

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 29 August 2013 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Helal Abbas</b> <b>Vice-Chair: Councillor Marc Francis</b>	
<b>Councillor Rajib Ahmed</b> <b>Councillor Zara Davis</b> <b>Councillor Dr. Emma Jones</b> <b>Councillor Denise Jones</b> <b>Councillor Carli Harper-Penman</b> <b>Councillor Kabir Ahmed</b> <b>Councillor Md. Maium Miah</b>	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](mailto:zoe.folley@towerhamlets.gov.uk)

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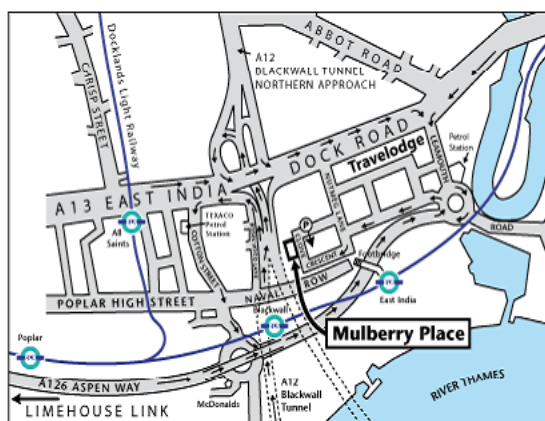
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**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 29 August 2013**

**7.00 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 18<sup>th</sup> July 2013.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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<b>5 - 14</b>	
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**4. RECOMMENDATIONS**

To RESOLVE that:

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

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

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

The deadline for registering to speak at this meeting is 4pm Tuesday 27<sup>th</sup> August 2013.

## **6. DEFERRED ITEMS**

## **7. PLANNING APPLICATIONS FOR DECISION**

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. **17 - 18**

<b>7 .1</b>	<b>Former Queen Elizabeth Hospital, Hackney Road (PA/13/00384 &amp; PA/13/00386)</b>	<b>19 - 66</b>	<b>Bethnal Green North</b>
<b>7 .2</b>	<b>Heron Quays West, Heron Quay, London, E14 (PA/13/01150)</b>	<b>67 - 128</b>	<b>Millwall</b>
<b>7 .3</b>	<b>Indescon Court (Phase 2 site), 20 Millharbour (PA/13/00846 and PA/07/03282)</b>	<b>129 - 136</b>	<b>Millwall</b>

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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 5.30 P.M. ON THURSDAY, 18 JULY 2013**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Marc Francis (Vice-Chair)  
Councillor Zara Davis  
Councillor Dr. Emma Jones  
Councillor Kabir Ahmed  
Councillor Md. Maium Miah  
Councillor Carlo Gibbs (Substitute for  
Councillor Carli Harper-Penman)

**Other Councillors Present:**

None.

**Officers Present:**

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Beth Eite	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Robert Lancaster	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

The order of business was changed at the meeting so that items 7.1 and 7.2 were considered before item 6.1. However, for ease of reference the items are set out in agenda order in this decision sheet.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Denise Jones, Carli Harper-Penman for whom Councillor Carlo Gibbs was deputising.

Apologies for lateness were received from Councillor Zara Davis.

## **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Carlo Gibbs declared an interest in agenda item 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). This was on the basis that he had received correspondence from interested parties

## **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13<sup>th</sup> June 2013 be agreed as a correct record and signed by the Chair.

## **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

## **6. DEFERRED ITEMS**

### **6.1 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)**

Councillor Carlo Gibbs left the meeting for the consideration of these items (6.1, City Pride and Island Point) as he had not been present at the previous

meeting of the Committee on 13<sup>th</sup> June 2013 where the applications were initially considered.

#### Update Report Tabled

Owen Whalley (Service Head, Planning and Building Control) introduced the items regarding the City Pride Public House for a new residential 75 storey tower and the linked Island Point scheme providing 173 residential units and associated works.

Beth Eite (Planning Officer) presented the detailed report and update. The Committee were reminded that at the previous 13<sup>th</sup> June 2013 meeting of the Committee, Members were minded to refuse the City Pride scheme due to concerns over the height and scale, density, public open space and segregated housing mix. The Committee also considered the linked Island Point scheme and decided to defer this scheme in view of its links with the City Pride scheme.

Officers had since considered the Committee's reasons and had drafted suggested reasons for refusal as set out in the report for the two schemes.

Officers addressed each proposed reason offering their professional opinion on their strength and the applicant's views on them.

- Height of the City Pride scheme. The applicant had given further consideration to reducing the height of the scheme to that of the extant scheme. However, their assessment confirmed that this would result in a significant loss of affordable housing at the Island Point site due to the loss of profit and reduced viability.
- Lack of open space. It was considered the plans in this regard met policy requirements. The scheme at City Pride included amenity floors and a pavilion and overall provided higher levels of amenity space than the extant scheme. This was proportionate to the increase in population. The scheme was also delivering contributions for open space elsewhere to mitigate the lack of space to fully provide this on site. This approach was supported in policy.
- Segregation in housing tenures. It was considered that the benefits for Island Point in terms of the level of affordable housing and amenity space justified the proposed housing split across the two sites. Should the schemes be brought forward with mixed tenures, there would be a substantial reduction in affordable housing due to loss of profit, as shown by the viability testing.
- Density. The applicant had also addressed the issue of density and explained that there was no harm caused by the density of the development.

In response, some support was expressed for the Island Point scheme given the level of affordable housing.

In response to questions, it was reported that there was a possibility that the application may be called in by the London Mayor and determined in accordance with his own policies. However, there had been no indication that the Greater London Authority intended to do this. There was a full s106 that complied with policy to mitigate the impact on infrastructure. Therefore, any refusal on this basis would be weak on planning grounds. It was necessary to consider each application on its own merits in terms of housing mix and the suitability of mono tenures taking into account such issues as viability. It was considered that there were minimal differences between the extant scheme at City Pride and the current proposal in terms of height.

Officers confirmed that their recommendation remained to approve both schemes.

Decision.

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

On a vote of 3 in favour of the Officer recommendation, 3 against and with the Chair using his casting vote in favour of approval, the Committee **RESOLVED:**

1. That planning permission (PA/12/03248) at City Pride Public House, 15 Westferry Road, London, E14 8JH be **GRANTED** for the 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 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 of 13<sup>th</sup> June 2013.
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 condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report of 13<sup>th</sup> June 2013.
6. Any other conditions(s) and informative(s) 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.
- **Island Point, Site At 443 to 451, Westferry Road, London PA/12/03247**

On a vote of 4 in favour and 2 against the Committee **RESOLVED:**

1. That planning permission (PA/12/03247) at Island Point, Site at 443 to 451, Westferry Road, London be **GRANTED** 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) 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 of 13<sup>th</sup> June 2013.
  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 condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report of 13<sup>th</sup> June 2013.
  6. Any other conditions(s) and informative(s) 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.

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

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way And Ackroyd Drive, London (PA/12/02332)**

Update Report tabled.

Owen Whalley (Service Head, Planning and Building Control) introduced the item for the 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 works.

The Chair invited Toby Davey to speak in objection to the application as a registered speaker. However, in view of his absence, the Chair then invited the registered supporter to address the Committee

Mike Haggerty spoke in support of the application as a former resident of Shelmerdine Close. He expressed concern at the anti-social behaviour (asb) in the estate and that residents felt very unsafe there at times. He considered that the blocks were unsightly and should be demolished. In response to Members, he considered that the stairwells were used by drug takers and the residents had to walk past them. They had also damaged parts of the building. The problems began in about 1986.

Nasser Farooq, (Planning Officer, Development and Renewal) presented the detailed report. Mr Farooq explained in detail the site location and the planning history including the outline plans for the entire estate and the phase 1 Leopold Estate scheme that had been implemented. He also explained the refurbishment works carried out by the applicant to improve the estate.

Mr Farooq drew comparisons with the extant phase 2 scheme and the subject application. In particular, he highlighted the changes in the housing mix and the net loss of affordable housing under the current scheme. It was considered that the net loss of affordable housing in this case was acceptable and accorded with policy given there would be an overall increase in affordable housing across the estate as a result of the whole regeneration scheme.

The proposal sought to deliver 32% affordable housing. Officers were satisfied that the maximum amount of affordable housing in this phase had been secured in view of the viability.

Officers highlighted the overall benefits of the scheme. This included high quality housing at decent homes plus standards and multi tenure communities. However, it was also necessary to consider the shortfalls (including the replacement of social rented with affordable rented in this phase and the net loss of family and social rented units estate wide). On balance, Officers considered that the merits outweighed the shortfalls and the proposal on balance provided an acceptable housing mix.

The scheme sought to address the lack of permeability at the estate with clear routes through the estate.



It was considered that the impact on amenity was acceptable with only minor impacts given the size of the development.

It was confirmed that the nearby gas holders were currently disused so were not a health and safety risk so long as they remained empty. However, the Health and Safety Executive (HSE) were required to object to the scheme and had substantial grounds for doing so on health and safety grounds whilst the Hazardous Substance Consent was in place. Officers had held discussions with the land owners regarding the redevelopment of the site in accordance with the site allocation in the Managing Development Document . It was understood that the National Grid would seek revocation of the HSE once the emerging plans to redevelop the site went ahead. Confidence was expressed that this would go ahead. The scheme had also been redesigned from outline stage to minimise any risk from the gas holders.

In response to Members, Officers noted the differences with the extant phase 2 scheme. In particular, the increase in 1-2 bed units and the net loss of rented family sized units. It was considered that these changes were necessary for viability reasons in view of the economic downturn since the extant scheme was granted. The target in Council policy required that a minimum of 35% affordable housing be provided. However, the policy allowed that a more flexible approach should be taken for estate regeneration schemes. The viability assessment solely related to this scheme as opposed to the first phase as this has already been completed.

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

1. That planning permission (PA/12/02332) at Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way and Ackroyd Drive, London be **GRANTED** for the 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 SUBJECT to
  - (a) Any direction by The London Mayor
  - (b) Any direction by the Health and Safety Executive
  - (b) The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority
3. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure the matters set out in the committee report.
4. Any other conditions(s)/informative(s) considered necessary by the Corporate Director Development & Renewal

5. 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.

Councillor Zara Davis could not vote on this item as she had not been present from the start of the item.

**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)**

Update Report Tabled

Owen Whalley (Service Head, Planning and Building Control) introduced the items for the demolition of existing buildings and creation of a mixed use development, including residential units, a hotel and commercial uses, public open space and associated works.

Robert Lancaster (Planning Officer) presented the detailed report and the update report. He explained the site location and housing mix including 35% affordable housing that complied with policy. He addressed the issues raised in objection in response to the local consultation about overdevelopment of the site and the construction impact. In response, it was considered that the plans were appropriate for the area given the location within the Central Activity Zone and City Fringe Opportunity Area. There were also contributions to mitigate the impact on services and infrastructure and a condition to mitigate the impact of construction.

It was evident, from the independent appraisal, that the site was unsuitable for large office space due to the site constraints and there a surplus of office use in the area. The site had also been marketed as office use for some time with out success. The plans were fully sustainable and accorded with the National Planning Policy Framework that considered that the proposed land use for the site should be considered on its own merits. Accordingly, it was considered that the evidence justified a departure from the Council's Development Plan that identified the site as a preferred office location.

It was considered that the impact on amenity was acceptable and was far better than the extant scheme in relation to sun light. The site had a good public transport level links.

Officers also explained the height of the scheme, the levels of amenity space, the design, the floor plans and permeability issues and the range of contributions including contributions for open space. Officers were recommending that the scheme be granted planning permission.

In response to Members, it was reported that it was unlikely that the commercial units could be used by large business due to the size of the units. It was estimated that there would be a reduction in peak time vehicle trips

from parking at the development due to the removal of the multi storey car park. There would also be fewer servicing trips at peak times. Transport for London supported the method used for predicting trips and were supportive of the servicing strategy which would minimise impact and conflict between users. There would be a servicing bay off street as well as an on street servicing bay on Commercial Road.

It was noted that the proposed density range exceeded the range that the London Plan set. However these were for the whole of London. The proposed density range was typical for the City Fringe that was an area of high density development. There were also no undue impacts. There was an adequate level of affordable housing with mixed tenures. There would be a modest impact on the micro climate with only a minor increase in wind speeds. Appropriate landscaping could be secured via condition to address the concerns of the LBTH Arboriculture Officer about increased temperatures and the need for public realm improvement to mitigate this.

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

1. That planning permission (PA/13/00218) at Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1 be **GRANTED** for 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 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 SUBJECT to
  - A Any direction by The London Mayor
  - B The prior completion of a legal agreement to secure the planning obligations set out in the committee report and the update report.
2. 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. That the Corporate Director Development & Renewal is delegated power to impose condition(s) and informative(s) on the planning permission to secure matters set out in the committee report.
4. Any other conditions(s)/informative(s) considered necessary by the Corporate Director Development & Renewal

5. 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.

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

6. That Conservation Area Consent (PA/13/00219) be **GRANTED** 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 subject to the conditions set out in the committee report.

The meeting ended at 7.30 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 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

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

# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 <sup>th</sup> August 2013.	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the 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.

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

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

Tick if copy supplied for register:

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

- 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 <sup>th</sup> August 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.1
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/00384& PA/13/00386
	<b>Ward:</b> Bethnal Green North

## 1. APPLICATION DETAILS

**Location:** Former Queen Elizabeth Hospital, Hackney Road, London

**Existing Use:** Disused/vacant hospital building.

**Proposal:** PA/13/00384: Demolition of all buildings on the site apart from facades of the building fronting Hackney Road; erection of two courtyard buildings of part 5,6,7 and 9 storeys to provide 188 residential units (Use Class C3) and 90sq.m (GIA) of flexible commercial/community floorspace (A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or 'Community Enterprise' Use); the creation of a new shared surface link between Kay Street and Haggerston Park; a shared surface street to the north of the development allowing access to basement parking for 30 cars; and associated highways and landscaping works.

PA/13/00386: Conservation Area Consent for retention of the facades of the building fronting Hackney Road and demolition of the remaining parts of the building.

