

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 18 July 2013 at 5.30 p.m.

A G E N D A

VENUE

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

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

Councillor Joshua Peck, (Designated Deputy representing Councillors Helal 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

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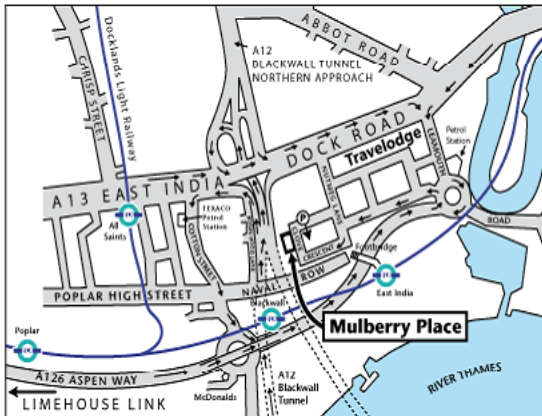
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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 18 July 2013

5.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. 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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 13th June 2013.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 14

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **15 - 16**

The deadline for registering to speak at this meeting is 4pm Tuesday 16th July 2013.

6. DEFERRED ITEMS **17 - 18**

6 .1 City Pride Public House, 15 Westferry Road, London, E14 8JH AND Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03248 & PA/12/03247) **19 - 146** **Millwall**

7. PLANNING APPLICATIONS FOR DECISION **147 - 148**

7 .1 Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way And Ackroyd Drive, London (PA/12/02332) **149 - 214** **Mile End East**

7 .2 Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1 (PA/13/00218 AND PA/13/00219) **215 - 284** **Whitechapel**

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Agenda Item 2

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 7.00 P.M. ON THURSDAY, 13 JUNE 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Zara Davis
Councillor Dr. Emma Jones
Councillor Denise Jones
Councillor Marc Francis
Councillor Kabir Ahmed
Councillor Md. Maium Miah
Councillor Joshua Peck (Substitute for
Councillor Rajib Ahmed)

Other Councillors Present:

Councillor Peter Golds

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Graham Harrington	– (Planning Officer, Development and Renewal)
Sripriya Sudhakar	– (Development Design & Conservation Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

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

It was proposed by Councillor Helal Abbas and seconded by Councillor Denise Jones and **RESOLVED**

That Councillor Marc Francis be elected Vice-Chair of the Strategic Development Committee for the remainder of the Municipal Year 2013/2014

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Carli-Harper Penman and Rajib Ahmed for who Councillor Joshua Peck was deputising.

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Joshua Peck declared a disclosable pecuniary interest in agenda items 9.2, City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248) and 9.3 Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03247). The declaration was made on the basis that his employer had a contract with the landowner. He indicated that he would leave the room for the consideration of these items.

4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 18th April 2013 be agreed as a correct record and signed by the Chair.

5. 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

6. 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.

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

That 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 the committee report be noted.

8. DEFERRED ITEMS

Nil items

9. PLANNING APPLICATIONS FOR DECISION

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

Update Report Tabled.

Pete Smith (Development Committee Manager, Development and Renewal) introduced the item regarding Land adjacent to Langdon Park Station for the redevelopment of the site to provide a residential mixed use development with a new nursery space and associated works.

Members were reminded that on 6th March 2013, the Committee were minded to refuse the application for a number of reasons. Since that time, the applicant had made major changes to the scheme to address the concerns. In view of this and also the changes in the membership of the Committee at the annual Council meeting, the scheme was now being reported to the Committee as a new application.

Graham Harrington (Planning Officer) presented the detailed report and the update. He described in detail the scheme and surrounds including the proximity of the Town Centre, the Docklands Light Railway (DLR) station and the Langdon Park Conservation Area. He described the changes made to the scheme following the March meeting relating to the housing mix including the increase in affordable and family sized units. He also highlighted the plans to relocate the community space and on site child play space and the public realm improvements.

It was also now proposed to use the commercial space for D1 use only and provide additional contributions for affordable housing.

He advised of the outcome of the consultation (that was carried out again). Further letters of objection had been submitted as well as letters of support. The materials fitted in with the surrounding area that were a variety of designs. The s106 fully complied with the Council's SPD. Overall, Officers considered that this was a much improved scheme with no symptoms of overdevelopment area taking into the height and density. The scheme was recommended for approval.

In response to Members, Officers described the height of the surrounding tall buildings in the area that generally were of comparable heights to the proposal. This included tall buildings on the nearby East India Dock Road. Officers also explained the plans to rationalise the housing tenure mix that had helped add value. As a result of which, and the increase in sales values, the applicant was now able to offer the additional contributions for offsite affordable housing. Officers considered that these plans were acceptable

given the circumstances. There were conditions on the application to mitigate any noise and vibration from the DLR. Any plans to change the D1 nursery would need a separate application and permission. The proposal would help reinforce the area as a landmark point along with the existing tall building near the DLR. There would be an opportunity to review the housing mix, before the scheme commenced, to see if more affordable housing could be provided should market conditions improve. It was planned to provide several areas of open space that would be open to the public (including the semi open space).

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

1. That planning permission (PA/12/00637) at Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 be **GRANTED** for the 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.

Subject to

2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee 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 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 and the additional condition in the update.
6. Any other conditions(s) and informatives considered necessary by the Corporate Director Development & Renewal
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.

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

Update Report Tabled

Councillor Joshua Peck left the meeting for the consideration of the remaining items of business.

Pete Smith (Development Committee Manager, Development and Renewal) introduced the items regarding the City Pride Public House for a new residential 75 storey tower and the linked Island Point scheme (Item 9.3) providing 173 residential units and associated works.

Note: It was agreed that the Committee would consider the presentations on the two schemes (9.2 & 9.3) together (including the speakers cases, Members questions and debate) as the applications were closely linked. However, the Committee would vote on the items separately.

The Chair invited registered speakers to address the Committee.

Gill Crawford spoke in objection to the scheme. In terms of the City Pride scheme, she objected that the height was 23 metres higher than the approved scheme. She objected to the density that exceeded the London Plan guidance and the Council's policies. There would be an overconcentration of units in the area that would result in a loss of privacy for both the future and existing occupants. The plans would also have a negative impact on daylight and sunlight due to the height. The plans would increase traffic congestion. It would also place undue pressure on infrastructure (i.e. schools, transport, the utilities and water system) that were already stretched to capacity in the Isle of Dogs area.

In terms of Island Point, the scheme would have an overbearing impact on Julian House and Lockesfield Place Estate that were much lower in height. Lockesfield Place would experience a loss of daylight and privacy due to the proposed boundary for the development. There would also be an overconcentration of social housing that would create a ghetto. The scheme would also place an undue pressure on infrastructure that was already at full capacity in the Isle of Dogs area. The contributions were insufficient to mitigate the impact on infrastructure for both schemes.

Edward Buckenham spoke in objection to the scheme as the Planning consultant for Lockesfield Place Estate residents. He objected to the segregation in housing mix on both sites. The argument for this centred on viability. However, he did not believe that this justified such a deviation from Council policy that encouraged mixed communities. The Greater London Authority (GLA) considered that the concentration of housing types was a concern. The applicant should explore having some affordable units in the City Pride scheme. He referred to the recent Skylines application refused by the Committee due to height and density. The same decision should be made here for consistency. He referred to an independent study of the daylight

impact that was submitted to the Council on behalf of the Lockesfield Place Estate. This showed that there would be a major loss of light within Lockesfield Place and BRE guidelines were exceeded.

Councillor Peter Golds spoke in objection to the schemes as a local Councillor. He referred to the detailed letter by the GLA on the schemes. He considered that the lack of mixed housing was out of keeping with the surrounding buildings that promoted social cohesion. The proposal was regressive and may create social problems. He objected to the impact on the infrastructure especially the bus network and advised that there were already problems with water pressure. He had personally carried out a study of customers using the bus route from Lambourne Place to Westferry Road and found that many passengers already used this route in a short space of time. He expressed concern about the impact on the health services and school places together with the newly consented schemes such as the ASDA scheme. The nearest health centres were already at full capacity. He feared that the City Pride units would be used as short term lets at the expense of community cohesion. In response to Members, he underlined the GLA concerns about the housing tenure.

Julian Carter spoke in support as the applicant's agent. The applicant had commissioned a review of the extant schemes. The study found that there was no real market for the proposed hotel use and the extant Island Point scheme was undeliverable. The new scheme was the outcome of this review. He explained the scope of the consultation carried out by the applicant including a pre-application briefing with the Committee and a consultation event with the community. The scheme had been amended in response to the concerns.

The height of the City Pride development had been increased but was of similar height to the surrounding buildings. There had also been an increase in the affordable housing including a large percentage of family housing with gardens. This had been independently assessed. He stressed the need for the housing mix in the area as shown by a postcode based analysis of the area.

In response to Members, he did not consider that overlooking at Island Point would be a problem due to the careful orientation of the windows. However, he was prepared to impose a condition that there would be no access to the roof top terraces in respect of the Island Point scheme in view of the concerns raised by the speaker.

Peter Exton of Tower Hamlets Community Housing (THCH) spoke in support. THCH has been appointed as the housing partner for the two schemes. He reported on the work undertaken to see if a greater mix of tenure could be provided on both sites. Based on these results, THCH were supportive of the split in tenures as it would allow them to manage the scheme at a more affordable level that would benefit the residents. The housing at Island Point would have separate kitchens, front doors and gardens that could not be delivered if sited at the City Point scheme due to the site constraints. In

response to Members, he confirmed that it would be easier for THCH to manage the schemes separately in terms of efficiency and would be more affordable for residents.

Amy Thompson (Planning Officer) presented the detailed report and update. She explained the site location for the City Pride scheme including the surrounding developments and consents of a similar height. She explained the outcome of the statutory consultation and drew comparisons to the extant permission which was a material consideration. She explained the policy support for locating the building in the area recognised as a location for high density developments. She described the floor plans, the amenity space, the measures to protect amenity and details of the housing mix.

She also explained the Island Point scheme in similar detail with comparisons to the extant scheme that was a material consideration. This included the outcome of the consultation, the new layout, the play space, the community and private space. There were measures to protect privacy and off set overlooking.

The schemes supplied 37% affordable housing (across both sites) with a greater concentration of family housing on Island Point due to the greater levels of open space at Island Point.

On balance, Officers were recommending that both schemes should be granted.

In response, Members expressed concern at the following issues:

- The division in housing tenures across the two sites. It was considered that that the plans departed from Council policy that supported mixed tenures and was inconsistent with other approved schemes in the area such as the Wood Wharf scheme.
- Affordable housing. There was a shortage of affordable rooms given the policy requirement of 50% when off site housing is offered.
- The height of the City Pride scheme given the height of the residential towers in the nearby area. The plans conflicted with Council policy that required that developments should step down in height from Canary Wharf not increase in height as in this case.
- The density range. Members noted that the density range exceeded the London Plan matrix and the extant scheme in a significant way. Therefore, it could cause overdevelopment.
- Amenity space. Concern was expressed at the shortfall of amenity space for both schemes given the number of occupants and the impact on existing open space.
- Impact on day light and sunlight. Members noted the shortfalls in terms of daylight and sunlight including the existing residents of the Landmark building. Some of the units would experience major losses to living rooms that would impact on their quality of life.
- The impact on views of the Greenwich World Heritage Site.

- Support was expressed for a condition on the roof top pavilion at the Island Point to prevent overlooking.

In response, Officers addressed each point. It was noted that the policy sought to encourage mixed development but also to maximize affordable housing and to meet the housing targets in the Borough. The scheme would greatly assist the Council in meeting the housing targets for the Borough and the delivery of affordable housing. Taking these factors into account, the scheme should be considered in the balance.

Officers stressed the need for the number of units at the City Pride site and the housing mix to fund the affordable housing at Island Point (as shown by the viability assessment). It was considered appropriate in this case to separate the tenures to maximize the affordable housing.

The meeting heard from the viability experts who had assessed the scheme. They confirmed that the developer did explore the option of mixing the tenures. However, it was found that this would result in much less affordable housing if mixed. The additional units at City Pride would also help mitigate the loss of housing grant (that would have been available when the extant scheme was granted) in terms of the affordable housing. The assessment showed that the maximum levels of affordable housing had been achieved. They also highlighted the quality of the City Pride building. It was considered that it would respond well and be in keeping with the emerging landscape. In this context, Officers considered that the bulk and height of the scheme was acceptable.

The Council's urban design expert addressed the Committee in respect of the acceptability of the building height and views. She advised that there are a number of tall buildings in the area establishing the context for tall buildings, and that there is a pattern of taller buildings defining the end of the docks, which the proposed City Pride building would continue. It was her advice that the Council needed to look at the height in accordance with town center hierarchy and there was no blanket approach to heights. In terms of views from Greenwich the new tower would appear in the cluster of towers which would form its background and within the context of consented schemes. Officers were satisfied that there would not be an adverse impact on views.

It was considered that the level of amenity space was acceptable taking into account the site constraints. There had been an increase in amenity space at the ground floor level at the City Pride site, made possible by the taller and slimmer building. The targets in policy regarding community space were in reality difficult to achieve in the Borough because of density and therefore it was important to make sure open space is of a good quality. The scheme showed no real symptoms of overdevelopment (in terms of the key impacts) despite the density range exceeding the London Plan guidance. Therefore, the density of the scheme was considered acceptable. Whilst there would be some impact on light, it was considered that, on balance, this was acceptable for a development of this nature and it was noted that the extant scheme had a greater impact in terms of daylight and sunlight.

Officers also outlined the s106 offer that complied with the Council's SPD.

On a vote of 2 in favour of the Officer recommendation, 4 against and 1 abstention the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/12/03248) at City Pride Public House, 15 Westferry Road, London, E14 8JH be **NOT ACCEPTED** for the erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

The Committee were minded to refuse the application due to concerns over:

- Height and scale in relation to the stepping down policy for tall buildings in the Canary Wharf area in Council policy.
- Density in relation to the London Plan and the number of units in the extant scheme.
- Lack of public open space.
- Housing mix and the lack of mixed tenure.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee, setting out proposed detailed reasons for refusal, along with the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Zara Davis, Dr Emma Jones, Denise Jones Marc Francis, Md. Miah Maium and Kabir Ahmed)

9.3 Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03247)

Update Report Tabled

For a summary of the presentation and debate on this item, see previous item 9.2 City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248)

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

That planning permission (PA/12/03247) at Island Point, Site At 443 To 451, Westferry Road, London be **DEFERRED** for the 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).

The Committee were minded to defer the scheme in view of the decision to not accept the previous linked scheme City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248)

(The Members that voted on this item were Councillors Helal Abbas, Zara Davis, Dr Emma Jones, Denise Jones Marc Francis, Md. Miah Maium and Kabir Ahmed)

The meeting ended at 10.05 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Agenda Item 5

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 1st 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 6

Committee: Strategic Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Location Reference number	Development	Reason for deferral
13 th June 2013.	City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248)	Erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.	Height and scale in relation to the stepping down policy for tall buildings in the Canary Wharf area in Council policy. Density in relation to the London Plan and the number of units in the extant scheme. Lack of public open space. Housing mix and the lack of mixed tenure.
13 th June 2013.	Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03247)	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).	See Committee report.

3. CONSIDERATION OF DEFERRED ITEMS

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

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

- City Pride Public House, 15 Westferry Road, London, E14 8JH (PA/12/03248)
- Island Point, Site At 443 To 451, Westferry Road, London (PA/12/03247)

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: [Strategic] Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item Number: 6.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/12/03248 & PA/12/03247
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: City Pride Public House, 15 Westferry Road, London, E14 8JH and Island Point, Site At 443 To 451, Westferry Road, London

Existing Use: City Pride: Public House. Island Point: Vacant

Proposal: City Pride: Erection of residential (Class C3) led mixed use 75 storey tower (239m AOD) 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.

Island Point: Erection of buildings ranging in height from 3 to 5 storeys with rooftop pavilions rising to 6 storeys, providing 173 residential units (Use Class C3) with underground parking, open space, plant and associated community building (Class D1).

Drawing Nos/Documents: As per the update report attached at appendix 3.

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

2. BACKGROUND

- 2.1 This application was reported to the Strategic Development Committee on the 13th of June 2013 with an Officers recommendation for **APPROVAL**. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the approval of the redevelopment of City Pride public house and Island Point.
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3
 1. Height and scale in relation to the stepping down policy for tall buildings in

the Canary Wharf area in Council policy.

2. Density in relation to the London Plan and the number of units in the extant scheme.
3. Lack of public open space.
4. Housing mix in view of the lack of mixed tenure.

3.0 PROPOSED REASON FOR REFUSAL

3.1 Officers have drafted refusal reasons to cover the issues raised. Reasons 1 – 3 above have been combined to create reason 1 below which is considered defensible if the applicant were to appeal the decision.

3.2 *1) The development by virtue of its height and density would result in an overdevelopment of the site, contrary to the guidance outlined in policy 3.4 of the London Plan 2011 and as a consequence would be significantly detrimental to:*
a) the surrounding character and scale of surrounding area as it fails to respond to the difference in scale between the Canary Wharf Major Centre and the surrounding residential areas contrary to policy DM24 and DM26 of the Managing Development Document 2013, policy SP10 of the Core Strategy 2010 and the National Planning Policy Framework which seeks to ensure that developments respect their local context and are well integrated with their surroundings.
b) the amenities of the existing and future occupiers of the site due to the lack of public open space provided by the development which would increase pressure on existing local open spaces contrary to DM4 and DM10 of the Managing Development Document 2013, SP04 of the Core Strategy 2010 and the Adopted Planning Obligations Supplementary Planning Document 2012.

2) The development by virtue of the lack of private accommodation within the Island Point site and the lack of affordable / social rented accommodation within the City Pride site fails to represent a mixed and balanced community contrary to strategic objective 8 and policy SP02 of the Core Strategy 2010, policy DM3 of the Managing Development Document 2013, policy 3.9 of the London Plan 2011 and the National Planning Policy Framework which seeks to promote sustainable development through fostering social diversity and redressing social exclusion.

Consideration

3.3 It is the professional view of officers that the above reasons for refusal could be defended at appeal, however the likelihood of success may be limited, particularly with regard to the lack of publicly accessible open space. The reasons for this are set out below:

3.4 With reference to the points members raised regarding the lack of public open space, it is noted that the development fails to provide the requisite amount of public open space on site for the number of proposed residents. Members are referred to policy DM10 of the MDD which outlines that developments are required to “provide or contribute” to the delivery of an improved network of open spaces. This means that if a development cannot fully meet the requirement to provide 12sqm of open space per resident it is acceptable to provide a financial contribution towards improvement or additional provision of public open spaces elsewhere in the borough.

3.5 The borough is deficient in publicly accessible open space, the Council’s Open Space Strategy 2006 sets out a standard of 1.2ha per 1,000 of the population. To

deliver this, 99ha of open space would need to be delivered by 2025 which is approximately the same size Victoria Park and Mile End Park combined. This is a significant challenge for the borough due to obvious physical constraints and as such the Council's policies (SP04 of the Core Strategy) seek to "protect, create, enhance and connect" open space", financial contributions from developments can assist in facilitating this. Policy DM4 of the MDD outlines other types of amenity space which should be provided on-site, these include private amenity space, communal amenity and child play space for the younger children. This development complies with policy in this respect.

- 3.6 The public open space requirement for the City Pride development is 18,923sqm based on 12sqm being provided for each resident. The site is only 2,800sqm which therefore precludes any substantial residential development on this site if a full provision of public open space is required.
- 3.7 In terms of the second refusal reason, sensitivity testing of the viability has been undertaken to understand what impact the inclusion of private housing on the Island Point site would be. If the Island Point scheme were to come forward as a separate mixed tenure development of the same massing with a policy compliant housing mix the site would viably be able to provide 25.4% which is below the 35% policy target for an on-site affordable housing provision. If City Pride were to come forward with a mix of rented, shared ownership and private housing within the same tower the scheme could viable provide 27.6% as affordable. Across both sites this equates to 27%, substantially below the current offer of 37% as per the donor site arrangement. Further details of this are found in sections 4.5 - 4.6 below.

4.0 ADDITIONAL INFORMATION

- 4.1 The agent provided additional information to address the objections to the scheme. Further comparisons are made between the height of the extant scheme and the proposed scheme showing that there is little physical difference between the two proposals, whilst there is a difference of 13 storeys between the extant and the proposed scheme, due to the larger floor to ceiling heights of the hotel within the extant scheme is the equivalent of 68 storey residential tower – a difference of eight storeys to the proposed scheme.
- 4.2 Emphasis on the location at the end of the dock is also drawn out in the representation, detailing the previous consent and the extant consents for other schemes at the end of the three docks, including Columbus Tower and Riverside South
- 4.3 The agent also addresses the issue of density and explains that there is no material harm caused by the high density of this development. Comparisons are also made with the extant scheme and the benefits of the proposal outlines:
- The proposal has an enhanced amenity offer due to the amenity pavilion and the amenity floors within the building.
 - The removal of the hotel use reduces the servicing requirements.
 - The linear design of the building allows for the amenity pavilion at ground floor whereas previously there was no open space at street level.
- 4.4 Further assessment of the lack of open space is also provided. This is addressed in sections 3.5 and 3.6 of this report, within the 'consideration section'.
- 4.5 The letter also provides further justification in policy terms for the development with

regard to the affordable housing provision. Reducing the height (and subsequently the density) of the City Pride site and de-coupling it from the Island Point site so they are two stand-alone applications would have implications on the viability of the scheme. In both cases the overall affordable housing percentage would be reduced to 27% by habitable room.

4.6 The assessment has been made on the basis of reducing the City Pride development by eight storeys, this effectively makes the building the same height as the extant scheme and would lead to the loss of 72,333sqft of private market accommodation within City Pride. Overall this reduces the affordable housing contribution to 27% by habitable room (10% less than the current offer). In real terms it is a loss of 84 affordable units at Island Point or 257 habitable rooms.

4.7 A similar result occurs when assessing both sites as individual housing schemes i.e not with Island Point acting as a donor site. The Council's viability consultants have made the following conclusion on this point:

"As a sensitivity test GVA have also considered what amount of affordable housing could be delivered at each scheme if they were delivered individually. GVA's appraisals, which have been verified, show that the City Pride scheme could support 143,713sqft of affordable housing while the Island Point site could support 42,862sqft of affordable housing. Using the ratios from the proposed affordable housing offer, this equates to 27.6% at City Pride and 25.4% at Island Point. The combined total would be 27% across both sites. Clearly this is less attractive than the outcome of the donor site approach, which allows for 35% across both sites".

5.0 RECOMMENDATION FOR ISLAND POINT (PA/12/03247)

5.1 There are also implications for the Island Point Scheme (PA/12/03247) which is a separate planning application but linked with the City Pride scheme as the affordable housing donor site.

5.2 If members are reminded not to accept the officers subsisting recommendations and refuse planning permission for the City Pride proposal, officers recommend that the Island Point proposal is refused as the schemes are linked by virtue of the affordable housing and that refusal reason 2, as set out for the City Pride Scheme be endorsed for the Island Point scheme too.

6.0 IMPLICATIONS OF THE DECISIONS

6.1 Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):

1. The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".

2. There are two financial implications arising from appeals against the Council's

decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)

3. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across the Island Point site, as opposed to the current proposed offer at social target rented accommodation for the family units. Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

6.2 Whatever the outcome, your officers would seek to defend any appeal.

7.0 CONCLUSION

- 7.1 All relevant policies and considerations have been taken into account. Whilst officers’ remain satisfied that planning permission for the City Pride and Island Point developments should be **GRANTED**, subject to the direction by the London Mayor, members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous reports and update report presented to the Strategic Development Committee on 13th June 2013 (see Appendices 1 and 2) and determine the planning applications as appropriate.

8.0 APPENDICES

- 8.1 Appendix One - Committee Report to Members on 13th June 2013 PA/12/03248
- 8.2 Appendix Two – Committee Report to Members on 13th June 2013 PA/12/03247
- 8.3 Appendix Three – Update Report to Members on 13th June 2013

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Committee: [Strategic] Development	Date: 13 th June 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/12/03248
	Ward: 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 (239m AOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

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 27th March 2013, Response to highways comments dated 1st March 2013, Response to TfL letter dated 13th 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 20th 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.

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

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets 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 75th 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 27th 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:

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

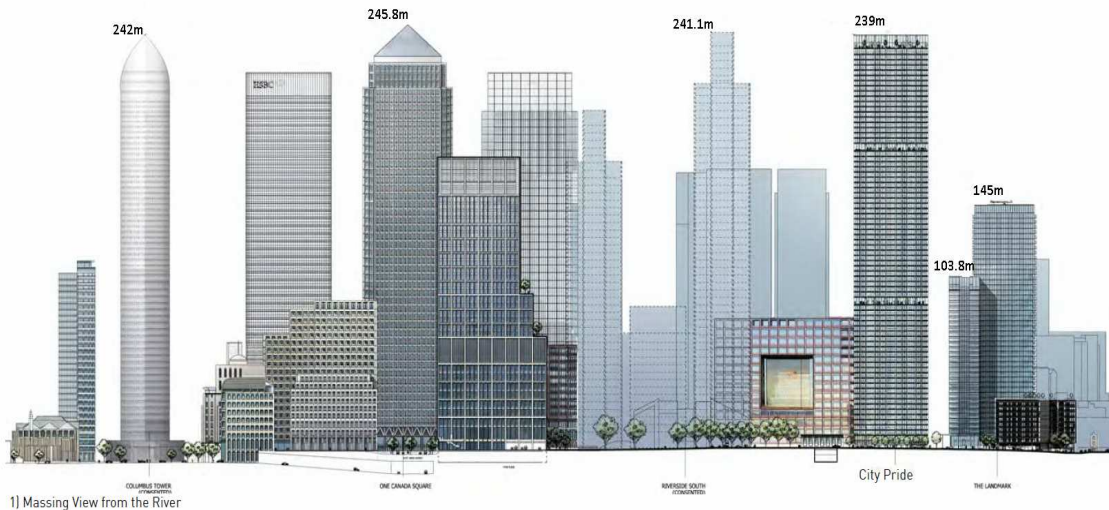
- 9.14 The main attributes of the schemes design are the presence of a tall tower (239m) which has a simple form reflective of the Landmark Towers to the south of the site and generally in keeping with the established Canary Wharf vernacular. Within the tower amenity floors are proposed which are a key 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. Hertsmere 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									
Total	1030	6148	4938	17,030	<table border="1"> <tr> <td>Completed</td> <td>6%</td> </tr> <tr> <td>Under Construction</td> <td>36%</td> </tr> <tr> <td>Approved</td> <td>29%</td> </tr> <tr> <td>Total</td> <td>71%</td> </tr> </table>	Completed	6%	Under Construction	36%	Approved	29%	Total	71%
Completed	6%												
Under Construction	36%												
Approved	29%												
Total	71%												

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 75th 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
Owner	41%	21%	24%
Shared ownership	4%	4%	2%
Social rented	11%	11%	40%
Private rented	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%	
TOT	995	142	100%	100%	101	100%	100%	752	100%	100%

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.

Type of amenity		Total required	Total provided
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 61st 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 27th and 56th 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.

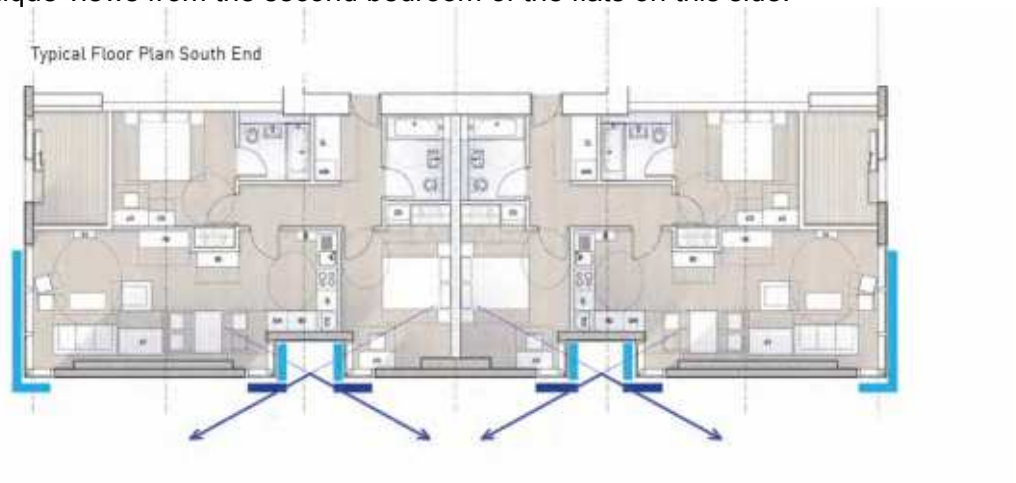
- 9.155 In this case 688 windows have been tested, this equates to 298 rooms. 22 windows do not meet the minimum BRE criteria and the worst affected are within the Cascades and Quayside development. There would be an 87.5% loss of sunlight hours to two bedrooms within Cascades. There would also be a 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 21st 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 21st 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 21st 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

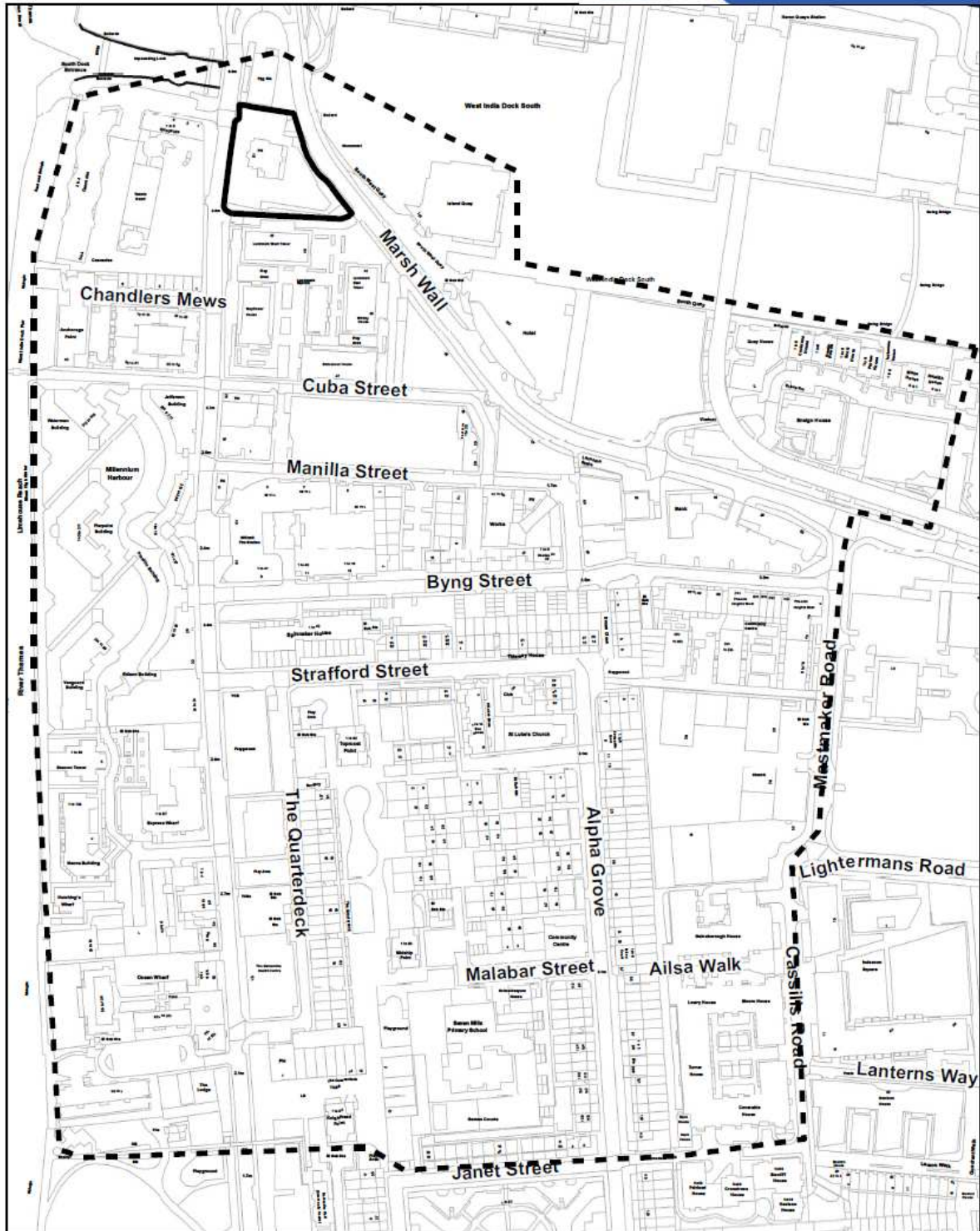
and leisure facilities provide opportunities for the wider community.

