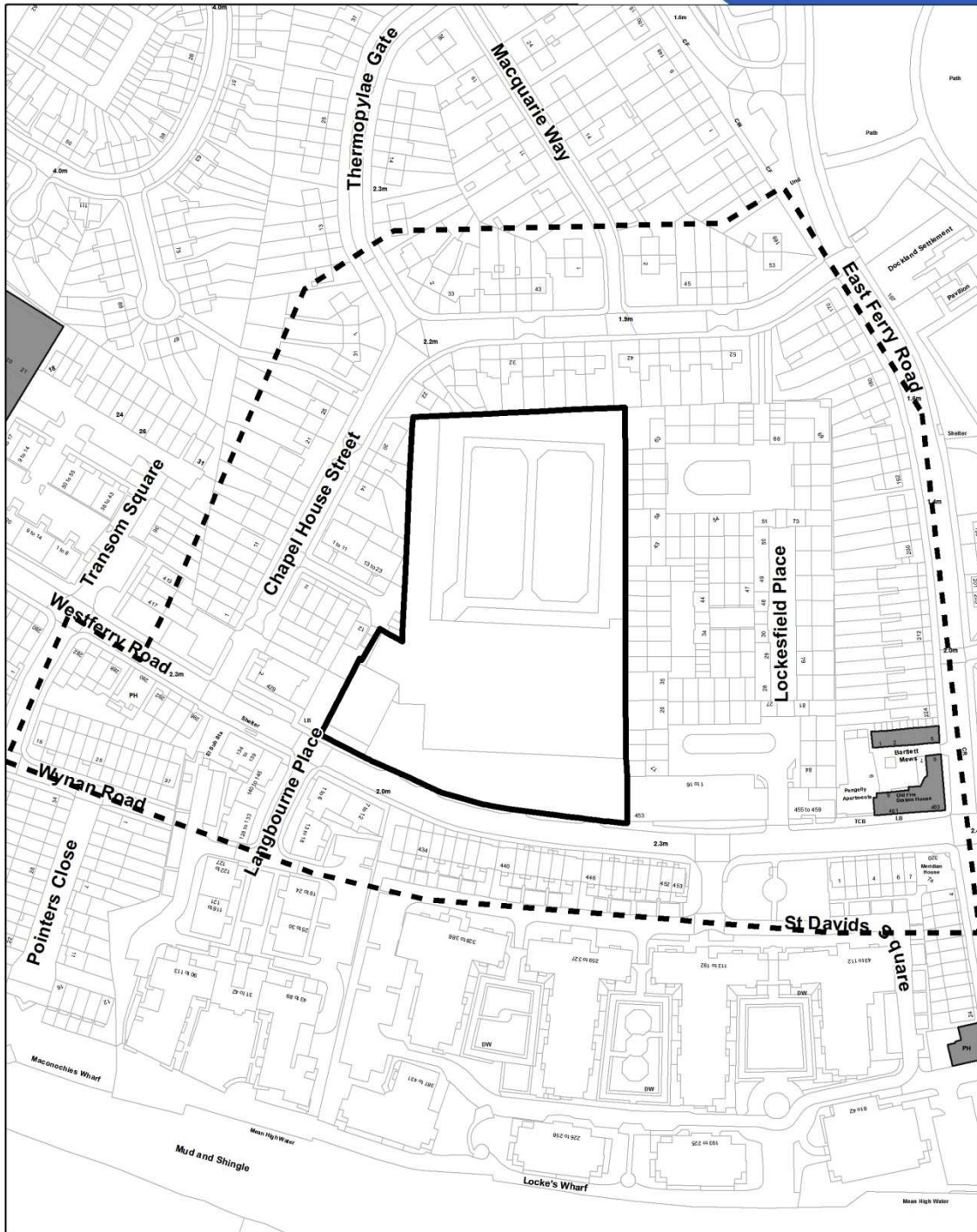
9.215 The contributions to affordable housing support community wellbeing and social cohesion.


## **10 Conclusions**


10.1 The proposal represents a high quality, well designed residential scheme which would provide much needed affordable housing, a substantial proportion of which is social rented family homes. The proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

10.2 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 PA/12/03247



 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

0 30 m




1:2,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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