**Drawing Nos/Documents:** Drawings:  
QEH-AL-001; 056.0035-S201; 056.0035-S202;  
056.0035-S203; 056.0035-S204; 056.0035-S205;  
056.0035-S206; 056.0035-S100 P1; L.01.01/S; 4885  
4TH; 4885 3RD; 4885 2ND; 4885 1ST; 4885 GFL;  
4885 B; G.27/307/A; QEH\_AL\_200; QEH\_AL\_201 A;  
QEH\_AL\_202 A; QEH\_AL\_203 A; QEH\_AL\_204 A;  
QEH\_AL\_205 A; QEH\_AL\_206 A; QEH\_AL\_207 A;  
QEH\_AL\_208 A; QEH\_AL\_209 A; QEH\_AL\_210;  
QEH\_AL\_220; QEH\_AL\_221; QEH\_AL\_222;  
QEH\_AL\_223; QUE\_AL\_300 A; QUE\_AL\_301 A;  
QUE\_AL\_302 A; QEH\_AL\_303 A; QUE\_AL\_304 A;  
QUE\_AL\_305 A; QUE\_AL\_306 A; QUE\_AL\_307 A;  
QEH\_AL\_320; QEH\_AL\_321; QUE\_AL\_400 A;  
QUE\_AL\_401; QEH\_AL\_500 B; QEH\_AL\_501 B;  
QEH\_AL\_502 B; QEH\_AL\_503 A; QEH\_AL\_504 B;  
QEH\_AL\_505 A; QEH\_AL\_506 B; QEH\_AL\_507 B;  
QEH\_AL\_508 B; QEH\_AL\_509 B; QEH\_AL\_510 B;  
QEH\_AL\_511 B; QEH\_AL\_512 B; QEH\_AL\_513 A;  
QEH\_AL\_514 A; QEH\_AL\_515 A; QEH\_AL\_516 B;  
QEH\_AL\_517 A; QEH\_AL\_518 A; QEH\_AL\_519 A;  
QEH\_AL\_520 A; QEH-AL-9110 A; QEH-AL-9111 A;

QEH Basement Ventilation Details;  
056.0035-3011 Rev P1; Accommodation schedule  
Revision F

Documents:

Planning Statement dated 7<sup>th</sup> Feb 2013;  
Design and Access Statement by HTA;  
Heritage Appraisal by KM Heritage dated Jan 2013;  
Ecological Assessment by Middlemarch Environmental  
Ltd with reference number RT-MME-112792-01 dated  
Nov 2012;  
Energy Strategy and Code for Sustainable Homes Pre-  
Assessment by Calfordseaden LLP dated Jan 2013;  
CHP Feasibility by Calfordseaden dated May 2013  
with reference G6/K120056;  
Initial Bat Survey by Middlemarch Environmental Ltd  
with reference RT-MME-113252REVB dated Jan  
2013;  
Bat Species Natural England Method Statement  
Document 1 and Document 2 with reference RT-MME-  
114658-01 by Middlemarch Environmental Ltd dated  
July 2013;  
Report on Site Investigation by Structural Soils Limited  
dated Feb 2013 with report number 727272;  
Refurbishment Assessment Report by Potter Raper  
Partnership dated February 2013 with reference  
B6897;  
Sustainability Statement by Calfordseaden dated Feb  
2013;  
Arboricultural Survey and Implications Report by  
Middlemarch Environmental Ltd with reference RT-  
MME-112792-02 dated Nov 2012;  
Utilities Statement by Calfordseaden dated January  
2013;  
Air Quality Assessment by Phlorum dated Feb 2013;  
Pre-Construction SHE Plan with Job Number 921;  
Daylight and Sunlight Report by Savills dated Feb  
2013;  
Letter response to BRE dated 19<sup>th</sup> June 2013 by  
Savills;  
External Artificial Lighting Affects by Calfordseaden  
dated Jan 2013;  
Wind Environment Desktop Study by BMT Fluid  
Mechanics dated 1<sup>st</sup> Feb 2013;  
Site Noise Assessment and Noise & Vibration Criteria  
by AAD dated 31<sup>st</sup> January 2013 with reference  
12477/001/js/b;  
Socio Economic Assessment by Savills dated Feb  
2013;  
Transport Assessment by Upton McGougan with  
reference 056.0035/AAM/PB/GB/96494 REV A dated  
Feb 2013;  
Servicing Strategy by Upton McGougan with reference  
056.0035/AAM/PB/GB/96147 REV E dated July 2013;  
Travel Plan Framework by Upton McGougan with  
reference 056.0035/AAM/PB/GB/96567 REV B dated  
APR 2013;

Drainage Strategy Report by Upton McGougan with reference 056.0035/AAM/PB/GB/96496 REV A dated Jan 2013;

**Applicant:** Family Mosaic and Rydon Construction  
**Ownership:** Greater London Authority Land and Property Limited  
**Historic Building:** Grade II Listed: Adjacent buildings at 337-353 Hackney Road; and Telephone Kiosk located on the corner of Hackney Road and Goldsmiths Row.  
**Conservation Area:** Hackney Road Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and 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.
- 2.3 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing.
- 2.4 In urban design terms, the retention of the Hackney Road façades, layout, building heights, 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 Hackney Road Conservation Area and the adjacent Grade II listed buildings.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment.
- 2.6 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.
- 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.
- 2.8 Transport matters, including parking, access, and servicing are acceptable which promotes sustainable travel modes.
- 2.9 Sustainability matters, including energy, are acceptable and promote sustainable development practices.
- 2.10 Taking viability into account, the proposed development is considered to provide appropriate contributions towards health facilities, education facilities, employment opportunities, community facilities and improvements to the streetscene sufficient to mitigate the impact of the development.
- 2.11 The proposed re-use of the Hackney Road building through the retention of the facades would respect the character of the Hackney Road Conservation Area and the setting of the adjacent Listed Buildings and would therefore preserve and enhance the character

and appearance of the conservation area.

### 3. RECOMMENDATION

3.1 That the Strategic Development Committee resolve to **GRANT** planning permission and Conservation Area Consent 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 £415,240 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £39,897 towards employment and enterprise.
- c) A contribution of £49,879 towards community and leisure facilities.
- d) A contribution of £81,000 towards health facilities.
- e) A contribution of £47,112 towards streetscene improvements.
- f) £12,662 towards S106 monitoring fee (2%)

**Total: £645,790**

#### 3.3 Non-Financial Obligations

- a) 43% affordable housing by habitable room
  - 68% Affordable Rent at POD levels
  - 32% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Travel Plan monitoring
- f) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- g) Public access through 'Muffin Lane' and 'Northern Lane'
- h) Management of commercial spaces by LBTH
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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**

#### Full Planning Permission PA/13/00384

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. External materials
4. Details of ground floor scale 1:20/1:50 (including details of the elevations of the 'storage units' on the 'Muffin Lane')
5. Details of buildinginsulation and ventilation details to achieve 'good' internal rating for Hackney Road building and 'reasonable' internal rating along other street fronts.
6. Landscaping – and details of the refuse holding area and wind mitigation measures
7. Additional cycle parking spaces in Core KA and HA and details of visitor cycle spaces on Muffin Lane
8. Details of any mechanical and extraction plant
9. Bat mitigation strategy to be carried out in accordance with the Method statements and any additions or modification as required by Natural England
10. Energy
11. Code for sustainable homes – level 4
12. Scheme of highway works
13. Construction and Logistics Plan
14. Lifetime homes
15. A minimum of 10% Wheelchair housing in all tenures
16. Hours of construction
17. Demolition and Construction management plan
18. Archaeological works
19. Method Statement : No impact piling (Thames Water) and details of piling
20. Ecological assessment and mitigation measures during demolition and construction
21. Contaminated land – details remediation works
22. Car parking management planwhich includes:- access strategy for affordable housing and wheelchair users in the affordable housing blocks to the basement level; details of the car parking layout, allocation of 3 spaces for affordable units, 9 for wheelchair units (which is also made available for wheelchair users of the affordable units)
23. In accordance with the submitted delivery and servicing plan (including refuse strategy)
24. CCTV and lighting strategy which rationalises impact to the ecology to the Park and the Farm
25. Method of façade retention
26. Details of D1/D2 use
27. Railings to Hackney Road building to be restored, retained and maintained and scheme of retention
28. Approval of detailed archaeological and historic building recording project design (EH).

#### Conservation Area Consent PA/13/00386

1. Permission valid for 3 years
2. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.

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

### 3.7 **Informatives:**

- S106 planning obligation
- Advertisement consent required for any signage
- Requirement for a s278

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**

4.1 The application site is broadly triangular shaped which is approximately 0.64 hectares, fronting onto Hackney Road to the south, Goldsmith's Row to the west and Kay Street to the east. The site has been vacant since the hospital's closure in 1997.

4.2 Goldsmith's Row forms the Borough boundary with London Borough of Hackney and it is a pedestrianised route for pedestrian and cyclists, linking the Broadway Market and Columbia Road Market. On Sundays, a Goldsmith's Row Book Market is open to the public which is located on the southern end of Goldsmith Row.

4.3 The original hospital building on Goldsmith's Row was built in 1874 and the Hackney Road building dates from 1904. The nurses home which is located behind the Goldsmith's Row building is of 1906 construction and the Hayward Building (which is the tallest building on site) on Goldsmith's Row was constructed around 1969-73.

4.4 The main building on Hackney Road frontage is within Hackney Road Conservation Area and the rest of the application site does not form part of any designated heritage asset. Immediately adjacent to the site, Nos. 337-353 Hackney Road are Grade II Listed buildings as is the telephone kiosk (red telephone box) located on the corner of Hackney Road and Goldsmith's Row. Haggerston Park (including Hackney City Farm) to the west of the application site is also within Hackney Road Conservation Area and administered by the London Borough of Hackney.

4.5 The prevailing character of the area is mixed, with open space to the west, and flatted developments to east, south and north. There are commercial activities along Hackney Road within close proximity. The building heights generally range from 2 to 6 storeys.

4.6 The site has a Public Transport Accessibility Level of 3 to 4 (in a range of 1 to 6 where 6 is excellent). Bethnal Green station is the closest Underground station being 1.2km away from the site and providing access to the Central Line. Hoxton London Overground Station is located 700m west from the site and Cambridge Heath rail station is 600m east from the site. Three bus routes (Nos. 26, 48 and 55) currently operate on Hackney Road providing services into Central London.

### **Proposal**

4.7 The proposal is to demolish existing buildings apart from the facades of the building fronting Hackney Road (which includes the front and side returns) to erect buildings varying in heights to provide 188 residential units and 90.6sq.m of commercial/community floor space (A1/A2/A3/A4/B1/D1/D2 and/or community enterprise use). The proposal also includes a basement car park for 30 car parking spaces and associated landscaping works.

- 4.8 The proposal includes two access routes through the site which would connect Kay Street and Goldsmith's Row, providing direct access to Haggerston Park. The main pedestrianised access is proposed through middle of the site. The access is proposed to be landscaped and would be approximately 13-15m wide. The access proposed to the north of the application site would be mainly for vehicular access into the basement car park, although safe pedestrian movement would be possible.
- 4.9 The proposal includes a total of 90.6sq.m of commercial space divided into 10 separate units, three units fronting onto Goldsmith's Row and smaller units located along the proposed pedestrianised access. The application is for a flexible use to allow small businesses to start up their businesses. These three units, ranging in size of approximately 14sq.m to 22sq.m, would complement existing commercial activities to the north of Goldsmith's Row and the book market on Sundays. Each of the other smaller units would be around 4sq.m. and would be designed primarily for the book market stall holders who require storage/ancillary space.
- 4.10 The proposed basement car parking area would be located in the existing basement area of the Hayward Building and it would provide 30 car parking spaces of which 9 are allocated for wheelchair users and 3 spaces for affordable rented units. It would also provide 6 motorcycle parking spaces.
- 4.11 The proposed buildings would be arranged as perimeter blocks around two private courtyards. The buildings along Goldsmith's Row would be 6, 8 and 9 storeys in height. The building on Hackney Road with façade retention is 4 storeys although the physical height of the building would be equivalent to the 6 storey component on Goldsmith's Row. The proposed building fronting Kay Street would be 5 storeys. Other parts of the building fronting the newly created pedestrian access routes and new access road would be 4 and 5 storeys in height.
- 4.12 The proposal provides 72 affordable units which represents 43% by habitable room. The affordable rent units are mainly located on the block fronting Kay Street and the intermediate blocks are within the block fronting Goldsmith's Row. The proposed tenure split is 68:32 in favour of Affordable Rent. All of the proposed units would meet Lifetime Homes standards and 19 units are designed to be wheelchair accessible.

## **5 RELEVANT PLANNING HISTORY**

- 5.1 Whilst there is no relevant planning history for the application site it is important to review the history of neighbouring sites.
- 5.2 PA/01/01256: Former Hospital Car Park (site bounded by Goldsmith's Row and Kay Street)  
An application for the erection of 4, 5, and 6 storey building to provide 46 residential units and retail/coffee shop unit together with new vehicular access from Kay Street and public footpath along south edge of the site was approved on 24/01/03. This site, which lies immediate north of the application site and it was developed by Telford Homes.
- 5.3 PA/00/01718: 337-339 Hackney Road  
Application for change of use from health premises to two houses. No planning decision was issued.
- 5.4 PA/08/00437: 337-339 Hackney Road  
Application for conversion of the buildings for residential use comprising 12 flats. This was approved on 9/10/08. Listed building consent was also approved for the works (ref: PA/08/00467). This development has been implemented.
- 5.5 PA/02/00903: 1a Kay Street and Land at rear of 339-355 Hackney Road

An application for the erection of three storey building to create 5 houses and 8 flats was approved on 6/11/03. Listed Building consent was also issued for works (ref PA/02/00991). This development has been implemented.

## 6. POLICY FRAMEWORK

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

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

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

### Managing Development Document (Adopted 2013)

Proposals:		Hackney Road Conservation 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
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

### Supplementary Planning Guidance/Documents and Other Documents

Planning Obligations SPD 2012

The Hackney Road Conservation Area Appraisal 2009



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

- 2.1 London
- 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
- 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
- 5.13 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
- 6.9 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
- Sustainable Design & Construction 2006

## **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:

### **7.3 LBTH Environmental Health**

#### Contaminated Land

LBTH Environmental Health has reviewed the submitted site investigation report and agrees with the remedial recommendations contained within the report. Therefore, it is requested that the inclusion of condition relating to remediation works to render the site suitable for residential use.

*[OFFICER COMMENT: An appropriately worded condition is recommended]*

#### Noise

The development fronting Hackney Road will be exposed to a high degree of noise and vibration from Hackney Road. Therefore the development will be required to meet 'good' design standard of BS8233. The submitted noise and vibration assessment concludes that a 'reasonable' design standards of BS8233. This is not acceptable and new dwellings within areas of high noise level should meet 'good' standard.

The noise insulation of the glazing is not defined and specification should be approved so as to ensure the dwellings meet the 'good' design standards.

Details of any mechanical and extraction plant including kitchen extract and air controlling systems, deliveries and waste management, external areas should also meet the requirements of World Health Organisation standard.

Construction activities should also be controlled in accordance with the council policy working hours and the method of piling should be agreed, as any impact piling should be avoided at this particular location.

Conditions should be imposed for details of building insulation including glazing and acoustic ventilation to be submitted and approved.

*[OFFICER COMMENT: Following concerns raised by the Environmental Health Officer, the applicant has confirmed that the proposed flats within building fronting Hackney Road will meet 'good standard'. Other flats which are not be expose to high noise levels from*

*Hackney Road will meet 'reasonable' standard. The required conditions will be imposed and this is discussed further in paragraphs 9.134 – 9.138 of the report.]*

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

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
- Public Realm

*[OFFICER COMMENT: Planning obligations have been negotiated in response to these requests].*

#### 7.5 **LBTH Biodiversity**

The main hospital building and brick building connecting to the Hayward Building has been identified by the Initial Bat Survey as having potential to support roosting bats. Bat emergence and re-entry surveys were carried out. This report confirms the presence of a bat roost in the main hospital building. The applicant has also submitted a method statement.

The development will result in the destruction of a non-maternity summer roost of a small number of Common Pipistrelles. This is a common and widespread species of bat and even without mitigation, the loss of the roost would not have a major impact on the population or conservation status of the species in the area. With the mitigation set out in the method statements, it is considered that there would not be any impact on the population or conservation status of the species.

A condition should be imposed to ensure that all proposed mitigation measures are implemented as set out in the Method Statements (subject to any additions or modifications required by Natural England).

*[OFFICER COMMENT: An appropriately worded condition will be recommended]*

#### 7.6 **LBTH Energy Efficiency**

##### Energy

The Energy Strategy (dated January 2013), follows the London Mayor's energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO<sub>2</sub> emissions by 16%. The integration of a communal heating scheme incorporating a Combined Heat and Power is proposed to deliver CO<sub>2</sub> savings to meet Policy DM29 requirements (35%).

The current proposals for delivering the space heating and hotwater are supported and it is recommended that the strategy is secured through an appropriately worded Condition which specifies the minimum CHP sizing of 110kWth/65kWe.

*[OFFICER COMMENT: Conditions will be attached to secure the details]*

#### 7.7 **LBTH Highways**

##### Car Parking

The site is located in an area of good public transport accessibility and connectivity (PTAL

rating of 3/4). Thus, in accordance with the Managing Development Document (MDD) DM22, Highways requires s106 agreement to be attached to any permission prohibiting any residents of the new units from obtaining a residential on-street car parking permit from the LBTH.

The proposals include basement car parking area for 30 vehicles and six motorcycle spaces. 12 of the car parking spaces are of a standard suitable for disabled parking. The level of car parking proposed is within the MDD maximum parking standards and thus is compliant with policy for the scale and location of this development. The forecast car trip rates generated by the development supplied in the Transport Assessment show that the development would have a minor impact on traffic levels on the local road network. On this basis, the level of on-site car parking is acceptable.

The forecast trip rates also show the development would have a more pronounced impact on the roads immediately providing access to the on-site parking (Kay Street and Coate Street). As both these streets have narrow carriageway widths, the management of vehicles accessing the on-site car park should be as such to minimise the likelihood of vehicles waiting on the public highway (and in turn congestion) to enter the site. To this end there should be space on the northern access road (Northern Lane) for two way vehicle operation or at the very least a layby to allow vehicles to pass one another.

Parking provision includes 3 parking spaces for affordable family homes and therefore complies with MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes.