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 Map PA/12/03248



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:3,000

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

1. APPLICATION DETAILS

Location:	Island Point, Site At 443 To 451, Westferry Road, London
Existing Use:	
Proposal:	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).
Drawing Nos/Documents:	<p>Drawings:</p> <p>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.</p> <p>Documents:</p> <p>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,</p>

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 22nd March 2013, Final response by URS dated 30th April 2013, Response to energy officer comments by Hoare Lea dated February 2013, Response to Environment Agency by URS dated 19th March 2013, Response to TfL letter 13th February 2013, Response to LBTH highways e-mail 5th 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 27th 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:

	City Pride (extant)	City Pride (proposed)	Island Point (extant)	Island Point (proposed)
Market units	412	752	23	0
Shared ownership units	18	70	48	31
Affordable/social rented units	0	0	118	142
Total housing	430	822	189	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 17th 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

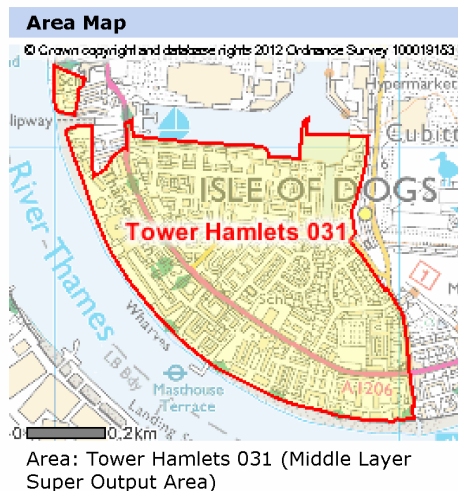
9.19 This development represents a mix of tenure in terms of providing some shared ownership properties but a majority of social/affordable rented properties, 18% of properties are shared ownership, 19% are affordable rent and 63% are social rented.. The policies which seek to ensure mixed and balanced 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)
Owner	24%	26%	35%	33%
Shared ownership	2%	3%	1%	1%
Social rented	40%	29%	32%	17%
Private rented	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%	
TOTAL	995	142	100%	100%	101	100%	100%	752	100%	100%

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 not 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.

- 9.105 Communal amenity / play strategy
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.

- 9.114 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >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.

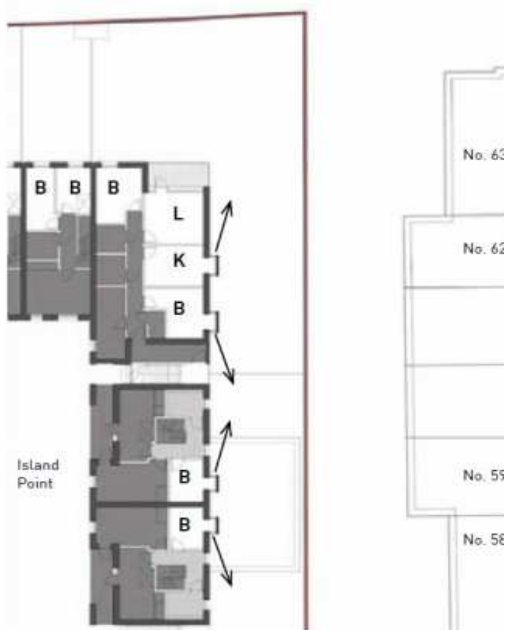
9.126 To the south west corner of the site there is not considered to be any significant overlooking from block 1 to the properties on Julian Place or to the existing block on the corner of Chapel House Street and Westferry Road as there are no direct facing habitable room windows.

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 2AM peak 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 by 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 carriageway 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.

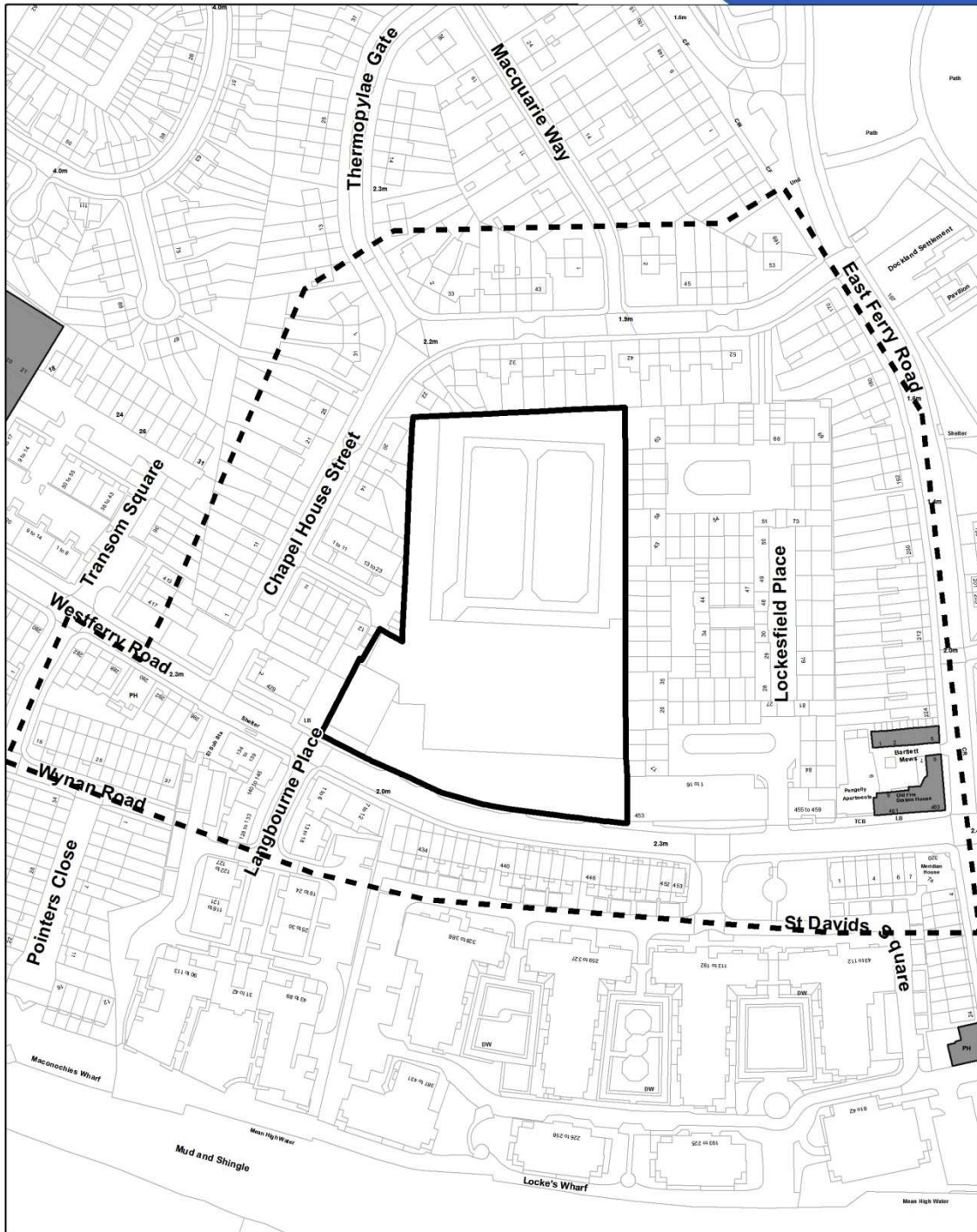
9.214 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities 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 Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings



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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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

13th June 2013

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
9.1	PA/12/00637	Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14.	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.
9.2	PA/12/03248	City Pride Public House, 15 Westferry Road, London, E14 8JH	Erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
9.3	PA/12/03247	Island Point, Site At 443 To 451, Westferry Road, London	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).

Agenda Item number:	9.2
Reference number:	PA/12/03248
Location:	City Pride Public House, 15 Westferry Road, London, E14 8JH
Proposal:	Erection of residential (Class C3) led mixed use 75 storey tower (239m AOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

1.0 TYPOGRAPHICAL ERRORS

- 1.1 The Strategic Development Committee is requested to note the some of the drawing No.s in the committee report contain typographical errors. A full list of the correct No.s are shown below and should replace the list shown on page 135.

11018-E-E-C645-001 East Elevation A1 1:500 C
 11018-E-S-C645-001 South Elevation A1 1:500 C
 11018-E-W-C645-001 West Elevation A1 1:500 C
 11018-E-N-C645-001 North Elevation A1 1:500 C
 11018-E-01-C645-001 Context Elevation East A1 1:1250 A
 11018-CE-S-C645-001 Context Elevation South A1 1:1250 A
 11018-CE-W-C645-001 Context Elevation West A1 1:1250 A
 11018-CE-N-C645-001 Context Elevation North A1 1:1250 A
 11018-E-BS1-C645-001 Bay Study - Ground to Second Floors A1 1:100 D
 11018-E-BS2-C645-001 Bay Study - Typical Floors A1 1:100 C
 11018-E-BS3-C645-001 Bay Study - Amenity Floor 1 A1 1:100 C
 11018-E-BS4-C645-001 Bay Study - Amenity Floor 2 A1 1:100 C
 11018-E-BS5-C645-001 Bay Study - Penthouse/Roof terrace A1 1:100 C
 11018-D00-C645-001 Detailed Bay Study-Reception A1 1:20 A
 11018-D01-C645-001 Detailed Bay Study-Typical Level - E&W A1 1:20 A
 11018-D02-C645-001 Detailed Bay Study-Amenity Level - E&W A1 1:20 A
 11018-D03-C645-001 Detailed Bay Study-Typical Level - S&N elev A1 1:20 A
 11018-D04-C645-001 Detailed Bay Study-Roof Terrace - E&W A1 1:20 A
 11018-S-EW-C645-001 East West Section A1 1:500 C
 11018-S-NS-C645-001 North South Section A1 1:500 C
 11018-P-LC-C645-001 Landscape Context Plan A1 1:500 B
 11018-P-L-C645-001 Landscape Plan A1 1:200 B
 11018-P-AM-C645-001 Amenity Pavilion Plans A1 1:200 B
 11018-P-AM-C645-002 Amenity Pavilion Elevations and Sections A1 1:200 B

- 1.2 Paragraph 3.3a: Intermediate Housing should say 28%, as opposed the stated 29%.
- 1.3 Paragraph 4.5: the total units are 822, not 752 page 78 as quoted in the report.
- 1.4 Paragraph 4.6: The total cycle spaces provided is 887 not 904 as quoted in the report. This error is repeated at paragraph 9.180 on page 124 where wrong number of cycle spaces is quoted as 988.

- 1.5 Paragraph 5.1 - The extant scheme has 203 hotel rooms, not 209 as quoted in report
- 1.6 Paragraph 5.2 - The extant scheme is 210m AOD, not 215 as quoted in the report.
- 1.7 Paragraph 9.180 - The total cycle spaces provided is 929 not 988 as quoted in the report.
- 1.8 There has been an error in the calculation of the s.106 as page 130 of the report. The correct s.106 calculations are as stated on Page 75 of the report.
- 1.9 Paragraph 9.100 says: *“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?”*

This should be amended to say: *“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%).”*

2.0 RECOMMENDATION

- 2.1 Officer’s recommendation remains unchanged.

Agenda Item number:	9.3
Reference number:	PA/12/03247
Location:	Island Point, Site At 443 To 451, Westferry Road, London
Proposal:	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).

1 TYPOGRAPHICAL ERRORS

- 1.1 The Strategic Development Committee is requested to note the some of the drawing No.s in the committee report contain typographical errors. A full list of the correct No.s are shown below and should replace the list shown on page 135.
- 1.2
 - 11018-P-B2-C645-001 Basement 2 Plan A1 1:200 E
 - 11018-P-B1-C645-001 Basement 1 Plan A1 1:200 E
 - 11018-P-00-C645-001 Ground Floor Plan A1 1:200 F
 - 11018-P-01-C645-001 1st Floor Plan A1 1:200 F
 - 11018-P-T0A-C645-001 2nd to 10th Floor Plan A1 1:100 D
 - 11018-P-T0B-C645-001 11th to 12th Floor Plan A1 1:100 D
 - 11018-P-T1A-C645-001 13th Floor Plan A1 1:200 B
 - 11018-P-T1B-C645-001 14th to 26th Floor Plan A1 1:200 B
 - 11018-P-T2-C645-001 28th to 29th Floor Plan A1 1:200 E
 - 11018-P-T3-C645-001 30th to 55th Floor Plan A1 1:200 E
 - 11018-P-AM1-C645-001 27th Floor Plan (Amenity 1) A1 1:200 E
 - 11018-P-AM2-C645-001 56th Floor Plan (Amenity 2) A1 1:200 E
 - 11018-P-T4-C645-001 57th & 58th Floor Plan A1 1:200 E
 - 11018-P-T5-C645-001 59th to 64th Floor Plan A1 1:200 F

11018-P-T6-C645-001 65th to 73rd Floor Plan A1 1:200 F
 11018-P-T7-C645-001 74th Floor Plan A1 1:200 E
 11018-P-75-C645-001 75th Floor - Roof Terrace Plan A1 1:200 E
 11018-P-76-C645-001 Roof Plant Plan A1 1:200 E
 11018-P-R-C645-001 Roof Plan A1 1:200 E
 11018-P-SL-C645-001 Site Location Plan A1 1:1250 A
 11018-P-S-C645-001 Site Plan A1 1:500 B
 11018-E-JA-E-C645-001 Context Elevation East A1 1:500 A
 11018-E-JA-S-C645-001 Context Elevation South A1 1:500 A
 11018-E-JA-W-C645-001 Context Elevation West A1 1:500 A
 11018-E-JA-N-C645-001 Context Elevation North A1 1:500 A
 11018-P-TY-D811_001 Typical Apartment Layout -Disabled 2Bed, 3 A1 1:50 A
 11018-P-TY-D811_002 Typical Apartment Layout -Studio, 1Bed , 2 Bed A1 1:50 A

- 1.3 Paragraph 3.4a: Intermediate Housing should should say 28%, as opposed the stated 29%.
- 1.4 Paragraph 4.9: The report states that there are 52 car parking spaces. This should read 55 parking spaces.
- 1.8 A more detailed breakdown of the S.106 Head Of Terms is provided at page 137 than is provided on page 185, however the overall financial contribution is identical.
- 1.9 There is an error in the number of additional habitable rooms quoted in paragraph 5.8 on page 145. This should state 81 as opposed to 52. This error is repeated in paragraph 9.14 on page 160.
- 2.0 The OFFICER COMMENT at Paragraph 7.19 should be amended to say.

“(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)”

2.0 RECOMMENDATION

- 2.1 Officer’s recommendation remains unchanged.

Agenda Item 7

Committee: Strategic Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all 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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

Brief Description of background papers:
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

- 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 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.
- 3.7 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.
- 3.8 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.

Agenda Item 7.1

Committee: Strategic Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item No: 7.
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/12/02332	
		Ward(s): Mile End East	

1. APPLICATION DETAILS

- 1.1 **Location:** Leopold Estate Phase 2
Land Bounded By Bow Common Lane, St Pauls Way And Ackroyd Drive, London
- 1.2 **Existing Use:** Housing Estate partially redeveloped and partially vacant
- 1.3 **Proposal:** Demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary development.
- 1.4 **Drawing Nos:** Submission Documents
Design and Access Statement July 2012
Public Ream Strategy June 2012
Planning Statement August 2012
Sustainability Statement July 2012
Ground Investigation Report dated June 2012
- Plan Indicating Areas of Proposed Reduced Thickness of Clean Cover Systems drg. ref. 13172SI/T P1 Version A, RSA Geotechnics Ltd'
 - Additional Gas Monitoring Investigation letter, RSA Geotechnics Ltd' dated 1st May 2013
- Residential Travel Plan July 2012
Ecological Assessment 27th October 2011
Environmental Statement Review March 2013
- Non-Technical Summary dated 6th August 2012
 - Revised Non-Technical Summary 14th May 2013
 - Addendum to 6th August 2012 Environment Statement dated 14th May 2013
- Consultation Summary July 2012
Code for Sustainable Homes Statement July 2012
Energy Statement June 2012
Gasholder Risk Assessment July 2013
Housing Statement July 2012
- Supplemental Housing Statement May 2013
 - Comparative Schedule of Residential Accommodation Across Leopold Estate
- Noise and Vibration 25th July 2012
Site Waste Management Plan June 2012
- Refuse Capacity Calculation dated 29th November 2011

Stage Two Daylight and Sunlight Report dated 6th August 2012
 Transport Assessment July 2012 and Addendum November 2012
 Tree Survey and Initial Arboricultural Implications Assessment dated 7th March 2013
 Utilities statement (including drainage) June 2012
 Thames Water dated 22nd February 2012
 Waste Assessment dated June 2012
 Financial Viability Assessment August 2012

Submitted Drawings:

1108 P 101 001 06, 1108 P 101 002 05,
 1108 P 101 030 07, 1108 P 101 031 05,
 1108 P 101 032 05, 1108 P 101 033 05,
 1108 P 101 034 05, 1108 P 101 035 04,
 1108 P 101 036 04, 1108 P 101 037 04,
 1108 P 101 038 04, 1108 P 101 039 04,
 1108 P 102 001 07, 1108 P 102 002 07,
 1108 P 102 003 07, 1108 P 102 010 07,
 1108 P 102 011 07, 1108 P 102 015 07,
 1108 P 102 016 06, 1108 P 102 020 06,
 1108 P 102 021 06, 1108 P 102 025 07,
 1108 P 102 026 06, 1108 P 103 001 05,
 1108 P 103 002 04, 1108 P 103 003 05,
 1108 P 106 001 04, 1108 P 106 002 06,
 1108 P 106 003 03, 1108 P 106 004 03,
 1108 P 222 001 05, 1108 P 222 002 04,
 1108 P 222 003 04, 1108 P 222 004 02,
 1108 P 1010 050 11103/5003 P2,
 11103/5004 P2, 11103/5010 P5,
 11103/5011 P3, 11103/5012 P1,
 TOWN514(08)5001 R01 And TOWN514(08)0001 R00

- 1.5 **Applicant:** Poplar HARCA and Countryside Properties
- 1.6 **Owner:** Poplar HARCA (whole estate), RELTA (2 Ackroyd Drive)
And two individual leaseholders (86 Shelmerdine Close and LBTH)
- 1.7 **Historic Building:** Approximately 190m south west lies the Grade II* listed St Pauls Church
- 1.8 **Conservation Area:** none

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 adopted CS (2010), the adopted MDD (2013) with modifications; as well as the LP (2011) and the National Planning Policy Framework, and has found that:
 - 2.1 ➤ In accordance with paragraphs 186 and 187 of the National Planning

Policy Framework (2012) and policy DM0 of the MDD (2013), the Local Planning Authority has worked with the applicant in a positive and proactive manner by employing a formal pre-application process. The Local Planning Authority has also produced policies and provided written guidance, all of which is available on the Council's website and has been adopted in this instance.

- 2.2 ➤ The proposal is in line with the Mayor of London and Council policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the LP (2011), policy SP02 of the CS (2010) and policy DM3 of the MDD (2013), which seeks to ensure the use of land, is appropriately optimised.
- 2.3 ➤ The proposed development is acceptable in terms of design and appearance and subject to conditions requiring the submission of full details and material samples, the scheme is considered to deliver high quality design, enhancing the street scene and the local context. As such, the scheme is in line with policies 7.1, 7.6,7.8 and 7.9 of the LP (2011), policy SP10 of the CS (2010), and policies DM23, DM24 and DM26 of the MDD (2013), which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 ➤ By virtue of the separation distances and design, the proposed development will not have an unduly detrimental impact on the setting of the Grade II* Listed St Pauls Church. As such, the proposal accords with policy SP10 of the adopted CS (2010), and policy DM27 of the MDD (2013), which seek to preserve or enhance the heritage environment.
- 2.5 ➤ The landscaping proposed within the development is of high quality, and the proposed development would result in a net gain in biodiversity value. As such, the proposal is in accordance with policy SP04 of the adopted CS (2010) and policy DM23 of the MDD (2013) which seek to ensure attractive streets and public spaces, and to ensure development proposals serve to improve the biodiversity value of the area.
- 2.6 ➤ On balance, the provision of affordable housing is considered to be acceptable and in accordance with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the LP (2011), policy SP02 of the CS and policy DM3(6) of the MDD (2013), which require affordable housing to be considered based on all the phases within a scheme, and allow the net loss of affordable housing in estate regeneration schemes in order to ensure that the scheme can viably carry out this later phase of development, and complete the estate regeneration works.
- 2.7 ➤ The scheme provides an acceptable mix of units, space standards and layout. As such, the scheme is in line with policy DM4 of the MDD (2013), policy SP02 of the CS (2010) and policy 3.5 of the LP (2011), which seek to provide an acceptable standard of accommodation for existing and future residents.
- 2.8 ➤ The proposed amount of amenity space and child play space is acceptable and in line with Policy 3.6 of the LP (2011), Policy SP02 of

the CS (2010) and policy DM4 of the MDD (2013), which seek to ensure developments provide a high level of amenity and child play space for all future residents.

- 2.9 ➤ The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight, sense of enclosure or noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal accords with policy SP10 of the CS (2010) and policy DM25 of the MDD (2013), which seek to protect residential amenity.
- 2.10 ➤ On balance, it is considered that the substantial regenerative benefits of the scheme, including the provision of much needed housing and the environmental improvements would sufficiently outweigh the potential risks to health and the local environment. As such, the proposal accords with policy 5.22 of the LP (2011) which requires risk to be balanced against the benefits of development. In addition, it is considered that subject to a condition requiring the submission and approval of a full evacuation plan, the potential hazard will be suitably mitigated, in accordance with Policy DM30(2) of the MDD (2013), which states development will not be supported which cause a significant hazard to health and the environment.
- 2.11 ➤ Transport matters, including parking, cycling, access and servicing, are acceptable and in line with policies SP08 and SP09 of the CS (2010) and policies DM20 and DM22 of the MDD (2013), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.12 ➤ The development, thorough a series of methods including the utilisation of an existing decentralised Central Heating Plant system built within Phase 1 and Photovoltaic Panels would result in a satisfactory reduction in carbon emissions. Furthermore, the proposal seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the CS (2010), and the energy hierarchy policies 5.2 and 5.7 within the LP (2011) and policy DM29 of the MDD (2013), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.13 ➤ Contributions have been secured towards the provision of affordable housing, health, transport and openspace for local people in line with Regulation 122 of Community Infrastructure Levy (2010), policy SP13 of the CS (2010) and the Planning Obligations SPD (2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- A. Any **direction** by **The London Mayor**
 - B. Any **direction** by the **Health and Safety Executive**
 - C. The prior completion of a **legal agreement** to secure the following

planning obligations:

3.2 Financial Obligations

a) Employment Skills and Training	£22,100.00
b) Community Facilities	£35,855.00
c) Health	£56,840.00
d) Sustainable Transport	£3,100.00
e) Public Realm	£52,284.00
f) Education	£133,674.00
g) Monitoring (2%)	£6,077.00
Total	£309,930.00

Non-financial Contributions

- a) 32% affordable housing by habitable rooms
- b) 54 Wheelchair units
- c) Car and permit free agreement
- d) Commitments to employment, training and procurement of goods and services at construction and end user phases
- e) Retained public access to the 'pocket park'
- f) Travel Plan
- g) Provide a viability assessment on completion of Phase 2 where any overage would be allocated towards affordable housing;
- h) A minimum of £3,210,170.00 shall be spent on landscaping within this phase in accordance with the public realm Strategy document reference TOWN514(08)2001 R03.

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

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

CONDITIONS & INFORMATIVES

- 3.5
- 1. Three year time limit
 - 2. Compliance with approved plans and documents
 - 3. Submission and approval of samples and materials
 - 4. Drawing at scale of 1:50 of all wheelchair accessible units
 - 5. Compliance with Public Realm Strategy
 - 6. Submission and approval of landscaping works and biodiversity enhancements,
 - 7. Submission and approval of Child Play Space Details
 - 8. Submission and approval of secure by design statement including details of security measures (CCTV)
 - 9. Minimum 46 new trees
 - 10. Implementation of Tree protection plan
 - 11. Tree cavity inspections for T29,T33 and T53
 - 12. Implementation of refuse and recycling in accordance with approved plans
 - 13. Implementation of cycle parking in accordance with approved plans
 - 14. Provision and retention of car parking
 - 15. Minimum of 20% Electric Vehicle Charging Points
 - 16. Submission and approval of Construction Environmental Management Plan

17. Submission and approval of Delivery and Servicing Plan including Construction Logistic Plan
18. Submission and approval of a Piling Method Statement
19. Submission and approval Revised Travel Plan
20. Details of Highway Improvement Works s278 agreement
21. Details of "Good" (BS8233) glazing to bedroom and living rooms and details of noise insulation measures and ventilation systems
22. Contaminated Land Remediation Details
23. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
24. Ensure pedestrian access points are level or gently ramped.
25. Hammer Driven Piling or Impact Breaking between 10am-4pm Mon-Fri only
26. Prior to occupation confirmation that 100% of homes secured to Lifetime Homes Standard
27. A minimum of 54 Wheelchair accessible units to be retained
28. Compliance with Energy Strategy
29. Submission, approval and compliance of Code For Sustainable Homes- Level 4
30. Prior to occupation of Evacuation Plan

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

3.7 **Informatives:**

- S106 required
- Protection of Bird nesting trees
- CIL liable
- S278 required
- Consultation with Building Control

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

3.9 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 Leopold Estate is bounded by Burdett Road to the west, St Paul's Way to the south, Ackroyd Drive and the London to Southend Railway line to the north and Bow Common Lane and the Bow Common Lane Gas-works to the north-east.

4.2 To the south-east of the site is St Pauls Way School. The following site plan shows the extent of Leopold Estate with the smaller area to the east forming the application site. The subject site is known as 'Phase II' in reference to the original master-plan application in 2006 which is discussed further in the 'Background/Relevant Planning History' section of this report.

- 4.3 Phase II, the subject site is bounded by Ackroyd Drive, Bow Common Lane and the playground of St Pauls Way School. The site is 1.7 hectares and currently contains a number of blocks predominantly 6 storeys in height (with some two storeys in height) containing 152 residential units in the form of flats and maisonettes. The blocks were constructed in the 1960's out of pre-cast reinforced concrete.
- 4.4 The majority of the blocks have been decanted, and according to the submitted design and access statement only 8 tenants currently remain within the 8 blocks. Other flats are also occupied to prevent squatters.
- 4.5 The site is not located within a conservation area, nor there are any listed buildings on site.

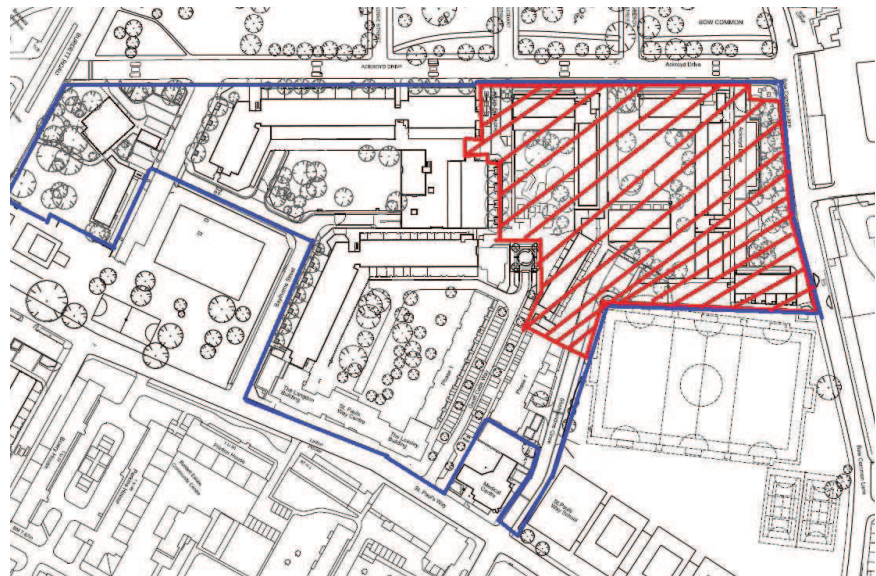
Key



Application site "Phase 2"



Leopold Estate



- 4.6 The site has a moderate public transport accessibility average level of 3 where 6 is the highest and 1 the lowest. Burdett Road to the east of the estate is part of the Transport for London Road Network.
- 4.7 Mile End Underground Station is located around 1km from the site and Devon's Road is the closest DLR station to the site. In addition, the site is served by numerous bus routes along St Pauls Way to the south, Bow Common Lane to the east of the site and Burdett Road along the west.
- 4.8 The bus routes include:
- Bus Route D6 running between Isle of Dogs Asda to Dalston
 - Bus Route D7 running between Poplar DLR to Mile End Station
 - Bus Route 277 running between Nutmeg Lane to Highbury
 - Bus Route 309 running between Canning Town to London Chest Hospital, Bethnal Green
 - Bus Route 323 running between Canning Town Bus Station to Mile End Station

Background Information

- 4.9 Under 'Housing Choice', London Borough of Tower Hamlets estates have been transferred to Registered Social Landlords (RSLs) in order to achieve the

significant level of investment required to bring homes up to Decent Homes plus standard. The plus element reflects the need to tackle and overcome environmental and anti-social behaviour problems on estates, to ensure they are to become safe and desirable places to live.

- 4.10 The Leopold Estate was transferred to Poplar HARCA (a Registered Social Landlord) under 'Housing Choice' in 2005 and is considered as an estate regeneration site. The objective of the estate redevelopment is to achieve estate improvements and minimum Decent Homes standards across the entire estate.
- 4.11 With this in mind a number of planning applications have been submitted over the past few years, some of which have been implemented and form a material consideration in this application. The following section lists the most relevant planning applications.

Relevant Planning History

4.12 PA/06/00518-Leopold Estate

This was the masterplan for the entire estate approved as an outline. The application sought the 'Partial demolition of existing housing blocks, demolition of cafe tenants hall in Shelmerdine Close and Ackroyd Drive and in outline, renovation of existing 335 units and the erection of 480 new residential units, a 100 sq.m shop, 600 sq.m of offices and 300 sq.m of community use'.



- 4.13 This was approved on 7th August 2008 and has not been implemented.

PA/06/00425 -Leopold Estate Phase I

- 4.14 This was a separate full planning application submitted concurrently with PA/06/00518. It sought to deliver 122 of the 480 new dwellings applied for under the masterplan application. The description of development read:

Demolition of existing buildings and erection of seven buildings between three and seven storeys high to provide a mixed use proposal comprising 1,000 sqm of community and office floorspace and 122 dwellings (46 x 1 bedroom, 50 x 2 bedroom, 15 x 3 bedroom, 8 x 4 bedroom plus 3 x 6 bedroom) including 40 car parking spaces, landscaping, bin and bicycle stores.



- 4.15 This application was approved on 7th August 2008 and has since been implemented, following minor amendment applications (PA/10/01482 and PA/11/01544) which resulted in minor amendments to the design. Planning applications PA/10/01482 and PA/11/01544 are listed further in this section.

PA/06/00632-Leopold Estate Phase II

- 4.16 This application sought the refurbishment of Elmslie Point, Whytelaw, Perley, Couzens, Willcox, Stileman and Grindley Houses; demolition of community hall;

works to existing underground garages; landscaping and environmental improvements.

These refurbishment works were approved on 19th June 2006 and have been carried out.



PA/10/01165-Leopold Estate (within phase I)

- 4.17 This application was a full planning application which sought the erection of single storey building to provide a community centre and ancillary café use of 170.45sq.m for a temporary period of 3 years.
- 4.18 This application was approved on 29th April 2010 and was to ensure the community centre demolished under PA/06/00425 was replaced whilst a new facility was built. This consent expires on 28th July 2013.

PA/10/01482 - Leopold Estate Phase I

- 4.19 This was an application under Section 73 of the Town and Country Planning Act 1990 seeking minor material amendments to the original planning permission PA/06/425.
- 4.20 The amendments consisted of the alteration of the fence line along St Paul's Way; and alterations to the building line. The application was approved on 13th October 2010.

PA/11/01544 - Leopold Estate Phase I

- 4.21 This was an application under Section 73 of the Town and Country Planning Act 1990 seeking additional minor material amendments to the planning permission dated 13th October 2010, reference PA/10/1482 (original ref:PA/06/425)
- 4.22 The amendments consisted of the following:
- a) alterations to the community facility (Block B) - increase in building height by 575mm;
 - b) replace grass/crete with grass and amendments to landscape paths;
 - c) changes to balcony timber screens for Blocks A and Block C; and
 - d) other minor incidental changes

This application was approved on 15/06/2012

PA/11/02004- Leopold Estate

- 4.23 This is an application for a new planning permission to replace extant planning permission dated 7th August 2008, reference PA/06/00518 for the partial demolition of existing housing blocks, demolition of cafe and tenants hall in Shelmerdine Close and Ackroyd Drive and in outline, renovation of existing 335 units and the erection of 480 new residential units, a 100 sq m shop, 600 sq m of offices and 300 sq m of community use.
- 4.24 Planning application PA/06/00518 was granted subject to a three year time period which lapsed on 6th August 2011. By seeking to extend the time period of PA/06/00518 the applicant is seeking to retain the possibility of pursuing the outline master plan proposals in the event the current application is not

considered acceptable. Therefore, PA/11/02004 has been held in abeyance whilst this application is under consideration.

Proposal

- 4.25 The current application proposes the demolition of 152 existing residential units and replacement with 364 new dwellings with a new landscaped public open space and public realm, vehicle and cycle parking access and other associated ancillary development.
- 4.26 This application seeks to provide the remaining 358 units which had been originally proposed within the masterplan (PA/06/00510). However, since the masterplan consent there is a net increase of 6 units. Other changes include the proposed mix and affordable housing splits. These are discussed in greater detail within the body of this report.
- 4.27 In summary, the applicant is seeking to demolish properties 1-78 Ackroyd Drive and 15-88 Shelmerdine Close, some of which are currently occupied.

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:

Core Strategy Development Plan Document 2010 (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	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

Managing Development Document adopted April 2013 (MDD)

Proposals:		N/A
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
	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
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) (LP)

- 2.9 Inner London
- 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
- 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
- 5.13 Sustainable Drainage
- 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
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations

8.3 Community Infrastructure Levy

Government Planning Policy Guidance/Statements

NPPF The National Planning Policy Framework 2012

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

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Biodiversity Officer

6.3 The Ecological Assessment and Environmental Statement indicate that there is nothing of significant biodiversity importance on the site. Sufficient surveys have been undertaken to determine that there are no bat roosts.

6.4 The plans include sedum green roofs and brown roofs aimed at enhancing biodiversity.

6.5 Overall, the living roofs and bird and bat boxes should secure an overall gain in biodiversity. These features should be secured by condition. Details of the soft landscaping have not been finalised, and should be secured through a condition. Any landscaping condition should state that the landscaping is expected to benefit biodiversity, and require the applicant to state how the landscaping will benefit biodiversity

6.6 *(Officer comment: A landscaping and biodiversity condition will be attached to the decision notice in accordance with the advice of the biodiversity officer)*

LBTH Parks and Opens Spaces

6.7 No comments received.

6.8 LBTH Arboricultural Officer

6.9 Tree protection is adequate and as such, no objections are raised to the proposed works.

6.10 *(Officer comment: The tree protection plan will be secured by condition)*

LBTH Energy Officer

6.11 The proposals are following the energy hierarchy and will utilise a decentralised Central Heating Plant system and roof mounted PV panels to achieve atleast a 35% reduction against building regulations 2012.

- 6.12 The proposals are for Code for Sustainable Homes Level 4 rated units which is supported by the sustainable development team
- 6.13 *(Officer comment: The energy strategy and Code of Sustainable Homes level 4 are recommended to be secured by condition)*

Crime Prevention Officer

- 6.14 The Crime Prevention officer has had two meetings regarding Secure by Design (SBD) and is satisfied that SBD standards can be achieved. Full details should be conditioned.
- 6.15 *(Officer comment: a condition is recommend to ensure SBD standards are achieved)*

LBTH Environmental Health

- 6.16 Contaminated Land
Environmental Health agree with the recommendations made within the submitted Land Quality Report for additional ground investigation to fully characterise risks associated with potential contaminant/gas pathways.
- 6.17 *(Officer comment: a condition is recommended to ensure appropriate remediation is carried out)*

Noise and Vibration

- 6.18 The development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development, hence adequate noise insulation and ventilation should be put in place. The "good" standard or BS8233 should be met within all bedrooms and living rooms and any mechanical and electrical plant should be 10 dB below the existing background noise level at the times required to operate.
- 6.19 *(Officer comment: a condition is recommended to ensure these standards are met)*

LBTH Highways Officer

- 6.20 The application is proposing 5 disabled bays and 46 ground level car parking spaces equating to 0.13 spaces per dwelling. The applicant is also proposing 427 ground floor cycle parking spaces in line with policy 6.9 of the LP.
- 6.21 The applicant should be required to enter into an s278 agreement (Highways Act) and provide a financial contribution for public realm improvements: the latter funding is especially sought for Bow Common Lane in the vicinity of the site where the carriageway is in very poor condition near the bus-stops. This development will increase trip rates across all modes to the site, which justifies the need for improvement.
- 6.22 *(Officer comment: A section 106 contribution has been secured for public realm improvements and this is outlined further within the material planning section of this report)*

- 6.23 **Parking**
The ratio of spaces to units is acceptable for this PTAL (3), as is the offer to undertake a car-and-permit free legal undertaking. A minimum 10% of all car spaces must be of accessible design, spread out and in convenient and accessible locations. A minimum 10% of spaces should be fitted with an electric vehicle charger, with a further 10% passively fitted.
- 6.24 The cycle stands are acceptable in quantity, however there should be a further 8 visitor cycle spaces grouped around the estate, in an area where they can be under surveillance.
- 6.25 *(Officer comment: subject to a condition requiring the retention of cycle parking spaces, it is considered the level proposed is acceptable)*
- 6.26 A site this large should have a space on-site for an HGV and a small van. Clarification is sought where deliveries can take place, and also the route of refuse vans and points they will collect waste.
- 6.27 *(Officer comment: these comments have been noted and revised details showing servicing and refuse collection have been submitted and considered acceptable)*
- 6.28 Balconies should not overhang the public highway.
- 6.29 *(Officer comment: the applicant has confirmed no balconies over sail the public highway)*

LBTH Employment and Enterprise Officer

- 6.30 **Construction phase**
The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The developer will be supported by the Council by providing suitable candidates through the Skillsmatch Construction Services.
- 6.31 To ensure local businesses benefit from this development it is expected that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The developer will be supported in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 6.32 The Council will seek to secure a financial contribution of £87,958 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. 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 skill set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.
- 6.33 *(Officer comment: The planning obligations requested are discussed within the Planning obligations section within this report)*

LBTH Communities, Localities and Culture

- 6.34 Communities, Localities and Culture noted that the increase in population as a result of the proposed development will 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 will also have an impact on sustainable travel within the borough. The proposed development of 367 units is calculated to result in 328 new residents. Accordingly, in line with the SPD on planning Obligations, the following financial contributions are requested.
- 6.35 A total contribution of £41,328.00 is required towards Idea Stores, Libraries and Archives.
 A total contribution of £101,376 is required towards Leisure Facilities.
 A total contribution of £64,249.95 is required towards Public Open Space.
 A total contribution of £4,920 is required towards Smarter Travel.
 A total contribution of £218,940.00 is required towards Street scene improvements.
- 6.36 *(Officer comment: The planning obligations secured are discussed in detail within the main body of this committee report)*

LBTH Children, Schools & Families

- 6.37 No comments received to date.
- 6.38 *(Officer comment: The financial contributions for the proposed development has been calculated using the Planning Obligations SPD 2012. As the proposal results in no increase in Child Yield no education contributions are required in this instance. However, estate wide the proposed new housing has generated a net increase of 6 primary school places and 2 secondary school places, this equates to an education contribution of £133,674.00 which has been provided for within this application. Whilst no direct comments have been received the financial contribution have been agreed at the Planning Contributions Overview Panel (PCOP) which includes officers from LBTH Children, Schools & Families)*

LBTH EIA Officer

- 6.39 The application has been submitted with an Environmental Statement (ES). This ES was reviewed by LBTH's Environmental Impact Assessment (EIA) Officer, and the Council's EIA consultants - LUC and Cascade.
- 6.40 The applicant has provided a response to the request for further information as an ES Addendum. This further information in relation to noise and vibration, and clarifications on other sections was considered to be satisfactory, and was appropriately published/ consulted on as required by the EIA Regulations 2011.
- 6.41 Both the original ES and ES Addendum were considered by the Planning Officer when making the decision on the planning application.

Thames Water

- 6.42 Waste Comments
 Thames Water request that the protection to the development is applied by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date.
- 6.43 Surface Water Drainage

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- 6.44 *(Officer comment: both of the above are recommended as informatives on any planning permission)*
- 6.45 Thames Water also recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.
- 6.46 **Water Comments**
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6.47 *(Officer comment: both of the above are recommended as informatives on any planning permission)*
- 6.48 Thames Water have requested a piling method statement to ensure any piling does not adversely impact on local underground water utility infrastructure.
- 6.49 *(Officer comment: A condition is recommended requiring full piling method statement)*
- 6.50 Thames Water have also requested informatives on any planning permission advising the applicant that Thames Water will not allow any building within 5 metres of Thames Water tunnels and will require 24 hours access for maintenance purposes.
- 6.51 *(Officer comment: This is recommended as an informative on any planning permission)*

Greater London Authority (GLA - Statutory Consultee)

- 6.52 In summary, the GLA advised that the proposal did not comply with the LP, but that there were possible remedies. In particular, the GLA made the following comments:
- 6.53 Housing
The scheme proposes 32% of Habitable Rooms as affordable units. It was accepted that in the case of estate renewals it may be possible to provide affordable housing over and above existing provision, and that the viability assessment should be provided in order for an assessment to be made as to whether the maximum reasonable amount of affordable housing has been provided.
- 6.54 Housing Mix
40% of affordable rented and social rented units are proposed to be family sized and this was supported. The GLA were satisfied that applicant has confirmed that the mix is representative of the estate's existing housing needs.

- 6.55 Housing Quality
The GLA were satisfied that the scheme was redesigned (from that approved under the outline consent) in order to ensure that the proposal met the Housing Design Guide standards. In particular, the GLA noted that the units met the London Plan space standards and that there are were no single aspect 3 bed units.
- 6.56 Inclusive access
The GLA requested confirmation regarding the provision of wheelchair accessible units on the estate and suggested the applicant confirmed the locations of these units within this phase.
- 6.57 Density
GLA calculated the density to be 552 habitable rooms per hectare, above the suggested density range of 200-450 habitable rooms per hectare. Whilst this was above the suggested range given the local context and the quality of the scheme the GLA considered it acceptable.
- 6.58 Child play space
The GLA requested that child play space should be increased to an SPG compliant level of 1,220 sqm.
- 6.59 Urban design
Concerns remained regarding the impact the development will have on the quality of Bow Common Lane, as it will lack enclosure, overlooking and activity that could be otherwise generated by providing the development built on the back of the footway.
- 6.60 On balance, considering the quality of the residential offer and the overall permeability of the scheme GLA are satisfied that the proposals raise no strategic design concerns.
- 6.61 Hazardous Substances
The proposed scheme is in the vicinity of disused gas holders for which the Hazardous Substances Act 1990 is applicable and as such further discussion is needed regarding this matter and the position of the HSE.
- 6.62 Climate change mitigation and adaptation
The tonne of carbon emission reduction equates to 36% exceeding the targets set within policy 5.2 of the London Plan.
- 6.63 Highways
See TfL comments
- 6.64 Community Infrastructure Levy
The applicant will need to include appropriate contributions relating to CIL.
- 6.65 *(Officer comment: Following these comments from the GLA, the applicant has submitted further clarification details in relation to the wheelchair adaptable units and the transport matters, and the viability of the scheme has been independently reviewed. Lastly, issues relating to transport and other matters such as Child Play Space and the Health and Safety Executive are discussed further within the material planning section of this report)*

Transport for London (TfL)

- 6.66 Transport Assessment
A multi-modal trip rate assessment was provided by the applicant, which was welcomed. TfL confirmed that no additional mitigation was required. It was expected however that the previous contribution of £270,000 will be secured within the section 106 agreement towards bus capacity improvements.
- 6.67 *(Officer comment: the applicant has confirmed that an amount of £445,000 towards the improvements and upgrades of the transport infrastructure to mitigate the requirements and pressures of the additional population on road network in the immediate area was paid in full in accordance with the previous s106 agreement, as such it was not considered necessary to secure this again)*
- 6.68 Car parking
A total of 46 car parking spaces are proposed, located at ground level, with 5 spaces designated as Blue Badge only. This is equivalent to 0.13 spaces proposed per unit. TfL considers this level of provision to be satisfactory and in accordance with London Plan policy 6.13 (Parking). In addition, TfL have advised that Electrical Vehicle Charging Points will be need to be provided in line with London Plan minimum standards. In addition, the applicant is expected to enter into a legal agreement restricting all occupiers from local Controlled Parking Zone (CPZ) eligibility.
- 6.69 *(Officer comment the provision of Electrical Vehicle Charging Points and car free development will be secured via condition)*
- 6.70 TfL noted however, that Tower Hamlets Council operate a permit transfer scheme (PTS). The PTS assists families transferring within the borough to car free social rented properties by allowing them to retain one on-street resident car parking permit. This is applicable to residents moving to 3 bedroom or larger properties. The applicant is therefore encouraged to engage with the potential Registered Social Landlord (RSL) to determine the likely level of demand for an on street permit through the PTS.
- 6.71 *(Officer comment: this is noted and given the applicant is an RSL they have been informed of these comments)*
- 6.72 Cycle parking
A total of 427 cycle parking spaces are proposed on the ground floor. TfL sought further details regarding the provision of family sized units on site to ensure the proposal conformed with London Plan policy 6.9 'Cycling'.
- 6.73 *(Officer comment: the provision of cycle spaces has been reviewed by Council Officers and is considered compliant with the London Plan policy, a condition is recommended to ensure they are provided and retained. Furthermore, they are also considered suitably located within each individual block)*
- 6.74 Highway Impact
TfL was satisfied that this application would not have a detrimental impact on the local highway network.
- 6.75 Delivery, servicing and construction
TfL noted that all servicing was proposed to take place on site at the entrance cores of each residential block. The submitted plans demonstrated that there was sufficient provision for turning areas for larger vehicles within the site. TfL

therefore considers these proposals are satisfactory.

6.76 TfL recommended a condition requiring a delivery and servicing plan (DSP) which identified efficiency and sustainability measures to be undertaken once the development was operational.

6.77 TfL also recommended a construction and logistics plan (CLP) to be submitted and approved by the Council prior to commencement of any construction. This was to ensure full compliance with London Plan policy 6.14 'Freight'.

6.78 *(Officer comment: Both a DSP and CLP will be recommended as conditions to the consent, in line with the above comments)*

6.79 Travel Planning

TfL have advised that the submitted Travel Plan failed the ATTrBute assessment tool and suggested that the contents of the travel plan be improved. TfL expect the Council to secure, enforce, monitor, review and ensure the funding of the travel plans through the section 106 agreement to ensure conformity with London Plan policy 6.3 'Assessing transport capacity.'

6.80 *(Officer comment: an amended Travel Plan is recommended as a condition, and the monitoring of the Travel Plan is to be secured within the s106 agreement)*

6.81 CIL

TfL noted that the proposed development requires a Mayoral CIL Charge of £35 per square metre Gross Internal Area (GIA). As such, a CIL contribution is required which will help towards the delivery of Crossrail.

6.82 *(Officer comment: the applicant is aware of the CIL requirements and this has been factored into the scheme viability)*

Health and Safety Executive (HSE)

6.83 Based on the standard PADHI+ planning advice software tool, the HSE conclude that the risk of harm to the people of the proposed development is such that the HSE's advice will be that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

6.84 HSE advise that if the LPA refuse the application, they will provide the necessary support in the event of an appeal. Furthermore, if the LPA approve the application against the HSE's advice, it should give notice of that intention and allow 21 days from that notice for the HSE to give further consideration to the matter. During this period, the HSE will consider whether or not to request the SoS to call in the application for its own determination.

6.85 *(Officer Comment: Issues relating to the HSE and gas holder risk safety are discussed in detail in section 8 of this report)*

7.0 LOCAL REPRESENTATION

7.1 A total of 802 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in

response to notification and publicity of the application were as follows:

7.2 No of individual responses: 3 Objecting: 3 Supporting: 0
No of petitions received: 0

7.3 The following issues were raised in the objection letter.

- An over-development of the site which has open space deficiencies
- Health and Safety issues in relation to the proximity of the site to the gasholders
- Lack of affordable housings
- Poor daylight sunlight conditions
- Lack of parking for future residents including disabled residents.

(Officer comment: all the issues raised above are discussed in detail within the material planning consideration section of this report)

7.4 Other issues

- Premature compulsory purchase order (CPO)

(Officer comment: this application is solely concerned with the planning merits of the scheme, the compulsory purchase of 2 Ackroyd Drive is a separate process and one that would be considered outside the planning process should planning permission be granted.)

7.5 Procedural Issues

- Certificate B has not been submitted to one of the leaseholders

(Officer comment: the applicant has signed ownership certificate B and provided details of the leaseholders notified of the application. Since this issue arose, the applicant has re-sent the certificate, on this basis officers are satisfied that the application is valid and can be determined)

7.6 Lastly, one of the objectors has requested that their objections are sent to committee members. As per any application the submitted documents and representations are available on file should committee members wish to view them.

8.0 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
- Housing/Child play space
- Amenity
- Landscaping/Biodiversity
- Health and Safety Executive
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Section 106 Planning Obligations

8.2 **Principle of Development and Land Uses**

8.3 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.

- 8.4 The regeneration of sites such as this within East London is also a strategic target of the LP (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”.
- 8.5 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the CS (2010) and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.6 CS (2010) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. Policy SP02 also seeks to ensure the Council works with our housing partners (which includes the applicant) to support the regeneration of housing estates, and ensure that homes are brought up to at least Decent Homes Standard.
- 8.7 An important mechanism for the achievement of this target is reflected in LP (2011) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.8 As the scheme seeks to provide residential use, which is the same as the existing use of the site, no change of use is proposed within the application.
- 8.9 The site does not have an allocation in the MDD (2013). Taking this into account, and given the surrounding area is predominantly residential in character, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.
- 8.10 The proposed development is therefore in accordance with policy SP02 of the adopted CS which seeks to deliver 43,275 new homes and policies 3.3 and 3.4 of the LP.

Density

- 8.11 Policies 3.4 of the LP (2011) and SP02 of the CS (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.
- 8.12 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 LP 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 CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.13 The site has a moderate public transport accessibility level (PTAL) of 3.
- 8.14 In terms of density characteristics, the GLA's stage 1 response refers to the site as having an urban character. Table 3.2 of the LP sets out that where accessibility to public transport is moderate, densities in urban settings should be between 200-450 habitable rooms per hectare.

- 8.15 Whilst the GLA have suggested the application proposed a density of 552 habitable rooms per hectare (hr/ha), officers have calculated the density of phase 2 to be 633 hr/ha. Estate wide the density would result in 535 hr/ha.
- 8.16 Whilst the density is higher than the recommended guidelines, it is noted that the proposed scheme would result in 13 less habitable rooms than the already consented outline planning permission PA/06/00518. Therefore, the principle of densities exceeding the LP for this site has already been established within the Estate.
- 8.17 In addition, it is considered that:
- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to the surrounding area.
 - The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission, such as amenity impacts, or poor standard of accommodation.
 - The proposal would complete the regeneration of Leopold Estate, by replacing mostly vacant, poor quality accommodation within a newly built high quality development that creates a better public realm.
- 8.18 Considering the benefits of the scheme along with the presumption in favour of sustainable development in the NPPF, it is considered that the density can be supported in this instance.
- 8.19 It is also noted that officers from the GLA, under stage 1 of their response confirm that they consider the density to be acceptable.
- 8.20 The development does not present symptoms of overdevelopment, nor result in any unduly detrimental impacts on the amenity of existing and future residential occupiers, as discussed further within this report. As such, it is considered that the proposal appropriately maximises the intensity of use on the site and is supported by national, regional and local planning policy, complying with Policy 3.4 the LP (2011) and policies SP02 and SP10 of the CS (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Design

- 8.21 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.22 Chapter 7 of the LP places an emphasis on good design in new developments. 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.
- 8.23 Policy SP10 of the CS and policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible,

attractive, durable and well-integrated with their surrounds.

8.24 The sites existing 8 concrete blocks (up to 6 storeys in height) are to be demolished and replaced with four residential blocks between 4 and 9 storeys in height. The main benefit of the application is an increase in legibility through the estate as shown in the following diagrams which show the existing and proposed scenarios.

8.25

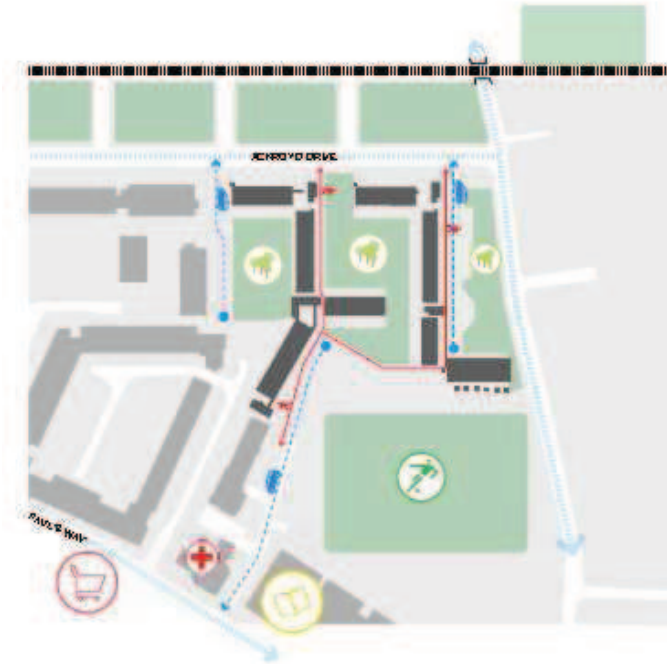


Diagram 1: showing permeability within the site

8.26 The existing layout is considered confusing and poorly defined in terms of legibility for pedestrians trying to navigate across the estate in a north – south direction from Ackroyd Drive to St Pauls Way.

8.27



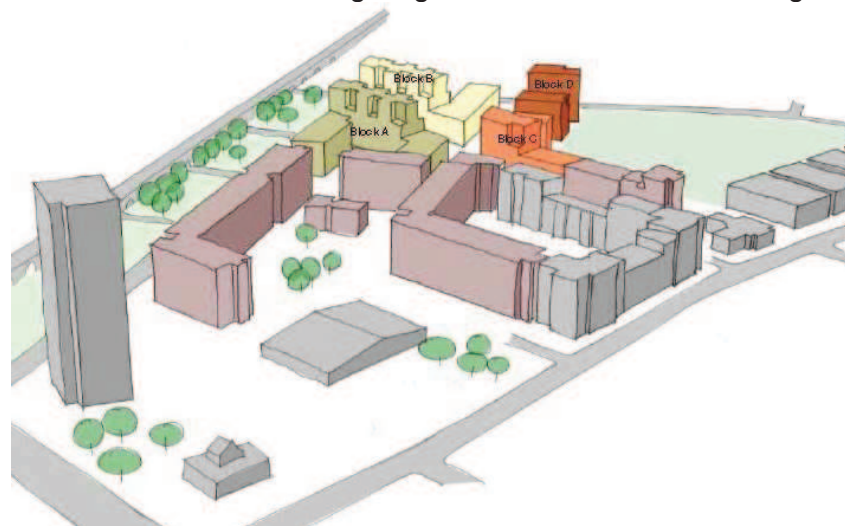
Diagram 2: showing proposed legibility diagram

8.28 The proposed layout seeks to retain private communal areas whilst promoting a strong north south emphasis which would improve sightlines and create a more legible and defined streetscene. This is supported by officers.

Height & Massing

8.29 The height of each of the four private blocks varies between four and nine storeys. The massing is similar to the rest of the estate, which is considered appropriate within the site context. The massing diagram is shown in the following image.

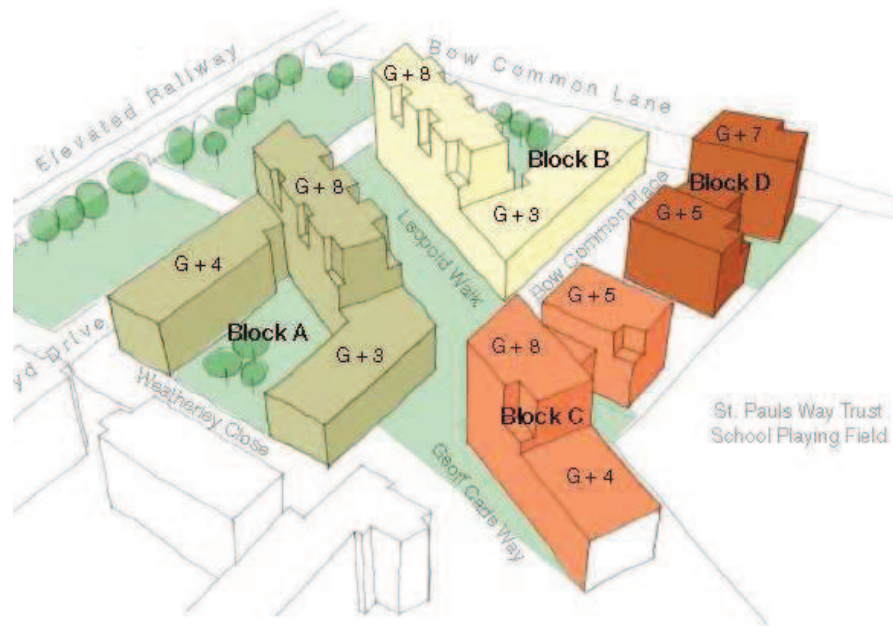
8.30



8.31 The four and five storey elements are located close to the retained and refurbished part of the Leopold Estate where they are considered to relate well with the existing heights, The taller elements are focussed more centrally within the estate along the newly proposed 'Leopold Walk', which by having a width of 25m is considered capable of accommodating the taller elements without resulting in a 'canyon' effect.

8.32 The proposed heights are shown in the following diagram with the 'G' representing ground floor.

8.33



Materials/ Elevational Treatment

8.34 The applicant is proposing all four of the buildings to be constructed of brick with each block having a slightly different colour, resulting in each block having a distinctive appearance.

8.35 The majority of the ground floor residential units are accessed directly from street level, with projecting communal entrances, projecting balconies and recessed windows providing an distinctive and well designed group of buildings.

8.36 The various setbacks at roof level and full height windows also add to the architectural quality of the scheme. The following image is an elevation example of the proposed appearance.



Design Development - Final Proposal
Recessed Brickwork Panels

- 8.37 Officers are satisfied that subject to conditions requiring samples to be submitted, the proposed materials will be of high quality and acceptable within the context of the site.

Secure by Design

- 8.38 Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 8.39 The Secure by Design officer as fed into the design development, and is satisfied that the proposal will achieve secure by design approval. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents.
- 8.40 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Landscaping

- 8.41 The application has been accompanied by a Public Realm Strategy which seeks to create a series of private, public and communal amenity spaces within each of the individual blocks (the quantum of which is discussed further within this report).
- 8.42 As outlined earlier in this report, one of the main aspirations of the redevelopment of this site is to improve legibility through the estate by creating a well-defined

layout which improves north – south views and routes. The landscaping seeks to reinforce this by creating a ‘pocket-park’ within the new central walkway. The central space measures around 2,288sqm and is to contain a mix of hard and soft landscaping areas in an attractive landscaping area. A sketch of this is shown in the following image.

8.43

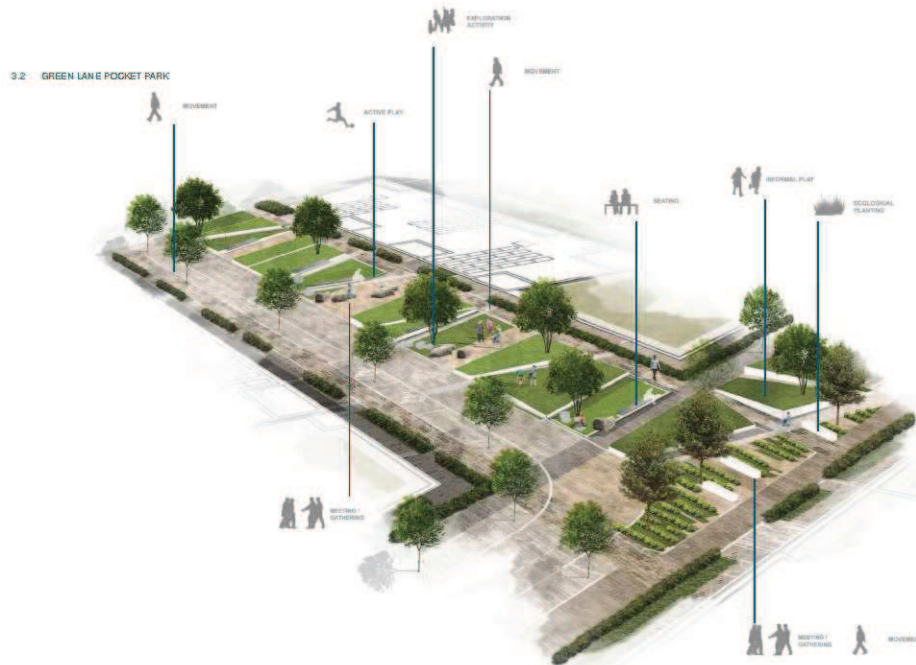


Image 1: showing prospective pocket park.

- 8.44 Two non financial planning obligations are proposed to help deliver this pocket park and retain it for public access. The first is an in kind obligation to ensure a minimum of £3,210,170.00 is spent on landscaping within this phase.
- 8.45 The second is an obligation ensuring the public park is retained for public access in perpetuity. This is in accordance with the requirements of the planning obligations SPD and will help deliver the Green Grid by creating a visual link to Tower Hamlets Cemetery Park to the north east of the site.
- 8.46 Overall, officers consider the landscaping proposed is of high quality and in accordance with policy SP09(6) of the adopted CS and policy DM23 of the MDD, which seek to ensure attractive streets and public spaces.

Heritage Assets

- 8.47 Whilst the site does not contain any listed buildings or lie within a conservation area, the Grade II* Listed St Pauls Church is located approximately 190m south west of the site at the corner of Burdett Road and St Pauls Way.
- 8.48 Given the existing Leopold Estate (Phases 1 and refurbished units) is sandwiched in between the listed church and the application site, officers conclude the proposed development will not have an adverse impact on the setting of the church, in accordance with policy SP10 of the adopted CS and policy DM27 of the MDD.

Overall Design Conclusions

- 8.49 The proposed development is acceptable in terms of design, scale and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policies DM24 and DM26 of the MDD (2013), which seek to ensure buildings are of a high quality design and suitably located.
- 8.50 Subject to conditions requiring the submission of full details and material samples the scheme is considered to deliver high quality design, enhancing the street scene and local context. As such, the proposal is in accordance with government guidance set out in the NPPF, Policies 7.8 and 7.9 of the Mayor's LP (2011), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

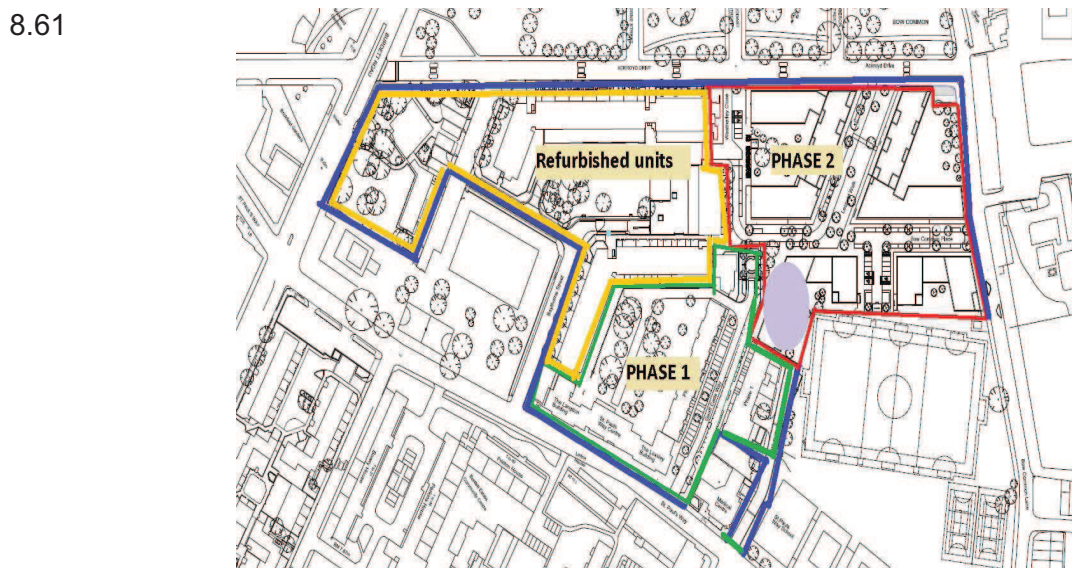
Housing

- 8.51 Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.
- 8.52 Policy 3.3 of the LP 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.
- 8.53 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 LP.
- 8.54 As this application is part of a wider estate regeneration scheme, policy SP02 of the CS, which seeks to ensure the Council works with our housing partners (which include the applicant) to support the regeneration of housing estates, and ensure that homes are brought up to at least Decent Homes Standard is also relevant.
- 8.55 Policy DM3(4) of the MDD, states that affordable housing will be calculated by using habitable rooms and based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases.
- 8.56 Given the existence of planning application PA/11/02004 which seeks to replace extant planning permission PA/06/00518 (the outline consent for the entire estate), it is also considered necessary to compare the main changes from the approved but unimplemented phase 2 of the outline consent with the housing proposed in the current scheme to give an understanding of the housing changes that are occurring within the estate. As such, the following are a list of sub-headings which form part of the housing assessment.
- 8.57 (1) This application in isolation referred to as Phase 2,
 (2) The combined implications of the implemented Phase 1 and the current Phase 2,
 (3) The estate wide implications of the development and also;
 (4) The main changes within Phase II as currently proposed and Phase II as approved within the outline consent.
- 8.58 The estate wide impacts are based on works currently near completion under planning applications PA/06/00425 and PA/06/00632. As outlined in the relevant planning history, these consents refurbished existing dwellings and provided new

dwellings within infill sites. The breakdown in housing approved under the estate masterplan, phase 1 and refurbished units are all appended to this report for ease of reference.