#### Cycle parking

The minimum cycle parking requirement as per MDD for this development is 244 spaces for the residential units (132 for 1 or 2 bedroom units and 112 for the 3+ bedroom units). The applicant has confirmed that this requirement will be met using several cycle stores across the site which is welcomed. A full detail of how 244 spaces are achieved across the site is required, together with the details of the cycle stand.

#### Servicing

Servicing arrangement on a development of this scale and footprint would require service vehicles to enter and exit the site in a forward gear. A loading area for all servicing vehicles and area for service vehicles whose size is up to 4.6 tonne to turn around has been provided on site which is accessed off Kay Street. Furthermore, servicing strategy has been provided which address this issue and measures are put forward to reduce the impact on the local highway network.

#### Travel Plan

A draft Interim Travel Plan has been submitted which 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

Given the constraints on highway access to the site, a Construction Logistics Plan (CLP) should be secured by condition to any planning permission. The CLP will be expected to demonstrate that safe access to and from the site can be achieved with the minimum amount of disruption to the normal operation of the nearby public highway.

#### Public Realm

The development proposal includes two east-west shared surface routes which will increase pedestrian permeability and connectivity in the area and are welcomed. The development proposal may require works to upgrade crossovers or instate where crossovers are made redundant. A Section 278 agreement is required for the provision of

works to the public highway necessary to facilitate the proposed development.

#### Planning Contributions

Highways request a s106 contribution towards works to the public realm improvements to fund repaving of the footway adjacent to the site on Hackney Road. The materials used on the Hackney Road frontage should reflect the conservation area setting.

*[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 paragraphs 9.97 – 9.120 of this report].*

#### **7.8 LBTH Housing**

The proposal would deliver 43% quantum of affordable housing on the site. This is above the Council's minimum target of 35%. The proposed tenure split within the affordable is 68:32 in favour of affordable rented. This is broadly in line with the Council's 70:30 target and therefore acceptable.

The proposed unit mix within the affordable rented is 33% one bed against our target of 30%, 21% two beds against a target of 25% and 38% provision of three beds against a target of 30%. 8% of 4 bed units against a target of 15%. Overall the scheme is providing 46% affordable rented family housing which is in line with policy.

Within the intermediate tenure there is 25% of one bed units against a target of 25%, 54% of two bed units against a target of 50% and 21% of three bed units against a target of 25%.

The proposal will deliver 19 wheelchair accessible units, which will meet 10% requirement. The proposal will provide 10 of these units within the larger family sized affordable rented unit which there is a high demand for, and therefore this is welcomed.

*[OFFICER COMMENT: The delivery of the affordable housing will be captured by the s.106 Agreement].*

#### **7.9 LBTH Waste**

The waste storage arrangements as described in waste strategy of design and access statement is satisfactory. The wheeling distances for the bins should be no more than 10m. If the distance could not be maintained then arrangements should be made for the bins to be pulled out to collection points on collection days.

*[OFFICER COMMENT: The proposed refuse stores are located appropriately within each cores of the building. However some of the refuse stores are located more than 10m away from the collection points as all refuse will need to be picked up from Kay Street and Hackney Road. The applicant has submitted a servicing strategy for the bins to be located close to Kay Street and Hackney Road on Collection days and bin holding areas have also been provided.]*

#### **7.10 LBTH Employment and Enterprise**

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-

alia identifying suitable companies through East London Business Place.

The Council will seek to secure a financial contribution of £39,897 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase and end 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 skills set required for the jobs created.

*[OFFICER COMMENT: The financial obligation towards employment and enterprise has been secured, and the applicant has agreed for the Council to manage the commercial space, which will also be secured through the s106 Agreement.]*

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

PCT have confirmed the HUDU model requires:  
A Capital Planning Contribution      £134,826

*[OFFICER COMMENT: The application is accompanied by a viability report which has identified only a limited capacity to meet the required financial obligation. It has been 9.152 – 9.161 that £81,000 can be made available for health facilities.]*

#### 7.12 English Heritage

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

#### 7.13 English Heritage Archaeology

The Greater London HER records a find of Palaeolithic animal remains just north of the site at Teale Street and the underlying Hackney Gravels geology has a general potential for early pre-historic material. Further flint tool finds are recorded to the south, close to the projected line of the Roman Road which runs east-west around 280m away.

The proposed demolition of the site buildings raises the loss of historic fabric that has potential to provide archaeological information on the development of healthcare in the nineteenth and twentieth centuries.

Should LBTH determine to permit this development, it would be appropriate to secure mitigation of the loss of the historic fabric of the hospital and to secure archaeological field evaluation of the site and any appropriate mitigation work.

*[OFFICER COMMENT: Appropriately worded conditions as suggested by English Heritage Archaeology will be imposed which will secure details of programme of archaeological works and an archaeological and historic buildings recording project design which is in accordance with EH guidelines]*

#### 7.14 Greater London Authority (GLA)

The GLA have provided a Stage I response. Their summary of the key issues are as follows:

##### Principle of the development

The loss of the hospital use of this site is acceptable in strategic planning terms as the hospital use of the site ceased in 1996 having been declared as surplus the NHS requirements. This was reconfirmed in both 2006 and 2010. Therefore the proposed reuse of the site for residential is acceptable as it supports delivery of new homes where an

annual average of 32,210 net additional homes across London of which 2,885 is the annual target for Tower Hamlets has been identified.

#### Level of affordable housing

The Council should review whether it is satisfied that the proposal delivers the maximum reasonable amount of affordable housing would be provided in accordance with London Plan policy 3.12.

#### Mix of uses

The principle of introducing additional uses into the development is supported

#### Urban Design

The retention and reuse of the main building fronting Hackney Road is welcomed as is the broad design approach, but clarification in relation to the single aspect units which fall below the recommended minimum Average Daylight Factor is required before the scheme is referred back to the Mayor at Stage 2.

#### Density

The proposed density of 277 units per hectare is slightly above the London Plan's indicative range. However subject to resolution of design matters the proposed density is acceptable.

#### Play space

The quantum of play space is acceptable from strategic planning perspective as the proposal will provide shared provision which exceeds the GLA's benchmark.

#### Inclusive Design

The number of wheelchair accessible or easily adaptable units accords with the London Plan but some of the proposed wheelchair units should be located at upper floors to increase choice and inclusivity. The applicant should also demonstrate adequate provision of blue badge parking bays in their future management.

#### Sustainability

The submitted detail environmental documentation in respect of ecology, contamination, air quality, construction, micro-climate and noise and vibration is welcomed and considered satisfactory from a strategic perspective with exception of impact on Haggerston Park which should be fully addressed and appropriate mitigation agreed before the application is referred back to the Mayor at Stage 2.

#### Flood risk

The principle of the proposed development is acceptable but the applicant should confirm the details of the surface water attenuation.

#### Climate Change mitigation

The CO2 savings exceed the targets set within the London Plan but the applicant should provide an estimate of the CHP size proposed in kWe.

#### Transport (Transport for London)

The proposal generally comply with the London Plan subject to satisfactory resolution of the following: -

- The future residents should be ineligible for resident parking permit
- Six active and six passive Electric Vehicle Charging Points (EVPs) will need to be provided and monitored within the Travel Plan.
- A minimum of five residential visitor cycle parking spaces should be provided
- Travel Plan has passed ATTrBuTE assessment and would need to be secured, monitored and delivered through a s.106 Agreement.

- A Pedestrian Environmental Review System (PERS) survey that assesses the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest was undertaken by the applicant. The Borough should seek contributions from the developer to provide dropped kerbs together with tactile paving and maintenance of footways and crossings where identified in the report.
- A Delivery and Servicing Plan (DSP) and Construction Logistic Plan (CLP) should be submitted to the Borough to be in line with London Plan Policy 6.14.
- The proposed development is in the Borough of Tower Hamlets and its charging schedule for Community Infrastructure Levy is £35 per square metre.

*[OFFICER COMMENT: In relation to the ADF levels, GLA sought clarification on how many single aspect units fail ADF. The applicant has submitted further information and has confirmed that all single aspect units are fully compliant with current guidance. In relation to the potential impact to the Haggerston Park, a condition will be imposed to require details of lighting strategy to ensure that there are no significant adverse impacts arising from light spills. In addition, further details will be secured through planning conditions to ensure appropriate mitigation strategy is submitted and agreed to be implemented to minimise any impact to the ecology of the park.*

*In relation to wheelchair housing, these are proposed to be located on ground and first floor levels and this is considered to provide choice and inclusivity.*

*In relation to the size of the CHP, the applicant has confirmed that the minimum CHP sizing of 110kWth/65kWe. The Council's Energy Officer is satisfied with the sizing.*

*The details of the surface water attenuation have also been provided to GLA and the Council.*

*The works on the highway such as dropped kerbs and tactile paving will be secured through a s.278 Agreement and contributions towards highway works will also be secured through a s.106 Agreement.*

*All matters in relation to transport issue have been resolved.]*

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

Further information was requested regarding fire service access and water supplies. Following this, applicant has submitted further information to the LFEPA demonstrating how the access can be provided.

*[OFFICER COMMENT: No further comments have been raised by the LFEPA]*

#### **7.16 Natural England**

The proposal is unlikely to affect any statutory protected sites or landscapes. However, further work is required to assess the impact on bats. Further information should be requested from the applicant before determination of the application.

Following this comment, the applicant has submitted a bat emergence and re-entry survey.

Natural England has not raised objections to the proposed development and are satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report.

A licence from Natural England will be required in order to carry out any works.



*[OFFICER COMMENT: A condition will be imposed for the development to comply with the mitigation strategy submitted and any subsequent amendment/request by Natural England as a result of issuing the license.]*

#### **7.17 Conservation and Design Advice Panel.**

Conservation and Design Advice Panel (CADAP) have raised concerns to:

- The proposed 39% of the units being single aspect units.
- The sunlight availability to the proposed communal courtyards
- There would be more overshadowing by the proposed development than the existing buildings
- The design approach to Kay Street building should incorporate more vertical structural piers and horizontal banding
- Projecting balconies on the 'pavilion' level increases the visual mass
- Proposed high level pavilions in relation to the parkland setting
- The proposed design forms a relatively quiet backdrop to the park for a building of its scale however, there is a concern that the overall results in a blank and placeless. Greater personality and quality could be achieved through materiality and detailing of facades.
- Visual impact when seen from the farm and the park.
- Further details on landscaping should be provided.
- Details of materials are not clear.

*[OFFICER COMMENT: The design details and residential quality is expanded upon in paragraphs 9.59 – 9.69 of this report. Officers consider that the proposed design is adequately balanced which addresses all constraints of the site. The projecting balconies on the taller elements of the building have been removed which reduces the overall bulk. In addition, the taller elements are proposed to be setback from the parapet level of the main buildings which would further reduce the visual mass. It is considered that these provide visual interest to the building that is predominately in brick. Conditions will be imposed to secure the details of all materials which are a key element in delivering high quality development and applicants have submitted a materials palette which achieves suitable design quality.]*

#### **7.18 Thames Water**

Surface Water drainage – With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water 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 Service will be required.

A condition should be imposed on no impact piling, until a piling method statement has been received.

*[OFFICER COMMENT: An appropriate worded condition will be imposed, and informatives added to inform applicant regarding surface water.]*

#### **7.19 London Borough of Hackney**

London Borough of Hackney raises objection on the following grounds:

- It is considered that, in the absence of a detailed assessment of the impact of the proposed development on sunlight availability for Haggerston Park and Hackney City Farm, the proposal would result in harm to the ecological and amenity value of the park.

*[OFFICER COMMENT: Since this objection, the applicant has submitted further shadowing diagram and this demonstrates only a small increase in the area of the park would be shaded by the new building. The LBTH Biodiversity Officer has commented that unless this part of the Park contains particularly important ecological features that would be adversely affected by shade (such as flower-rich meadows or ponds), the small increase in overshadowing would not be significant. Whilst there is a pond in Haggerston Park, it is not impacted by the overshadowing from the proposed development and there are no flower-rich meadows. The applicant's ecology consultant has also confirmed that that the overshadowing of Haggerston Park and Hackney City Farm, by the proposed development, would not vary drastically from the overshadowing by the existing structure.*

*Haggerston Park and Hackney City Farm would not to be overshadowed for the majority of the day, either by the existing structure or proposed development, and critically not when the sun is at its strongest. The ecology of the park and city farm does not appear to be affected by the current overshadowing and therefore it is not expect the ecology (including the trees) to be altered or affected by the proposed development.]*

- In order to ensure that the works of demolition and construction do not have a detrimental impact on ecological value of Haggerston Park and Hackney City Farm, it is considered necessary to require an additional detailed ecological assessment to be carried out in line with the recommendation made in the Ecological Assessment submitted by the developer. The further ecological assessment should be reserved by a condition that must be discharged before any works of demolition or construction commence and Hackney should be notified of any application to discharge the condition.

*[OFFICER COMMENT: Appropriately worded condition will be imposed]*

- The light fittings on the Goldsmith's Row elevation of the proposed building should be required to be designed so that they do not permit light spill onto Haggerston Park or Hackney City Farm, in the interest of protecting ecological value of the park.

*[OFFICER COMMENT: A condition requiring detailed lighting strategy will be requested for submission and approval prior to works commencing on site]*

- The design detail of the proposed boundary treatment to Goldsmith's Row with integral ventilation for the basement car park should be reserved by condition, and Hackney should be notified of any application to discharge the condition.

*[OFFICER COMMENT: Details of the integral ventilation treatment have been submitted which is detailed in the design section of the report. Nonetheless an appropriately worded condition will be imposed seeking detail of the materials.]*

- The Council as the local highway authority for Goldsmith's Row wishes to make it clear that the development should not include any vehicular traffic on Goldsmith's Row, or any works to that highway.

*[OFFICER COMMENT: The proposal will not rely on Goldsmith's Row for servicing and does not propose any vehicular entrances or exits on Goldsmith's Row. All vehicular movement associated with the proposed development would be on LBTH streets.]*

- The Council is concerned that the design of the roof-top pavilions is not in keeping with the rest of the proposed building nor with surrounding development, and would prefer a more coherent design.

*[OFFICER COMMENT: Since the consultation, the projecting balconies have been removed from the 'pavilions' and therefore it considered to be designed to create visual interest and this is discussed further in paragraph 9.47 of the report]*

- The Council is concerned with the impact of the proposed scheme on the heritage value of the original hospital building on Hackney Road and would prefer to see a scheme that retained more of the original fabric of the building rather than the façade-retention scheme being proposed.

*[OFFICER COMMENT: The design detail of the proposal, including façade retention is discussed in detail in paragraph 9.53 of this report]*

## 7.20 The Victorian Society

The Victorian Society raises objection to the application and is summarised as follows:

- The proposed alteration to the top storey of the 1904 Hackney building is an entirely unnecessary change which would make this characterful façade plainer.
- Demolition of the Goldsmith's Row building would mean the loss of the earliest part of the structure. This forms an important part of the streetscape, forming an attractive backdrop to the weekly book market held on site. The loss of such a substantial historic building is regrettable.
- Loss of internal structures and fine interior details such as red and black tiling, doors, fire places, cornices etc.
- The demolition of the majority of the structures on this site would have a negative effect on the conservation area.

*[OFFICER COMMENT: The design detail and heritage implications are dealt with in paragraphs 9.38 – 9.58 of this report.]*

## 7.21 Health and Safety Executive (HSE)

HSE does not advise on safety grounds, against the granting of planning permission.

## 8. LOCAL REPRESENTATION

8.1 A total of 898 neighbouring properties (in LBTH and LBH borough boundaries) 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..

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:	56	Objecting:	56	Supporting:	0	Neither:	0
No of petitions received:	None						

8.3 The hospital building is a local landmark and part of the character of the area and does not include retention of the existing building. The existing buildings should be reused.

*[OFFICER COMMENT: Apart from the building on Hackney Road, the hospital buildings are not designated heritage assets and therefore no protections are afforded to them. With regards to the Hackney Road building, the proposal includes retention of facades and is considered to be acceptable.]*

8.4 Over development

*[OFFICER COMMENT: The proposal, as outlined in this report, does not possess symptoms of overdevelopment and therefore the proposed density is considered to be acceptable which maximises the brownfield site for housing.]*

- 8.5 Potential nuisance due to the location of the City Farm in relation to the proposed residential buildings. The animals within the farm are likely to make noise and the usual farm yard 'smell' and therefore a consideration should be given to ensure that this existing operation will not become subject to nuisance claim from residents and other occupier.