- 8.59 *Appendix 1 - Approved Estate Master Plan Mix (PA/06/00518)*
Appendix 2 - Phase 1 as implemented (PA/06/00425)
Appendix 3 - Refurbished units (PA/06/00632)
*Appendix 4 – Housing change if the outline consent under PA/06/00518 is implemented**
**This application has been kept ‘alive’ under planning application PA/11/02004 which is yet to be determined.*

8.60 The following site plan illustrates the various phases referred to within this report. This current application refers solely to the area outlined as ‘Phase 2’ Whilst the entire area is referred to as the Leopold Estate.



1. Phase 2 (this application) in isolation

8.62 The following table provides a breakdown on the housing to be demolished within this phase.

Housing to be demolished

8.63

	Market Sale		Intermediate Housing		Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	24	24	24	24
1 bed	0	0	0	0	0	0	0	0
2 bed	3	9	0	0	33	99	36	108
3 bed	9	36	0	0	76	304	85	340
4 bed	5	25	0	0	2	10	7	35
Totals	17	70	0	0	135	437	152	507

8.64 From the table above, it is evident that the vast majority of housing to be demolished is social rented family sized accommodation. The decant process for Phase 2 was started in 2008 and carried out on a block by block. The applicant

has advised that it was largely completed by January 2013.

8.65 The housing proposed within Phase II to replace the 152 to be demolished is outlined in the following table.

Proposed replacement housing

8.66

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	57	114	21	42	5	10	83	166
2 bed	183	549	3	9	34	102	220	660
3 bed	10	40	13	52	31	124	54	216
4 bed	6	30	0	0	1	5	7	35
Totals	256	733	37	103	71	241	364	1077

8.67 It is clear that the main change within Phase II is the significant increase of market accommodation, and an increase of intermediate units to cross subsidise the affordable housing. The portion of rented accommodation falls within this part of the estate. Overall, 135 residential units are to be replaced with 364 units, and the number of habitable rooms within this part of the estate more than doubles from 507 to 1077.

2. The combined new housing from the implemented phase I and the current phase II.

8.68 The following table outlines the total new housing within the estate from the implemented Phase I with the proposed Phase II

Total replacement housing

8.69

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	84	168	21	42	24	48	129	258
2 bed	216	648	3	9	51	153	270	810
3 bed	10	40	13	52	46	184	69	276
4 bed	6	30	0	0	9	45	15	75
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	3	21	3	21
Totals	316	886	37	103	133	451	486	1440

8.70 It is evident from the above table that the majority (316) of the 486 new homes proposed across the entire estate are for market sale. However, it must be made clear that the above table does not take into account the housing to be

demolished, and as such does not represent the net change in accommodation within the entire state. This is outlined within the following section.

3. The estate wide implications of the development.

8.71 With the refurbishment works and phase 1 near completion, the following table outlines the overall changes in the housing provision across the entire estate. The positive figures represent areas where there is a net gain in housing and the negative figures represent a net loss.

Net change in housing within the entire estate

8.72

	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	-24	-24	-24	-24
1 bed	+84	+168	+21	+42	+24	+48	+129	+258
2 bed	+213	+639	+3	+9	+4	+12	+220	+660
3 bed	+1	+4	+13	+52	-30	-120	-16	-64
4 bed	+1	+5	0	+5	+7	+35	+8	+45
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	+3	+21	+3	+21
Totals	+299	+816	+37	+108	-16	-28	+320	+896

8.73 As shown in the table above, the estate will see a net increase in market accommodation of 299 new dwellings, and 37 intermediate dwellings, whilst seeing an overall reduction in rented accommodation by 16 units, the implications of which are discussed further within this section.

4. Main changes within Phase II as currently proposed and Phase II as approved within the outline consent.

8.74 The following table outlines the difference in Phase 2 from original approval under PA/06/0518 within the main outline consent and as currently proposed.

Difference in housing proposed from outline consent Phase II and Phase II as proposed

8.75

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	-44	-88	5	10	-9	-18	-48	-96
2 bed	127	381	2	6	13	39	142	426
3 bed	-81	-324	7	28	-17	-68	-91	-364
4 bed	6	30	0	0	-3	-15	3	15
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	0	0	0	0

Totals	8	-1	14	44	-16	-62	6	-19
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8.76 From this table, it is evident that whilst there is a net increase in total units proposed (6 units), the overall number of habitable rooms proposed within this phase falls by 19 rooms. In addition, there is an increase in 8 market units and 14 intermediate units and a net loss of 16 rented units proposed within this phase. This is primarily, due to the viability of the scheme which is discussed within the 'Planning Obligations section of this report. The loss of affordable housing including social rented units is discussed further within the housing section.

Affordable Housing

8.77 Policy 3.12 of the LP seeks to ensure boroughs negotiate affordable housing. Policy SP02 (3) of the CS sets an overall target of 50% affordable housing achieved partly by ensuring 35-50% affordable homes on sites providing 10 or more dwellings.

(1) Phase II (this application) in isolation

8.78 The proposed scheme delivers 32% affordable housing by habitable room. This falls outside the minimum 35% affordable housing required by policy.

8.79 When taking into account the existing affordable housing to be lost within Phase 2 (135 units, equating to 437 habitable rooms), the proposed scheme results in a net loss of 8.64% affordable housing within phase 2 by habitable room.

8.80 In addition, the scheme results in a 45% reduction of rented accommodation within this phase (*the existing 437 rented habitable rooms to be replaced with 241 habitable rooms*).

8.81 Lastly, it is important to note that only 19 of the 71 replacement units are to be at the social rented levels with the remaining at affordable rented levels. However, given the existing estate is vacant, with the previous residents, long since decanted and housed within alternative housing, the impact of this change is lessened to an extent.

8.82 For ease of reference, the following table provides a breakdown between the different affordable housing tenures proposed within this phase.

8.83

Phase II Unit Size	Shared Ownership No. Units	Affordable Rented No. Units	Social Rent No. Units	Total Units
1 bed	21	5	0	26
2 bed	3	34	0	37
3 bed	13	13	18	44
4 bed	0	0	1	1
Totals	37	52	19	108

8.84 (2) The combined implications of the implemented phase 1 and the current phase 2.

- 8.85 In accordance with policy DM3(4) it is necessary to assess the total affordable housing to be provided within the estate.
- 8.86 Phase 1 of the Leopold Regeneration delivered 57.8% affordable housing (under planning permission PA/06/00425), taking this into account the housing implemented within Phase I and currently proposed within this Phase II, the total affordable housing proposed equates to 38% across both phases. This does not take into account the housing to be lost within these phases which is discussed further within the following section of this report.
(N.B: The total housing for Phase 1 and Phase 2 is found at appendix 5)

(3) Estate Wide Implications

- 8.87 When taking into account the existing affordable housing to be demolished to make way for the new build, estate-wide the proposed scheme delivers a net increase of 3.32% affordable housing (rented and intermediate accommodation combined) by habitable room.
- 8.88 Whilst the overall affordable housing is to marginally increase, the estate wide rented tenure would reduce by 1.16%, which equates to 28 habitable rooms.
- 8.89 When taking the retained/refurbished units into account with the 122 new homes delivered under Phase 1, the tenure of the estate will shift from a mono-tenured social rented estate to an estate where 63% of all housing will be affordable by habitable rooms.

Analysis and Conclusions

- 8.90 Whilst the proposed level of affordable housing is not at the targeted 35% for the subject site above, and when taking into account the uplift actually results in a slight net loss (1.16%) of rented accommodation within the entire estate, officers consider it acceptable within the context of the estate, which also includes the refurbishment works that have already taken place, and the landscaping works that will take place within the scope of this application.
- 8.91 The Council within its MDD acknowledges within estate regeneration schemes there can be a net loss of affordable housing in exceptional circumstances. The policy states:
- 8.92 DM3(6). "Estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where:
a. development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site; or
b. public open space or a non-residential use will benefit the overall estate regeneration scheme."

The accompanying paragraph discusses the adopted approach further:

- 8.93 *"3.10 Part (6) seeks to ensure a better overall outcome for development within estate regeneration schemes, which leads to the net loss of affordable housing. Specifically, it looks to secure mixed and sustainable communities and high-quality housing, public open space, community infrastructure and services. Within estate regeneration schemes, the level*

of affordable housing provided within a new development may be varied to facilitate the delivery of market housing where this is demonstrated to be necessary to cross-subsidise improvements to the quality of existing affordable housing.”

8.94 In this instance, the applicant has undergone works to vastly improve the estate, from an almost entire social rented estate in need of vast refurbishment works to the current scheme which would complete the redevelopment of the estate, providing a mixed and sustainable community.

8.95 The works already taken place include the refurbishment of existing 335 social rented units, and 122 new dwellings of which 58% are at social rent levels.

8.96 The refurbishment planning application (PA/06/00632) centred on landscaping and environmental works, new windows and lift cores which required planning permission. The applicant has also confirmed that all the refurbished units within PA/06/00632 (335 units) have been brought up to Decent Homes Plus standards, which was one of the aims of the estate transfer.

8.97 A new community use building has been erected at a cost of £2.4million, and significant landscape works and public realm improvements have been undertaken, which officers have viewed on site and consider to be of high quality.

8.98 The following photographs are examples of the quality and detail of some of the landscaping works that have already taken place within the estate.

8.99



8.100



8.101 Moreover, this part of the estate has long been decanted and the proposal will complete the final phase of the regeneration of Leopold Estate.

8.102 As such, taking all of the above into account, on balance it is considered exceptional circumstances have been met to allow a loss of affordable accommodation on site in accordance with policy DM3(6) of the MDD (2013), in order to ensure that the scheme can viably carry out this later phase of development, and complete the estate regeneration works.

Conclusion

8.103 In accordance with policy SP02 of the CS and DM3 of the MDD, the proposed Phase II delivers 32% affordable housing and phases I and II both deliver combined affordable housing of 38%. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing that can be delivered and without making the scheme unviable. On balance, the provision of affordable housing is considered to be acceptable.

Housing Type and Tenure Mix

8.104 Policy 3.11 of the LP requires 60/40% split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed scheme delivers a tenure split of 70% rented accommodation and 30% intermediate which is policy compliant.

Mix of units

- 8.105 The proposed scheme is considered to comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units
- 8.106 The proposed scheme (Phase II) delivers 17% of all units for family sized accommodation. This is below the 30% target under policy SP02. However, given the scheme delivers 45% of the rented accommodation (by units) suitable for family sized accommodation against an LBTH target of 45% and that the mix including more one and two bedroom units are required to make the scheme more viability, it is considered acceptable on balance.

Rent Levels

- 8.107 Within the Affordable Housing tenure, the application proposes affordable rented, social rent and Intermediate housing.
- 8.108 Social rented housing is defined as rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 8.109 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.110 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.
- 8.111 The Council's Housing team are on balance supportive of the provision of affordable housing, given the level of estate regeneration that is necessary. Furthermore, the independent review of the applicants viability toolkit revealed that this is the maximum level that can be provided, whilst ensuring the proposal is deliverable.
- 8.112 The proposed affordable rent levels are in line with research POD undertook for the Council to ensure they are genuinely at affordable levels. Nineteen of the 71 units will be delivered at lower social rent levels, all of which are family sized units. The LBTH Housing team supports this approach, which is consistent with draft Affordable Housing SPD (engagement version 2013). The applicants rent levels shown below are inclusive of service charges.

Proposed Rent Levels		
Tenure	Type	Total
Affordable	1B2P	£ 170.00
	2B4p	£ 198.00
	3B4P	£ 219.00
Social	3B5P	£ 182.70

	3B6P	£ 182.70
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8.113 Table 4: Proposed Rent Levels for Affordable Rented units.

Overall housing conclusions

8.114 The application as evidenced above has a number of shortfalls within this particular phase and estate-wide including the following:

- Proposed delivery of 32% affordable housing by habitable room does not meet the Council's minimum requirement of 35%;
- The proposal results in a loss of Social Rented accommodation within this phase, which is to be replaced with Affordable Rented levels;
- The proposal results in a minor net loss of 1.16% of rented accommodation across the entire estate;
- The proposal results in net loss of 20 family sized rented accommodation estate wide;
- The proposal results in a net loss of 16 social rented units estate wide;
- The proposal provides only 17% of all new housing for family size against a target of 30%.

8.115 However, in line with the presumption in favour of sustainable development these shortfalls are balanced against a number of benefits of the proposal some of which are listed below:

- 8.116
- The proposal aids the delivery of new homes within the borough;
 - The proposal contributes to the creation of mixed and balanced communities by creating a multi tenured community;
 - The existing blocks are vacant and the regeneration of this site will improve the housing stock within the borough;
 - The proposed works already taken place are of high quality and 335 homes have been refurbished to decent homes plus standards;
 - The proposal as outlined within this report is of high quality design;
 - The redevelopment has already improved the environment and streetscene;
 - The proposed development will complete the regeneration of the estate achieving the Council's aspiration of creating better places to live;
 - The scheme viability has been tested to ensure the affordable housing has been maximized on site.

8.117 Overall, it is considered that the benefits of the scheme in this instance outweigh the shortfalls and that the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 32% on site affordable housing is acceptable on balance. Therefore it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2011), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Standard of accommodation

8.118 LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed

developments.

Internal Space Standards

- 8.119 LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.120 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

Private and Communal Amenity Space

- 8.121 Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), 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 accordance with the housing design guide and policy requirements, in the form of balconies and gardens.
- 8.122 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 363 units the minimum communal amenity space required would be 403sqm.
- 8.123 The proposal delivers approximately 1953sqm of usable communal amenity space within dedicated areas in each individual block. This exceeds policy requirements and is considered acceptable.

Public Open Space

- 8.124 The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.
- 8.125 In this instance, a contribution of £747,413 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.
- 8.126 To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 3936 sq metres based on a likely population yield of 328 new residents.
- 8.127 The scheme proposes 985sqm of designated public open space within the site, to be located within the proposed 'pocket-park'.

- 8.128 A further 3,408sqm has been allocated as a 'Homezone' environment which is to be designed as multi purpose space. Officers consider that given this space will contain car-parking spaces, turning spaces and spaces which will be used for driving vehicles it is not considered as public open space for the purposes of this assessment.
- 8.129 The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, a contribution has been secured towards public open space. This is discussed further within the amenity section of the report.
- 8.130 Officers acknowledge that due to the site constraints it is not possible to deliver the full suggested open space amount. Given this figure is only guidance and taking the public space contribution into account along with the quality and design of the proposed pocket park, officers feel in this instance the provision of open space is acceptable.
- 8.131 In conclusion, the proposed development would make a significant contribution to delivering the Core Strategy objective of creating a blue and green grid. It would also deliver the spatial policies of protecting, creating enhancing and connecting open space, through an overall increase in the quantity and enhancement to the quality of local open space. As such, the proposal accords with policy SP04 of the CS and policy DM10 of the MDD.

Child Play Space

- 8.132 Policy 3.6 of the LP, Policy SP02 of the CS and Policy DM4 of the MDD seeks to protect existing child play space and requires 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).
- 8.133 Using LBTH child yield calculations, the overall development is anticipated to accommodate 122 children and accordingly the development should provide a minimum of 1220sq.m of play space. In accordance with the London Plan standards and resulting child yield, the scheme is required to provide 1220sqm. The LBTH requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space- Under 4	565sq.m	46%	1220sqm
Child Play Space- 5-10	405sq.m	33%	
Child Play Space- 11-15	246sq.m	20%	
Total	1220sq.m		
Shortfall Child Play Space	0sq m		

Table 5: Child Play Space Details

- 8.134 The scheme proposes 1220sqm of child playspace which meets the LP and Tower Hamlets requirements.
- 8.135 In addition, the proposed child playspace and communal amenity space are to be designed flexibly and as such, the communal amenity space which exceeds policy requirement by 1550sqm can also be used for child play space purposes.
- 8.136 Overall, the provision of child playspace is considered acceptable in relation to policy DM4 of the MDD and policy 3.6 of the LP.
- 8.137 The child playspace is divided into 1070sqm of doorstep child playspace for under 4 year old and 150sqm for 5-10 year olds. Whilst this is not proportioned against the recommended values within the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation, the provision in this instance and in this location is considered suitable given the provision of play areas within the vicinity of the site which are likely to be more appealing to older age groups, as discussed below.
- 8.138 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. There are areas in the vicinity of the site listed below, including the Mile End Metropolitan park which provides a local area of designated amenity space for future residents
- 8.139
- The new St Paul's Way Community School;
 - Mile End Park;
 - Tower Hamlets Cemetery Nature Reserve;
 - Furze Green; and
 - Bartlett Park.
- 8.140 The scheme also delivers public open space and a new 'pocket park' area which has been discussed within the landscape section of this report.
- 8.141 Overall, officers are satisfied that adequate provision of child playspace has been provided for future children of the development.

Wheelchair Housing and Lifetime Homes Standards

- 8.142 Policy 3.8 of the LP and Policy SP02 of the LBTH CS 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.
- 8.143 Across the development, 13.6% of all the units (54 units) are proposed to be provided as wheelchair accessible which is in excess 10% of all units. The excess in policy is to compensate for the lack of wheelchair accessible units delivered within phase 1 (Just 3 units out of 122 units). Overall, this results in a total provision of 10.8% across both phases and accords with Council policy.
- 8.144 If planning permission is granted a condition would be attached to ensure that the

13.6% of wheelchair accessible units are delivered within the scheme.

Daylight/ Sunlight for future occupiers.

Daylight

- 8.145 Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.146 BRE guidelines recommend the following values for dwellings. These are:
2.0% - Kitchens
1.5% - Living Rooms
1.0% - Bedrooms
- 8.147 The applicant has submitted a daylight and sunlight assessment which confirms that 941 of the 1112 rooms tested (84%) meet the required ADF values. The higher the rooms are located within the development the better the daylighting conditions are to be expected for future residents.
- 8.148 A total of 171 rooms fail to meet the recommended guidelines, and these are predominantly situated on the lower floors of all four blocks and as such, affecting a wide range of tenures and unit sizes.
- 8.149 The majority of the 171 failures are located on the lower levels of the development with 62% of the rooms at ground floor meet the recommended guidelines. At first and second floor levels 80% and 73% of the units accord with the guidelines.
- 8.150 With regards to the upper floors, the pass rate increases significantly from 89% at third floor level, 94% at fourth floor level and between 96-98% on fifth to seventh floors respectively. In most cases, especially on the upper floors the units that pass exceed the guidelines comfortably.
- 8.151 The applicant has suggested that there are a number of reasons why the failures are particularly high at ground floor level. These include the new accommodation being larger in size to meet the new GLA and MDD space standards, resulting in deeper units which reduce the level of light penetrating the rooms.
- 8.152 In addition, the applicant has suggested that the level of failures should be weighed against the need to provide private amenity space, often in the form of balconies. The provision of balconies directly above each room also reduces the levels of light reaching the relevant rooms below.
- 8.153 Officers have compared the failures at ground floor level with the corresponding layout at first floor level. The comparison shows a direct correlation exists between the rooms that fail the ADF and those that have balconies above.
- 8.154 As such, it is necessary to balance the shortfall in ADF for some of the ground floor units with the benefits of providing private amenity space for the units above.
- 8.155 In a dense urban setting, officers consider the balance in favour of the scheme, given the vast majority of units overall achieving the BRE Guidelines.

Sunlight

- 8.156 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:

“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”

- 8.157 By virtue of the plot layout, a large number of units do not facing 90 degrees due south and as such, the natural expectation of receiving sunlight is greatly reduced.
- 8.158 For similar reasons to daylight impacts with overhanging balconies, only 66% of the south facing rooms would receive the recommended annual sunlight hours (531 rooms out of 808) and 62% (499 rooms out of 808) would meet summer and winter hours.
- 8.159 Officers agree with the applicant insofar as, it being difficult to achieve full compliance with the recommended hours in such a dense setting, especially with overhanging balconies. Notwithstanding this, despite the shortfall in some sunlight to some units, overall officers believe a high standard of design has been met within this scheme for future residents. It is also important to note 59 of the 155 rooms that do not meet the sunlight hours are bedrooms where sunlight is not as important as set out in the BRE Guidelines.

Noise and Vibration

- 8.160 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.161 Policy 7.15 of the LP, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD 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.
- 8.162 The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 8.163 The submitted noise report considers existing noise levels, noise from new plant, existing noise and vibration from trains, possible noise from Crossrail, noise from the nearby school and noise arising from the implementation of the scheme.
- 8.164 The Councils Environmental Health confirms they have no objections to the

scheme subject to adequate noise insulation and ventilation put in place. Officers consider these details can be controlled via the imposition of conditions attached to the consent.

Air Quality

- 8.165 Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP02 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.166 The Air Quality assessment (Chapter 11 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend and Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.167 It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 8.168 As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Amenity

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

Daylight, Sunlight and Overshadowing

- 8.170 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.171 The properties most likely to be affected by the development are those located in Leopold Estate Phase 1 to the south-west of the site. The remaining properties fall outside the 25% test as recommended by BRE guidelines and as such, are not required to be tested.

Daylight

- 8.172 For calculating daylight to neighbouring properties, the primary assessment is the vertical sky component (VSC) method. The 2011 BRE guidance emphasises the

VSC method as the primary method of assessment. The applicant has assessed the impact on adjoining residents in relation to VSC and also daylight distribution.

- 8.173 With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes noticeable to residents and can potentially be considered as an adverse impact from the development.
- 8.174 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

Neighbouring Properties

- 8.175 The report demonstrates that 95% of all windows tested (176 out of 186 windows) would see a VSC reduction well within the 20% tolerance levels set out within the BRE Guidelines.
- 8.176 Of the 10 windows that fail the VSC, 10 of the failures are considered marginal failures between 1-5% of the notable 20% and one failure is 29%. The rooms that fail are located within Block E of Phase 1 Leopold Estate and also at 1 to 28 Couzens House, Weatherley Close.
- 8.177 When analysed further, it is revealed that six of the ten failures are to rooms which are dual aspect. This includes the room with the greatest failure of 29%.
- 8.178 The applicant has also assessed these windows in relation to Daylight Distribution. This method of assessment takes into account other windows within the rooms and focusses on the level of light falling within the rooms.
- 8.179 In terms of daylight distribution, the information provided by the applicant confirms that all four of the rooms tested at Block E of Phase 1 would continue to see daylight reaching at least 83% of their former areas within the relevant rooms.
- 8.180 With regards to residents at Weatherley Close, the rooms tested for daylight distribution would continue to receive daylight, however the levels would be reduced between 50-72% of their former areas.
- 8.181 Officers feel, when taking the scale of the development proposed, the impacts of the development on adjoining properties is considered relatively minor and on balance can be supported in this instance.

Sunlight

- 8.182 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.183 The submitted report outlines that 7 windows are within the vicinity face 90

degrees due south of the site and require to be tested for sunlight. All seven of the rooms tested would see no reduction in sunlight during winter and four of the seven tested would see no change in sunlight during summer. Of the three that would see a reduction in sunlight hours, it would only be a minor reduction during the summer. The greatest reduction would be from 11% to 7% and this would be to the ground floor room of Block E of the phase one development. Accordingly, exceed BRE requirements.

- 8.184 Overall, officers feel the proposed development does not have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

Overshadowing

- 8.185 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 during 21 March”.
- 8.186 The report demonstrates that the majority of the amenity areas within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

Privacy

- 8.187 The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings and existing buildings, with many of the separation distances comfortably exceeding the suggested 18m distance.
- 8.188 The only distances that are within the 18m are those for the proposed blocks which are at oblique angles, thus positioned to avoid direct overlooking.
- 8.189 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the CS and Policy DM25 of the MDD (2013). These policies seek to protect residential amenity.

Visual amenity / sense of enclosure

- 8.190 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or increased sense of enclosure.
- 8.191 In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Landscaping and Biodiversity

- 8.192 The London Biodiversity Action Plan (2008), policy 7.19 of the LP, 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.

- 8.193 The applicant has submitted an Ecological Survey & a Tree Survey and Initial Arboricultural Implications Assessment in order to assess the impact of the proposal and any ecological measures proposed by the scheme.

Arboricultural Impacts

- 8.194 The submitted Arboricultural report outlines a total of 41 trees are to be removed. More than half of the trees (24) are considered to be of moderate quality and value as to make a significant contribution of a minimum of 20 years (Category B trees).
- 8.195 Fifteen trees are considered to be of low quality or are young trees of a stem diameter of 150mm (Category C trees). Lastly, two trees are of poor quality and recommended to be removed regardless of this application due to sound arboriculture practice (Category R trees).
- 8.196 In order to mitigate the loss of these trees, 46 new trees are proposed within the landscaping plan of the development. Once these trees are established it is considered that they will offset the loss of the existing trees.
- 8.197 The Arboricultural statement also outlines a number of measures aimed at protecting the roots of the existing trees that are to be retained from damage during the implementation of the development. These are recommended to be conditioned within the consent.

Ecological Impacts

- 8.198 The submitted report identifies local trees and shrubs to be of local ecological value.
- 8.199 All breeding birds are protected under the 'The Wildlife and Countryside Act 1981'. This Act ensures that any loss to nesting habitats is undertaken outside of the bird nesting season (March to August).
- 8.200 The provision of the above Act should ensure any loss of nesting habitats is not harmful to the nesting of any bird species. An informative is recommended on the consent advising the applicant of the need to comply with the above Act.
- 8.201 The ecological report confirms there are limited opportunities for bat roosting within the existing buildings. However, the report did identify four trees which had the 'medium' potential to support Bats which are a protected species under the Town and Country Wildlife Act. The report advises that if these trees are to be lost within the proposed development, then a detailed inspection of the tree cavities should be carried out for evidence of roosting bats before the trees are removed. Given, three of these trees are proposed to be removed, a condition requesting a cavity inspection for these trees is recommended.
- 8.202 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:
- 8.203 -Full details of the landscaping

- Full details of the biodiversity enhancement measures
- Full details of bird and bat boxes
- Full details of the sedum/ brown roofs proposed

8.204 Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS .

Transport, Connectivity and Accessibility

8.205 The NPPF and Policy 6.1 of the LP 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.

8.206 CS Policies SP08 and 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.

Transport Assessment

8.207 Policy DM20 of the MDD requires the submission of a transport assessment for major applications.

8.208 The submitted Transport Assessment containing a multi-modal trip rate assessment has been provided by the applicant, which has been reviewed by officers from the Councils highways department and Transport for London, both of which confirm that no additional mitigation is required and that the development is not envisaged to have a substantial impact on the local highway network.

Travel Plan

8.209 In accordance with policy DM20 of the MDD, the application has been accompanied by a draft Travel Plan, which has been reviewed by TfL and considered to fail the ATTrBuTE assessment. Officers consider this matter can be dealt with via an imposition of a condition, requiring a final Travel Plan for approval. The implementation of the Travel Plan is to be secured via a s106 legal agreement.

Car Parking

8.210 Policy 6.13 of the LP, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

8.211 The LP also seeks to ensure the maximum parking standards are not exceeding within all developments, with areas of high transport levels achieving significantly less parking.

8.212 Policy DM22 of the MDD requires 0.2 parking spaces for units less than 3

bedrooms and 0.3 parking spaces per unit which has more than three bedrooms within Public Transport Accessible Levels (PTAL) of 3.

8.213 The public accessibility levels for the site vary with a large portion of the site within low PTAL level of 2 to 3, the northern part of the site has a PTAL of 4 with the corner of the site having a PTAL rating of 6a which is the highest.

8.214 Based on an average PTAL rating of three, the proposed scheme could provide up to a maximum of 79 car parking spaces for future occupiers.

8.215 The application proposes 47 car parking spaces at ground level with 10 (20%) designated as disabled spaces. Under policy DM22, the proposal falls within the maximum number of parking spaces recommended for the development, and is acceptable.

Provision for Cyclists

8.216 Policy DM22(4) seeks to ensure developments meet, and preferably exceed, the minimum standards for cycle-parking.

8.217 The application proposes 420 cycle parking spaces in 13 secure storage areas around the site. A condition requiring a minimum of 425 cycle parking spaces is recommended in order to ensure the proposal complies with policy DM22 of the MDD and policy LP policy 6.13.

8.218 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed cycle parking on site is considered acceptable.

Servicing and Deliveries

8.219 LP Policy 6.13 states that developments need to take into account business delivery and servicing.

8.220 Full details of servicing and deliveries are recommended to be secured via conditions under a Delivery & Servicing Plan (DSP) which is to be submitted prior to occupation of the development. Subject to this condition, officers consider the proposal would comply with policy 6.13 of the LP

Waste, Refuse & Recycling

8.221 As per the estate, a number of underground refuse systems (URS) are proposed on privately owned land, a number of recycling locations are also proposed.

8.222 Full details of the waste, refuse and recycling would also be managed and coordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.

Energy & Sustainability

8.223 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

8.224 The LP 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)
- 8.225 The LP 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). MDD policy DM29 exceeds the LP and seeks a 35% CO2 reduction above the Building Regulations.
- 8.226 Policy SP11 CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation, which is supported by policy 5.7 of the LP.
- 8.227 Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.228 The proposed development follows energy hierarchy, will utilise an existing decentralised CHP system built within Phase 1 of the estate regeneration and provide roof mounted PV panels to achieve the 35% reduction against building regulations 2010. As such, the proposed development complies with the above mentioned LP, CS and MDD policies.
- 8.229 Policy 5.3 of the LP and policy DM29(4) of the MDD seek to ensure sustainable design assessment tools are used to maximise climate change mitigation. The Accompanying text for the MDD states that the Council will seek Code for Sustainable Homes Level 4.
- 8.230 The proposed development aims for Code for Sustainable Homes Level 4 rated units which is in accordance with the above mentioned policies and supported by officers from the Energy Team. The details will be conditioned to ensure level 4 has been met.

Health and Safety

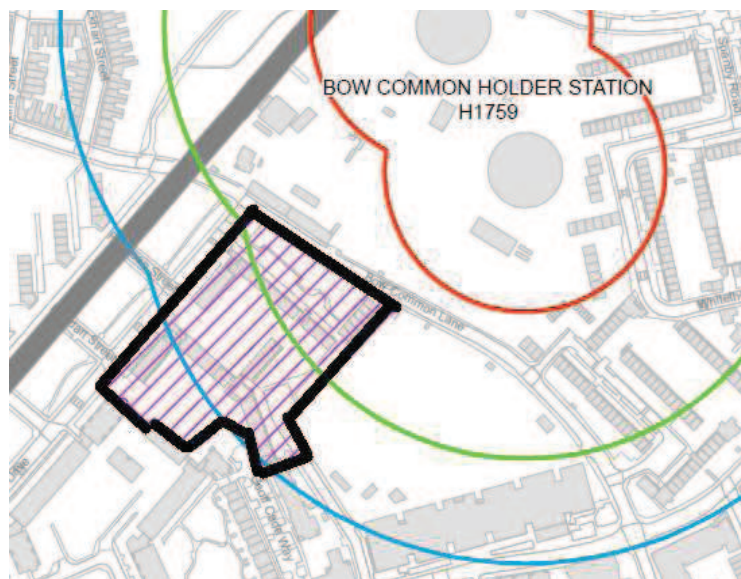
- 8.231 The Sevesco II Directive requires Member States (of the European Union) to introduce controls on establishments where dangerous substances are present above certain quantities. The aim of the directive is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment.
- 8.232 Within England and Wales, the enforcement regulations of the Sevesco II directive is the Control of Major Accident Hazards Regulations (1999)
- 8.233 Within planning this is covered by the Planning (Hazardous Substances) Act 1990. This Act provides the mechanism for creating and revoking Hazardous Substance Consent (HSC) which are issued to sites which contain dangerous substances.
- 8.234 The application site is adjacent to the Bow Common Gas Holders which have a Hazardous Substance Consent in place.

- 8.235 Circular 04/00: Planning controls for hazardous substances provides guidance on who to consult with regards to planning applications in close proximity to sites with HSC consents in place. The circular advises local authorities to consult the Health and Safety Executive (HSE) outlining (at paragraph A.1 of the circular) that the *'HSE's role in the land use planning system is to provide local authorities with advice on the nature and severity of the risks presented by major hazards to people in the surrounding area so that those risks can be given due weight, when balanced against other relevant planning considerations, in making planning decisions.'*
- 8.236 The circular advises that the (A.3) *'HSE's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where HSE advises that there are health and safety grounds for refusing, or imposing conditions on, an application, it will, on request, explain to the local planning or hazardous substances authority the reasons for their advice. Where that advice is material to any subsequent appeal, it is prepared to provide expert evidence at any local inquiry'*
- 8.237 More importantly, the circular advises that *'A5. In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation or pipeline, or that hazardous substances consent should be refused, should not be overridden without the most careful consideration.'*
- 8.238 Lastly paragraph 46 of the circular requires planning applications for development at or in the vicinity of sites at which hazardous substances are present, to have regard to the provisions of the development plan, so far as it is material to the application (s.9 of the 1990 Act).
- 8.239 In relation to the Councils development plan, policy 5.22 of the London Plan and policy DM30 of the Management Development Document are relevant.
- 8.240 Policy 5.22 of the LP requires site specific circumstances and proposed mitigation measures be taken into account when applying the Health and Safety Executive's Planning Advice Developments near Hazardous Installations (PADHI) methodology. Furthermore, the policy states the risks should be balanced with the benefits of development and should take into account of existing patterns of development.
- 8.241 Policy DM30(2) of the MDD states development will not be supported which involves the storage or use of hazardous substances or new developments in close proximity to hazardous installations where it would cause a significant hazard to health and the environment.
- 8.242 The accompanying text at paragraph 30.4 states, *'In combination with advice provided by the Health and Safety Executive, consideration will also be given to site specific circumstances and any proposed mitigation measures. If the HSE advise against development, planning permission will only be granted in circumstances where it can be demonstrated that the benefits that would be brought by the proposed development would significantly outweigh the potential risks to health and the local environment'*
- 8.243 The Bow Common Gas Works, has a site allocation (site allocation 8) to provide a

strategic housing development including family housing, a primary school and district facility and public open space within the Management Development Document plan period up to 2025.