*[OFFICER COMMENT: In planning terms, the proposed land use as residential is acceptable in this location and any future occupier would be aware of the existing farm nearby and its associated activities. The applicants have also stated they will seek legal advice to the potential option of using a covenant in the lease/rental to prohibiting nuisance claims against the Farm in relation to normal Farm activities]*

- 8.6 Building work and disruption from the essential works should not affect the essential access to the Farm which is located on the corner of Goldsmith's Row and Hackney Road. Appropriate measures should be in place to minimise noise, dust etc from the site which may affect the running of the Farm and welfare of the animals.

*[OFFICER COMMENT: The application is accompanied by a Code of Construction Practice Statement which outlines that the construction vehicle entrances would be accessed via Kay Street. Therefore it is not anticipated that the access to the Farm would be affected by the proposed development. In relation to the noise and dust etc. the statement further states that assessments will be made where noisy activities are carried out and regular monitoring would be carried out. Hours of construction would be restricted and conditioned. Further condition will be imposed to secure details of construction methods and mitigation strategies to minimise any impact arising from the construction process to the Park and the Farm.]*

- 8.7 Daylight levels to the Farm

*[OFFICER COMMENT: As detailed in the paragraphs 9.84 –9.96 of the report, the daylight levels will be within the BRE guidelines]*

- 8.8 Change of street name from Goldsmith's Row to Muffin Lane

*[OFFICER COMMENT: This is not the case, and the road name Goldsmith's Row will remain. The Muffin Lane is indicated on the application submission for the proposed internal pedestrianised access route.]*

- 8.9 Impact of the proposed development on sunlight availability for Haggerston Park and Hackney City Farm

*[OFFICER COMMENT: As detailed in the paragraphs 9.94 of the report, the daylight levels will be within the BRE guidelines]*

- 8.10 Additional ecological assessment carried out to assess the impact on the ecological value of the Park and the Farm during construction process.

*[OFFICER COMMENT: An appropriately worded condition will be added to secure Construction Management Plan and Ecological Assessment]*

- 8.11 The light fittings on the Goldsmith's Row elevation of the proposed building should be designed so they do not permit light overspill on to the park.

*[OFFICER COMMENT: Appropriately worded condition will be added to secure details of lighting]*

8.12 The proposed change to the west facing gable end of the Hackney Road building is unacceptable.

*[OFFICER COMMENT: This is discussed in paragraph 9.53 of the report]*

8.13 The proposed pavilions on the building fronting Goldsmith's Row with metal cladding is a concern in townscape terms. The proposed design is generic and un-ambitious.

*[OFFICER COMMENT: The design detail is expanded in paragraph 9.47 of this report]*

8.14 Too high ratio of residential to non-residential units

*[OFFICER COMMENT: The proposed quantum of residential is considered appropriate in context of the proposed non-residential uses. The site is not within a town centre or district centre and therefore high proportion of residential uses is appropriate in this location.]*

8.15 The consultation period was during school holidays when majority of people are away. Site notices were not erected on the day it said it was erected.

*[OFFICER COMMENT: The consultation was carried out in accordance with Article 13 of the Town and Country (Development Management) Order 2010; Section 73 of the Planning (Listed Buildings & Conservation Areas) Act 1990; and Regulation 5 of the Planning (Listed Building & Conservation Areas) Regulation 1990. In accordance with relevant sections of the Act mentioned above, the site notices were placed three different places: Goldsmith's Row, Hackney Road and Kay Street with relevant dates when they were displayed.]*

8.16 Disappointed that the façade is not being retained

*[OFFICER COMMENT: The proposal includes façade retention of the Hackney Road building]*

8.17 Mulberry Tree within the site is not being protected

*[OFFICER COMMENT: The Mulberry Tree was once located behind the Hackney Road building, but it was removed a long time ago.]*

8.18 More commercial/retail units should be proposed along Goldsmith's Row connecting Broadway Markets and Columbia Road Market.

*[OFFICER COMMENT: The site is not within a town centre or district centre and therefore introducing commercial activities will undermine nearby town centres. In addition, introducing high proportion of retail/commercial along Goldsmith's Row would require high level of servicing and deliveries which would alter the character and the use of Goldsmith's Row as a pedestrianised route.]*

8.19 More cars and traffic will worsen

*[OFFICER COMMENT: The proposal includes 30 car parking spaces. The access to the basement car park is to and from Kay Street. The submitted transport assessment identifies that the additional trips generated is unlikely to significantly impact the local highway network. Transportation and Highway issues are discussed more in detail in paragraphs 9.100 – 9.113 of this report.]*

8.20 Planning obligations will not benefit the local population.

*[OFFICER COMMENT: Appropriate planning obligations have been sought in line with the*

*Council's Planning Obligation SPD. This is discussed further in paragraphs 9.152-9.161 of this report]*

8.21 The scale seems out of context with surrounding buildings

*[OFFICER COMMENT: The design detail is expanded in paragraphs 9.38 – 9.52 of this report]*

8.22 Impact to schools and doctors

*[OFFICER COMMENT: Appropriate amount of s106 is being sought to mitigate impact from the proposed development which is detailed paragraphs 9.152 – 9.161 of this report.]*

8.23 Too many parking spaces (including wheelchair spaces) are provided

*[OFFICER COMMENT: The proposal accord with planning policies in relation to on-site parking spaces and this is detailed further in paragraphs 9.100 – 9.113 of this report.]*

8.24 The access should be from Hackney Road and not from Goldsmith's Row

*[OFFICER COMMENT: No vehicular access is proposed off Goldsmith's Row]*

8.25 Lack of justification in the transport assessment

*[OFFICER COMMENT: Highway issues are dealt fully in paragraphs 9.100 – 9.113 of this report]*

8.26 Reduce light into flat and garden

*[OFFICER COMMENT: Sunlight and daylight assessment is detailed in 9.84 – 9.96 of this report]*

8.27 Overlooked by occupants of the proposed development

*[OFFICER COMMENT: Amenity issues are dealt fully in paragraphs 9.79 – 9.83 of this report]*

8.28 Security and noise from the car park entrance

*[OFFICER COMMENT: The proposal enhances the natural surveillance and permeability through the site through the introduction of the 'Northern Lane'. The existing pedestrian path along the northern side of the application site is very narrow and itself has some security issues and therefore, the proposal is likely to improve this existing situation.]*

8.29 Clear communication should be set out with the residents during construction stage and general nuisance from construction activity such as noise, dust, vibration

*[OFFICER COMMENT: Code of Construction Practice will need to be entered into by the contractors which will be secured through a s.106 agreement and such include details of the site manager during construction phase.]*

8.30 Impact on public transport (buses)

*[OFFICER COMMENT: TfL have not raised any concerns in relation to the impact to the public transport network as a result of this development.]*

8.31 Family Mosaic is a poor landlord and the current house the objector lives in is not maintained

properly.

*[OFFICER COMMENT: Family mosaic have provided a response and states that the example being provided had an unfortunate instance with contractors. In any event, Family Mosaic have record of good management and the they are one of the Council's preferred RSL partners.]*

## **9. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use.
- Housing
- Design
- Amenity
- Transport
- Energy and Environmental considerations
- Development viability / planning obligations

### **Land Use**

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.

### **9.3 Loss of the hospital Use**

At a strategic level, Policy 3.17 'Health and social care facilities' recognises that London's growing population will need additional health care facilities and states that where local health services are being changed, the London Mayor will expect to see replacement services operational before the facilities are they replaced are closed, unless there is adequate justification for the change.

9.4 At a local level policy DM8 of the Managing Development Document 2013 states that health, leisure and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. The loss of the facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being re-provided elsewhere in the borough.

9.5 In the case of the application site, the hospital use ceased in 1997 and was declared as surplus to NHS requirements. This has been re-confirmed in both 2006 and 2010 by PCT. The loss of the hospital use of this site is therefore acceptable.

### **9.6 Residential Use**

In terms of residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.

9.7 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types

and tenures, to help create sustainable communities

9.8 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 which provides sufficient level of affordable housing. The application seeks to provide 188 new homes of which 43% (by habitable room) would be affordable and would contribute to the Boroughs annual housing target and delivery of affordable housing.

#### Commercial/small enterprise units

9.9 Core Strategy SP01 part 5.b promotes areas outside of town centres for primarily residential use, as well as other supporting uses that are local in nature and scale.

9.10 The proposal includes 90.6sq.m. of floorspace, which will act as a flexible use unit to encourage business opportunities, in particular small and medium enterprises (SMEs). The site is not located within a town centre; therefore the proposed uses should be carefully considered in accordance with the following policies.

9.11 In relation to A1 Use, MDD policy DM2 only supports local shops outside town centres where; there is a need; to scale with surrounding context; does not affect the character and amenity of the area and; does not undermine the nearby town centre. The proposed three units fronting Goldsmith's Row range in size 14sq.m and 22 sq.m. The smaller units along the pedestrianised access 'Muffin Lane' is approximately 4.6sq.m each and 7 units are proposed. Small scale A1 use would complement existing commercial activities to the north of Goldsmith's Row and the book market on Sundays and is not likely to undermine the nearby town centre.

9.12 In relation to A2, A3, A4 Uses: To ensure vitality and viability of town centres MDD policy DM1 part 4 seeks to direct these uses to town centres. Again, the sizes of the units are small so that the impact to the town centre would be minimal. A3 and A4 uses are likely to have issues such as installation of extractor duct and associated smell and therefore a planning condition is proposed to control any installation and to ensure appropriate filters are installed.

9.13 B1 Use, the Core Strategy SP06 and MDD policy DM15 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough, with a particular focus on SMEs. This use is acceptable in principle

9.14 D1 and D2

It is difficult to assess the application without knowing specific details of the D1 and D2 uses.

9.15 However, MDD policy DM8 directs these community facilities to town centres. Nonetheless, if a small scale community based activity which can be carried out in the proposed small units, these will be welcomed and as such, submission of the details of the D1 and D2 uses will be conditioned.

9.16 The applicant has offered the spaces for the Council to Manage it, to allow for affordable commercial units which will encourage small start-up businesses and/or community groups. The Council's Asset Management and the Employment Enterprise Team welcome the proposal and this can be secured as a non-financial obligation to the s.106.

9.17 Therefore, due to the proposed layout and size of the units, small scale activity would be welcomed in this location which may support community uses and/or complement the book market. It is noted that many residents have objected to the proposal in relation to the lack of commercial spaces as part of the re-development however, any large scale commercial activity would not be appropriate in this location. This is due to the application site location not being in a town centre and the associated servicing requirement would be difficult to facilitate due to the nature of Goldsmith's Row.



## Housing

### *Policy summary*

- 9.18 At the national level the NPPF seeks to ensure that wide choices 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
- 9.19 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.
- 9.20 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.
- 9.21 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site.
- 9.22 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rent to 30% intermediate housing provision.
- 9.23 A total of 188 residential units are proposed, of which 72 units would be affordable housing, which represents a total affordable housing provision of 43% based on habitable rooms.
- 9.24 Of the 72 affordable housing units, 48 units would be Affordable Rent and 24 units would be intermediate provision. This represents a split of 67% affordable rent and 33% intermediate housing provision. The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertaken for the Council to ensure affordability. The LBTH Housing team supports this approach.
- 9.25 Table 1: Affordable Rent levels (POD) for E2

	1bed	2bed	3bed	4bed	5bed
E2 POD rent levels inclusive of service charges	£203.56 per week	£224.52 per week	£270.85 per week	£298.67 per week	£332.90 per week

- 9.26 The proposal exceeds the minimum required affordable housing units on-site and provides split which closely reflects 70:30 in favour of rented accommodation and therefore the proposal would be acceptable and complies with policies mentioned above.

### *Housing Mix*

- 9.27 Pursuant to Policy 3.8 of the London Plan, the development should '*... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups*'.
- 9.28 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the

most up-to-date housing needs assessment.

9.29 The following table summarises the proposed housing mix against policy DM3 of the Managing Development Document 2013 which seek to reflect the Borough's current housing needs.

9.30 Table 2: Housing mix

		Affordable Housing						Market Housing		
		Affordable Rent			Intermediate			Private Sale		
Unit Size	Total Units in Scheme	Units	%	MDD %	Units	%	MDD %	Units	%	MDD %
1bed	58	16	33	30	6	25	25	36	31	50
2bed	74	10	21	25	13	54	50	51	44	30
3bed	52	18	38	30	5	21	25	29	25	20
4bed	4	4	8	15	0			0		
<b>Total</b>	<b>188</b>	<b>48</b>	100	100	<b>24</b>	100	100	<b>116</b>	100	100

9.31 The unit mix for affordable rent sees a 33% provision of one beds against a policy target of 30%, a 21% provision of two beds against a policy target of 25%, a 38% provision of three beds against a policy target of 30%, and a 8% provision for four beds against a policy target of 15%.

9.32 The unit mix for the intermediate units sees a 25% provision of one bed against a policy target of 25%, a 54% provision of 2 beds against a policy target of 50%, and a 21% provision of three beds against a policy target of 25%.

9.33 Within the market housing provision, the scheme proposes a 31% provision for one bed against a policy target of 50%, a 44% provision for two beds against a policy target of 30%, and a 25% provision of three beds against a policy target of 20%.

*Density*

9.34 Whilst the proposed dwelling mix does not strictly accord with the Council's policy, it is only a very minor departure. In addition, the proposal seeks to provide higher proportion of 2 bed and three beds rather than 1 bed and the overall the scheme is providing 46% affordable rented family housing and therefore this is acceptable.

9.35 In terms of the proposed density, 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 2-3 the anticipated density range is 200-450 habitable rooms per hectare or 70-170 units per hectare; and urban areas with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260units per hectare. The applications site lies in PTAL 3 and 4 and has a density of 928hr/ha or 297u/ha and therefore would be above the recommended density range.

9.36 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;

- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.37 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

### **Design**

9.38 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

9.39 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).

9.40 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.

9.41 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.

9.42 The application is supported by a Design and Access Statement. The proposal is based on the principles of providing active street frontages through arranging the site with perimeter blocks reinforcing and creating new links through and adjacent to the proposed site. The perimeter block creates central communal courtyards and maximises the active street frontages allowing front doors of the dwellings to face onto the streets.

9.43 The new access links provide permeability through the site and pedestrian access from Coates Street to the entrance to Haggerston Park and vice versa. The central pedestrianised access link is proposed to be landscaped which would provide a visual corridor to the Park.

9.44 The proposed northern link improves the current narrow pedestrian access, improving security and permeability.

### *Scale and materials*

9.45 The surrounding scale of buildings in the locality is varied from generally two to six storeys in height. There are also examples of stand-alone tall residential towers of the post-war period nearby which can reach up to 16 storeys.

9.46 This development comprises of a part 4, 5, 6, 8 and 9 storey building. The general scale of the development follows the Hackney Road building along Goldsmith's Row however this elevation has taller elements on the roof level reaching up to 9 storeys.