- 8.244 The gasholders are currently disused, however the Hazardous Substance Consent has not been revoked, effectively meaning that they could potentially be used to store gas again in the future.
- 8.245 Applications close to gasholder sites are run through a programme called PADHI+ developed by the Health and Safety Executive.
- 8.246 PADHI+ is a tool used to give land use planning (LUP) advice on proposed developments near hazardous installations. PADHI+ uses two inputs to a decision matrix to generate the response, the zone in which the development is located out of three zones and the 'sensitivity level' of the proposed development. The matrix will generate either an 'Advise Against' or 'Do not Advise Against' response. In this case the matrix has generated a response 'Advise Against', which confirms there are sufficient health and safety grounds for the HSE to advise against the granting of planning permission.
- 8.247 The following plan shows the application site (shaded area to the south west). The site is located predominantly within the outer zone with part of the site within the middle zone.

8.248



- 8.249 The key concern is the density of housing, the resulting number of people and its proximity to the gas holders. In the event the gas holders were a) to be re-commissioned and b) may not function correctly, it may be difficult to organise people in the event of an emergency.
- 8.250 From the outline planning permission, the applicant has revisited the design which has resulted in a reduction in the number of dwellings within the middle zone of the development, effectively pushing the dwellings closer to the outer zone where the effect of the gas holders is reduced to an extent. The change in housing is shown in the following table.

HSE Zones	Current Phase 2 Application (dwellings)	Outline Application (dwellings)
Inner Zone	0	0
Middle Zone	92	128
Outer Zone	249	212

- 8.251 In addition, the overall heights of the buildings within the middle zone have reduced from ten to six storeys within the approved outline consent and nine to four storeys within this application. Despite these changes, the response from PADHI is to advise against.
- 8.252 In response to these concerns, the applicant has commissioned a gas holder risk assessment, the purpose of which is to provide further understanding of the risk to future occupiers.
- 8.253 The risk assessments have sought to demonstrate that while the PADHI consultation response has produced an 'advise against' response, the risk posed by the gasholders are within levels that may be deemed acceptable to the planning authority when balanced against all other material considerations.
- 8.254 The Renaissance Risk report (amended July 2013) emphasises that it does not seek to challenge the HSE land use planning process which it confirms is fit for purpose.
- 8.255 The reports have relied principally upon the assessment of society risk, which is based on the number of people who could potential be harmed by a single incident occurring from a site. The HSE has developed a methodology for assessing societal risk in situations where a PADHI consultation has resulted in a 'advise against' development known as Scaled Risk Integral (SRI). The SRI value is generated by the following equation: $P \times R \times T/A$. Each variable is as follows:
- P = population
 - R = risk based on chance per million
 - T = time the development is occupied
 - A = area of the development
- 8.256 The HSE's Criteria document for Land Use Planning cases of serious public safety concern states, in terms of SRI, that values between 500,000 and 750,000 will be given the most serious consideration in deciding whether to request the application be 'called in' for determination by the Secretary of State. In cases where the SRI value is in excess of 750,000, call in would be sought no matter the circumstances of the development. The application site received an SRI value of 200,000.
- 8.257 Risk is defined as the chance of specified level of harm occurring, such as the chance of fatality per year, or the chance of Dangerous Dose per year.
- 8.258 The Council has commissioned an independent review of the findings of the risk assessment which are briefly outlined below.
- 8.259 The reviewed report outlines that whilst the Gas Holders have been decommissioned, as long as the Hazardous Substances Consent (HSC) is in place, the HSE are compelled to advise against.

- 8.260 With regards to the SRI, the lower the resulting number the less the risk. For instance a SRI of lower 2,500 is not considered significant.
- 8.261 A figure of 35,000 represent a lower limit of substantial risk, and where the risk is significant for the HSE to normally advise against the granting of planning permission.
- 8.262 In this instance, the SRI value of the development has been generated at 200,000 which represents a 'substantial risk' to residents in the event the gas holders malfunction.
- 8.263 The findings of the independent review requires the local planning authority to be satisfied that the developer has fully taken into account the risks posed by the gasholders and attempted to minimise this risk. In this instance, the developer has commissioned its own review and sought to minimise risk by amending the scheme as discussed in paragraph 8.250.
- 8.264 Whilst this may be the case, the Councils position is the gas holders are currently in a decommissioned state, the current risk is considered to be much less (given the gas holders are not in use and as such the likelihood of them malfunctioning is almost negligible). The risk arises should the site not come forward for the development in line with the aspirations of the MDD, but rather be commissioned for use as gas holders again.
- 8.265 Whilst the Hazardous Substances Consent (HSC) is in place, there is a remote possibility of the gas holders being commissioned again still exists.
- 8.266 Officers are aware of discussions that have taken place in relation to the re-development of the gas holders site in line with the site allocation of the MDD and as such, are reasonably confident that the actual risk of the gas holders becoming in operation again and therefore, constituting a risk, are greatly reduced.
- 8.267 In addition, it is noted that the MDD went through extensive public consultation and following a meeting held at the Council, a statement of common ground was produced between the London Borough of Tower Hamlets and National Grid Property Holdings Ltd (the owners and managers of the Bow Common Gasworks) for the purposes of the Public Inquiry into the MDD.
- 8.268 The site allocation sought to create a comprehensive development to provide a strategic housing development, a primary school, a district heating facility and other compatible uses. The site is also expected to deliver open space and maintain the objectives of linking into existing walking and cycling routes, a green grid route, improved public realm and noise insulation to the railway line to the north.
- 8.269 The statement of common ground agreed the following:
- *The allocation of the site for strategic housing is agreed.*
 - *It is agreed that the density of housing will be developed during the development management process.*
 - *The walking/cycling routes and green grid route are acknowledged and are not in dispute and should be appropriately planned during the development management stage.*
 - *The improved public realm and noise screening are in agreement and should be*

appropriately planned during the development management stage.

8.270 The outstanding issues in the statement of common ground between the London Borough of Tower Hamlets and the National Grid Holdings related to the following issues:

- *LBTH maintains its position regarding:*
 - *the requirement for a local park with a minimum size of 1.2hectares;*
 - *the requirement for a primary school; and*
 - *the requirement to provide a District Heating System.*

8.271 The site allocation for Bow Common Gas Holders was subsequently adopted within the MDD.

8.272 It is clear from the statement of common ground, that the National Grid shared the Councils aspirations to redevelop the Bow Gaswork site for housing and with preliminary pre-application discussions taking place, officers are reasonably confident that a development will come forward at some stage on the Gas Holder site which will require the revocation of the HSC and remove the existing substantial risk on the application site.

8.273 With regards to site specific circumstances, the proposal as outlined within this report has substantial regenerative benefits both to the local environment and also to local residents, providing a significant level of housing of which there is a substantial demand for within the borough.

8.274 In deciding whether the risk of the Bow Common gasholder site outweighs the benefits presented by this scheme, Members should consider paragraph 8 of the HSE's Criteria document for Land Use Planning cases of serious public safety concern. This sets out the criteria against which the HSE will consider whether to request the Secretary of State call's in the application for determination. These criteria area:

- Any significant residential development or development for vulnerable populations in the inner zones;
- the risk of death from a major hazard exceeds the Tolerability of Risk (TOR) limit for a member of the public;
- there are substantial numbers of people in the proposed development exposed to a significant level of risk;
- the endangered population is particularly sensitive;
- It is a challenge to HSE's risk criteria for land use planning.

Taking each point in turn,

- no building is proposed within the inner zone
- it is accepted that the gasholder is within TOR limit
- the societal risk has been discussed within this report
- the subject population is not any more or less sensitive than average
- the HSE's own methodology has been used in assessing the risk.

8.275 As such, whilst officers are mindful of the substantial risks to local residents and the environment by virtue of having the HSC consent in place, for the reasons outlined above officers are minded to go against the recommendation of the HSE and recommend approval of the scheme.

- 8.276 When a planning authority in England and Wales proposes to grant planning permission against HSE's advice, HSE must be given 21 days' notice in which to consider whether to recommend that the Secretary of State call in the application and as such become the determining authority. As such, should members be minded to recommend approval of the scheme, the application will be referred to the HSE to consider whether they would like to call in the application.
- 8.277 To conclude, taking the above into account, it is considered that in this instance the substantial regenerative benefits of the scheme, including the provision of much needed housing and environmental improvements would significantly outweigh the potential risks to health and the local environment. As such, on balance the proposal accords with policy 5.22 of the LP (2011) which requires the risk to health and the environment to be balanced with the benefits of development. In addition, it is considered that subject to a condition requiring the submission and approval of a full evacuation plan, the proposed development is considered to mitigate the hazard to the health and environment, in accordance with Policy DM30(2) of the MDD (2013), which states development will not be supported which cause a significant hazard to health and the environment.

Contamination

- 8.278 In accordance with the requirements of the NPPF and policy DM30 of the MD DPD, the applicant has submitted various documents outlining the potential risk of contaminants to future residents.
- 8.279 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a remediation investigation. As such, a condition to secure remediation has been requested.

Health Considerations

- 8.280 Policy 3.2 of the LP seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.281 Policy SP03 of the CS seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.282 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.
- 8.283 The applicant has agreed to a financial contribution of £56,840.00 to be pooled to allow for expenditure on health care provision within the Borough.

8.284 The application also proposes open spaces within the site which is to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.

8.285 It is therefore considered that the financial contribution towards healthcare and the level open space will meet the objectives of LP Policy 3.2 and Policy SP03 of the Council's CS which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations

8.286 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

8.287 Policy SP13 of the CS (2010) require the Council to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.288 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure. The monetary contributions are based on the Council Supplementary Planning Document (SPD) on Planning Obligations (adopted January 2012)

8.289 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development (solely phase 2) would be approximately £1,233,520.10 This has been applied as follows through the SPD.

8.290 The requested financial heads of terms have been broken down as follows:

Financial Contributions

- a) Community Facilities £142,704.00
- b) Sustainable Transport £4,920.00
- c) Employment £87,957.83
- d) Health £226,338.00
- e) Public Realm/streetscene £747,413
- f) 2% Monitoring Fee £24,186.67

Total Financial Contribution: £1,233,520.10

To add to the non-financial contributions listed below:

Non-financial Contributions

- a) 32% affordable housing units
- b) 50 Wheelchair units within this phase

- c) Car and permit free agreement
 - d) Commitment to utilise employment initiatives
 - e) Travel Plan
 - f) Provide a viability assessments on completion of Phase 2 where any overage would be allocated towards affordable housing within the ward boundary;
- 8.291 The outline planning permission for the entire estate was approved in 2008, with the following planning obligations:
- 8.292
- a) *A total of 392 affordable housing units, consisting of 220 existing social units, 149 new social units and 23 intermediate units.*
 - b) *Provide **£2,414,245** towards the construction of the replacement community facility as set out in the viability studies and objectives of the Design Statement;*
 - c) *Provide **£4,409,513** towards the environmental improvements (including improved open space) as set out in the viability studies and objectives of the Design Statement;*
 - d) *Provide **£445,000** towards the improvements and upgrades of the transport infrastructure to mitigate the requirements and pressures of the additional population on road network in the immediate area;*
 - e) *Provide viability assessments for the two remaining phases where overage would be allocated towards affordable housing within the ward boundary;*
 - f) *A Travel Plan (for both the commercial and residential component) which promotes sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors;*
 - g) *A car free agreement to restrict the occupiers of the new build units from applying for residents parking permits in the area;*
 - h) *Compliance with Environmental Management Plan;*
 - i) *Compliance with Energy Provisions in agreement with approved Energy Strategies (including scoping to incorporate 'existing' 335 residential units, connections to surrounding schools, community uses; 132 St Pauls Way and other sites in the immediate vicinity);*
 - j) *Secure arrangements with local schools to enable usage of play areas;*
 - k) *Provision of temporary ball court on site;*
 - l) *The use of Local Labour in Construction;*
- 8.293 The applicant has provided confirmation that the s106 contribution relating to the outline planning permission has been met and a sum of £449,175.00 (obligation D indexed) was paid to the Council on 1st July 2010 during the implementation of Phase 1.
- 8.294 Given this amount was for the outline consent as a whole, which includes the area covered by phase 2, based on the number of units the £449,175.00 contribution works out to £114,165.31 for the units within phase 1, and £335,009.69 for the units within this phase. Therefore, it could be argued that the applicant has already provided around £335,009.69 for transport infrastructure.
- 8.295 In relation to financial obligations, the applicant has also confirmed the community facility has been delivered on site, within the estate (obligation b) and £1,199,343

of the £4,409,513 towards environmental improvements have been spent on Phase 1 of the development.

- 8.296 The applicant has confirmed that the estimated cost of environmental works to Phase 2 equate to £3,250,000, with the total anticipated expenditure on environmental improvements £4,449,343.00.
- 8.297 With these costs previously agreed and implemented by the applicant, this application has been submitted with a viability appraisal, outlining why 32% affordable housing is the maximum that can be provided within this phase. The report outlines that no additional s106 contributions to those already agreed can be provided within this phase.
- 8.298 The submitted viability appraisal provides an assessment of the viability of the development by comparing the Residual Value against the Existing 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.
- 8.299 In summary, the appraisal compares the potential revenue from the 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 development costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.
- 8.300 The report establishes that it is not viable for the proposal to deliver the planning obligations as set out above. The applicant's viability report has been independently reviewed on behalf of the council and is considered to be robust in its findings.
- 8.301 There are a number of points to note within the viability report which influence the scheme viability and deliverability. These include the costs the developer has already incurred for the community facility (£2.4 million), and the costs for the Environmental work totalling £4.409 million.
- 8.302 In addition, the report outlines further exceptional costs totalling £3.648 million relating to freeholder and leaseholder buybacks, and homeloss & disturbance payments.
- 8.303 Moreover, a further CIL liability of £802,460 had originally been assumed within the viability review. All these factors have resulted in a scheme achieving a negative residual value, and thus being unable to provide any s106 contribution in addition to that previously approved.
- 8.304 Nevertheless, officers have managed to negotiate a section 106 contribution of £309,930.00 on the basis that the original CIL liability assumed the existing buildings would have been demolished before the implementation of planning permission, resulting in no discount from the existing floorspace. The applicant has decided to keep the existing buildings up until the point of implementation and as such, the CIL liability has been reduced.
- 8.305 Officers have sought to allocate the section 106 based on a pro-rata system.

However, should this approach be implemented in its entirety it would result in no education contribution. This is because within this part of the estate there is a net reduction in child yield based on the child yield tables within the Planning Obligations SPD.

8.306 However, estate wide the housing proposed within this phase, the total new housing provided within the entire estate generates a primary school yield increase of 6 and a secondary school yield of 2. This equates to an education contribution of £133,674.00.

8.307 Officers consider that whilst this contribution results from the housing approved and implemented under the original application and therefore technically does not relate to the development proposed, the current application presents an opportunity to mitigate against the wider estate impacts on education. As such, officers have sought to allocate £133,674.00 from the £309,930.00 solely to education.

8.308 It is considered that the limited 106 package should be proportioned against the various heads of terms and allocated as follows:

8.309 Financial Contributions

a) Employment Skills and Training	£22,100.00
b) Community Facilities	£35,855.00
c) Education	£133,674.00
d) Health	£56,840.00
e) Sustainable Transport	£3,100.00
f) Public Realm	£52,284.00
g) Monitoring (2%)	£6,077.00
Total	£309,930.00

8.310 When applied rigidly, the section 106 contribution within this phase and application represents approximately 25% of the total s106. Therefore, it can be argued that the scheme does not mitigate against all of its impacts. However, as outlined above, the applicant has already demonstrated a commitment to deliver a vast amount of environmental improvement works, has provided a new community facility and has retained a commitment to the on-going regeneration of Leopold Estate. The applicant has already provided an equivalent contribution of £335,009.69 for Phase 2 under the outline masterplan consent.

8.311 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

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

8.312 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.313 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.

8.314 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.

8.315 In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

8.316 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.317 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 £513,095.00 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 32% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

8.318 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.

8.319 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 £273,451.00 within the first year and a total of £1,640,706.00 over a rolling six year period. 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

8.320 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:-

8.321 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:-

- o 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*".

- 8.322 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.
- 8.323 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.
- 8.324 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.
- 8.325 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.326 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.
- 8.327 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

- 8.328 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.

8.329 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.

8.330 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.331 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.

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

9.0 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.

APPENDICES

Appendix 1 - Approved Estate Master Plan Mix (PA/06/518)

Total new scheme (815 units)					
	Retained		New build		
units	social	private	social	Intermediate	private
bedsit	0	0	0	0	0
1 bed	87	17	33	16	128
2 bed	119	69	38	1	89
3 bed	5	18	63	6	91
4 bed	9	11	12	0	0
5 bed	0	0	0	0	0
6 bed	0	0	3	0	0
Total	220	115	149	23	308

Appendix 2 - Phase 1 as implemented (PA/06/00425)

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	27	54	0	0	19	38	46	92
2 bed	33	99	0	0	17	51	50	150
3 bed	0	0	0	0	15	60	15	60
4 bed	0	0	0	0	8	40	8	40
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	3	21	3	21
Total	60	153	0	0	62	210	122	363

Affordable 58%

Appendix 3 – Refurbished units (PA/06/00632)

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	0	0	0	0	104	208	104	208
2 bed	0	0	0	0	188	564	188	564
3 bed	0	0	0	0	23	92	23	92
4 bed	0	0	0	0	20	100	20	100
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	0	0	0	0
Total	0	0	0	0	335	964	335	964

Appendix 4 – Net change in housing if outline planning permission PA/06/00518 was implemented in full

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	-24	-24	-24	-24
1 bed	+128	+256	+16	+32	+33	+66	+177	+354
2 bed	+86	+258	+1	+3	-9	-27	+78	+234
3 bed	+82	+328	+6	+24	-13	-52	+75	+300
4 bed	-5	-25	0	0	+10	+50	+5	+25
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	+3	+21	+3	+21
Total	+291	+817	+23	+59	0	+34	+314	+910

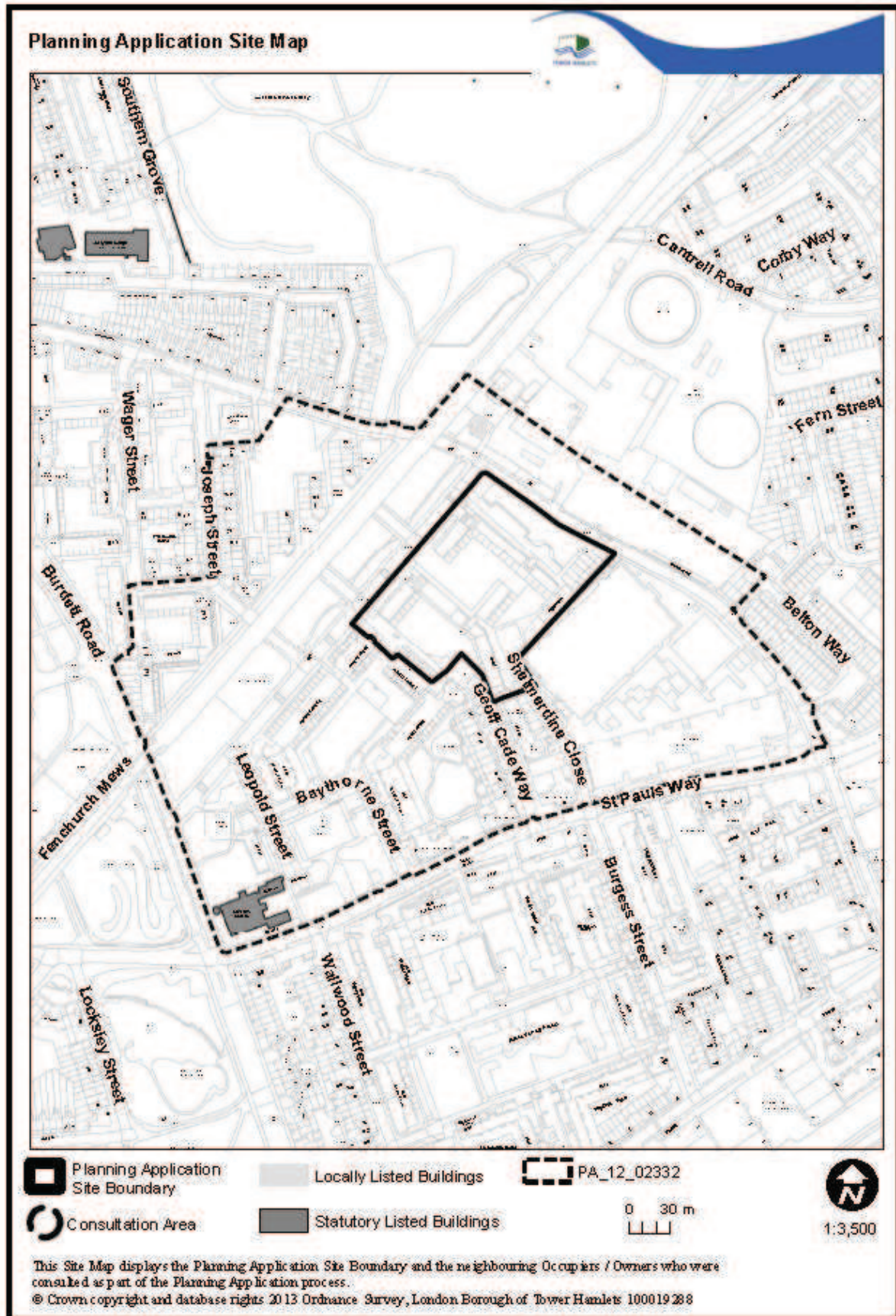
Appendix 5- Total housing proposed within Phase 1 as built and Phase as considered within this application.

	Market		Intermediate		Social/Affordable rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	84	168	21	42	24	48	129	258
2 bed	216	648	3	9	51	153	270	810
3 bed	10	40	13	52	46	184	69	276
4 bed	6	30	0	0	9	45	15	75
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	3	21	3	21
Total	316	886	37	103	133	451	486	1440

Appendix 6 - Total resulting housing within the estate if phase 2 is implemented

	Market Sale		Intermediate Housing		Affordable/Social Rent		Total	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	0	0	0	0	0	0	0	0
1 bed	84	168	21	42	128	256	233	466
2 bed	216	648	3	9	239	717	458	1374
3 bed	10	40	13	52	69	276	92	368
4 bed	6	30	0	5	29	145	35	180
5 bed	0	0	0	0	0	0	0	0
6 bed	0	0	0	0	3	21	3	21
Total	316	886	37	108	468	1415	821	2409

Appendix 7- Consultation Map



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Agenda Item 7.2

Committee: Strategic Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Applications
Case Officer: Robert Lancaster	Ref No: PA/13/00218 AND PA/13/00219
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1

Summary descriptions: Planning application for demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and leisure (use class D2) uses; creation of new pedestrianised street, public open spaces, children's play spaces and associated car and cycle parking together with associated highways works and landscaping.

AND

Conservation Area Consent for demolition of building at 35 Whitechapel High Street in connection with the comprehensive redevelopment of entire site (address as described above) to create a mixed use development.

Drwg Nos. for approval: 707_07_001 P1; 707_07_002 P1; 707_07_003 P1;

707_07_098 P1; 707_07_099 P1; 707_07_100 P2; 707_07_101 P1; 707_07_102 P2; 707_07_103 P2; 707_07_104 P2; 707_07_105 P2; 707_07_106 P2; 707_07_107 P2; 707_07_108 P2; 707_07_109 P2; 707_07_110 P2; 707_07_111 P2; 707_07_112 P1; 707_07_113 P1; 707_07_114 P1; 707_07_115 P1; 707_07_116 P1; 707_07_117 P1;

707_07_118 P1; 707_07_119 P1; 707_07_120 P1; 707_07_121 P1; 707_07_122 P1; 707_07_123 P1; 707_07_124 P1; 707_07_125 P1; 707_07_126 P1; 707_07_127 P1;

707_07_148 P1; 707_07_149 P1; 707_07_150 P1; 707_07_151 P1; 707_07_152 P1; 707_07_153 P1; 707_07_154 P1; 707_07_155 P1; 707_07_156 P1; 707_07_157 P1; 707_07_158 P1; 707_07_159 P1; 707_07_160 P1; 707_07_161 P1; 707_07_162 P1; 707_07_163 P1; 707_07_164 P1; 707_07_165 P1; 707_07_166 P1; 707_07_167 P1; 707_07_168 P1; 707_07_169 P1; 707_07_170 P1; 707_07_171 P1; 707_07_172 P1; 707_07_173 P1; 707_07_174 P1; 707_07_175 P1; 707_07_176 P1;

707_07_200 P1; 707_07_201 P2; 707_07_202 P1; 707_07_203 P1; 707_07_204 P2; 707_07_205 P2; 707_07_206 P1;

707_07_210 P1; 707_07_211 P1; 707_07_212 P2; 707_07_213 P2; 707_07_214 P1; 707_07_215 P1; 707_07_216 P1;

707_07_300 P1; 707_07_301 P1; 707_07_302 P1;

707_07_400 P1; 707_07_401 P1; 707_07_402 P1;

707_07_700 P1; 707_07_701 P1; 707_07_702 P1; 707_07_703 P1; 707_07_704 P1; 707_07_705 P1; 707_07_706 P1; 707_07_707 P1; 707_07_708 P1; 707_07_709 P1; 707_07_710 P1; 707_07_711 P1; 707_07_712 P1;

707_07_900 P1; 707_07_901 P1; 707_07_902 P1; 707_07_903 P1; 707_07_904 P1; 707_07_904 P1; 707_07_706 P1.

AND

707_07_001 P1; 707_07_002 P1; 707_07_003 P1.

Supporting Documents: Design and Access Statement dated Feb 2013; Planning Statement dated Feb 2013; Environmental Statement Vol I, II and III dated Feb 2013; Environmental Statement – Non Technical Summary dated Feb 2013; S106 Heads of Terms and Mayoral CIL dated Feb

2013; Affordable Housing Statement dated Feb 2013; Internal Daylight and Sunlight Report dated Feb 2013; Landscaping Strategy undated; Statement of Community Involvement dated Feb 2013; Sustainability Statement dated Feb 2013; Justification for Demolition report dated Feb 2013; Strategy for Local Employment, Procurement and Engagement dated Feb 2013; Technical Note from SKM dated 10 May 2013; Response to Environmental Statement Interim Review Report and Other Consultations dated May 2013; Aldgate Place TCVIA response to LUC Review request for clarification of 2 issues dated 31 May 2013.

Applicant: Aldgate Place (GP) Limited
Listed Building: N/A
Conservation Area: Whitechapel Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application in light of the Development Plan and relevant guidance including the National Planning Policy Framework, and has found that:
- 2.2 Having regard to up-to-date evidence and market signals, there is not sufficient authoritative evidence to demonstrate sustained or future demand for office-led redevelopment at this particular site. The site-specific evidence supports a departure from the Development Plan in respect of Core Strategy policies relating to the Aldgate Preferred Office Location, particularly when weighed in the balance with the public benefits of the scheme. The proposal does not undermine Strategic Objectives 15 and 16 of the Core Strategy (2010) despite the departure from policy SP06 of the Core Strategy and policy DM16 of the Managing Development Document (2013).
- 2.3 Through the provision of a mixed use development, the scheme will optimise the use of previously developed land, and will make a significant contribution towards creating a sustainable mixed use environment that contributes to the objectives of the Central Activities Zone and City Fringe Opportunity Area, in accordance with the Development Plan including policies 2.10, 2.11, 2.13, 4.2, 4.3 and 4.5 of the London Plan (2011), policies SP01 and LAP 3 & 4 of the Core Strategy (2010) as well as the London Mayor's Draft City Fringe Opportunity Area Planning Framework.
- 2.4 The scheme will make an important contribution towards delivering new homes to meet and exceed projected demand over the plan periods in accordance with Development Plan policies including policies 2.13, 3.3 and 3.4 of the London Plan (2011), LAP 3 & 4 of the Core Strategy, Policies SP02 of Core Strategy (2010) and Policy DM3 of Managing Development Document (2013).
- 2.5 The development provides a mix of housing which contributes to the creation of socially balanced and inclusive communities and reflects the identified housing needs of the Borough having regard to its central location and maximises affordable housing provision in accordance with the Development

Plan, in particular policies 3.8, 3.10 and 3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policies DM3 and DM4 of the Managing Development Document (2013).

- 2.6 The proposed residential development, having regard to its space standards, levels of internal daylight and sunlight, privacy, outlook, air quality, noise and vibration levels and layout would provide a satisfactory quality of accommodation that meets the varying needs of the future occupiers in accordance with the Development Plan, in particular policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document (2013).
- 2.7 The development would be a positive addition to London's skyline, without causing detriment to local or strategic views including the Tower of London World Heritage Site, in accordance the Development Plan in particular policy 7.8 of the London Plan (2011), policy SP10 of the Core Strategy (2010) and DM26 and DM28 of the Managing Development Document (2013) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated strategic and local views.
- 2.8 The development would preserve the character and appearance of Whitechapel High Street Conservation Area and would preserve the setting of other nearby conservation areas and designated and non-designated heritage assets including nearby Listed Buildings in accordance with the Development Plan including policies SP10 of the Core Strategy (2010) and DM27 of the Managing Development Document (2013).
- 2.9 The urban design, layout, height, scale and detailed design of the proposal would result in a high-quality development, consistent with Chapter 7 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24, DM26 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.
- 2.10 The development would not have an undue impact on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure having regard to the grain of development in this city fringe locality. As such the proposal is consistent with the Development Plan, in particular 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.
- 2.11 The quantity and quality of private 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.
- 2.12 The development, having regard to its arrangements for parking, servicing and access will not have a significant detrimental effect on the capacity or safety of the transport network and suitably promotes sustainable transport options. The proposal is in accordance with the Development Plan, in particular policies 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).

- 2.13 The development makes an appropriate contribution towards reducing Carbon Dioxide emissions within the Borough. The proposal is consistent with the Development Plan, in particular 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).
- 2.14 The proposed development will appropriately mitigate its impact on local services and infrastructure through financial and non-financial contributions towards the provision of health facilities, open space, highway and sustainable transport improvements, street-scene and public realm, education, leisure and community facilities along with local enterprise and employment opportunities for local residents and businesses, in line with the NPPF, policy SP12 of the Core Strategy 2010 and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate the proposed development.

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 £202,856 towards enterprise & employment.
- b) A contribution of £124,978 towards community facilities.
- c) A contribution of £466,200 towards leisure facilities.
- d) A contribution of £1,396,468 towards education facilities.
- e) A contribution of £633,756 towards primary health care facilities.
- f) A contribution of £13,980 towards sustainable transport.
- g) A contribution of £341,640 towards streetscene improvements.
- h) A contribution of £154,000 for TfL's cycle super highway.
- i) A contribution of £863,392 towards public open space.
- j) A contribution of £241,100 towards public realm improvements in Aldgate.
- k) A contribution of £132,670 towards 2% Planning Obligation monitoring fee.

l) A “top-up” Crossrail contribution of approximately £1,005,479

Total: £5,576,519

3.3 London Mayoral CIL

a) Estimated CIL of £1,189,654.