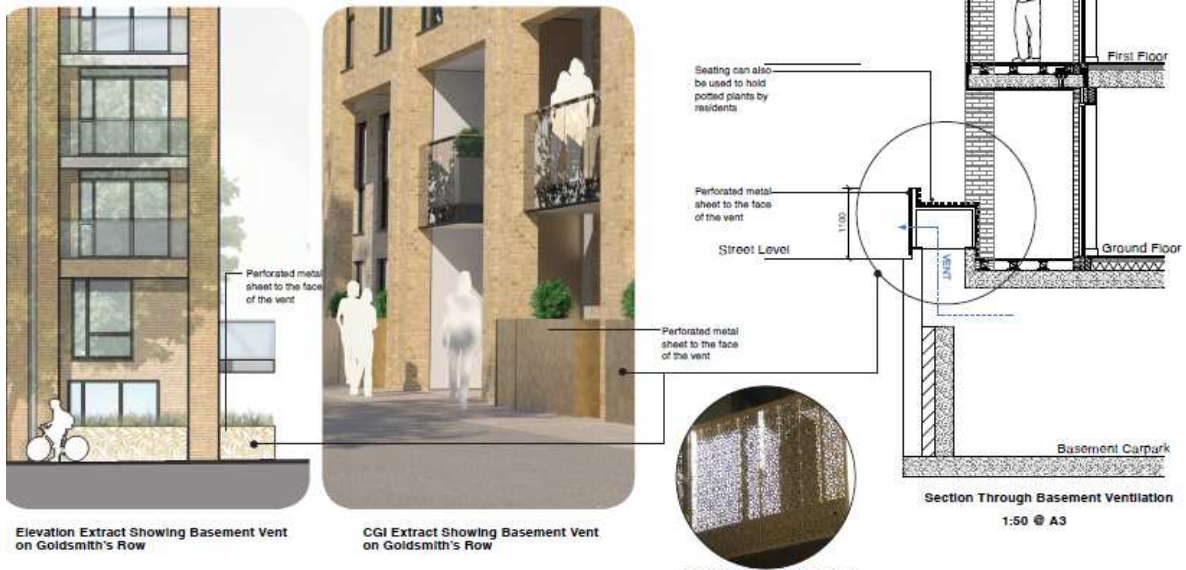
9.47 The proposed taller elements on Goldsmith's Row are not continuous façade on the roof top level of the main building, rather they are proposed to be broken up into four separate elements and the applicant has referred to these elements as 'pods' and/or 'pavilions'. Since the submission, the taller elements has been amended to omit projecting balconies following concerns raised from London Borough of Hackney, CADAP and objection raised by residents.



The removal of the projecting balconies on this level is supported and reduces the overall bulk of the taller additions. The taller elements are also set back from the parapet level which would appear less domineering. These features are also proposed to utilise more modern materials including glazing and aluminium rainscreencladding panels and therefore sample materials have been sought and officers consider the chosen material be acceptable. The combination of these design features reduce the overall bulk and scale in its appearance and provide visual interest and therefore it is supported.

- 9.48 The proposed building heights along the internal access roads are generally four and five storeys in height. Along Kay Street, the height of the building is at 4 storeys with 5<sup>th</sup> storey set back. This provides height transition from 3-7 storey Telford Homes residential development located north of the site to 3 to 4 storey residential buildings on the south which front onto Hackney Road.
- 9.49 The buildings are proposed to be constructed from a buff brick to complement the existing Hackney Road building and lighter coloured brick to the reveals. The proposal will also have stone banding which would provide visual termination of the building. The inset balconies would be glazed balustrades which would emphasise the deep reveals and shadow lines, articulating the building mass.
- 9.50 The ground floor of the Goldsmith's Row façade includes ventilation from the basement car park however the ventilation is proposed to be covered up with perforated metal sheets. The proposed metal sheeting will continue along the Goldsmith's Row (outside the ventilation area) to continue the uniformity. This approach is acceptable and details of this material will be conditioned.
- 9.51 It is considered that predominate use of the brick material would be in keeping with the character of the area and complement the Hackney Road Building.
- 9.52 The overall design approach is considered to be appropriate in the context of the area, and is considered to be designed sensitively around designated heritage assets.
- 9.53 In relation to the Hackney Road building, it is the only building within the application site which lies in a conservation area. The facades of the building are proposed to be retained with some extensions and alterations. The proposed extension and alteration would include enlargement

and addition of front dormer windows and an infill extension on the third floor and the roof level on the western side of the building. The front dormer windows together with the infill third floor extension provide symmetry to the building. The original Hackney Road building was designed in such a way to address a historic Rights of Lights issue and therefore the existing building appears to have a 'cut out' appearance on the third floor on the western elevation. The most notable alteration is the proposal to remove of the winter gardens on the front elevation. This is supported as it would revert the building back to its original appearance and it would also reveal much of the brick work and detailing which is hidden away from the streetscene by the covered balconies. The proposed alterations and extensions would not alter the overall scale of the building and would therefore respect the character of the conservation area.



9.54 *Hackney Road conservation area*

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.

9.55 The application is accompanied by a Heritage Appraisal which assesses the historic significance of the former hospital site. It finds that the building of greatest heritage significance on the site is the 1904 building on Hackney Road by virtue of its intactness and its architectural quality. It finds that other buildings on the site are less significant and of little merit due to the later additions and alterations. Therefore, it concludes that the proposal to replace a number of existing buildings and the intended retention of the 1904 building on Hackney Road would fully satisfy policies for listed buildings and conservation areas, and strikes the correct balance between change and conservation that those policies seek. Officers have reviewed the appraisal and concur with the conclusions as outlined in the report.

9.56 The application is also accompanied by a Refurbishment Assessment Report which provides assessment of each building on site for its suitability of its re-use. It finds that the dilapidated condition of the buildings has severely compromised their refurbishment potential. Major remedial works will be required to address this and to stabilise the building for residential use. Further, the layout of the building and its conditions would result in inefficient use of the space and therefore it would reduce the site development potential by approximately 108 units. This will raise significant issues such as viability and in turn, affordable housing delivery and financial contributions. Given that none of the buildings, with the exception of the building on Hackney Road, are listed or in a Conservation Area the demolition of the buildings is considered acceptable.

9.57 It is also noted that the railing fence within the site along the frontage of the Hackney Road building is of character and presents the former use the building which is recognised locally. Therefore it will be conditioned for the front railings to be retained to preserve and recognise the historic use.

9.58 It is considered that the façade retention and improvements works associated with the Hackney Road building; predominant use of brick as the construction material for the development would reflect the materials used in the conservation area. The scale of the development is also considered appropriate in the context of the designated heritage assets, which would preserve the character and appearance of the conservation area and the listed buildings nearby. Therefore, the proposal to demolish the buildings (apart from the facades of the Hackney Road Building) on the application site to allow for a redevelopment is acceptable.

*Quality of residential accommodation*

9.59 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.

9.60 In relation to the design of the open spaces, the proposed communal areas would be overlooked by the residents of the flats. The northern communal area would receive sunlight. The proposed southern courtyard would receive less direct sunlight however all the residents of the application site will have access to the northern courtyard which provides sufficient space standards for all residents of the development.

- 9.61 The proposal has been designed and laid out in such way that the individual and main entrances to the buildings would be highly visible from the surrounding streets and pedestrian access roads and therefore approaches to the dwellings would be satisfactory.
- 9.62 The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, and properties at fourth floor and above should be served by at least one lift. The development meets all of these criteria apart from the Hackney Road building which does not provide natural light to the corridor. The stair core in the Hackney Road building is generally internal allowing the habitable spaces to make best use of the light and outlook available utilising the existing facades.
- 9.63 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.
- 9.64 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. 38 of the 48 Affordable rented units have separate kitchen/diners and living rooms. All of the family sized units in the affordable rented units have separate kitchen/diners which are all appropriately sized (12sq.m +). The units without separate Kitchens/diners are mainly one beds and are provided with open plan kitchen/living rooms which are all above the minimum space standard 23sq.m. 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.
- 9.65 The proposed development provides 64% dual aspect homes and where single aspect homes are proposed these are one and two bedroom flats. All of the affordable rented homes are dual aspect with the exception of 8 x 1bedroom units. None of the units are single aspect north facing dwellings.
- 9.66 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.
- 9.67 For the ground floor units, the building is set back and designed around defensible space. This is sufficient to provide privacy to the occupants of these units. Within the application site where the central access road is proposed, the buildings are approximately 11m to 15m apart. In addition, the northern elevation which would face the neighbouring residential block at 45-58 Goldsmith's Row is 15m apart. Where habitable rooms face habitable rooms, windows have been designed to have oriole windows or off set to prevent direct overlooking. In all other cases, windows are either looking over streets or provide over 18m separation distances.
- 9.68 The proposal provides 19 units in total which are wheelchair accessible and this equates to 10% as required by the GLA' supplementary planning guidance note. The majority of the proposed wheelchair units are located on the ground floor with three being provided at 1<sup>st</sup> floor level which is considered to provide choice and inclusivity.
- 9.69 The proposed residential accommodation complies with the standards as set out in the GLA's Supplementary Planning Guidance Note, and the standards which are repeated in the Council's Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

### *Amenity space*

9.70 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.

9.71 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. These spaces can be provided in the form of balconies, private gardens, and terraces. All of the proposed units, with the exception of 6 units in the Hackney Road building, have private amenity spaces which exceed the minimum standards as set out in the said policy. The six units of the total 24 units within the Hackney Road building have limitations due to the re-use of the existing façades and therefore introducing new balconies for the proposed flats would not be appropriate in design terms. Nonetheless, these units are provided with more than the minimum required internal dwelling area by 10sq.m or more and therefore it is considered that the flats are provided with sufficient internal amenity. These units will also have direct access to the communal amenity space and therefore, on balance, the overall proposal is satisfactory and provides adequate provision of private amenity space.

9.72 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, a provision with a minimum area of 223sq.m is required. The proposal provides in excess of the policy requirements, by providing two courtyard areas. The northern courtyard which receives some sunlight and is approximately 538sq.m of which 128sq.m would be children's play area. The southern courtyard is approximately 340sq.m of which 52sq.m is dedicated to children's play area. In total, the communal amenity space area equates to approximately 879sq.m on the site which is accessible to all the residents of the proposed development.

9.73 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 informal recreation SPG' provide guidance on acceptable levels and quality of children's play space. Policy DM4 of the Managing Development Document requires 10sq.m of play space per child. This policy is further expanded through its leading paragraphs which state that child play space provision for under 5s should be provided on site. The required quantum of play space is 160sq.m for the proposed development. The proposal provides two children play spaces in each court yard and in total provides 180sq.m which is in excess of the minimum requirement. These spaces are proposed to be mounded and play trails within sensory garden created with textured and colourful low shrubs for children under 5s.

9.74 For older children, the London Mayor's SPG sees 400m and 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 5s within easy walking distance from the site. Within 400m there are two parks; Haggerston Park (LB Hackney) which is immediately opposite to the application site and Ion Square Open Space which is located south of Hackney Road (100m). Within 800m there are several parks within the London Borough of Tower Hamlets. These parks have a variety of facilities including playgrounds, BMX trails, sporting facilities, a farm and café.

9.75 Therefore, the proposed on-site provision is considered to be an acceptable level of play space and adequate existing provision exist within the vicinity for older children for the proposed development.

Policy DM10 of the Managing Development Document 2013 seeks developments to provide



9.76 or contribute to the delivery of opens spaces. 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.

9.77 The proposed development would require a 4,740sq.m on site provision, or a financial contribution towards public open spaces. Whilst technically not an open space, the proposal provides 515sq.m area of publicly accessible pedestrian route which is to be landscaped, tree lined with seating areas. This wide route would provide a pedestrian access and connectivity to Haggerston Park which has potential to contribute to the existing Green Grid. It is considered that the area would provide some benefit and amenity to the public and future occupiers of the development. The application is supported with a financial viability assessment which concludes that the development can only afford a limited amount of financial contributions. Given this, the financial contributions have been sought towards borough's priorities which are education provision, community facilities and employment. The details of the viability assessment and planning obligations are expanded later in this report. Therefore, on balance, given the viability constraints and the proposed public accessible route provided on site, the nil provision of public open space or contributions towards is considered to be acceptable in this instance.

### **Amenity**

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

#### *Privacy*

9.79 Any loss of privacy which may occur to the neighbouring residents needs to be considered. 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.

9.80 The proposed buildings have been designed appropriately to avoid directly facing habitable rooms. There are two areas of the proposal which breach the minimum 18m distance. The distance between the northern elevation of the proposed development of the northern perimeter block and the neighbouring block at 45-58 Goldsmith's Row is approximately 15m. All habitable room windows which have direct overlooking into the habitable rooms windows have been designed to have oriel windows which are windows with a splayed angle designed to avoid direct overlooking. Where balconies are proposed, it is proposed to have winter gardens which will have obscured glazing. Same design solution would be applied to windows within the development site along the proposed central access route.

9.81 The remainder of the proposal would provide sufficient separation distances. Therefore it is considered that the proposal minimises its impact on any overlooking and any loss of privacy.

#### *Outlook / sense of enclosure*

9.82 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.

9.83 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.

#### *Daylight and sunlight*

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

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

9.86 The accompanying sunlight and daylight assessment considers the impacts of the development with respect to availability of daylight and sunlight into habitable rooms and/or windows and this has been independently reviewed by a specialist consultant.

9.87 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 a daylight distribution 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.

9.88 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

9.89 The reduction in VSC has been measured for 338 windows which surround the site. This includes the properties on Seabright House, 45-58 Goldsmith's Row, 337-355 Hackney Road, 338-340 Hackney Road, and Wyndham Deeds House. Of the 338 windows tested 36 (11%) 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.

9.90 According to the BRE guidelines reductions of more than 20% would have a noticeable effect to the occupants. The greatest loss of VSC occurs to 14 windows of Seabright House which are located on the ground and first floors, and 14 windows to 45-58 Goldsmith's Row. These are considered to have moderate impact.

#### Daylight Distribution (No Sky Line)

9.91 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). This is an assessment which looks at an area of a room in a neighbouring property that can see the sky from the working plane (0.85m above the floor). Again, the results show that Seabright House and 45-58 Goldsmith's Row are the most affected properties with the rooms on the ground floor and first floors failing NSL. In the case of the rooms to 45-58 Goldsmith's Row, there are existing balconies above the rooms affected and therefore presents 'self-harm'. In addition, the current existing situation is that these two buildings do not have any obstructions at present as there are no buildings on the part of the application site which affects the properties at Goldsmith's Row and Seabright House. Therefore, any proposed buildings on this part of the application site would need to be substantially low in order not to have any impact to these neighbouring properties. In any event, 5 rooms in 45-58 Goldsmith's Row and 18 rooms in Seabright House would not meet the guidelines losing more than 20% of their area that can see the sky.

#### Sunlight (Average Probable Sunlight Hours)

9.92 The BRE Guideline uses Average Probable Sunlight Hours (APSH) as methodology for calculating sunlight levels. This considers the amount of total and winter sunlight. The BRE recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be from the winter months. Only residential properties that face 90 degrees of due south are taken into account. The properties which fall within the testing parameters are windows in Seabright House, 45-58 Goldsmith's Row and 337 and 341

Hackney Road. All windows tested retain good level of APSH and any reductions are within the BRE Guidance.

#### Sunlight to gardens

- 9.93 The BRE guideline suggests a target of 50% of the open spaces to receive 2 or more hours of sunlight on March 21<sup>st</sup>. The proposal includes two communal amenity spaces in the southern and the northern courtyard. 33% of the northern courtyard would receive 2 or more hours of sunlight on 21<sup>st</sup> March. The southern courtyard will not receive 2 or more hours of sunlight on 21<sup>st</sup> March. The proposal would therefore not meet the BRE guidance in this instance.

#### Sunlight to open spaces – Haggerston Park and Hackney City Farm

- 9.94 The assessment shows that the areas of Hackney City Farm and the playground would receive 2 or more hours of sunlight for the proposed and existing conditions. There is no change from the existing to the proposed and 100% of both areas would receive two or more hours of sunlight and therefore the BRE guidelines are comfortably met.

- 9.95 A transient overshadowing diagram has also been submitted which show overshadowing from the proposed throughout the day during December, March, September and June. The results show that there is a slight increase in the areas overshadowed by the proposed development in the mornings. Since the proposed development is to the east, from midday the situation is same as the existing conditions therefore the impact is very minor.

- 9.96 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. Any redevelopment of the application site which seeks to maximise the housing potential it can offer would lead to a reduction in daylight when compared with a largely vacant/low dense site, in particular to the northern end of the application site. It is also regrettable that only 33% of the communal amenity area receives direct sunlight during the winter months however the site is located close to several parks nearby which can be enjoyed by the future occupiers. It is officer's opinion that the loss of daylight to a small number of properties compared to the provision of much needed family housing, that on balance, the development is acceptable in this regard.

### **Transport**

- 9.97 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.
- 9.98 CS Policy SP08 & SP09 and 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; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.99 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 3/4 (1 being poor and 6 being excellent) which is a moderate/good rating.

#### *Highways*

- 9.100 The application proposes a basement car park which would be accessed via the proposed access road to the north of the site, accessed off Kay Street. Within the basement, 30 car parking spaces are proposed of which 9 would be disabled spaces and 3 spaces allocated to the affordable rented family units. An area for motorcycle parking is also included. Other deliveries and refuse collection will occur at surface level. On the eastern side of the proposed pedestrianised access road off Kay Street would be an area dedicated for larger delivery vehicles to stop and turn.

- 9.101 The forecast car trip rates generated by the development supplied in the Transport Assessment show that the development would have a minor impact on traffic levels on the local road network. On this basis, the level of on-site car parking is acceptable.
- 9.102 The forecast trip rates also show the development would have a more pronounced impact on the Kay Street and Coates Roads which would provide access to the on-site parking. As both these streets have narrow carriageway widths, the management of vehicles accessing the on-site car park should be as such to minimise the likelihood of vehicles waiting on the public highway (and in turn congestion) to enter the site. The proposal has been designed to provide a space on the northern access road (Northern Lane) for vehicle to pass each other which will limit any cars waiting on the highway.

#### *Servicing / Deliveries and Refuse*

- 9.103 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.104 The site is bounded by three roads, Kay Street, Hackney Road and Goldsmith's Row. However Goldsmith's Row which is the site's largest frontage is a cycle and pedestrian route only. London Borough of Hackney who is the highway authority via agreement for this road objects to the use of this road for any vehicles. Therefore, the refuse collection will take place on Hackney Road and Kay Street only. There would be eight bin stores in total of which all have been appropriately located for occupiers of the proposed flats however 5 of the bin stores would be more than 10m from the collection point. A management strategy is proposed to be in place for the bins to be located in the on-site holding areas on the collection days. This is considered to be acceptable approach given the limitation on the use of Goldsmith's Row. The submitted servicing strategy outlines this approach which is acceptable.
- 9.105 In relation to the delivery vehicles, an area on the eastern side of the proposed pedestrianised route would be allocated for servicing vehicles to load and unload. As the proposal is predominately residential it is anticipated that large delivery vehicles would be very infrequent. The submitted servicing strategy states that abanksman will be provided with larger vehicles associated with residents moving in during the first phase of occupation of the proposed units. Thereafter larger delivery vehicle to the site is likely to be infrequent and associated with residents moving in and out. Given that an area of the eastern end side of the proposed pedestrianised route can accommodate loading areas for larger vehicles and turning area for transit vehicles is provided, the proposal is considered to be acceptable.
- 9.106 For the proposed commercial premises, due to the size of the commercial properties, it is not anticipated that a large service vehicles will be accessing the site. Rather, smaller transit vehicles or vans are anticipated. There are loading vehicles on the northern end and southern end of Goldsmith's Row which is outside of the dedicated cycle and pedestrian route, which can be utilised for the proposed commercial units.
- 9.107 It is considered that adequate servicing strategy is in place which would not significantly hinder the existing conditions of the local highway network. The Council's Highway officer is satisfied with the approach given the site constraints.

#### *Car Parking*

- 9.108 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.
- 9.109 The proposed car parking of 30 spaces for 188 units (0.15 per unit) is below the London Plan and Tower Hamlets maximum 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.

- 9.110 In relation to the MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes, three spaces have been dedicated to affordable family homes. The basement car parking is not located directly accessible from the affordable units and therefore a fob key access arrangement is required which will be secured through a planning condition.
- 9.111 The proposal provides 9 wheelchair parking spaces which is more than the minimum required 10% of the total parking space. The wheelchair spaces will need to be made available for any occupiers of the wheelchair flats which can include affordable housing tenure.
- 9.112 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. This is proposed to be secured through a s.106 agreement.
- 9.113 The access into the car park is located on the western side of Kay Street. The applicant has demonstrated that there is sufficient visibility for drivers and also a layby for three cars to ensure that there would be no waiting cars on the highway (leading to congestion) and the highways department have confirmed that this is a satisfactory arrangement.

#### *Provision for Cyclists*

- 9.114 The development provides a total of 236 cycle spaces in separate cores of the building. The site also provides 8 visitor cycle spaces within the proposed pedestrianised access route. There are a total of 8 communal cycle stores in each core, and all provide Sheffield stands. The Council's standards require a minimum of 1 space per 1 or 2 bedroom flat and 2 spaces for 3 bedroom plus. These standards are mirrored in the London Plan. When each core is assessed, all of the cores provide relevant amount required for the amount of residential units in each core in the exception of two cores. These two cores are short of 4 and 6 spaces. It would be appropriate to condition for Core KA and Core HA to provide additional 4 and 6 cycle parking spaces, respectively.
- 9.115 Subject to a condition requiring additional cycle stands in two cores, 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.

#### *Pedestrian Environment*

- 9.116 As previously mentioned, the proposal includes two east-west access routes through the site. To the southern end of the site, a landscaped pedestrianised access route is provided which would be approximately 15m wide. The proposed northern end route will widen the existing pedestrian access route which current exists. However, this route would be mainly for private vehicle access for the development accessing the basement car parking area from Kay Street. Nonetheless, due to the nature of the access route being 6m wide it would be appropriate for pedestrians and cyclists. Public accessibility will be secured through a s.106 Agreement.
- 9.117 A financial contribution of £47,112 has been secured towards public realm improvements within the vicinity of the site. This mainly includes improvements to the footway of Hackney Road to improve local walking conditions

#### *Inclusive Access*

- 9.118 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.
- 9.119 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. Step free access is proposed to all communal areas allowing accessibility to wheelchair users or people with limited mobility. All of the wheelchair units proposed were assessed and have been designed satisfactorily to accommodate a wheelchair user.

- 9.120 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. Such details will be secured through a landscape condition.

## **Energy and Environmental Considerations**

### *Energy*

- 9.121 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.122 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 9.123 The London Plan 2011 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).
- 9.124 The Managing Development Document Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 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 developments to achieve a minimum Code for Sustainable Homes Level 4 rating.
- 9.125 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 reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.126 The Energy Strategy (dated January 2013), 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) and reduce CO2 emissions by 16%. The integration of a communal heating scheme incorporating a Combined Heat and Power is proposed to deliver CO2 savings to meet Policy DM29 requirements (35%).
- 9.127 The current proposals for delivering the space heating and hotwater are supported and it is

recommended that the strategy is secured through an appropriately worded Condition which specifies the minimum CHP sizing of 110kWth/65kWe.

- 9.128 There are no renewable energy technologies currently proposed for the scheme. As the CO2 savings (35%) are purported to be achievable from the first two elements of the energy hierarchy, it is accepted that in this specific instance no renewables are required for the site.
- 9.129 In terms of sustainability, the London Borough of Tower Hamlets requires all residential schemes to achieve a Code Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document.
- 9.130 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.

#### *Air quality*

- 9.131 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.
- 9.132 In this case the development provides a minimal level of car parking, placing a reliance on more sustainable methods of transport.
- 9.133 The air quality assessment 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.

#### *Noise and Vibration*

- 9.134 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.
- 9.135 Policy 7.15 of the London Plan, 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.
- 9.136 The development will mainly be exposed to external noise and vibration from vehicles movements on Hackney Road. Therefore, the new residential dwellings fronting Hackney Road will be exposed to a high degree of noise and vibration and would be required to meet 'good' design standards of BS8233. The applicant has confirmed that the dwellings within the Hackney Road building will meet a good standard. Such details of meeting good standards such as glazing and ventilation will be required and is secured through planning condition.
- 9.137 Details of any mechanical and extraction plant including kitchen extract and air controlling

systems should also meet the requirements of World Health Organisation standard and details are requested through planning condition.

- 9.138 Construction activities should also be controlled to normal council policy working hours and the method of piling should be agreed, as any impact piling should be avoided at this particular location.

*Contamination*

- 9.139 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.
- 9.140 The Council's Environmental Health Officer has reviewed the documentation, and noted that the assessment provides results of intrusive investigation works. Therefore, a condition requiring remedial works to render the site suitable for its proposed end-use.

*Biodiversity*

- 9.141 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. Bats are protected pursuant to the Conservation (Natural Habitats &c.) Regulations 1994 ('the Habitats Regulations'), which prohibit deliberate disturbance of a European Protected Species. Disturbance as a result of major development can be licensed by Natural England provided it meets the three tests - Will there be a significant impact on the population or conservation status of bats in the area; Is there a satisfactory alternative; and are there imperative reasons of overriding public interest why the licence should be granted.
- 9.142

The application was accompanied with an initial bat survey and further bat surveys were undertaken. The survey has found that the development will result in the destruction of a non-maternity summer roost of a small number of Common Pipistrelles. This is a common widespread species of bat and therefore the loss of the roost would not have a major impact on the population or conservation status of the species in the area. In addition, the mitigation strategy as have been submitted which include works being carried out outside active season, roosting boxes being made available during and post construction works. The Council's biodiversity officer has reviewed the proposal and considered the mitigation set out in the method statement is satisfactory and considers that there would not be any impact on the population or conservation of the species. The need for housing, especially social housing in the area provides the imperative reason for overriding public interest required to permit the disturbance of a European protected species. Therefore, subject to condition requiring the mitigation measures to be carried out, the proposal is would not have a detrimental impact of the protected species. A condition is required for all proposed mitigation measures to be implemented as set out in the Method Statements (and subject to any additions or modifications required by Natural England).

9.143

Natural England has not raised object to the proposed development and are satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report. A licence from Natural England will be required in order to carry out any works.

- 9.144 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.
- 9.145 The proposal also seeks to incorporate a range of biodiversity measures including planting of trees, plants and grasses throughout the site and installation of brown roofs.



## **Health Considerations**

- 9.146 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.
- 9.147 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.
- 9.148 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.
- 9.149 The applicant has agreed to a financial contribution of £81,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.150 The application will also propose public accessible routes, which provide connectivity with Haggerston Park; children play areas and communal amenity space provisions 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.
- 9.151 It is therefore considered that the financial contribution towards healthcare and new access routes 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**

- 9.152 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.153 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.
- 9.154 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.
- 9.155 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.
- 9.156 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

- 9.157 In order to ensure that the proposed development was deliverable and viable, a financial appraisal which assesses the 43% affordable housing and a contribution of £645,790 was submitted by the applicants. This was independently assessed on behalf of the Council. The appraisal concluded that the proposed development is not viable. A sensitivity test was carried to review if the development would be viable with 35% affordable housing and associated financial contributions. However, it was found that this is also not a viable option.
- 9.158 The joint applicant, Family Mosaic, consider this as an opportunity site to provide high level of affordable housing in this location and therefore whilst it may not be viable, the applicant have stated the 43% of affordable housing will be delivered through cross-subsidies from other business activities (which may be internal subsidy or social housing grant funding). Also, the applicant is providing a financial contribution of £645,790 to mitigate the impacts arising from the development as they recognise the need for mitigation measures.
- 9.159 It is a unique opportunity to seek higher proportion of affordable housing and given the borough's priority, and on balance, the proposal is considered to be acceptable in this instance. 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).
- 9.160 In line with the Council's SPD, the proposal would have required a total of £1,554,567 financial contributions. This high amount is reflective of the proposed affordable housing numbers which generates a higher child yield and population.
- 9.161 Having regard to the viability of the scheme and the Council's priorities, the monies have been allocated to and proportioned as set out below. These planning obligations have been discussed and agreed by the Planning Contribution Overview Panel.
- A contribution of £415,240 towards Education facilities to mitigate against the demand of the additional population on education facilities.
  - A contribution of £39,897 towards employment and enterprise.
  - A contribution of £49,879 towards Community and leisure facilities.
  - A contribution of £81,000 towards health facilities.
  - A contribution of £47,112 towards streetscene improvements
  - £12,662 towards S106 monitoring fee (2%)

**Total: £645,790**

Non-Financial Obligations

- 43% affordable housing by habitable room

- 68% Affordable Rent at POD levels
  - 32% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
  - c) Car-free agreement to restrict occupants applying for parking permits
  - d) Code of Construction Practice
  - e) Travel Plan monitoring
  - f) Electric Vehicle Charging points to be provided to London Plan Standards together with monitoring of their use to indicate when the passive provisions of spaces are brought into operation.
  - g) Public access through 'Muffin Lane' and 'Northern Lane'
  - h) Management of commercial spaces by LBTH (Employment and Enterprise)

### **Local Finance Considerations**

9.162 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:

- 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.

9.163 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.

9.164 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 £442,520 (which is based on application for CIL relief/exemption for the affordable housing units.

9.165 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.

9.166 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 £293,819 in the first year and a total payment £1,762,912 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**

9.167 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:-

9.168 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".

9.169 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.

9.170 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.

9.171 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.

9.172 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.173 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.

9.174 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**

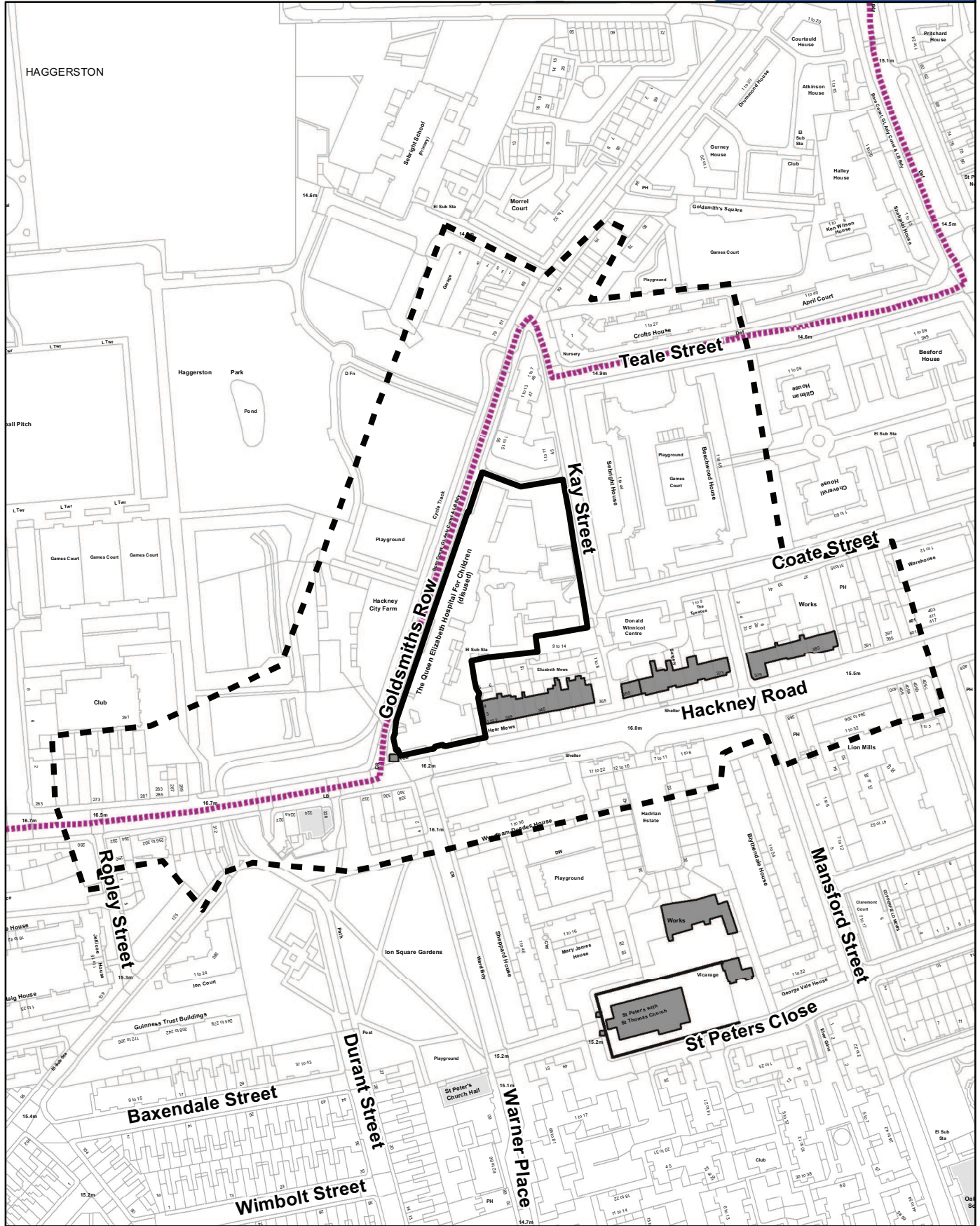
- 9.175 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due 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.
- 9.176 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.
- 9.177 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.178 The community related uses and contributions (which will be accessible by all), 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.
- 9.179 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 and Conservation Area Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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**Planning Application Site Map**  
**PA/13/00384**



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings

Borough Boundary

0 30 m



1:2,500

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

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# Agenda Item 7.2

<b>Committee:</b> Strategic	<b>Date:</b> 29 August 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.2
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/13/01150(Full Planning Application)
	<b>Ward:</b> Millwall

## 1. APPLICATION DETAILS

**Location:** Heron Quays West, Heron Quay, London, E14

**Existing Use:** B1 Office and temporary landscaping

**Proposal:** Outline planning application (all matters reserved) for the demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1, A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.