Overall total: £6,766,173

3.4 Non-Financial Obligations

a) 35% affordable housing by habitable room

- 105 Affordable rent (22 x 1-beds and, 52 x 2-beds at Tower Hamlets preferred ‘POD’ rent levels and 31 x 3-beds at below Tower Hamlets preferred ‘POD’ rent levels); and
- 45 shared ownership units (11 x 1-beds, 21 x 2-beds and 13 x 3-beds).

b) Enterprise, Employment, Apprentice, Training and End User Engagement Strategy

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

d) Parking Permit-free development

e) Travel Plan

f) Construction Traffic and Environmental Management Plan / Construction Logistic Plan

g) On-site Barclays Cycle Hire Docking Station

h) Safeguard and maintenance of on-site public realm

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

3.5 That the Corporate Director Development & Renewal and the Assistant Chief Executive (Legal Services) are delegated power to negotiate and complete 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

3.7 ‘Prior to Commencement’ conditions:

- 1 Demolition management plans
- 2 Piling method plans with TW
- 3 Archaeology

- 4 Phasing Plans
 - 5 Contaminated Land
 - 6 Impact studies of existing water supply with TW
- 3.8 'Prior to works above ground level' conditions:
- 7 Construction Management Plan including details of noise, dust fumes, construction vehicle routing and times, crane heights, construction methodology with LCY and waste management strategy
 - 8 All external finishing materials including balconies
 - 9 Shop front design and signage strategy
 - 10 Sustainable urban drainage strategy
 - 11 Refuse and recycling
 - 12 Noise and vibration details (including groundbourne noise and vibration and residential façade mitigation measures)
 - 13 Landscaping (including gating and boundary enclosures)
 - 14 Play space and communal amenity space strategy (including wind mitigation measures for roof terraces)
 - 15 Visitor cycle parking provision
 - 16 Details of external lighting
 - 17 Air quality façade mitigation details
 - 18 PV panel location details
 - 19 Green roof details
 - 20 Details of roof top structures (flues plant etc.)
 - 21 Office light-spill mitigation strategy
 - 22 Mitigation of hotel windows overlooking strategy
- 3.9 'Prior to Occupation' conditions:
- 23 Contaminated land – verification report
 - 24 Car parking management plan (including scheme for 'blue badge' holders)
 - 25 Delivery and servicing plan
 - 26 Code for sustainable homes
 - 27 BREEAM certification
 - 28 CCTV and lighting plan
 - 29 Plant noise and vibration levels
 - 30 Ventilation details for café units
 - 31 Retail signage and shop front strategy
 - 32 Electric Vehicle Charging Points
 - 33 On-site public art
 - 34 Commercial ventilation/extraction
 - 35 Commercial operating hours
 - 36 Archaeology investigation
 - 37 Lifts in place
 - 38 Refuse collection areas in place
 - 39 Secure by design
 - 40 Mitigation of electronic interference (TV reception)
 - 41 Proposed sub-division of basement cycle stores
- 3.10 'Compliance' conditions:
- 42 Permission valid for 3yrs
 - 43 Development in accordance with approved plans
 - 44 Energy

- 45 Electric vehicle charging points
- 46 Cycle parking minimum provision
- 47 Vehicular parking maximum provision and disabled parking space provision
- 48 Lifetime homes
- 49 10% Wheelchair housing
- 50 10% Wheelchair accessible hotel rooms
- 51 Use Class restrictions for Class A uses
- 52 Code of Construction Practice
- 53 Site working hours

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 an s278 agreement.
- No bus stops to be moved without prior consent from TfL.
- Positive working with applicant

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

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

3.13 That the Strategic Development Committee resolves to **GRANT** the Conservation Area Consent subject to the following conditions:

1. Time limit – 3 years
2. Development to be carried out in accordance with the approved drawings
3. Contract for replacement scheme in place before demolition of the existing building(s) occurs.

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is located within the Aldgate City Fringe area, towards the western Borough boundary and immediately to the east of the City of London. It is bounded to the north by Whitechapel Road, to the east by Commercial Road, to the west by Leman Street and to the south by Buckle Street. The site is largely unoccupied, following the clearance of previous buildings in the late 1990s, with the exception of a multi-storey car park to the south and former bank office building on the Whitechapel High Street frontage serving as a marketing suite for Barratt's 'Altitude Towers' scheme on the southern side of Buckle Street.

4.2 To the north of the site are four and five storey buildings along Whitechapel Road. To the north-west of the site, a mixed use 23-storey residential and

office scheme is currently being constructed at 1 Commercial Street. To the west, across Leman Street is the recently commenced 'Aldgate Tower' office scheme. To the south-west is the 10-storey Maersk House office building. To the south are six-storey residential and office buildings on Buckle Street adjacent to the 23 storey 'Altitude Towers' development. To the south-east are four storey buildings along Commercial Road. To the east is a six-storey building occupied by the London Metropolitan University. The nearest publically accessible open space includes the Braham Street Park adjacent to the west and the Altab Ali Park on Whitechapel Road, 140m walking distance from the north-east boundary of the site.

- 4.3 The site is located within the Aldgate Preferred Office Location and is within the Central Activities Zone and City Fringe Opportunity Area. The site is also within an Archaeological Priority Area, the London View Management Framework 'viewing corridor' to the World Heritage Site at the Tower of London and partially within the Whitechapel High Street Conservation Area.
- 4.4 The nearest listed buildings include the Grade II listed 32-34 Commercial Road, the Grade II* Listed German Lutheran Church and Vestry on Alie Street, the Grade II Listed building at 19a Leman Street, the Grade II listed buildings at 55-59 Alie Street, the Grade II* Whitechapel Art Gallery and the Grade II Whitechapel Library.
- 4.5 The site has a Public Transport Accessibility Level of 6b which is 'excellent'. It is adjacent to the Aldgate East underground station, with entrances on both sides of Whitechapel High Street and is served by the District and Hammersmith and City lines. The immediate area is served by ten bus routes which pass along Whitechapel Road. Whitechapel Road, Commercial Road and Leman Street to the north, east and west of the site respectively are part of the Transport for London Road Network.

Proposal

- 4.6 The application proposes the demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and various associated facilities and spaces.
- 4.7 The residential offer includes 105 affordable rented units, 45 shared ownership units and 313 private units. There would be 1,334sqm of retail (and associated Class A space) space at grade level and within a single storey basement area on the northern section of the site, 2,687sqm of office floorspace within Block A and a 160-bed 4* hotel comprising 7,980sqm (Gross Internal Area). The development provides for 76 vehicular parking spaces, including 12 disabled spaces accessed through a car lift from Buckle Street and 854 cycle spaces accessed from a dedicated cycle lift all provided at basement levels.
- 4.8 A two-level basement to the southern half of the site is would contain the car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and bulky refuse facilities.

- 4.9 The development would have four main built components. In the centre is a stone clad hotel, Building E, 10 storeys in height. Surrounding this central component are three residential towers with plans shaped in the form of “kites” to the north, south-east and west, Blocks B, D and F respectively. These buildings are up to 95.8m in height. There are smaller blocks, A and G, ranging between 6 and 9 stories in height attached to blocks B and F respectively.
- 4.10 The built form and site layout would provide a range of publically accessible areas through the development, comprising over 2,800sqm of new public open space. On blocks A, E and G, there are also garden roof terraces.

5 RELEVANT PLANNING HISTORY

Application site

- 5.1 Permission was given on the site for a large floorplate office development. The permission (PA/08/00290) was granted on 26th June 2009. The summary description for this permission is “Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building comprising office floor space (Use Class B1) and retail floor space (Use Class A1-A4) at ground floor level, together with underground parking, associated plant.” It provided 1,130 sq m (GEA) of retail and approximately 66,000 sq m (NIA) of office floorspace along with provision for 40 basement car parking spaces.
- 5.2 There is a ‘saved’ consent for an office-led development granted in outline on 10 July 2007 (reference PA/06/00510) for the demolition of the existing buildings and the redevelopment of Aldgate Union 3 and 4 (now known as 1 and 2 Aldgate Place). This scheme comprised 109,674 sq m GEA arranged across three buildings ranging from 4 to 22 storeys, together providing a total of 83,328 sq m of offices and 2,772 sq m of retail. This permission also included the proposals for the closure of the southern section of the former Aldgate Gyratory (one way system), re-configuration of the road system and provision of new open space. This element has now been implemented and the open space is known as Braham Street Park.

Neighbouring sites

- 5.3 There is a current proposal (PA/13/00305) for the demolition of an existing office building and construction of a 23 storey mixed-use development comprising 1,940sqm of retail /commercial space (Class A1 - A5 use) at ground floor and 1st floor level with residential accommodation to provide 291 flats (Class C3 use) at the Former Beagle House now known As Maersk House on Braham Street, London, E1
- 5.4 At a site addressed 61-75 Alie Street, and 16-17 Plough Street and 20 Buckle Street, London, E1 there is a permission (PA/07/01201 dated 14/03/2008) which is currently being constructed for the erection of two buildings of 7 and 28 storeys to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1(business), space. This development is known as ‘Altitude Towers’.
- 5.5 At 15-17 Leman Street and 1A Buckle Street, London, E1 there is permission (PA/11/03693 dated 14/06/2012) for the construction of a 23 storey 251-bed

hotel. This permission has not been commenced. It is referred in this report as the 'Leman Street Hotel'.

6. POLICY FRAMEWORK

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

6.2 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: LAP 3 & 4: Aldgate

6.3 Managing Development Document (2013)

Policies:	DM1 Town Centre Hierarchy
	DM3 Delivering Homes
	DM4 Housing Standards and amenity space
	DM7 Short Stay Accommodation
	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
	DM16 Office Locations
	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

6.4 Supplementary Planning Guidance/Documents

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

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.9 Inner London
- 2.10 Central Activity Zone
- 2.11 Central Activity Zone - strategic
- 2.12 Central Activities Zone - local
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.18 Green infrastructure
- 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
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 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
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail

- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 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
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature

6.6 London Plan Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance Nov 2012
 London View Management Framework 2012
 Sustainable Design & Construction 2006
 Shaping Neighbourhoods: Children and Young People's Play
 And Informal Recreation 2012
 London World Heritage Sites – Guidance on Settings 2012
 Draft City Fringe Opportunity Area Planning Framework – Feb
 2008

6.7 Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)
 Technical Guide to NPPF

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 Biodiversity Officer

7.3 The Biodiversity Officer confirms that the site is currently of no significant biodiversity value. The proposed development includes soft landscaping including trees, low shrubs and green roofs which will provide wildlife opportunities. In summary the Biodiversity Officer raises no objections subject to a condition requiring approval of the details of the green roofs.

(OFFICER COMMENT: A condition relating to green roofs is included on the draft decision notice.)

LBTH Waste Management Team

- 7.4 The waste management plan as described within Volume 1, Chapter 6 of the Environmental Statement is satisfactory.

LBTH Environmental Health

Contaminated Land

- 7.5 LBTH Environmental Health raises no objections subject to the inclusion of appropriate conditions.

(OFFICER COMMENT: The recommended conditions are included on the draft decision notice.)

Noise and vibration

- 7.6 LBTH Environmental Health raise no objections in respect of noise and vibration subject to conditions relating to noise mitigation measures for the buildings' envelope, limiting plant noise to 10dB below background levels, mitigation measures relating to both vibration and structural-borne noise relating to the nearby London Underground railway system and acoustic ventilation.

(OFFICER COMMENT: The recommended conditions are included on the draft decision notice.)

Air Quality

- 7.7 LBTH Environmental Health raise no objections subject to a condition requiring details of mitigation along all residential facades exceeding the NO₂ objective as indicated in the submitted Air Quality Assessment.

(OFFICER COMMENT: A condition relating to NO₂ façade mitigation is included on the draft decision notice.)

LBTH Communities Leisure and Culture

- 7.8 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the Borough's open spaces, sports and leisure facilities and on idea stores and libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. They request, therefore, financial contributions towards these facilities in accordance with the Council's Planning Obligations SPD.

(OFFICER COMMENT: Planning obligations have been negotiated in response to these comments).

LBTH Housing

- 7.9 Housing notes the scheme proposes to deliver a 35% quantum of affordable housing, that this meets the Council's minimum policy requirement and is acceptable.

7.10 Housing also note that the tenure split within the affordable is 70:30 in favour of rented, that this matches the Council's policy target and is acceptable.

7.11 Housing comments that the unit mix within the affordable rented is 21% one bed against a target of 30%, 50% two bed against a target of 25%, and a 30% provision of three beds against a target of 30%. Therefore, there is an under provision of one beds, an overprovision of two beds and under provision of family sized units in the rented element of the scheme against policy.

7.12 The Housing team's further comment on the affordable unit mix is: 'there is an under provision of family sized accommodation, however the applicant has worked with the Council to modify their offer so that 20 of the 3 bed 4 person units are now 5 person units.'

(OFFICER COMMENT: Whilst it is recognised that the proportion of family accommodation in the affordable rented sector is below the Policy target, given the central location of this site and its high density nature along with the negotiated increase of 20 units from 3 bed 4 person units to 3 bed 5 person units, the proposed mix is appropriate. It is also noteworthy that the Registered Provider, Gallion's Housing Association, has confirmed in writing, that in their opinion, the family sized units have been maximised for this type of high density, high rise scheme).

7.13 Housing comment that the unit mix within the intermediate tenure is 24% one beds against a target of 25%, a 47% provision of two beds against 50% target and a 29% provision of 3 beds against a target of 25%. The intermediate mix is broadly in line with policy targets and is therefore acceptable.

7.14 Housing seek rent levels for 1 and 2 beds at POD levels and 'It is hoped that the rental levels for the 3 beds would come in lower than the Council's Pod guidance; however this is subject to the viability exercise that is currently taking place.'

(Officers can confirm that negotiations have reduced the 1 and 2 bed rent levels to POD levels and the 3 bed rent levels to a level below POD such that it is effectively the equivalent of social target rents plus service charge).

7.15 Housing seeks a 10% requirement for wheelchair accessible units will be met and that the Council's occupational therapists do not have concerns with the unit layouts.

(OFFICER COMMENT: It is confirmed that the 10% wheelchair accessible requirement has been met and secured through condition. Moreover, the unit layout will be secured in accordance with the London Plan's recommended wheelchair housing design guide).

7.16 The Housing team's conclusions are that 'overall we would be supportive of this application.'

(OFFICER COMMENT: Planning officers consider the affordable housing offer is a strong element of the scheme).

LBTH Energy Efficiency

- 7.17 The submitted Energy Statement (January 2013), appropriately follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine to provide hot water and space heating requirements for all of the site's uses is in accordance with policy 5.6 of the London Plan. The proposed scheme is designed to link to the Alie Street development (PA/11/01569) and the sizing of the CHP includes capacity to supply all of the residential units within that development. The anticipated CO2 emission reductions from the CHP system (Be Clean) are 32.66% for Aldgate Place.
- 7.18 The current proposals for delivering the space heating and hotwater are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure the development includes a CHP ~10kW and connects to the adjacent Alie Street Development (PA/11/01569), upon completion and prior to occupation of the development.
- 7.19 A ~30kWp photovoltaic array is 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. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments.
- 7.20 Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 7.21 The total anticipated CO2 savings from the developments are ~36%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO2 savings are in accordance with Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.
- 7.22 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and BREEAM 'Excellent' rating and pre-assessments have been submitted to demonstrate how these levels are deliverable. It is recommended that these are secured by condition.

(OFFICER COMMENT: The application does not fully comply with the 'be green' limb of the Mayor's hierarchy due to the difficulties of incorporating renewable technology into the building. Photovoltaic panels have been provided where possible. The carbon dioxide emission reduction from the development exceeds the London Plan and meets the Managing Development DM29 policy and is therefore acceptable. All the recommended conditions are included on the draft decision notice).

LBTH Employment and Enterprise

- 7.23 Employment and Enterprise seek planning obligations in respect of local employment and contracts during both the construction and end-user phases

of the development. Apprentice opportunities in both the construction and occupation phases are requested, as are an end-user engagement strategy and arrangements for future commercial occupiers to enter into Social Compacts to deliver training, employment and skills benefits to local residents.

(OFFICER COMMENT: These obligations have been negotiated as part of the s106 agreement).

LBTH Highways

Land-use principles

- 7.24 The previous planning permission sustainably located large scale employment uses near to public transport hubs and there are reservations as to the loss of a high density employment site close to the Aldgate transport hub.

(OFFICER RESPONSE: The issue of land-use is addressed in paragraphs 9.2-9.30 of this report. This mixed-use high-density development is appropriate to its location within the City Fringe Opportunity Area and Central Activities Zone).

Trip generation, modal split and generation

- 7.25 The applicant's approach to the prediction of trip generation is not agreed. As a consequence, the total predicted number of trips and movements during peak servicing times in Buckle Street is not accepted and the impact on pedestrians and cyclists cannot be fully determined.

(OFFICER RESPONSE: Whilst it is noted that the Highways Department has some concern with the methodology regarding trip prediction, TfL support the principles underlying the applicant's methodology with regard to predicting servicing, pedestrian and cycle trips. TfL also support the principle of servicing strategy in that the majority of the servicing will take place on Buckle Street and some from Commercial Road. In any case, the servicing of the development is controlled by way of condition).

Vehicular Parking Standards

- 7.26 The combined vehicular parking provision for the development should be a maximum of 71 car parking spaces and 10 motorcycle parking spaces. Of these 71 spaces seven should be laid out as disabled parking bays. 20% of the total car parking provision should be actively provided for electric charging and 20% passive provision. The proposed development exceeds the maximum standard by five car parking spaces. Therefore, there is an objection with this over-provision.

(OFFICER RESPONSE: The small over-provision is considered a minor deviation from policy standards in the context of the scale of the scheme. It is noteworthy that the loss of parking spaces (valued at £50,000 per space) would detrimentally affect the viability of the scheme and have implications for the affordable housing offer. Officers recommend that the balance weighs in favour of retaining these additional spaces. The 20% active and passive electric charging provision is controlled through condition).

Cycle Parking Standards

- 7.27 The level of cycle parking exceeds minimum standards and this is welcomed. However, the layout and position of cycle parking is a concern. The cycle parking should be located within each element of the development so as to be conveniently accessed. However, it is all located within the basement levels under Block G. The location of cycle parking is unsatisfactory and objectionable.
- 7.28 There are further concerns relating to the capacity of the lift to enable access and to handle peak demand to the cycle parking location.

(OFFICER RESPONSE: The underground utilities that run in a direction along former Drum Street and Braham Street militate against the provision of basements under each block. The provision of basements under each block, solely for cycle parking, would increase construction costs which would have implications for the viability of the scheme and the affordable housing offer).

Servicing, Waste and Refuse – Commercial Road

- 7.29 The MDD (2013) provides guidance as to the facilities that should be in place to cater for the demand of large developments. The following is in addition to the servicing, waste and refuse requirements for the large residential development: -

- An office development of the scale proposed warrants an off-street service bay dedicated to the development;
- A 160 room hotel warrants a coach parking bay; and,
- A retail development of a total of 1287 m2 warrants an off-street service bay dedicated to the development.

- 7.30 An on-street service bay will be provided in Commercial Road however this service bay will be available to anyone making deliveries to any development or unit in the area on a first-come/first-served basis and will not be exclusively for the proposed development under consideration. Further, the position of the proposed service bay means that it is only accessible to vehicles travelling north-westwards along Commercial Road.

- 7.31 The proposed service bay on Commercial Road may satisfy the need for a coach parking facility given that these vehicles often arrive outside of the times of peak deliveries or waste and refuse collection however it is otherwise of limited benefit and cannot be considered to satisfy the needs for the quantum of development proposed.

(OFFICER RESPONSE: The proposed servicing strategy appropriately minimises the effect of servicing on the highway network and potential for conflicts between various highway users. It is supported by TfL and the Tower Hamlets' Planning team. The alternative 'solution' of using former Drum Street as a vehicular servicing corridor is not acceptable in urban design or place-making terms.)

Demands on Buckle Street

- 7.32 Buckle Street is a natural location for servicing and deliveries as well as a route for waste and refuse collection. There is already however heavy

demands placed on Buckle Street by way of the permitted development to the south.

- 7.33 Buckle Street provides the access to both the underground car and cycle parking for the proposed development and also the access to the permitted development to the south. During times of peak servicing there will a conflict between delivery and waste vehicles as well as cars and taxis. This conflict is likely to be detrimental to cyclists and pedestrians and there is significant potential for Buckle Street to fail to meet the demands placed upon it.

(OFFICER RESPONSE: The existing multi-storey car park has 150 spaces and its sole access/egress is from Buckle Street. It generates approximately 200 two-way vehicular movements over a 12 hour period including 31 two-way movements in the AM peak and 21 two-way movements in the PM peak. The vehicular parking at the proposed development is predicted to generate 17 two-way movements in the AM peak and 16 two-way movements in the PM peak. Clearly, the removal of the multi-storey car park is welcome and reduces the demands placed on Buckle Street. Condition will provide control over vehicular servicing. The approval of the details pursuant to this condition will only be forthcoming where the strategy has due regard to the other demands on the highway network and will seek to focus servicing outside of peak hours).

Demands upon the Transport for London Road Network

- 7.34 Commercial Road, Whitechapel Road and Leman Street adjacent to the proposed development site are designated as being under the jurisdiction of Transport for London as they are an important part of the London road network. The proposed development site is opposite the significant transport hub of Aldgate East Station and at the convergence of locally and strategically important roads. Of course, these roads are also vitally important to the local transport network as they provide walking and cycling corridors as well as carrying locally important bus routes and providing access to the Underground system.
- 7.35 As considered earlier, the proposals do not properly address the servicing, waste and refuse demands of the development. Shortfalls in the available servicing facilities will lead to deliveries being made from the kerbside of Whitechapel Road or Leman Street, to the detriment of vehicle movements, the relocated pedestrian crossing and pedestrian movements more generally. The proposed waste and refuse collection is from a series of points surrounding the development on the public footway. This aspect of the proposals has a detrimental impact on the use of the footways and therefore local transport.

(OFFICER RESPONSE: The hotel and residential uses (comprising 93% of the development by floorspace) are serviced from the bays on Commercial Road and Buckle Street to be provided as part of the development. The offices and retail (comprising 7% of the development by floorspace) are serviced from a series of points on the footway in precisely the same way as the retail units along Commercial Road and Whitechapel High Street are serviced. These roads are part of TfL's Strategic Road Network and they do not object to this approach).

Former Drum Street

- 7.36 The land that was formerly Drum Street is proposed to be open space. This could instead be a servicing corridor and this could service the commercial and retail element of the proposal. As a consequence the proposal does not adequately address servicing, refuse and deliveries and is likely to result in servicing over spilling onto the public footway to the detriment of the public realm, travelling public and local transportation.

(OFFICER RESPONSE: This proposed alternative approach to servicing, i.e. a vehicular servicing corridor through the heart of the proposed development and public realm is not an acceptable solution in urban design or place-making terms).

Obligations and Conditions

- 7.37 Should permission be granted then the following conditions and obligations are recommended:

- Street scene and built environment contributions
- Travel planning contributions
- Permit free agreement
- A Servicing Management Strategy
- A travel plan
- A condition requiring the developer to enter into an s278 agreement
- A condition requiring a Construction Management Plan

(OFFICER RESPONSE: All of the proposed s106 clauses and conditions are included as part of the recommended decision).

LBTH Arboricultural Officer

- 7.38 The extensive nature of the build and its increased albedo / heat island effect means that a substantial public realm improvement by way of tree planting in streets and nearby public open spaces is essential. In this instance a ratio of one new tree per three residential units would be satisfactory.

(OFFICER COMMENT: Given the density of the development within a central location one tree per three additional units is not a reasonable request. Appropriate landscaping can be secured through a landscaping condition).

Tower Hamlets NHS

- 7.39 Tower Hamlets NHS have confirmed the HUDU model requires:
- | | |
|---------------------------------|------------|
| A Capital Planning Contribution | £633,756 |
| A Revenue Planning Contribution | £3,143,940 |

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions. The Council's Legal Department advise that as revenue contributions are obtained by Central Government it is not considered that revenue contributions meet the planning contributions test).

London Fire and Emergency Planning Authority (LFEPA)

- 7.40 LFEPA raise no objections to the proposal.

National Grid

- 7.41 National Grid raises no objections to the proposal.

National Air Traffic Services Ltd (NATS)

- 7.42 NATS raise no objections to the proposal.

Environment Agency (EA)

- 7.43 EA makes no comment on the proposal and refers the Council to its Flood Risk Standing Advice. They confirm that surface water run-off and drainage are the main issues at this site and the development should be in accordance with policy 5.13 of the London Plan in this respect.

(OFFICER COMMENT: The development restricts surface water runoff to 50% of brownfield flows having regard to the impact of climate change. Surface water flows will be reduced from a computed 101.3 litres per second in a 1:100 storm event to 52 litres per second in a 1 in 100 year storm event post development. The sub-soils are not conducive to infiltration. Therefore, on-site attenuation of storm flows is provided by two cellular storage tanks. The tanks are located underground to the north of Building A and underground between Building F and G).

English Heritage

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

(OFFICER COMMENT: The application has been assessed by the Council's Conservation and Urban Design team. The development would not harm views of, or from, the Tower of London World Heritage Site. The development preserves the character and appearance of Whitechapel High Street Conservation Area. The development safeguards the setting and special historic and architectural interest of nearby listed buildings. The development has appropriate regard for designated and non-designated heritage assets in accordance with the National Planning Policy Framework).

Archaeology

- 7.45 English Heritage Archaeological division raise no objections subject to a condition and an informative.

Greater London Authority (GLA)

- 7.46 The GLA have provided a stage I response. Their summary analysis of the scheme is as follows:

Principle of the development

- 7.47 The principle of a tall building and residential-led mixed use development in the CAZ and City Fringe Opportunity Area is in accordance with strategic objectives and is supported. The site is within a LVMF viewing corridor and the scheme has been designed to limit the extent of impact on the World Heritage

Site and upon other strategic views. The architecture, form and scale of the development are acceptable.

7.48 Affordable Housing is proposed a site, with a range of tenure and rent levels proposed. The viability appraisal is still the subject of discussion and negotiation in order to demonstrate compliance with London Plan requirements to maximise provision. The overall residential quality is in accordance with the Mayor's standards and the high density nature of the scheme is acceptable, subject to confirmation of the net residential density. The scheme proposes mix of unit sizes, but it still needs to be demonstrated that the Council's local housing needs are met.

7.49 The principles of the scheme in terms of inclusive design, children's play space and climate change are acceptable. The GLA encourage a 'car-free' development in this location. Further discussion regarding parking and transport impact, and any necessary section 106 contributions is also required to ensure that the scheme fully accords with [the] London Plan.

(OFFICER COMMENT: It is confirmed that the affordable housing offer is maximised and the housing mix reflects the identified needs of the Borough given the site context. The proposed residential parking provision is not in full accordance with the standards contained within Tower Hamlet's MDD (2013). 76 spaces are proposed which exceeds the MDD's parking standard by 5 spaces (i.e. the parking standard would be for 71 spaces). This is a minor deviation from policy in the context of the scale of scheme and assists in improving the viability of the development and consequently maximising the affordable housing officer. The applicant is appropriately mitigating the impact of the development on local infrastructure and facilities in accordance with the Council's Planning Obligations SPD).

Natural England

7.50 Natural England confirms that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils. Otherwise, Natural England refers the Local Planning Authority to its Standing Advice.

(OFFICER COMMENT The Council's Biodiversity Officer confirms the site is of low ecological value. Ecological diversity improvements are sought through condition requiring further details of the green roofs and landscaping.)

Historic Royal Palaces (HRP)

7.51 HRP raises no objections to the proposal.

Transport for London (TfL)

Car Parking

7.52 TfL would recommend that this development should be car free apart from disabled spaces.

7.53 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and secured through condition.

Trip Rates & Impact

- 7.54 Based on the submitted information available, TfL does not expect that the proposed development will have a significant impact on the highway and public transport networks.

Cycle and Walking

- 7.55 The proposed 854 cycle parking spaces for residential, hotel and commercial uses comply with the London Plan Policy 6.9 "Cycling" standards, and are therefore welcome. A condition is recommended in respect of a minimum of 12 residential visitor spaces.
- 7.56 For a scheme of this nature, TfL usually expects the proposals to be accompanied by a Pedestrian Environmental Review System (PERS) survey to assess the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest. This should be undertaken for these proposals and accordingly any potential improvements should be secured through s106 and delivered through s278 with TfL or the local highway authority.
- 7.57 The proposed realignment of the Puffin crossing on Leman Street east of Braham Street Park to respond to the pedestrian desire line from this development is accepted in principle, but would need to be assessed, agreed and delivered through an s278 agreement with TfL.

Travel Plans

- 7.58 Travel Plans for the various uses should be secured through an s106 agreement.

(OFFICER COMMENT: Secured through the s106 agreement).

Deliveries and Construction

- 7.59 TfL recommends that a Framework Delivery and Servicing Plan (DSP) and Construction Logistic Plan (CLP) should be secured by condition.

(OFFICER COMMENT: Conditions are recommended to secure the above).

Crossrail and Community Infrastructure Levy

- 7.60 Contributions are applicable.

(OFFICER COMMENT: All conditions requested above have been included within the recommendation. A PERS audit will be secured through condition to inform the potential improvements to be secured through the s106 agreement).

Metropolitan Police

- 7.61 Recessed residential entrances possibly leaving areas vulnerable to gathering and ASB.

(OFFICER RESPONSE: The recessed entries help define the entrance to buildings and mitigate any adverse microclimate effects from tall buildings. The entrances are overlooked which provides good natural surveillance. A CCTV strategy is part of recommended conditions and it is expected that all entrances will be covered by CCTV's).

- 7.62 Undercroft area beneath/between Blocks F & G could be another gathering point and may need to look at gates here for night time security.

(OFFICER RESPONSE: The gating strategy is the subject of a condition).

- 7.63 Large single basement cycle store may be a significant theft risk.

(OFFICER RESPONSE: The applicant has confirmed they are willing to make this amendment to break up the cycle storage area into smaller rooms. This will be secured by condition).

- 7.64 Concierge has almost no external view from desk/office and will need CCTV cameras.

(OFFICER RESPONSE: CCTV strategy is subject to a condition).

- 7.65 Access control of individual floors should be incorporated.

(OFFICER RESPONSE: This is a site management issue for the management company. Insofar as this comment relates to the affordable housing cores, access from stairs and lifts lobbies will be agreed with the Registered Provider).

Thames Water

- 7.66 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Therefore, Thames Water 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.

- 7.67 A piling method statement is also requested via condition to ensure there is no damage to subsurface water infrastructure.

(OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy).

London Underground Limited (LUL)

- 7.68 LUL raises no objections to the proposal.

Design Council, Commission for Architecture and the Built Environment

- 7.69 The Design Council has reviewed the scheme at both pre-application and application stage.

There is a compelling story to the evolution of this scheme which has the potential to create a successful place. The masterplan, comprising residential

towers arranged at the four corners of the site with the hotel in the centre, could deliver a scheme with a clear identity.

We like the kite plan of the residential buildings, the architectural approach and the different character areas in the landscape plan. We support the principle of development, however we think that further refinement is needed in the detailed design.” They suggest the following refinements to the scheme:

Landscaping

- A unified landscape plan to knit the different character areas together.
- Gating the spaces adjacent to the hotel could reduce pedestrian permeability.
- Consider moving hotel further to one side to create larger space.
- The design of ‘Drum Street’ should better identify the hotel entrance.
- Consider projection to hotel to oversail ‘Drum Street’ to create visual relief and interest
- The design of boundary treatment to playspace at Block D needs great care.
- Play areas need not be so clearly defined but could be integrated across the site with the public realm.

(OFFICER RESPONSE: The details of the public realm and landscaping will be subject to condition requiring the submission and approval of further details. It is understood that the applicant wishes to hold a design competition in respect of the landscaping with the ‘winning’ design submitted to the Local Planning Authority as part of the condition. The landscaping refinements suggested by the Design Council can be addressed as part of the condition).

Hotel

- Suggest that finishing colour is white to increase reflectivity of light to improve daylight to neighbouring properties.
- Ground floor of hotel could provide a shared public space.

(OFFICER RESPONSE: The finishing materials and colour are recommended to be controlled via condition. It is not necessary for the ground floor of hotel to be formal public space to make the application acceptable in planning terms).

Residential building

- Variations in architectural language across the site are ‘perhaps too subtle’.
- Concerned with the number of single aspect apartments and consequent levels of daylight and sunlight as well as potential for some units to be overlooked.

(OFFICER RESPONSE: Officers consider that the architectural variations are appropriately nuanced and provide a coherent appearance across the site. The overall quality of accommodation provided including daylight and sunlight levels play are satisfactory. The development has no north facing single aspect flats and no single aspect family flats. The levels of daylight and sunlight are appropriate given the Central London location of the site. Having regard to its Central London location the development would not be unduly overlooked).

London City Airport (LCY)

- 7.70 LCY has no safeguarding objection subject to limitation on crane heights to 150m AOD, details of a construction programme to be approved in consultation with LCY and medium intensity red-light obstacle lighting to be placed at the top of all cranes as well as on the furthest point along the jib.

(OFFICER COMMENT: All of these requirements are addressed in the recommended conditions).

- 7.71 The following external organisations did not respond to the consultation:

Crossrail, EDF, BBC – reception, City of London Corporation and the London Borough of Southwark.

- 7.72 The following internal departments did not respond to the consultation:

Building Control, Education, Sustainability, Horticulture and Strategic and Transport and Development Implementation.

8. LOCAL REPRESENTATION

- 8.1 Neighbouring properties have been notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been placed around the site.

- 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: 3 Objecting: 2 Supporting: 0 Comment: 1

- 8.3 The objections were raised by a local business owner and local landowner and can be summarised as follows:

- The site is over-developed with social and environmental consequences
- The buildings have little architectural merit
- Limited community space for residents and visitors
- The strategy for the collection of waste is ill-conceived.
- There will be traffic congestion on Buckle Street as a result of the development
- Demolition and construction including noise and dust will affect the business at a nearby property and the health of the occupants
- A local Place of Worship made comments on the scheme in respect to:
- he site provides opportunities for 'wayfinding' signage to improve accessibility in the area

- Buckle Street is still a cul-de-sac and potential attracts anti-social behaviour
- The location and timings of pedestrian crossings in the Aldgate area are not pedestrian friendly.

(OFFICER RESPONSE: The objections and comments received have been carefully considered in the assessment of the application and are addressed in Section 9 of this report (Material Planning Considerations)).

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues that the committee are requested to consider are:

- Land-use Principles;
- Design and effect on heritage assets;
- Housing;
- Amenity;
- Transport;
- Energy and Sustainability; and,
- Environmental considerations.