**Drawing and documents:** Control Documents:

- Parameter plans: SK-002 REV09, SK-003 REV09, SK-004 REV09, SK-005 REV09, SK-006 REV09, SK-007 REV11, SK-008 REV11 and SK-009 REV11.
- HQW1 – P.03. Design Guidelines, prepared by Adamson Associates, dated May 2013.
- HQW1 – P.04. Development Specification – prepared by Adamson Associates.

Documents:

- HQW1 – P.01. Planning Statement, prepared by DP9.
- HQW1 – P.02. Design & Access Statement, prepared by Adamson Associated, dated May 2013.
- HQW1 – P.10. Energy Strategy REV1.5, prepared by Hilson Moran, dated 15 May 2013.
- HQW1 – P.11. Sustainability Strategy REV1.4, prepared by Hilson Moran, dated 15 May 2013.
- HQW1 – P.12. BREEAM 2011 Prediction Summary REV1.4, prepared by Hilson Moran, dated 15 May 2013.
- HQW1 – P.13. Transport Assessment,

prepared by Steer Davies Gleave, dated May 2013.

- HQW1 – P.14. Framework Travel Plan, prepared by Steer Davies Gleave, dated May 2013.
- HQW1 – P.15. Aviation Assessment, prepared by Eddowes Aviation Safety, dated May 2013.
- HQW1 – P.16. Telecommunications Interference – Assessment Methodology, prepared by Hoare Lea Communications, dated 16.05.2013.
- Heron Quay West 1, Flood Risk Assessment REVC, prepared by ARUP, dated 31 July 2013.

Environmental Statement prepared by Waterman, dated May 2013:

- HQW1 – P.05. Environmental Statement Volume 1.
- HQW1 – P.06. Environmental Statement Volume 2: Figures.
- HQW1 – P.08. Environmental Statement Volume 3: Townscape Visual & Built Heritage Assessment.
- HQW1 – P.07. Environmental Statement Volume 4 – Appendices.
- Heron Quay West 1, Flood Risk Assessment REVC, prepared by ARUP, dated 31 July 2013.
- Letter dated 2 August 2013, from Waterman.

**Applicant:** South Quay Properties Ltd.

**Ownership:** South Quay Properties Ltd.  
The following parties also have an interest in the land: Canal and River Trust, Canary Wharf Investments, Armoric Investments Limited, London Power Networks PLC, Canary Wharf Contractors Limited, Heron Quays Properties Limited, Heron Quays (HQ1) T1 Limited and HQCB Investments Limited.

**Historic Building:** Grade 1 Listed Dock Wall

**Conservation Area:** The site is not located within a conservation area.

## 2. EXECUTIVE SUMMARY

- 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 Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:

- 2.2. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required, in accordance with policy.
- 2.3. The principal of a tall building is considered acceptable in this location given the sites location within an established tall building cluster and the principle of a tall building has been established by the extant permission for tall buildings on the site. With regard to the proposed layout of the site it is considered acceptable and in keeping with site layouts adjacent. The retention of public access around the building especially allowing views of the dock is supported. The development would also provide definition of Bank Street and the South Dock. Finally, the townscape conclusions of the submitted Environmental Statement 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 Greenwich World Heritage Site.
- 2.4. It is not considered that altering the Bank Street Road level would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset. Furthermore, it is not considered the proposed development would have an adverse impact on the character and appearance of adjacent conservation areas.
- 2.5. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network, however this impact would be mitigated through financial contributions, secured to enhance the public transport network and improve highway safety. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, on balance the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.
- 2.6. With regard to amenity, given the nearest residential properties are approximately 115 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. On balance, taking account of building design and distance from the application site it is not considered that there would be an unduly detrimental impact on daylight and sunlight of existing residents near to the site. It is acknowledged that there are isolated rooms that would experience a change in daylighting levels. However, it is not considered that these isolated instances would merit refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.
- 2.7. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.
- 2.8. In light of the extant planning permission, subject to conditions to secure biodiversity enhancements and given the economic benefits of the scheme, the partial infilling of South Dock would be acceptable in this instance. Officers agree with the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks.
- 2.9. Contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of

contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of between **£1,146,291** and **£1,179,425** towards employment, skills, training and enterprise.
- b) A contribution of between **£142,977** and **£234,646** towards Idea Stores, Libraries and Archives.
- c) A contribution of between **£533,261** and **£874,830** towards Leisure Facilities.
- d) A contribution of between **£97,935** and **£160,725** towards Sustainable Transport.
- e) A contribution of **£115,808** towards Environmental Sustainability.
- f) A contribution of between **£910,561** and **£1,494,358** towards Public Realm.
- g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of between **£250,000** towards TfL DLR improvements at Heron Quay West Station.
- i) A contribution of between **£270,000** towards TfL Bus services within the area.
- j) A contribution of between **£14,866,310** (£12,006,775 – figure with CIL credit)\* and **£24,449,375** (£19,935,565 – figure with CIL credit)\* towards Crossrail.
- k) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£368,061** (£310,870 – figure with CIL credit applied to Crossrail contribution)\*\* and **£581,983** (£491,707 – figure with CIL credit applied to Crossrail contribution)\*\*

\*It is noted that the CIL payment has been estimated at between £2,859,535 and £4,513,810. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

\*\* The monitoring fee calculation has been based on the total financial contributions and takes into consideration the estimated CIL credit towards the Crossrail figure.

#### Non-financial contributions

- l) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- m) Commitment to use reasonable endeavours to relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- n) Commitment to use reasonable endeavours to relocate them with Skillsmatch (whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- o) Travel Plan

- p) Code of Construction Practice
- q) Walkways - Maintenance of new walkways within the development together with unrestricted public access
- r) Install real time public transport screens within the ground floor of the building.
- s) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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 authority to recommend the following conditions and informatives in relation to the following matters:

3.6. **Conditions**

Compliance:

- Time limit – three years.
- Time limit for submission of reserved matters.
- Compliance with parameter plans.
- Compliance with maximum parameters – depth, width, height.
- Compliance with total quantum of built floor space.
- Energy – compliance with energy strategy (Requested by LBTH Energy Team).
- Car parking maximum ratio – one space per 250 sqm of B1 floor space plus one accessible space for use of the retail uses (Requested by TfL and LBTH Highways).
- 10% accessible parking spaces (Requested by TfL and LBTH Highways).
- Electric charging points – 20% provision and a further 10% to be easily adaptable (Requested by TfL).
- Cycle parking should be provided at a minimum of (Requested by TfL and LBTH Highways):
  - § 1 per 120 square metres of B1 office floor space.
  - § 1 per 125 square metres of A1 and A2 floor space.
  - § 1 per 20 seats for staff and 1 per 20 seats for visitors for A3 floor space
  - § 1 per 100 square metres for A4 floor space.
  - § 1 per 50 square metres for A5 floor space.
- Development carried out in accordance with FRA and finished floor levels set no lower than 6.00 AOD and (Requested by Environment Agency).
- Building Works to be carried out between 8:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays only and no work on Sundays or Bank Holidays.
- Hammer piling to be carried out between 10:00 and 16:00 Monday to Friday only.

Reserved Matters:

- Reserved matters submission for access, appearance, landscaping, layout and scale.

Prior to commencement of any works

- Construction Management Plan (Requested by TfL and LBTH Highways).
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction (Requested by Canal and River Trust and Port of London Authority).
- Piling and foundation designs method statement (Requested by Environment Agency and Thames Water).
- Risk assessment and method statement for works to be carried out adjacent to the water (Requested by Canal and River Trust).
- Detailed design and method statements for all foundations, basement and ground floor structures (Requested by London Underground Limited).
- Stabilisation study of the Grade I listed Banana Dock Wall to establish if any mitigation is required during construction works and as a result of the proposed building (Requested by Conservation and Design).

Prior to commencement of any works (except demolition)

- Contamination – soil investigations (Requested by LBTH Environmental Health and Environment Agency).
- Air Quality assessment of energy centre (Requested by LBTH Environmental Health).
- Micro climate – wind tunnel testing to determine location of building entrances (Requested by LBTH Environmental Health).
- Water supply impact studies (must also demonstrate sufficient water for Fire Fighting) (Requested by Thames Water and London Fire Brigade).
- Biodiversity enhancements (Requested by LBTH Biodiversity).
- Lighting and CCTV scheme (Requested by Canal and River Trust).
- Archaeological recording (Requested by English Heritage Archaeology).
- Telecommunications Interference Assessment.

Prior to commencement of the use

- Contamination – verification report (Requested by LBTH Environmental Health and the Environment Agency).
- BREAAAM – excellent (Requested by LBTH Energy).
- Flood Risk Assessment (FRA) - demonstration that the improvement protection and maintenance of existing flood defences by means of providing an inspection schedule (Requested by Environment Agency).
- Delivery and Service Management Plan (Requested by TfL and LBTH Highways).

**3.7. Informatives**

- Discharge of surface water into the waterways requires the written permission of the Canal and River Trust
- Applicant to refer to the current “Code of Practice for Works affecting the Canal and River Trust”
- LUL should be contacted in advance of preparation of final design and associated method statements.
- Thames Water will not allow any building within 5 metres of the large water mains adjacent to the proposed development.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1. The proposal is for outline planning permission with all matters associated with details of access, appearance, landscaping, layout and scale reserved for future determination.
- 4.2. The proposal is for the demolition of the existing buildings and structures on site and the erection of a new tall building to provide office floor space (Use Class B1).
- 4.3. The new office building would have a maximum height of 191.5 metres AOD and would provide a maximum of 129,857 square metres gross internal area (GIA) of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floors space – Use Class A1, A2, A3, A4 and A5.
- 4.4. The proposal also includes a decked promenade to the south dock, access and highway works, landscaping and other associated works.

### *Application Documents:*

- 4.5. With regard to the outline nature of this planning application, the applicant has submitted three control documents, together with a number of supporting documents containing information, analysis and evidence to support the proposal.
- 4.6. The proposal will be controlled through the use of the three control documents, as follows:
  - Parameter Plans – these define the maximum and minimum volume of the proposed development, including the maximum depth, width and height of the proposed tall building.
  - The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
  - The Design Guidelines – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of the tall building are defined in the parameter plans will need to comply with the design guidelines if they are to be considered acceptable.

### Site and Surroundings

- 4.7. The application site known as Heron Quay West occupies an area of approximately 1.044 hectares (ha) and currently comprises two office units and temporary landscaping.
- 4.8. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land to the west of 20 Bank Street. The site is bounded by West India Dock South to the south and Heron Quays Road to the north, connecting to Bank Street on the north-eastern boundary of the site. A canal is located at the eastern end of the site, linking West India Middle Dock and West India South Dock. These docks have mooring facilities and as such the canal is in occasional use.

- 4.9. The site was previously occupied by 11 buildings ranging from 3-4 storeys which were erected in 1987 (known as the 'red sheds'). However, 9 of the 11 buildings were demolished in order to clear the site in preparation for the implementation of the 2008 planning permission on the site which is referred to in full within the planning history section of this report.
- 4.10. The remaining buildings on the site comprise office accommodation including services/facilities provided by Skillsmatch, East London Business Place and UCATT (or the George Buswell Learning Centre).
- 4.11. Being located on the western edge of the Canary Wharf estate in the northern part of the Isle of Dogs, the application site is predominantly surrounded by office buildings. 20 Bank Street is located immediately to the east of the Site on the opposite side of the eastern canal. This is a 14 storey rectangular building, with main facades which take the form of strongly expressed regular grid. The Heron Quays Docklands Light Railway (DLR) Station is immediately east of this. Further large scale and tall commercial buildings are located to the east along Bank Street, including 25 Bank Street, 40 Bank Street and 10 Upper Bank Street, all of which are over 30 storeys tall.
- 4.12. There are also a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 200m to the west, beyond the Heron Quays roundabout, lays the Riverside South site, currently being redeveloped to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. Also 190m to the south lies the Landmark Building, a residential development recently completed, comprising two towers of 137m and 95m, with retail and food and drink uses at ground and first floor level.
- 4.13. The site has good access to public transport, with a Public Transport Access Level (PTAL) of 5 (very good). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station 250m to the east. Heron Quays DLR station is located approximately 100m to the east.
- 4.14. In terms of built heritage, the site does not fall within a conservation area, but nearby conservation areas include Narrow Street to the northwest, West India Dock, St Mathias Church, Poplar and All Saints Church to the north, Coldharbour to the east and Chapel House and Island Gardens to the south.
- 4.15. The Dock Walls within and surrounding the site include both Grade I and Grade II listed structures, as well as sections of unlisted walls. The Dock wall of the former West India Export Dock is Grade I listed, and the South Dock former entrance to the lock linkage to the River Thames located to the south west of the site is Grade II listed.
- 4.16. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework.

#### **Relevant Planning History**

- 4.17. Planning permission has been granted for the redevelopment of the application site including land to the west of the site, details of which are listed below. The applicant now intends to secure an outline planning consent for the application site (the



eastern part of the site) and at a later stage secure planning permission for the redevelopment of the western part of the site.

- 4.18. **TP/92/0010 & 0011** – In January 1992 a planning application was submitted for the redevelopment of the site (referred to as the Tarmac site) together with part of the South Dock comprising 134,075 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641sq.m.) and a public park (1,000sq.m.). In addition a new road was proposed through the site connecting Heron Quays roundabout to the rest of Heron Quays together with underground car parking and a pedestrian route around the perimeter of the site. The application proposed a large single block located on the southern side of Heron Quays and extending into South Dock by approximately 32m from the quay edge. The building was between 71m above ordnance datum (AOD) and 130 metres AOD in height. Planning permission was granted on 24<sup>th</sup> April 1992 and listed building consent (ref. T/92/0011) for works of stabilisation, refurbishment and reinstatement of the listed banana dock wall was later granted on 7<sup>th</sup> May 1992.
- 4.19. **T/97/0076 & 0085** – Applications for planning permission and listed building consent were submitted for the renewal of the 1992 consents in February 1997. Planning permission (ref. T/97/0076) was granted for the redevelopment of 134,705 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641 square metres) and a public park (1,000 square metres) on the 3<sup>rd</sup> December 1997 for a further five years. The associated renewal of the listed building consent (T/97/0085) was approved on 27 November 1997. Planning permission ref. T/97/0076 was implemented in 2002 with the construction of Heron Quays Road between Bank Street and the Heron Quays roundabout. These works also included the associated footway, dock edge balustrade and landscaping.
- 4.20. **PA/02/01734** - The listed building consent for the stabilisation, refurbishment and reinstatement of the Grade I listed wall was further renewed on 13 March 2003 to amend condition 1 of listed building consent ref. T/97/0085.
- 4.21. **PA/07/03088, 3089 and 3090** – In November 2007 a planning application was submitted for the redevelopment of the Heron Quay West site including infilling part of the South Dock. The application was for the following:

*“Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:*

- *Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;*
- *Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;*
- *Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);*
- *Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;*
- *Provision of a new publicly accessible open space;*
- *Associated infrastructure and landscaping together with other works incidental to the application.”*

- 4.22. Planning permission was granted on 17 December 2008. This planning permission remains extant because it was granted with a five year time limit.
- 4.23. **PA/07/03089 and 3090** – The associated listed building consents for work to the Grade I listed Banana Dock Wall and Grade II listed South Dock Wall were granted on the 17 December 2012 and also remain extant because of a five year time limit.
- 4.24. **PA/11/03796** – Temporary planning permission was granted on 7 March 2012 for a temporary landscaping scheme on the site and has been implemented. The purpose of this scheme was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site. This temporary consent expires on 16 December 2013.