Land-use 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 maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

Preferred Office Location

9.3 Policy SP06 of the Core Strategy (2010) designates the Aldgate area as a Preferred Office Location (POL) and seeks to focus larger floor-plate offices and intensify floorspace in this area. The Policy states that POL's are not appropriate for residential development. Managing Development Document (MDD) policies provide more detail on how to implement the Core Strategy policies. Policy DM16 of the MDD (2013) states that development resulting in the net loss of office floorspace in Preferred Office Locations will not be supported.

9.4 In relation to employment land designations (such as the Core Strategy POL's), paragraphs 18 to 22 of the NPPF are particularly relevant.

9.5 Paragraphs 18 to 21 confirm the importance of the planning system in building a strong competitive economy with the requirement for local authorities to plan positively to meet the needs of business.

- 9.6 Paragraph 22 however states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 9.7 After 27 March 2013, the NPPF required that due weight to be given to relevant policies in existing plans is according to their degree of consistency with the NPPF. The closer the policies in the plan are to the policies in the NPPF, the greater the weight that can be given to those policies. Since the MDD was found sound by an Inspector and adopted in April this year it has not been necessary to review this document. However, a 'consistency' review of the Core Strategy (2010) has been undertaken since it was adopted prior to the publication of the NPPF.
- 9.8 In respect of policy SP06, the published statement of conformity states that the policy is in full compliance with the NPPF. However, the Statement comments that: [the] Council will consider planning applications for vacant employment sites in Preferred Office Locations on an individual basis, taking into account the suite of policies (including Core Strategy SP06.2, NPPF paragraphs 18-22, Managing Development Document policy DM16), in order to effectively assess the prospect of an employment use coming forward on that site.
- 9.9 The site is vacant with the exception of late 20th Century building in the north-east corner which currently serves as a marketing suite for Barratt's nearby Altitude scheme and a multi-storey car park to the south. Its current uses are not commensurate with its prominent location within the Aldgate area and are not assisting in achieving the Development Plan's objectives.
- 9.10 The proposal is for a residential-led mixed-use development with retail uses at ground floor along with offices and a hotel. Consequently it is a *departure* from the Development Plan in respect of Core Strategy policy SP06, in particular by failing to deliver large floor-plate offices in this location and by providing a significant residential component.
- 9.11 The applicant has put forward a case that there is no reasonable prospect of the site being developed for large floorplate offices. The applicant argues that there is currently an oversupply of office floorspace at a London, Borough and local (Aldgate) level and, in any case, that the site constraints of utility corridors along the former Drum Street and Braham Street (both now stopped-up) compromises large floorplate office layouts. The applicant has provided marketing information, which showed that all previous attempts to market the two large floorplate office consents were unsuccessful. They argue this further supports the argument that there is no reasonable prospect of office-led redevelopment and hence the Council must have regard to the relationship of the Core Strategy policy SP06 on POL's and the NPPF approach to employment land designations.
- 9.12 The Council commissioned Jones Lang LaSalle (JLL) to appraise the evidence submitted by the applicant. The brief asked four specific questions:

- 1) To review the robustness of the marketing information submitted by the Aldgate Place developer, in particular whether the marketed rent levels are realistic (having regard to the minimum viable rent to enable the development to be built out along with the site specific constraints), the thoroughness of the marketing strategy, the flexibility of the offer etc.;
- 2) A review of the supply of (including the pipeline) and demand for office floorspace within the Aldgate area in the short-term and over the Development Plan period (up to 2025).
- 3) In light of 1) and 2) to conclude as to whether there is a reasonable prospect of office-led development in the short-term and over the Development Plan period (up to 2025).
- 4) If it is concluded in 3) that is no reasonable prospect of large floorplate office-led schemes on these sites, to assess the maximum viable office provision on these sites in light of 2), with particular regard to meeting the floorspace demand for small and medium enterprises such as those requiring units of less than 250 and 100 squares metres of floorspace (net internal area).

9.13 JLL's Report concluded in answer to the first question that the marketing of the scheme was robust and there was little interest from potential office occupiers to pre-let floorspace and that pre-let floorspace is essential in order to gain development finance from lending institutions (e.g. banks). In response to the second question, JLL identify a significant over-supply of office floorspace in the Aldgate area and concluded in response to question 3 that *'the least likely and therefore slowest way to regenerate Aldgate is to hold out for major office-led development in the [Aldgate] POL.'*

9.14 In response to question 4, JLL confirmed that the area has a plentiful supply of office floorspace for small and medium enterprises and office floorspace in itself is not a viable land use in this location. It can only be provided by cross-subsidising it from more profitable uses. Therefore, any additional office floorspace would detrimentally affect viability of the scheme and have implications for the affordable housing offer.

9.15 The evidence before the Council indicates not only an oversupply of office floorspace in Aldgate but, crucially, site specific constraints which militate against a large floorplate office scheme coming forward on this site. This analysis is supported by the fact that, despite extensive and prolonged marketing of the site from 2001 to 2011, it was not possible to attract sufficient pre-lets to enable an office scheme to get off the ground.

Strategic Land-Use Policies

9.16 The site is identified in the London Plan (2011) as falling within the City Fringe Opportunity Area (CFOA). Policy 2.13 of the London Plan (LP) is relevant to the CFOA and seeks to optimise residential and non-residential output and is identified as being capable of delivering up to 7,000 new homes within the plan period (2011-2031). The site is also within the Central Activities Zone (CAZ). Policies 2.10 and 2.11 of the LP promote a mix of local and strategic uses in the CAZ. 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.

- 9.17 At the local level, SP01 and DM1 seek the continued enhancement and promotion of the CAZ will be supported, subject to Preferred Office Location (POL) designations. Core Strategy policy SP06 promotes the CAZ and CFOA for a mix of uses including employment uses such as hotels (subject to the POL issue discussed above).
- 9.18 The proposal is for a residential-led mixed-use development with active retail uses at ground floor along with offices and a hotel. The development seeks to optimise densities for this prominent site with three tall buildings surrounding a centrepiece hotel building and public realm. The application seeks permission for comprehensive development that would provide a mix of uses that sits comfortably with the strategic objectives of the CAZ and CFOA and is supported in principle by the Greater London Authority.

Principle of Hotel

- 9.19 Policy 4.5 of the London Plan and policy SP06(4) of the Core Strategy seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and CFOA and benefit from good access to public transport. In addition, the Policy requires a minimum of 10% of guest bedrooms to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes London Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 9.20 Policy DM7(1) of the Council's MDD provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. The Inspector's Report into the MDDPD Examination In Public which took place in 2012, recognised Tower Hamlet's role in providing for London's strategic supply of over-night guest accommodation.
- 9.21 The GLA Hotel Demand Study (2006) forecasted a requirement for a further 2,800 hotel rooms to be provided in Tower Hamlets (2007-26). At that time, Tower Hamlets had some 2,200 overnight guest bedrooms (2% of the London total). Between 2007 and 2011, evidence indicates that a further 675 guest bedrooms were provided within the Borough and there is clear continuing development interest in locating new hotels in the Aldgate and the City Fringe area, due to their central and accessible locations.
- 9.22 The pipeline hotels highlighted above (Goodman's Fields, Tower House and Buckle Street), assuming they all come forward, would deliver a further 871 additional overnight guest bedrooms in the immediate vicinity and the current Aldgate Place application proposes a further 160 guest bedrooms. With other hotels recently completed in Tower Hamlets, including the Holiday Inn Express in Commercial Road, a range of hotel schemes coming forward/potentially coming forward on the Isle of Dogs and the general rate of increase of guest bedrooms being delivered year on year, it is probable that the Borough will exceed forecast requirements by 2026, accommodating a

range of overnight accommodation (budget through to high-end hotel rooms). However, existing occupancy rates and the growth forecasts in terms of tourism and corporate demand for overnight guest accommodation suggests that the targets outlined in the GLA Hotel Demand Study should be considered alongside other indicators.

- 9.23 The principle of the hotel use would be acceptable and in accordance with the requirements of policy 4.5 of the London Plan, policy SP 06(4) of the Core Strategy and policy DM 7(1) of the MDD.

Offices

- 9.24 The site contains an isolated building on the north side of the mainly vacant site, which has approximately 1,070 sq m. It was a former Lloyds TSB Bank (Use Class A2: Financial and Professional Services) and is currently in use as a sales and marketing office by Barratt's for the 'Altitude Towers' scheme.

- 9.25 The proposal includes 2,687sq m of Class B1(a): Business floorspace in a building fronting Whitechapel High Street, which would make a welcome contribution to overall supply in Aldgate, particularly as the smaller floor plates may be attractive to small and medium enterprises. The provision of B1 floorspace is supported at national, regional and local levels in this location. However, it is only 6% of the development by floorspace and the evidence provided by JLL indicates that office accommodation would be a 'loss leader' in terms of development viability. Consequently, the Council asked the applicant to carry out 'sensitivity testing' to determine what effect increasing office floorspace would have on the balance of land uses and affordable housing offer within the scheme, without amending the size or heights of the buildings. Their results were reviewed independently by the Council's viability advisors.

- 9.26 The scenario tested included 'converting' the hotel, the residential space in block G and floors 1-8 of Block A to offices. It showed that increasing the office floorspace from 2687sqm to 9,500sqm would reduce the total number of residential units from 463 to 391 and the numbers of affordable units (assuming the same mix, tenure split and rent levels) from 150 to 88 (a loss of 62 units). In percentage terms, the affordable housing provided would be 22.5% by unit numbers under the revised scenario compared to 32.4% by unit numbers under the proposed scheme (i.e. a fall of over 30%) for a gain of just 6,800sqm of office floorspace.

- 9.27 Clearly, for a relatively small increase in office floorspace there is a very significant loss of affordable housing. The pressing need for affordable housing in Tower Hamlets is undisputed. On the other hand, the evidence suggests that demand for office floorspace in Aldgate is muted. In the opinion of officers, the balance lies in favour of maximising affordable housing provision.

Conclusion

- 9.28 In conclusion, it has been demonstrated that there is no reasonable prospect of office-led redevelopment at Aldgate Place for the foreseeable future that is vacant, yet is well located and critical to delivering the overall Core Strategy place-making vision for Aldgate. On the other hand, if permission were to

being granted this proposal would be deliverable on a vacant and prominent site.

- 9.29 The proposed mixed-use components would assist in achieving the strategic CAZ and CFOA regeneration objectives. It is predicted to create 275 construction jobs over a five year period and, once operational, a predicted 347 jobs on site and the increase in spending power in the locality would create a predicted further 312 jobs in the local area. Moreover, it would provide 463 residential units making an important contribution to the Council's overall housing targets. Of those 463 units, 105 would be affordable-rented units with rents at or below the Council's recommended 'POD' levels and 45 would be in 'shared ownership' tenure.
- 9.30 The planning obligations offer includes almost £7m of financial contributions to mitigate its effects on local infrastructure and services which meets the Council's standard planning obligation charges including an additional £250k contribution towards public realm improvements to unlock the potential of Aldgate for a range of uses along with additional non-financial obligations around enterprise and employment. The public benefits of the development clearly outweigh holding out for large office floorplate office redevelopment which the evidences indicates is unlikely to occur in the plan period and on balance mixed use development is appropriate on this site, in accordance with the NPPF, London Plan, Core Strategy (including the Consistency Review) and Managing Development Document.

Design

Design policies

- 9.31 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.32 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).
- 9.33 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.
- 9.34 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. The Core Strategy identifies Aldgate as one of two locations in Tower Hamlets where clusters of tall buildings will be supported.
- 9.35 Policy DM26 supports the principle of tall buildings in the Aldgate area subject to high design quality.

9.36 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;
- 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; and,
- Not adversely affect biodiversity or microclimates.

9.37 The Aldgate Masterplan supported the principle of tall buildings focussed in and adjacent to the former gyratory system. The Masterplan principles were taken forward in the Place Making Annex to the Core Strategy.

9.38 In summary, London Plan, Core Strategy, MDD and Aldgate Masterplan policies all support the principle of tall buildings in this location.

Place making

9.39 The site is a strategic node fronting onto Whitechapel Road and Commercial Road and is instrumental in proving key links through the site to Aldgate East Station and to the wider Aldgate Master Plan area. The site is also an important part of the planned transformation in the Aldgate area by virtue of its location and proximity to the transport hub, open space, access to key routes and attractions in the area. Part of the northern section of the site is within Whitechapel High Street Conservation Area. This sets the scene for developing proposals that takes into account all of the above aspects that inform the design and layout of the site within the wider context.

9.40 The extant permission (PA/08/2690) is for a part 19 part 21 storey glazed block up to 102.5m AOD that would have had a broadly square footprint, with a diagonal south-east to north-west route through the centre of the site, passing beneath a wide undercroft. The building would have occupied much of the site. It would have provided large floorplate office accommodation.

- 9.41 The proposed development comprises three towers of 22, 25 and 26 storeys (maximum 96m AOD) and a series of lower buildings ranging from 6 to 9 storeys, pinwheeling around the centrepiece 10-storey hotel building. The development would create new pedestrianised streets, public open spaces, children's play spaces.
- 9.42 The development has been designed as a series of buildings and spaces, designed to improve permeability through the site and beyond and would create a strong sense of place in Aldgate. The three residential towers would be sited to the north-east, west and south-east corners of the site, designed in a "kite shaped" form which would relate to the adjoining road network and the main diagonal pedestrian route through the site, acting as an extension of the alignment of Commercial Road towards Aldgate Underground Station.
- 9.43 The proposed layout would align the uses on site in a manner that would integrate with the emerging proposals in the area and attempt to create a sympathetic relationship with the existing townscape and emerging schemes.
- 9.44 The scheme would deliver 2,855 sqm of publicly accessible open space in addition to private amenity space, communal amenity space and excluding areas dedicated to servicing and pedestrian movement around the site perimeter.
- 9.45 The proposal would assist in achieving many of the place-making elements within the Aldgate Masterplan and MDD place-making policies, in particular improving connectivity and permeability. Its active ground floor, mix of uses and high quality public realm would create a vibrant destination which would have the potential to be a successful place.
- 9.46 The three slender towers and associated smaller buildings would share the same architectural vocabulary and material palette, namely a frame of substantial masonry piers of a dusty grey brick in triple height pattern, whilst the centrepiece hotel would be finished with light stone panels.
- 9.47 The architectural appearance of the seven-storey office building fronting Whitechapel High Street would be subtly different from the residential towers to reflect its different use. The horizontal terracotta bands would be emphasised on the office building whilst they would be recessive on the residential towers. Due to the commercial nature of this building it has no balconies. The residential apartments would typically have inset balconies, apart from Blocks D and G which would have projecting balconies facing outwards from the site on to Buckle Street and Leman Street respectively. The ground floors of the towers and adjoining smaller buildings would be 'double height' and along with their proposed retail and 'A' Class uses would assist in animating the buildings at ground level. The buildings' 'top', 'middle' and 'bottom' would be readily perceived, emblematic of good design.
- 9.48 The hotel's facades would be finished in a textured light-coloured stone frame, modular in nature and with 'slip-stones' to subtly conceal the joints. Within the stone façade a pattern of punched apertures run across the façade responding to the regular arrangement of rooms and spaces behind. Each window would be lined with a polished stone reveal on one side, alternating from floor to floor which would result in a diagonal pattern through the facades; adding visual interest. Window frames would be concealed behind deep

reveals, with simple metal sloping eaves projecting beyond the façade line. Windows and doors to the ground and 1st floor levels would be combined to form 2-storey high elements which would emphasize the base of the building and its relationship with the public realm.

- 9.49 The design of the development would have the effect of creating two distinct areas of public realm. To the north would be a busy thoroughfare along the route of the former Drum Street. To the south would be quieter areas, including play space for younger children. The link through to Braham Street Park would be through a generous undercroft, 9m high and over 10m wide under Block F/G.
- 9.50 The proposed scheme with the layout, scale and massing proposed would create a strong presence along key streets – Whitechapel High Street, Leman Street and Commercial Road. Furthermore, the proposed links and open spaces would provide an opportunity for well-designed public realm that would bring together different uses and activities. The proposed links would integrate a range of soft and hard landscape treatment that will be enjoyed by people from the development on site and from the wider area creating a space that is truly public.
- 9.51 The proposed mix of uses, high quality design and scale of buildings, together with the design and quality of the routes and open spaces proposed would create a very distinct place, which would help to deliver the Core Strategy vision and Aldgate Masterplan objectives. The distribution of massing within the site would respond to the street frontage with opportunities both visually and physically to integrate with the proposed open space. Furthermore, the location of the hotel at the centre, with a massing considerably lower than the buildings around and with a material distinct from the brick facades of the surrounding buildings, would create a distinct sense of identity for the hotel and would introduce significant visual interest along the routes through the site.
- 9.52 The overall result of the design evolution is a well-conceived development that would successfully integrate the range of different uses throughout the site. The proposal would have a strong emphasis on high quality public realm and active ground floor uses which together would create a destination in their own right as well as improving permeability and connectivity to surrounding areas including Braham Street Park. The heights, detailed design and finishes to the towers sensitively respond to the surrounding urban grain and context.

Strategic Views

- 9.53 The height of the scheme would be lower than that in the previous consents, which extended to a maximum of 102.5m AOD. The heights of the buildings are naturally limited by their relationship within the backdrop of views of the Tower of London from Queen's Walk as defined in the London View Management Framework.
- 9.54 Assessment point 25A of the London View Management Framework is relevant to the application (relating to the view from Queens Walk to the Tower of London World Heritage Site). The submitted townscape and visual assessment shows that only the tops of the proposed buildings would appear in this view and is separated from the White Tower by other tall buildings that appear in the existing setting. The scheme would not have a significant

detrimental impact on any of the relevant views and will not undermine the viewer's ability to recognise and appreciate the strategically important landmarks, notably the Tower of London. The development would not impact upon the Outstanding Universal Value of the Tower of London World Heritage Site.

- 9.55 The proposed development would be visible within the backdrop 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 and Historic Royal Palaces do not raise any objections in this respect.

Heritage & Conservation

- 9.56 The NPPF sets out the Government's objectives in respect of conserving and enhancing heritage assets.
- 9.57 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.
- 9.58 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.
- 9.59 The building at 35 Whitechapel High Street is within the Whitechapel Conservation Area. It is a four-storey late 20th Century building of no particular architectural merit and does not make a positive contribution to the conservation area. Its demolition, subject to an appropriate replacement, would preserve or enhance the conservation area. The principle of demolition has been set through the granting of a previous conservation area consent related to the extant Aldgate Union office permission.
- 9.60 Aldgate is identified as a location for tall buildings. Moreover, there are a number of existing consented schemes for tall buildings on neighbouring sites that are currently built out and an extant tall large floorplate office scheme on this site which remains a material consideration for assessing the scheme. In this context, and having particular regard to the verified views within the submitted Visual Impact Assessment, the impact on the views and settings of nearby listed buildings and conservation areas are acceptable. Indeed in many of the views the current proposals are an improvement over the consented office scheme. The development will safeguard the setting of nearby listed buildings and preserve the character and appearance of Whitechapel Conservation Area and the setting of nearby conservation areas.

Microclimate

- 9.61 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.

- 9.62 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. The testing has considered 'stand-alone' and 'cumulative' scenarios. In the former it is assumed only this development will proceed, in the later it is assumed that all extant permissions in the local area will be built out.
- 9.63 Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out.
- 9.64 In the 'stand-alone' scenario, the proposal on the whole has negligible or beneficial effects with the exception of a *minor adverse* effect at the entrance to a retail unit within the block F/G undercroft and some roof terrace locations.
- 9.65 In the 'cumulative' scenario, wind conditions are generally calmer; again the only entrance to be adversely affected is the entrance under the block F/G undercroft.
- 9.66 The proposed mitigation to the entrance could be a 1.5m deep recessed entrance or screening 1.5m deep and 2m tall. However, this proposed mitigation measures would adversely affect the urban design quality of this generous undercroft area and/or be undesirable from a *secure by design* point of view. Given that the entrance is to a retail store and the effect is only *minor adverse*, on balance it is not considered appropriate to mitigate this minor wind speed increase.
- 9.67 The proposed mitigation to the roof terraces includes raising the heights of the parapets to 2m and landscaping and vertical screens. These are secured through condition.

Secure by Design.

- 9.68 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.
- 9.69 The proposed layout, mix of uses and proposed provision of clear, legible routes through the development would help to minimise crime and anti-social behaviour through significant natural surveillance and by creating opportunities for activity through different times of the day and into the evening, with much greater permeability and connectivity with the surroundings than is afforded at present or would be if the site was developed with a lesser mix of uses. The scheme minimises non-overlooked secluded areas and subject to the detailed design of landscaping and lighting would offer an inviting and safe environment for future residents, commercial occupiers and visitors.

- 9.70 The Metropolitan Police Crime Prevention Design Advisor has reviewed the proposal and has made some additional suggestions to improve the scheme from a *secured by design* aspect. These include smaller cycle stores rooms in the basement, CCTV and gating. All of these will be secured through condition. Some concern has been raised with regard to recessed entrances, however these help define the entrance areas to the buildings and mitigate any adverse microclimate effects. On balance, the recessed entrances are appropriate
- 9.71 A condition has been attached requiring the scheme to demonstrate full secure by design accreditation.

Housing

Principles and Density

- 9.72 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 9.73 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885.
- 9.74 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.
- 9.75 The site has an "excellent" public transport accessibility level (PTAL 6b). For central locations with a PTAL of 6, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek residential densities up to 1,100 habitable rooms per hectare. The proposed density is 1,760 habitable rooms per hectare (or approximately 609 units per hectare). This, of course, does not take account of the commercial elements of the scheme which accounts for approximately 23% of the scheme by floorspace. Clearly, it is a high-density scheme. However, the intent of the London Plan and Council's Core Strategy and MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity. This is particularly apposite in the context of the site's designation within a Central Activities Zone and City Fringe Opportunity Area as well as MDD's designation of this site being part of an area appropriate for tall buildings.
- 9.76 The site is approximately 7,600sqm in size. The developed part of the site is circa 3,300sqm, leaving some 4,300sqm of land not built upon, with circa 2,800sqm of that space being high quality public open space and child play space. There is further rooftop communal amenity and child play space. Moreover, the offer is supported by a comprehensive range of planning obligations towards public open space, public realm, transport infrastructure and streetscene improvements all of which serve to mitigate the impact of the development.

9.77 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:

“On 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”.

9.78 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.

9.79 The SPG outlines the different aspects 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.

9.80 The issues set out above are discussed elsewhere in report. However in summary, the scheme is fully compliant with communal amenity space and child amenity space standards as well as providing a significant portion of public open space on site. The scheme also complies with the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private amenity space and quality of internal layouts. The applicant has met all the ‘standard’ S.106 planning obligations required by the Planning Obligations SPD and a further £154,000 towards the cycle superhighway along Whitechapel High Street and a further £241,000 towards additional public realm improvements. In conclusion, officers consider that the proposed density would be acceptable for his form of development within a highly accessible City Fringe location.

Affordable Housing

9.81 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.

9.82 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.

- 9.83 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs 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.
- 9.84 The policy requires a minimum of 35% affordable housing to be provided. 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.
- 9.85 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.
- 9.86 The affordable housing is being offered at a 70:30 split between affordable-rented units and shared ownership units, in accordance with policy. Whilst the proposed mix would not meet the London Plan ratio of 60:40 it would accord with the TH Core Strategy.
- 9.87 Following further negotiations the 1 and 2 bed affordable rented units are offered at the Council’s preferred ‘POD’ rent levels. The 3 bed family units are offered at a rent effectively equivalent to social target rents plus service charge. Therefore, 1-bed flats would be £207.12 per week and 2-bed flats at £220.54 per week, inclusive of service charges. For 3-bed flats the pod rent is £250.14, however to ensure these flats at an affordable rate they have been negotiated to a level of £197.12 inclusive of service charge. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this city fringe location.
- 9.88 The affordable housing offer of 35% is made in conjunction with an enhanced package of planning obligations in accordance with the Council’s SPD. A viability toolkit has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the toolkit concluded that the site could viably provide a maximum of 35% affordable housing by habitable room. Officers are now satisfied that the offer is the maximum that could be achieved without making the development unviable.

Housing Mix

- 9.89 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.
- 9.90 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.
- 9.91 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).
- 9.92 This development represents a mix of tenure in terms of providing some 105 affordable rented units, 45 shared ownership units and 313 private units with the residential section of the scheme.
- 9.93 The proposed breakdown of the mix is set out in table 1 below:

Table 1: Proposed residential tenure split and accommodation mix

Ownership	Type	Units	%	Hab rooms	%
Private	Studio	21	7	21	2.5
	1 bed	111	35	222	26
	2 bed	112	37	336	39
	3 bed	67	21	268	31
	4 bed	2	<1	10	1
Total new sale		313	100	857	65
Affordable Rented	studio	0	0	0	0
	1 bed	22	20	44	14
	2 bed	52	50	156	48
	3 bed	31	30	124	38
Total affordable rent		105	100	324	24.6
Intermediate	Studio	0	0.0	0	0
	1 bed	11	24	22	16
	2 bed	21	47	63	46
	3 bed	13	29	52	38
Total intermediate		45	100	137	10.4
Total new affordable		150	32.4%	1318	35
Total new build		463			

- 9.94 Policy DM3 seeks for market sector housing a mix of 50% 1-beds, 30% 2-beds and 20% 3+ bed units. The proposal is 42% studios and 1-beds, 37% 2-beds and 21% 3-beds. The offer is broadly in line with policy and is not objectionable.

- 9.95 Policy DM3 seeks for intermediate sector housing a mix of 25% 1-beds, 50% 2-beds and 25% 3 bed units. The proposal is 24% 1-beds, 47% 2-beds and 29% 3-beds. The offer is broadly in line with this policy.
- 9.96 Policy DM3 seeks for the affordable/social rented sector housing a mix of 30% 1-beds, 25% 2-beds, 30% 3 beds and 15% 4-bed units. The proposal is 20% 1-beds, 50% 2-beds and 30% 3-beds. The one and three bed offer is broadly in line with policy. However, the proposal does not provide any 4-bed units and a higher percentage of 2-beds. The provision of 4-bed flats within a high-density, high-rise city fringe London location is not always possible or desirable. The policy sets out a mix to be achieved across the Borough and across the plan period. It is recognised that not all sites are appropriate for a policy compliant mix and other sites in the Borough have a better capacity to make up the shortfall.
- 9.97 Moreover, since submission officers have negotiated an alteration of the mix so that 20 3-bed 4-person units are now bigger units so that they are appropriate for 5 persons. The overall offer of 30% family units in the affordable rented sector is a good offer and is appropriate to the capacity of this particular site for family units.

Table 2: Proposed residential mix vs. policy requirements

Ownership	Type	Policy requirement (%)	Proposed mix
Private	Studio	0	7
	1 bed	30	35
	2 bed	50	37
	3 bed	20	21
	4 bed	0	<1
Affordable Rented	studio	0	0
	1 bed	30	30
	2 bed	25	50
	3 bed	30	30
	4 bed	15	0
Intermediate	Studio	0	0
	1 bed	25	24
	2 bed	50	47
	3 bed	25	29
	4 bed	0	0

- 9.98 The overall mix of unit sizes and tenures makes a positive contribution to a mixed and balanced community in this location as well as reflecting the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. The amended housing mix is supported by the Council's Housing officers.

Quality of Accommodation

- 9.99 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.
- 9.100 The MDD requires new development to meet the London Plan internal space standards. Each of the units meets or exceeds the London Plan internal space standards and is therefore acceptable in this respect. The slender kite design of the towers lends themselves to maximising the number of dual aspect flats and ensuring there are no north facing single aspect flats. Overall, the development achieves 69% dual aspect flats. The larger flats are generally at the ‘ends’ of the blocks so that all of the family units are dual aspect. Moreover, the units have been organised in such a way to ensure that they are no north facing single aspect flats.
- 9.101 Each flat has its own private amenity space in the form of a recessed or projecting balcony. All of these balconies measure between 5sqm and 9sqm, in accordance London Plan and MDD policy (see table 3 below).
- 9.102 Given the fairly dense urban location, the development would not be unduly overlooked by existing or future neighbouring occupants. Further consideration is necessary however of overlooking within the development. The three towers (B, D and F) and the two smaller blocks (A and G) are comfortably spaced as they pin-wheel around the site. However, the centrepiece Hotel (E) faces towards the western façade of Block D and the eastern facades of Blocks F and G with separation distances of ten metres. From a privacy point of view this is quite a tight relationship and therefore, mitigation is required. The proposal includes a perforated metal cover to the windows of the hotel. These will effectively mitigate overlooking whilst still allowing light into the hotel rooms. This is an appropriate solution and is secured by condition. The hotel and Block B are separated by 19m, in excess of the distance suggested in the MDD.

Wheelchair accessible housing and lifetime homes

- 9.103 London Plan and Core Strategy polices require that 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. A total of 46 wheelchair accessible homes would be provided and these are spread appropriately across tenures and unit sizes to reflect the housing need in the borough. These will be secured by condition and will ensure they are built to the London Plan’s preferred standard contained within the ‘Habinteg’ guide.
- 9.104 All of the flats are designed to lifetime homes standard and a condition would be placed on any approval to ensure that this remains the case.

Daylight and Sunlight

- 9.105 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 9.106 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters.
- 9.107 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.108 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants' perception of the light to the room as a result of that good sky visibility may be positive.
- 9.109 The application is supported by a Daylight and Sunlight Assessment (DSA). Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 9.110 Initial concerns with some particular effects on daylight and sunlight resulted in some amendments to the layout of the scheme, in particular to Block D and F/G. These changes were supported by an addendum to the DSA. The revised information has also been reviewed by the Council's consultants.

Standalone Scenario

Daylight

- 9.111 The assessment has been undertaken at levels 1, 5 and 10. If level 10 shows substantial compliance with the sunlight standards, then further analysis at higher levels would not be needed. Under this scenario, the total number and proportion of rooms that pass the ADF test are 1239 out of 1318 rooms or 94%. Moreover, there are only six flats which have no habitable rooms which pass the test.
- 9.112 The amendments have improved the daylight that would be available to the new flats in Block D. This has the result that whilst bedrooms on lower floors do not have the required 1% level of ADF, in general those flats with more than one bedroom have at least one that meets that standard.
- 9.113 At Block FG, the results are noticeably better with the amendments. There are two 2 bed flats on the south-east facing elevation at levels 3 and 4 which have

relatively low levels of internal illuminance. This however is mitigated by very good no-sky line results, which means there would be a perception of open outlook that will mitigate the relatively low levels of internal light as experienced by the future occupants.

- 9.114 On balance, whilst there are rooms, particularly bedrooms, that still do not meet the required standard, the revised flat layouts do provide better amenity than the previous version of the scheme, particularly in providing better external outlook from the flats.

Sunlight

- 9.115 The assessment has been undertaken at levels 1, 5 and 10. If level 10 shows substantial compliance with the sunlight standards, then further analysis at higher levels would not be needed.
- 9.116 As a summary, the nature of this development is such that a number of flats in blocks B and FG at 5th floor and below, will not meet the BRE standard, although it will be difficult to meet that standard in any event, to elevations that face predominantly to east or west, unless set back a considerable distance away from other properties. The absence of sunlight to the flats which do not pass is not 'arbitrary' rather it is a consequence of the densely built urban context (including recent consents).

Cumulative Scenario

Daylight

- 9.117 Under this scenario, the total number and proportion of rooms that pass the ADF test are 1093 out of 1318 or 83%. Moreover, there are only 10 flats which have no habitable rooms which pass the test. The light on Block B is generally good. The light to Block D a series of five 1-bed flats will have ADF below the recommended levels for the living from up to level 5. Elsewhere however the light is generally good particularly for living rooms. At Block FG there are a higher proportion of failings up to level 5 and the west facing flats up to level 9. However, the worst affected rooms do have generally good levels of NSL which will mean that the flats will have a perception of better light as a result of that sky visibility. In general, the results reflect either projecting or recessed balconies in conjunction with the proximity of proposed neighbouring buildings.
- 9.118 The Council's consultant summarises that 'for the flats to be created within the new development, the changes that have been made are a significant improvement. For example, where rooms will have fairly low levels of ADF, but good levels of sky visibility on the working plane (as assessed by the NSL), then there will be a perception of available daylight even if the actual daylight is not of the required standard.'
- 9.119 It is noteworthy, that the flats failing in F/G are in significant part due to the obstruction of the consented hotel building at 15-17 Leman Street. In this sense the development is not unduly self-inflicted rather it is as a consequence of the nature of the tall buildings (built or consented in the area).

Sunlight

- 9.120 Flats on the 10th floor and above will meet the standards set out in the BRE Handbook. There are also some flats on floors below 10 which also meet the

standard, in particular Block D. Full compliance with this standard at levels 9 and below will be difficult to meet, in any event, to elevations that face predominantly to east or west, unless set back a considerable distance away from other properties. The principal obstructions are buildings to the south, including the proposed Beagle House development along with the consented 'Leman Street Hotel' scheme. These results are considered to be reasonable in the context of optimising the site in area with policy support for the tall buildings and high-densities.

Shadow analysis of proposed amenity areas

- 9.121 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21st) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.
- 9.122 Under the 'standalone' scenario, the ground level spaces in the centre of the development are substantially shaded on 21 March, and will see little if any sunlight at all during the winter months. However, the southern part of the site, and the north east corner, will see 2 hours of sunlight on 21 March and will be pleasant spaces, particularly during the summer months. Whilst less than half of the total amenity areas will be able to see 2 hours sunlight, the areas that will be well lit are such that the development will provide suitable and adequate sunlight for such an urban location. The roof terraces, as would be expected, have very good levels of sunlight, and will be suitably pleasant sunlit amenity spaces for the residents.
- 9.123 Under the 'cumulative' scenario, the ground level spaces are substantially shaded on 21 March and will see little if any sunlight at all during the winter months. The shadowing is caused by neighbouring buildings to the south, in the cumulative assessment, as well as by buildings within the development itself. In the summer months, amenity areas will be likely to receive only transitory sunlight, although the main north-south axis to either side of the hotel building should receive good levels of sunlight during the lunchtime period in the summer. This is due, in part, to existing and consented schemes to the south of the development site. Whilst the grade level amenity areas will only receive transitory light, given MDD policy DM26 support for tall buildings in the area, on balance, that this element is acceptable and the light conditions for these areas have been optimised.

Light

- 9.124 Light pollution may be defined as any light emitting from artificial sources into spaces where this light would be unwanted. The potential for light trespass within the development has been assessed by the applicant through the Environmental Statement. It has assessed two scenarios, a 'stand-alone' scenario and a 'cumulative' scenario. The former assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out.
- 9.125 The assessment concludes under both scenarios that the effects of light trespass would be negligible and there would be no instances of light trespass that would exceed the recommendations of the Institute of Lighting Engineers with the exception of the potential for light trespass from the Block A (the office

block) to the residential flats on the eastern façade of Block G after 11pm which would have a major adverse effect if left unmitigated. A condition is recommended to secure a lighting strategy for the office block that may include roller blinds, light fittings with sensors which switch on or off according to office occupancy and reduced luminaires from light fittings close to the façade.

- 9.126 The robustness of this assessment has been reviewed by the Council's independent daylight and sunlight consultants who confirm that they agree with the assessment methodology and raise no concerns with the conclusions reached. The development will not result in a light trespass nuisance to potential occupants subject to the recommended condition.

Amenity space and Public Open Space

- 9.127 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as other form amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.
- 9.128 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. If in the form of balconies they should have a minimum width of 1500mm.
- 9.129 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. For this scheme this produces a communal amenity space requirement of 503sqm.
- 9.130 Public open space is determined by the number of residents, employees and hotel occupants anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per person (whilst making appropriate reductions for employees). Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces is appropriate. The total public open space requirement is 15,766sqm.
- 9.131 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. Having regard to the predicted child yield of this development, 1620sqm of child play space is required. This is split 680sqm for ages 0-3, 650sqm for ages 4-10 and 290sqm for 11-15 year olds.
- 9.132 The private amenity space is provided in the form of recessed or projecting balconies with a minimum width of 1500mm and is met in full for all the residential units. This would accord with Policy DM4 of the MDD.

- 9.133 The communal amenity space is provided on the roof of Block A (320sqm), the roof of Block E (290sqm) and on the roof of Block G (250sqm). This gives a total communal amenity space requirement of 860sqm which comfortably exceeds the communal amenity space requirement (see table 3 below).
- 9.134 These roof spaces also ‘double up’ as child playspace. The roof level child play space is aimed at younger children between 0 and 10. This is considered an appropriate approach as it is likely that parents will accompany their young children in these spaces and it is appropriate that the spaces are designed to meet this dual purpose.
- 9.135 There is a further 220sqm of young children’s play space at grade level on the quieter southern side of the site near Blocks E and G. The space is described as the ‘triangle’ and benefits from natural surveillance. Another young children’s play space of 250sqm is provided adjacent to Block D on the southern side of the site which provides part of this space as partially enclosed.
- 9.136 Another 290sqm of child play space is provided along ‘Drum Street’ aimed at 11-15 year olds, which meets the required play space for 11-15 year olds (see table 3 below).
- 9.137 This provides a total of 1,330sqm of child play space for 0-10 year olds, which meets policy requirements fully and on-site. They are provided in a variety of different areas and split between roof tops and at grade level. The space at grade benefits from natural surveillance. These have the potential to be high quality spaces. A ‘play space and communal amenity space strategy’ condition is recommended to ensure that these spaces are high quality and maintained as such.

Public Open Space

- 9.138 The development provides 2,855sqm of high quality public open space. The layout would improve connectivity through the site to the wider surrounds including Braham Street Park. However, the space will also serve as a destination in its own right along with the retail and café uses on the ground floor which include opportunities for al fresco dining. The public open space has been appropriately maximised on-site. The ‘shortfall’ to the guidance set out in the Planning Obligations SPD has been mitigated in full with financial contribution of £863,392 towards providing new public open space and improving existing spaces. The table below sets out the proposed open space provision versus the policy requirement for each category.

Table 3: Proposed amenity and open space vs. policy requirements

Type	Policy Requirement	Application Proposal
Private amenity space	3,003	3,003 (excluding larger balconies)
Communal amenity space	503	860
Child play space	1,620	1,620
Public open space	15,766	2,855

Neighbouring amenity

- 9.139 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 9.140 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.

Privacy

- 9.141 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.142 The proposed development is separated by at least 20 metres from existing and consented development to the west, north and east by the substantial highways on Leman Street, Whitechapel High Street and Commercial Road. It is however closer to development on Buckle Street and the south side of Commercial Road.
- 9.143 The nearest building to the site on the south side of Commercial Road is at No. 30b. It is a four-storey building in commercial use on the ground floor with residential above. It abuts the back edge of the pavement on Commercial Road and extends through to the back edge of Buckle Street. Currently the 4-storey multi-storey car park on the application site adjoins 30b Commercial Road and they share a common front and rear building line. Block D of the proposed development will sit adjacent to 30b Commercial Road and they will share a common front and rear building line. As a consequence, the development will not increase levels of overlooking and the privacy of residents at 30b Commercial Road will be safeguarded.
- 9.144 On the opposite (south) side of Buckle Street is the 'Altitude' development, a residential development up to 28 stories in height with 235 flats, which is currently being constructed. At its closest point the developments will be facing each other with a 12m separation distance. This relationship across a highway is not an unusual one, particularly in a central London location and will not result in a level of privacy for either development below that which would be expected.
- 9.145 The building to the west of Altitude is 'Enterprise House' an office block and it adjoins a residential development on the corner of Leman Street and Buckle Street. Both of these developments are further away from proposed facing windows than the 'Altitude' development would be. In a similar way therefore, these developments would not be unduly overlooked.
- 9.146 In summary, the development would not unduly overlook existing and potential neighbouring sites and would protect the privacy of existing and potential neighbouring residential occupants. The development accords with MDD policy DM25 in this respect.

Outlook / sense of enclosure

- 9.147 The assessment of 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 significant detrimental impact in terms of a loss of light or privacy in the context of this location.
- 9.148 Moreover, the proposed development should be considered in context of the extant scheme. The extant scheme is not only higher, but essentially a single large block from almost site edge to site edge. On the hand, this proposal is for a more slender design which provides views through the development. It is also a more aesthetically pleasing development on which a neighbouring resident may look at upon. Consequently, outlook and sense of enclosure for neighbouring residents would be significantly improved.

Effect on daylight and sunlight of neighbouring dwellings

- 9.149 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 9.150 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) 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.
- 9.151 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value.
- 9.152 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.153 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL.
- 9.154 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 9.155 The application is supported by a Daylight and Sunlight Assessment (DSA). Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out. The robustness of the methodology and

conclusions has been appraised by the Council's independent daylight and sunlight consultants. The following properties were assessed:

- 32-34 Commercial Road;
- Riga Mews;
- 55-57 Alie Street;
- St. George's German Lutheran Church;
- 24-26 Buckle Street;
- 92-93 Whitechapel High Street;
- 91 Whitechapel High Street;
- 90 Whitechapel High Street;
- 89 Whitechapel High Street;
- 1 Commercial Street; and,
- Altitude.

9.156 It is noteworthy that there is an extant permission for a substantial large scale office development on the site and this is a material consideration to the assessment of this element of the scheme.

Stand-alone scenario

Daylight

9.157 There are 502 rooms which have been assessed. The numbers of rooms which pass both the VSC and NSL test are 381; 121 do not. 91 of these failures are in the Altitude development, 26 at 24-26 Buckle Street and two at both 89 and 91 Whitechapel High Street. In relation to the four rooms failing at 89 and 91 Whitechapel High Street, they all only just fail both tests. On that basis it is considered to be only a minor adverse effect. In relation to the failures at 24/26 Buckle Street, our consultants have advised that the proposed development will have no materially greater impact than the existing consented scheme.

9.158 In terms of the effect on Altitude our consultant advises that the effects are more significant than the effects under the consented office scheme. However, it must be noted that the Altitude development currently looks over a largely vacant site. As a result the level of VSC to the upper Altitude is much higher than one might expect in this sort of location. As a consequence of this, and noting that the VSC tests uses a percentage reduction measure as part of its methodology (see paragraph 9.151), it is inevitable that significant reductions in the VSC standards would occur from a development which optimises the site. Rigid application of the BRE standard in this case may have the effect of sterilising the development potential of significant portion of Aldgate Place site. This would limit its potential to make an optimal contribution to the Tower Hamlets Development Plan's objectives. On this basis, this element of the scheme can be considered acceptable.

Sunlight

9.159 There are 272 windows that need to be assessed under BRE guidance in the developments listed above. 265 pass the BRE 'sunlight' test. There are seven failures. One at 32-34 Commercial Road, one at Altitude and five at 1 Commercial Street 'the Redrow Development'. Considering the small number

of rooms affected, the need for tall developments that optimise the site and the existing consent, this should be considered to be acceptable.

Cumulative scenario

Daylight

- 9.160 A cumulative assessment takes account of additional proposed developments around the application site and as these are for tall buildings they do generally have the effect of reducing sky visibility. Therefore, the results for daylight show a generally greater loss of light than for the application scheme alone. In 24-26 Buckle Street, 32 rooms meet neither standard and in the Altitude Tower, 112 rooms do not meet this standard. In addition, at 1 Commercial Street there will be 13 rooms not meeting the required standard, 3 in 89 Whitechapel High Street, 2 in 91 Whitechapel High Street and 1 in both Goodman's Fields and 55-57 Alie Street. This is a total 164 rooms failing both daylight tests from 609 rooms that have been assessed.
- 9.161 When comparing this proposal with the extant large floorplate office consent, the effect on 1 Commercial Street is no worse and, in fact, the effect on daylight to the Altitude development is generally better. The Council's consultant advises that in the long term the current application is likely to have a less adverse impact than the extant scheme. On this basis, whilst the development will have an impact on neighbouring amenity in terms of daylight under the cumulative scenario it can be considered to be acceptable, particularly given the need for tall developments that optimise the site's development potential.

Sunlight

- 9.162 There are 303 'qualifying' windows in the developments listed above. 256 pass the BRE 'sunlight' test. There are 47 failures, 40 of which are at 1 Commercial Street.
- 9.163 The impact on 1 Commercial Street is spread around the building, principally affecting bedrooms and it is relevant that the main influence on sunlight to this property is the proposed building at Aldgate Tower. In the context of the Aldgate Tower development the effect of the Aldgate Place application site is relatively minor.
- 9.164 Considering the relatively small number of rooms affected, the need for tall developments that optimise the site and the existing consent, this should be considered to be acceptable.

Light

- 9.165 The assessment concludes under both the stand alone and cumulative scenarios that the effects of light trespass would be negligible and there would be no instances of light trespass that would exceed the recommendations of the Institute of Lighting Engineers. The robustness of this assessment has been reviewed by the Council's independent daylight and sunlight consultants who confirm that they agree with the assessment methodology and raise no concerns with the conclusions reached. The development will not result in a light trespass nuisance to existing and potential neighbouring occupants.

Shadow analysis of nearby public realm

- 9.166 The two nearest amenity areas are the space referred to as 'Braham Street Park', a significant strategic open space and the internal courtyard to the German Lutheran Church on Alie Street. Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario against the guidelines set out in the 2011 BRE Handbook.
- 9.167 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21st) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.
- 9.168 The analysis shows under the 'stand-alone' and cumulative scenarios that the amenity space at Braham Street will be left with most of its area seeing at least two hours of sunlight on March 21st and therefore, the standard in the 2011 BRE Handbook is met. In relation to the courtyard at the German Lutheran Church due to its internal configuration it is already high overshadowed and does not see 2 hours at present on 21 March and there will therefore be no change in that assessment.
- 9.169 In summary, the development's effect on shadowing of surrounding amenity areas meets the guidance within the 2011 BRE Handbook and will not have an undue adverse effect on the ambience and overall appearance of these amenity areas.

Conclusion to effects on neighbouring amenity

- 9.170 Having regard to the above analysis along with the assessment in paragraphs 9.205-9.209 of air quality, noise and vibration both during the construction and operational phase of the development, the proposal will not unduly impact on neighbouring amenity and is in accordance with MDD policy DM25.

Transport, Connectivity and Accessibility

- 9.171 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.
- 9.172 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, also seeks to prioritise and encourage improvements to the pedestrian environment and focus development within areas such as the Central Activities Zone.
- 9.173 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 6b (1 being poor and 6b being excellent). The site is adjacent to Aldgate East Underground Station which connects to the District and Hammersmith & City lines, Circle and Metropolitan lines. Reflecting its location in the heart of Aldgate, it is well served by ten bus routes from Whitechapel High Street. Fenchurch Street mainline station (C2C services to Essex) and Tower Gateway station (Docklands Light Railway) are both within walking distance. Commercial Road, Whitechapel Road and Leman Street all bounded the site and are designated as being under the jurisdiction of Transport for London as they are an important part of the London road

network (TLRN). Buckle Street which bounds the site to the south is not designated as part of the TLRN.

Trip rates and Impact

- 9.174 TfL confirms the methodology for the trip rates assessment is in line with London Plan Policy 6.3 and is therefore welcomed. However, TfL advised that the mode share analysis should use the recently available 2011 census data and that the employment density calculations for the office should be compared with TRAVL database. TfL confirmed that they do not expect the proposed development will have a significant impact on the highway and public transport networks subject to concerns regarding the mode share analysis being satisfied.
- 9.175 Subsequent to TfL's comments an addendum to the Transport Assessment (TA) was submitted. It assesses the original assumptions in the TA against both the 2011 census for the residential modal split and the TRAVL database for the office modal split, as per TfL's advice. This additional analysis confirms that the original assumptions were robust. Accordingly, it is not expected that the proposed development will have a significant impact on the highway and public transport networks.
- 9.176 In relation to the impact on public transport, the development will be required to make a contribution of around £2,195,132.50 towards the Mayor of London's Community Infrastructure Levy (CIL) and Crossrail 'top-up' fund which pools funds to help meet the cost of delivering Crossrail across London. Moreover, it will make a £154,000 contribution to TfL's Cycle Superhighway on Whitechapel High Street as well as provide increase pavement widths on the footways adjoining the development.

Car Parking

- 9.177 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 MDD standards set 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 and 1 spaces per 15 bedrooms for the hotel. It also states that 5 motorcycle spaces are the equivalent of 1 car parking space. This results in a combined maximum parking standard of 67 spaces and 10 motorcycle spaces.
- 9.178 The development proposes 74 residential parking spaces, 10 motorcycle spaces and 2 disabled parking spaces for the hotel. The residential parking provision equates to circa 1 space per 6 units (0.16 spaces per unit). The development exceeds the MDD combined standard by 7 spaces. For this scale of development, this is a minor deviation from policy. It is also noteworthy that each space is valued at £50,000. Clearly, a reduction in parking spaces would harm the viability of the development and have the consequent effect of reducing the affordable housing offer. In the opinion of officers, the balance lies in favour of maximising affordable housing against the minor deviation against parking standards.
- 9.179 10% of these spaces will be provided as compliant disabled parking bays and for use by blue badge holders. 20% of the car parking provision is actively

provided for electric charging and 20% for passive provision. These are to be secured by conditions and are compliant with policy.

- 9.180 The parking spaces are provided at basement levels and access and egress is provided by way of two car lifts. The on-site entrance road provides a reservoir of space for up to four cars to ensure that any queuing does not back up on to the highway.
- 9.181 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.

Cycle and Walking

- 9.182 The proposed cycle parking spaces for 854 residential, hotel and commercial uses comply with the London Plan Policy 6.9 “Cycling” standards, and are therefore welcome. These cycle spaces along with twelve visitor spaces will be secured through by way of condition. The lift serving the basement bicycle store has capacity for two bicycles and could be used 120 times per hour. Therefore, its hourly capacity in this period would be 240. The peak hour residential/office cycle trips estimated in the transport assessment are as follows:
- AM Peak: 24 in total, 8 in and 16 out;
 - PM Peak: 23 in total, 14 in and 9 out.
- 9.183 The highest movement is in AM peak with 24 movements. Even if a successful Travel Plan were to treble the peak usage the proposed cycle lift will still have sufficient capacity to accommodate the increase in cycle trips. It is therefore considered that cycle lift has sufficient capacity to accommodate the anticipated peak hour trips.
- 9.184 The pedestrian movements are however likely to be significant with an additional 454 pedestrian movements in the am peak and 469 in the pm peak. The s106 agreement will secure a Pedestrian Environmental Review System (PERS) survey to assess the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest. The potential improvements will also be secured through the s106 and delivered through the s278 agreement. It is also noteworthy that the development will provide significant improvements in pavement widths on all four adjoining footways.
- 9.185 The proposed realignment of the Puffin crossing on Leman Street east of Braham Street Park to respond to the pedestrian desire line from this development is supported in principle by TfL with the detailed assessment of delivery secured through the s278 agreement with TfL.
- 9.186 Whilst there are some concerns with the indicative travel plans submitted with the application, revised and improved travel plans will be appropriately secured through the s106 to encourage residents, employees and patrons of the hotel to use sustainable methods of transport.

Servicing and construction

- 9.187 The development proposes two servicing areas, a layby on Commercial Road to serve the residential block fronting Whitechapel High Street and a layby on Buckle Street to serve the two other residential blocks. The hotel will also be served from Buckle Street. The retail and office units will be serviced directly off the highway in a similar manner to the existing retail units along Whitechapel High Street and Commercial Road.
- 9.188 The transport assessment predicts up to 38 servicing and delivery vehicles to serve the development, including two collections a week for residential refuse. Spread over a 13 hour period, the number of servicing vehicles would be less than three an hour and will be split across the two proposed servicing areas.
- 9.189 In relation to the proposed lay-by on Commercial Road, part of Transport for London's Road Network, TfL confirm that the loading bay is acceptable subject to minor detailed amendments to ensure the safety of pedestrians. TfL confirm that these minor amendments can be secured through the s278 agreement.
- 9.190 In relation to the use of Buckle Street, LBTH Highways Department describe Buckle Street as 'a natural location for servicing and deliveries as well as a route for waste and refuse collection.' Planning officers agree with this assessment. Nevertheless, Highways are concerned regarding the cumulative demands on Buckle Street from this and other consented developments.
- 9.191 However, Buckle Street is the sole access/egress to the existing 150 space multi-storey car park. It generates approximately 200 two-way vehicular movements over a 12 hour period including 31 two-way movements in the AM peak and 21 two-way movements in the PM peak. The vehicular parking at the proposed development is predicted to generate 17 two-way movements in the AM peak and 16 two-way movements in the PM peak. Clearly, the removal of the multi-storey car park is welcome and reduces the demands placed on Buckle Street. A Servicing Plan, to be secured though condition, will ensure that servicing is limited during peak hours, that it is staggered across the day and servicing and delivery times are co-ordinated with the other developments that will rely on Buckle Street. The Plan will also ensure an appropriate division of the servicing demands between the Commercial Road and Buckle Street lay-bys.
- 9.192 A Construction Method Plan is to be secured by condition to mitigate the temporary effects of the movement of construction traffic on the free flow and safety of highway traffic as required by London Plan policy 6.14.

Inclusive Access

- 9.193 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.
- 9.194 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'. The proposed development has been designed with the principles of inclusive design in mind.

9.195 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. Appropriate detailed design and finishes will be secured via condition.

Energy & Sustainability

9.196 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

9.197 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)

9.198 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).

9.199 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.

9.200 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 and the commercial elements to achieve a BREEAM rating of 'excellent'.

9.201 The Energy Statement follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine to provide hot water and space heating requirements for all of the site uses is in accordance with policy 5.6 of the London Plan. The proposed scheme is designed to link to the Alie Street development (PA/11/01569) and the sizing of the CHP includes capacity to supply all of the residential units within that development. The anticipated CO² emission reductions from the CHP system (Be Clean) are 32.66% for Aldgate Place. The current proposals for delivering the space heating and hot water are acceptable.

9.202 A ~30kWp photovoltaic array is 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. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO² emissions through

renewable energy technologies is technically challenging and not feasible for all developments. Whilst the proposed development is not meeting Core Strategy Policy SP11, it has been demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.

- 9.203 The total anticipated CO² savings from the developments are ~36%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO² savings are in accordance with Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by condition and delivered in accordance with the submitted Energy Statement.
- 9.204 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and a pre-assessment has been submitted to demonstrate how this level is deliverable for the residential units. The submitted pre-assessments show that achieving 'Excellent' ratings in accordance with Policy DM29 is deliverable and a condition will ensure this is the case.

Environmental Considerations

Air quality

- 9.205 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.
- 9.206 In this case, the development provides a low 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.
- 9.207 Subject to a condition to ensure that mitigation measures for nitrous dioxide are in place along the residential facades the scheme, once complete, is not objectionable in air quality terms.
- 9.208 It should also be noted that measures to control dust from the site during construction will be addressed through a construction management plan.

Noise and vibration

- 9.209 LBTH Environmental Health raise no objections in respect of noise and vibration subject to conditions relating to noise mitigation measures for the residential facades, limiting plant noise to 10dB below background levels along with mitigation measures relating to both vibration and structural-borne noise relating to the nearby London Underground railway system.

Contaminated Land

- 9.210 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.
- 9.211 The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.

Flood Risk

- 9.212 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 seeks the appropriate mitigation of surface water run-off.
- 9.213 The site is located in Flood Zone 1 and therefore at low risk from fluvial and tidal flooding. The area of development is less than 1 hectare. Groundwater flood risk is also considered to be low, as supported by Phase II intrusive investigations. A Flood Risk Assessment (FRA) has therefore not been carried out. The key issue is the management of surface water runoff.
- 9.214 The development restricts surface water runoff to 50% of brownfield flows having regard to the impact of climate change. Surface water flows will be reduced from a computed 101.3 litres per second in a 1:100 storm event to 52 litres per second in a 1 in 100 year storm event post development. The sub-soils are not conducive to infiltration. Therefore, on-site attenuation of storm flows is provided by two cellular storage tanks. The tanks are located underground to the north of Building A and underground between Building F and G.
- 9.215 Subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.216 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.
- 9.217 Through the provision of a landscaping scheme that includes native planting at ground level and green areas on the roofs of Blocks A, E and G. the proposed Development provides an ecological enhancement to the local area.
- 9.218 The existing site is of limited biodiversity and ecology value and the proposed development will make modest enhancements to biodiversity in accordance with the above mentioned policies.

Health Considerations

- 9.219 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.

9.220 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.

9.221 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.

9.222 The applicant has agreed to a financial contribution of £633,756 to be pooled to allow for expenditure on health care provision within the Borough.

9.223 The application will also propose 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.

9.224 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.

Impact upon local infrastructure / facilities

9.225 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

9.226 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).

9.227 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.

9.228 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.

- 9.229 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.
- 9.230 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
- 9.231 The Borough's other priorities include:
- Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability
- 9.232 The development is predicted to have a population yield of 932, 159 of whom will be aged between 0-15 and are predicted to generate a demand for 110 school places. The development is also predicted to generate 347 on-site jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.
- 9.233 The public open space contribution is worthy of further comment. The Council's Planning Obligations SPD contains a formula to calculate the public open space required for a development. It has regard to the net increase in residential occupation rates along with employees and hotel guests. Where the open space requirements cannot reasonably be met on site, the SPD allows a commuted sum to be paid to offset the shortfall. The development generates a need for 15,766 sq. m. of public open space and provides 2855sq. m. of high-quality open space on site. The on-site provision has been maximised, nevertheless the shortfall is 12,912sq. m. A commuted sum of £863,392 appropriately mitigates this shortfall and this contribution is offered in full by the applicant.
- 9.234 In relation to Enterprise and Employment Skills and Training, the developer has offered to commit themselves through the S106 agreement to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs. In addition, the developer has offered apprentice places during the full construction period as well as end-user phases. To maximise opportunities the apprentices are not solely in relation to on-site construction trades but also to back-office opportunities at this and other Barratt and British Land sites.
- 9.235 In relation to the office space, the developer has offered as part of the s106 agreement to work with Tower Hamlets Council and other local organisations

to identify and engage with local SME's and they will promote the space at meet the buyer events which will be targeted at local start-ups and SME's.

- 9.236 The s106 also will include an end-user engagement strategy so that the developer will work with end-users to ensure that appropriate commitments are in place to promote employment, enterprise and training opportunities.
- 9.237 Paragraph 5.7 of the Council's Planning Obligations SPD (page 16) identifies that major development schemes will have wide ranging impacts which may require significant mitigation in addition to the standard charges. In this case, it is noteworthy that the proposal is a departure from Development Plan in that the scheme is residential rather than office led. The reason for this departure is due, in part, to the poor quality public realm in the immediate vicinity of the site that serve as a disincentive to the type of investment that would meet the aspirations of the Development Plan. Therefore, it is considered appropriate that this development makes a contribution towards mitigating these disincentives so that it assists in 'unlocking' barriers to investment on other sites in Aldgate that would more closely accord with the Development Plan. The Aldgate Connections Study identifies areas on which investment should be focussed. Three areas in close proximity to the site are of particular relevance. These are shown in the table below:

Table 4

Focus Area	Measured sq.m	Cost per sq.m (based on uplift figure within the Streetscene section of the Planning Obligations SPD)	Total figure
Goulston Street	2041 sq.m	£66	134,706
Old Castle Street	539 sq.m	£66	35,574
Gunthorpe Street	1073 sq.m	£66	70, 818
Total Uplift Figure in accordance with Section 106 SPD:			£241,100

- 9.238 Accordingly, a further contribution of £241,100 has been negotiated with and subsequently offered by the application.
- 9.239 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 35% affordable housing by habitable room with a 70:30 split between affordable rented and shared ownership. The independent advice concluded that affordable housing has been maximised on this site for this development.
- 9.240 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 (2013) and Planning Obligations SPD (2012).

9.241 The development is making financial contributions in accordance with the planning obligations SPD, of £4,571,040.

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

- a) A contribution of £202,856 towards enterprise & employment.
- b) A contribution of £124,978 towards community facilities.
- c) A contribution of £466,200 towards leisure facilities.
- d) A contribution of £1,396,468 towards educational facilities.
- e) A contribution of £633,756 towards health facilities.
- f) A contribution of £13,980 towards sustainable transport.
- g) A contribution of £341,640 towards streetscene improvements.
- h) A contribution of £154,000 for TfL's cycle super highway.
- i) A contribution of £863,392 towards public open space.
- j) A contribution of £241,100 towards public realm improvements.
- k) A contribution of £132,670 towards 2% S106 monitoring fee.

Total: £ 4,571,040

9.243 London Mayoral CIL and Crossrail

- a) A "top-up" crossrail contribution of approximately £1,005,479.
- b) Estimated CIL of £1,189,654.

Total: £2,195,133

Overall total: £ 6,766,173

9.244 In addition to the financial contributions described above, the following non-financial contributions have been offered and are in accordance with the Council's 'Planning Obligations' SPD:

- a) 35% affordable housing by habitable room
 - 105 Affordable rent (22 1-beds, 52 2-beds at 'POD' rent levels and 31 3-beds at below 'POD' rent levels); and
 - 45 shared ownership units (11 1-beds, 21 2-beds and 13 3-beds).
- b) Employment, Apprentice, Training and End User Engagement Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

- d) Parking Permit-free development
- e) Travel Plan
- f) Construction Traffic and Environmental Management Plan / Construction Logistic Plan
- g) On-site Barclays Cycle Hire Docking Station
- h) Safeguard and maintenance of on-site public realm

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

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

- 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.

9.246 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.

9.247 In this context “grants” might include:

- a) New Homes Bonus.

9.248 These issues treated as material planning considerations when determining planning applications or planning appeals.

9.249 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, 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.

9.250 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 £1,189,654. The Crossrail ‘top-up’ is £1,005,479.

9.251 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.

9.252 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments and all of the units will be within Council Tax Band G, this development may generate £1,151,137 in the first year and a total payment of £6,906,822 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

9.253 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:-

9.254 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".

9.255 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.

9.256 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.

- 9.257 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.
- 9.258 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.259 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.
- 9.260 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

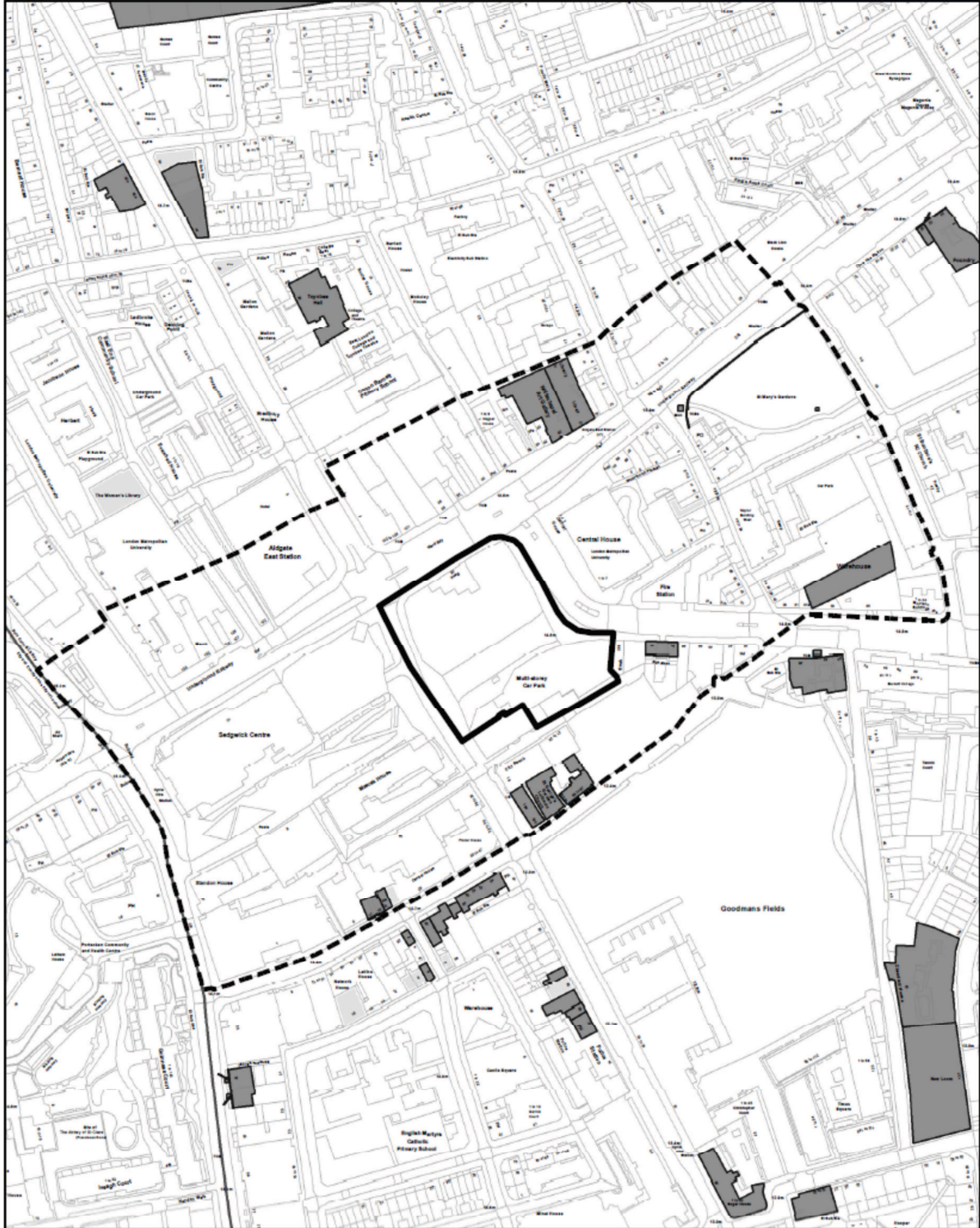
- 9.261 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due 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.
- 9.262 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short and 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.
- 9.263 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.264 The community related contributions 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.


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

Conclusions

- 9.266 It has been demonstrated that there is no reasonable prospect of office-led redevelopment at Aldgate Place and consequently a departure from the Development Plan is justified, particularly in light of the site specific circumstances and guidance within the National Planning Policy Framework. The proposed development would form a high quality mixed-use development that would contribute to the strategic objectives of the Central Activities Zone and City Fringe Opportunity Area. The principle of tall buildings in Aldgate is explicitly supported in policy and the design is exemplary. The development would include much needed market and affordable housing. Its effect on heritage assets is acceptable. It provides high quality open space and makes an important contribution to permeability in the wider area. The development would appropriately mitigate its impacts on services and infrastructure through financial and non-financial obligations.
- 9.267 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/13/00218



 Planning Application Site Boundary

 Locally Listed Buildings

 Statutory Listed Buildings

0 30 m




1:3,000

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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