## 5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)  
Technical Guidance to the National Planning Policy Framework (March 2012) (TG)
- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**
  - 2.10 Central Activities Zone – strategic priorities
  - 2.11 Central Activities Zone – strategic functions
  - 2.12 Central Activities Zone – predominantly local activities
  - 2.13 Opportunity areas and intensification areas
  - 2.15 Town centres
  - 3.1 Ensuring equal life chances for all
  - 3.2 Improving health and addressing health inequalities
  - 4.1 Developing London’s economy
  - 4.2 Offices
  - 4.3 Mixed use development and offices
  - 4.7 Retail and town centre development
  - 4.8 Supporting a successful and diverse retail sector
  - 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
  - 5.8 Innovative energy technologies
  - 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
  - 5.18 Construction, excavation and demolition waste
  - 5.21 Contaminated land
  - 6.1 Strategic approach
  - 6.3 Assessing effects of development on transport capacity

- 6.4 Enhancing London's transport connectivity
  - 6.5 Funding Crossrail and other strategically important transport infrastructure
  - 6.9 Cycling
  - 6.10 Walking
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.8 Heritage assets and archaeology
  - 7.9 Heritage led regeneration
  - 7.10 World heritage sites
  - 7.11 London view management framework
  - 7.12 Implementing the London view management framework
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.18 Protecting local open space and addressing local deficiency
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 7.24 Blue Ribbon Network (BLR)
  - 7.25 Increasing the use of the BRN for passengers and tourism
  - 7.26 Increasing the use of the BRN for freight transport
  - 7.27 BRN supporting infrastructure and recreational use
  - 7.28 Restoration of the BRN
  - 7.30 London's canals and other river and waterspaces
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM1 Development within the town centre hierarchy
  - DM2 Local shops
  - DM8 Community infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage

- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

#### 5.6. **Supplementary Planning Documents**

Supplementary Planning Guidance (SPG) – Use of planning obligations in the funding of Crossrail – Mayor of London - July 2010  
 London View Management Framework SPG – Mayor of London - March 2012  
 Planning Obligations SPD – LBTH – January 2012

#### 5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

### 6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

#### **Canal and River Trust**

6.3. The proposed development envelope would not encroach into the dock any further than the previously approved scheme, and they would therefore have no objection to its extent.

6.4. They are supportive of a quayside walkway concept that will enable people to interact with the waterspace. However, they request the opportunity to comment on the detailed proposals for this once a future reserved matters application is made in this regard.

6.5. **[Officer Comment:** The Canal and River Trust will be consulted with on the relevant reserved matters applications.]

6.6. They support the fact the proposal retains navigable access to the Middle Branch Dock.

- 6.7. They noted that the energy statement and water resources document suggest ground source heat pumps using boreholes. There is the potential for using the dock water for both heating and cooling, but modelling would need to be undertaken to make sure that this was a viable option. The applicant is advised to contact the Utilities Team who would be happy to offer further advice on this.
- 6.8. **[Officer Comment:** The applicant has confirmed that the Energy Strategy notes that the use of dock water for heating and cooling is unlikely to be viable. It is noted that the comments do not require a condition but request contact with Canal and River Trust to discuss further. Given, the option is not viable no further action is required at the moment.]
- 6.9. It is requested that the following conditions and informatives be attached should planning permission be granted:
- Conditions:
- Risk assessment and method statement for works to be carried out adjacent to the water
  - Feasibility study to assess potential for moving freight by water during the construction phase and following construction
  - Landscaping scheme
  - Lighting and CCTV scheme
- Informatives:
- Discharge of surface water into the waterways requires the written permission of the Canal and River Trust
  - Applicant to refer to the current “Code of Practice for Works affecting the Canal and River Trust”
- 6.10. **[Officer Comment:** The requested conditions and informatives would be attached to the decision notice should planning permission be granted. It is noted that landscaping would be dealt with by the landscaping reserved matter.]

**City of London Corporation**

- 6.11. To date no comments have been received.

**Design Council**

- 6.12. To date no comments have been received.

**Dockland Light Railway (DLR)**

- 6.13. To date no comments have been received.

**EDF Energy Networks**

- 6.14. To date no comments have been received.

**English Heritage**

- 6.15. English Heritage note that the proposed tall building is located in close proximity to a number of designated historic environment assets including several of exceptional interest such as the Grade I listed *Warehouse and General Offices at Western End of North Quay* (List Entry Number: 1242440). Although the visualisations have

demonstrated that the development would be visible in views from many of these designated heritage assets, they recognise that the surrounding existing tall buildings already command a significant built presence within the area. The visualisations also illustrate consented developments that have not yet been built, and this demonstrates that the current proposal would form a coherent part of this building cluster. Therefore, they do not consider that the setting of these historic assets within the Docklands area would be further impacted, to any significant extent by this proposed development.

- 6.16. They also note that within Viewpoint 3 of the Environmental Statement (ES) Vol: 3 the development would be clearly visible in views from Maritime Greenwich World Heritage Site. Although a building of this scale would be clearly noticeable from views within the World Heritage Site, they note that the London View Management Framework (LVMF) guidance indicates that views from Greenwich Park towards Docklands would benefit from further, incremental consolidation of the cluster of tall buildings (para. 136). Therefore, they have no significant comments to make over this or any other aspect of the proposal.
- 6.17. They recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. They note it is not necessary to be consulted again.

#### **English Heritage Archaeology**

- 6.18. English Heritage Archaeology note that the application site lies within an area of archaeological potential connected with the deeply buried prehistoric landscape of East London which lies beneath several metres of nineteenth and twentieth century made ground and earlier alluvium. As well as the potential for human activity and environmental evidence from the Mesolithic to the Bronze Age to be preserved at the site, there is also the heritage value of the quayside itself and any remnants of the nineteenth century dock wall and associated features.
- 6.19. The submitted archaeological study unfortunately provides little further information to advance understanding of these key aspects. As a next step it would be appropriate to carry out geo-archaeological modelling and a photographic survey of the site to allow greater certainty in targeting more intensive fieldwork.
- 6.20. Concern is raised about the possible impact on the setting of the listed South Dock Entrance lock by the proposed encroachment of the application scheme out over the dock.
- 6.21. **[Officer Comment:** From a review of the information for the Grade II listed South Dock and a review of its location on maps it is evident that the structure is located to the south west of the site. The dock is directly adjacent to the River Thames. As such, the proposed building would not directly overhang this grade II listed structure.]
- 6.22. They also draw the LPA's attention to the NPPF's position on development impact to the settings of non-designated heritage assets. These would include the South Dock itself and the issue the desirability of retaining its readability of this heritage asset as a former dock.
- 6.23. Although previous planning guidance focused on settings impact to designated heritage, the NPPF details consideration of the impact on unlisted structures alongside listed ones. The impact on the understanding of the dock's role in Britain's economic development would be further obscured and advise that comment on this

issue be sought from the Borough Conservation Officer as the compounded impact may helpfully inform his views on the listed heritage aspects.

- 6.24. **[Officer Comment:** Officers sought the professional advice of the Borough Conservation Officer which are discussed within paragraphs 6.116 and 6.119 of this report. The element of wall which is to be lost is not listed and is a more recent construction. Furthermore, at the narrow canal junction between the docks, the building line is set back so that it does not overhang the dock and views of the dock wall at this point are still visible.]
- 6.25. Should consent be granted for this application, then archaeological impacts could likely be covered by a condition, to include recording of the dock itself as well as a staged programme of investigation into buried deposits.
- 6.26. **[Officer Comment:** Should planning permission be granted the condition as requested would be attached.]

#### **Environment Agency (EA)**

- 6.27. In a letter dated the 17 June 2013 the EA registered an objection to the proposed development in the absence of an acceptable Flood Risk Assessment (FRA).
- 6.28. Essentially the submitted FRA did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA provided guidance about how to overcome their objection.
- 6.29. **[Officer Comment:**The applicant liaised with the EA and submitted the requested information.]
- 6.30. In a letter dated the 2 August 2013 the EA removed their objection. Further to the Councils confirmation that the site has passed the sequential test and provided the revised version of the FRA for the proposed development 'Heron Quays West- Flood Risk Assessment' revision C prepared by Arup and dated 31 July 2013 now forms part of the planning application documents the EA are now in a position to remove their previous objection to the proposal. They have recommended conditions relating to flood risk as well as groundwater protection due to the historical contamination activities and potential for contamination of groundwater.
- 6.31. **[Officer Comment:** The revised FRA now forms part of the application documents and the conditions as requested would be attached should planning permission be granted.]

#### **Georgian Group**

- 6.32. To date no comments have been received.

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

- 6.33. The application is broadly consistent with the London Plan; however, there are some outstanding issues that need to be resolved as set out below.
- 6.34. They requested further discussion regarding the provision of affordable housing in line with London Plan policies 2.11Aa and 4.3.

- 6.35. **[Officer Comment:** The applicant submitted a statement to GLA officers setting out why the provision of affordable housing is not appropriate in this instance. The GLA have responded advising this is acceptable. Furthermore, with regard to LBTH Local Plan policy, the provision of housing is not required given the sites location within a Preferred Office Location (POL). Furthermore, the provision of affordable housing is not required for commercial developments. This is discussed in full at paragraphs 8.19 and 8.27 of this report.]
- 6.36. Transport for London (TfL) raised the following matters, which should be addressed prior to determination of the proposals to be considered compliant with transport policies of the London Plan:
- 6.37. Further assessment is required regarding the impact of the proposed development on the DLR network.
- 6.38. **[Officer Comment:** This matter has now been resolved with TfL through the submission of further information.]
- 6.39. Appropriate ratios for car parking (maximum) and cycle parking (minimum) should be agreed and embedded into any planning decision.
- 6.40. **[Officer Comment:** The applicant has agreed to a condition setting out the maximum car parking ratio and the minimum cycle parking ratio. TfL have agreed to this approach.]
- 6.41. The confirmed provision of an area for taxis to drop-off/pick-up should be embedded into the design guidelines.
- 6.42. **[Officer Comment:** Following discussions with TfL they have agreed that this matter can be dealt with at reserved matters stage when the scale of development is known and it can be established if there is a need for a taxi drop-off/pick-up area. This is in line with the borough highway officers comments and the approach is considered acceptable.]
- 6.43. Necessary planning conditions should ensure the provision of blue-badge parking bays and electric charging points. A Travel Plan, Delivery Service Plan and Construction Logistics Plan should all be secured.
- 6.44. **[Officer Comment:** Should planning permission be granted the above conditions would be attached.]
- 6.45. Contributions are requested to mitigate the impact of the development on the bus and DLR networks.
- 6.46. A contribution towards the Cycle Hire scheme is requested.
- 6.47. A Crossrail contribution is required.
- 6.48. The Mayor's Community Infrastructure Levy should be paid.
- 6.49. **[Officer Comment:** Following negotiation between the applicant and TfL the financial heads of terms were agreed as set out within paragraph 3.3 of this report.]

#### **Inland Waterways Association**



6.50. To date no comments have been received.

**Royal borough of Greenwich**

6.51. They raise no objections.

**London Borough of Hackney**

6.52. To date no comments have been received.

**London Borough of Newham**

6.53. It is unlikely that the proposal will have any impacts of concern on Newham, Canary Wharf being a very distinct office and retail market. As such they have no comment.

**London Borough of Southwark**

6.54. To date no comments have been received.

**London Bus Services**

6.55. To date no comments have been received.

**London City Airport**

6.56. To date no comments have been received.

**London Fire and Emergency Planning**

6.57. The brigade is conditionally satisfied with the proposals subject to the comments below:

6.58. When making the assessment for Thames Water, the developer shall ensure sufficient water supplies are provided for fire fighting. These supplies must be available for the fire main and the sprinkler/mist system.

6.59. The development must conform to the Canary Wharf Framework Agreement.

6.60. [**Officer Comment:** Impact Water Studies have been secured by condition as requested by Thames Water and as part of the discharge of this condition the applicant would also need to demonstrate sufficient water supply for fire fighting. The applicant has noted that they must conform to the Canary Wharf Framework Agreement.]

**London Legacy Development Corporation**

6.61. They have no comments regarding the proposals.

**London Underground Limited (LUL)**

6.62. They have no objection in principle to the planning application; however there are a number of potential constraints on the redevelopment of the site situated close to underground tunnels and infrastructure. It will need to be demonstrated to the satisfaction of LUL engineers that:

- 6.63. The development will not have any detrimental effect on LUL tunnels and structures either in the short or long term.
- 6.64. The design must be such that the loading imposed on their tunnels or structures is not increased or removed.
- 6.65. They offer no right of support to the development or land.
- 6.66. They request that the grant of planning permission be subject to a condition to secure the submission of detailed design and method statements for all foundations, basement and ground floor structures.
- 6.67. They also request an informative to advise the applicant that LUL should be contacted in advance of preparation of final design and associated method statements.
- 6.68. **[Officer Comment:** The requested condition and informative would be attached should planning permission be granted.]

#### **London Wildlife Trust**

- 6.69. To date no comments have been received.

#### **Maritime Greenwich Heritage Site**

- 6.70. To date no comments have been received.

#### **National Grid**

- 6.71. National Grid has identified that they have apparatus in the vicinity of the application site which may be affected by the proposals. The applicant should be advised to contact National Grid to discuss. The letter contains standing advice regarding the developer's responsibilities.
- 6.72. **[Officer Comment:** The applicant has been advised of this advice and confirmed they note the contents of the letter.]
- 6.73. National Grid note that "low or medium pressure (below 2 bar) gas pipes and associated equipment" are located within the vicinity of the site. They note that the Health and Safety Executive (HSE) provide defined distances to advise on the acceptability of new developments next to hazardous installations and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process.
- 6.74. **[Officer Comment:** The application site is not located within the vicinity of any hazardous installations according to council records. It is noted that there are gas pipes across the borough most of which are not classified as hazardous installations by merit of the amount of gas they carry. Given, that our records do not indicate the presence of any hazardous installations within the vicinity of the site the PADHI process has not been followed in this instance.]

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

- 6.75. The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objections to this proposal.

### **Natural England**

- 6.76. Based upon the information provided, Natural England advised the Council that the proposal is unlikely to affect any statutorily protected species or landscapes.
- 6.77. It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to them, their advice is that the proposed development would be unlikely to affect bats.
- 6.78. The Council should consider securing measures to enhance the biodiversity of the site.
- 6.79. **[Officer Comment:** They also provided standing advice which framed the context of the guidance and this has been passed onto the applicant who has noted its contents. Biodiversity enhancement will be secured via condition should planning permission be granted.]

### **Port of London Authority (PLA)**

- 6.80. The PLA has no objection to the proposed development.
- 6.81. It is noted that the site is 700 metres from Canary Wharf Pier and the transport assessment advises that the development is not forecast to generate a significant number of river based trips. Consideration should be given to measures that could be implemented to encourage river transport given that the River Action Plan sets a target to increase passenger journeys on the Thames to 12 million a year by 2020 and maximise its potential for river travel.
- 6.82. **[Officer Comment:** This matter would be secured through the Travel Plan which is being secured through the S106.]
- 6.83. The PLA welcomes the comments in the application that where feasible as much material as possible would be moved by barge. A condition should be imposed on any grant of planning permission requiring the applicant to submit a report setting out a strategy to maximise use of river during construction, with the details to be implemented as approved.
- 6.84. **[Officer Comment:** This matter would be controlled via condition should planning permission be granted.]

### **Thames Water**

#### *Waste Comments*

- 6.85. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- 6.86. **[Officer Comment:** The applicant has confirmed that this will be considered as part of the detailed design and the reserved matters phase.]

*Surface Water Drainage*

- 6.87. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water 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. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.88. **[Officer Comment:** The applicant has advised that the design intent for storm water is that where hydraulically possible, storm water discharge should be discharged via a number of new outfalls into the docks. This is the same as the existing site. Discharging storm water into the docks is the most sustainable approach when considering the development and the close proximity of the docks. It is proposed that surface water from roofs, façade, hard landscaping, and pedestrian walkway areas can also be discharged into the docks. This is the same as the existing situation and therefore the effect is negligible. Road run-off along Bank Street would also be discharged to the docks via a new petrol interceptor. This is the same as the existing situation and since the area of hard standing is the same, the effect is therefore negligible. The applicant has advised that this has been discussed and agreed with Thames Water at the pre-application stage.]
- 6.89. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6.90. **[Officer Comment:** The applicant has advised that Petrol/ oil interceptors will be fitted where appropriate.]
- 6.91. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 6.92. **[Officer Comment:** The applicant has advised that should any catering establishments be included as part of the reserved matters proposal fat traps will be fitted where appropriate and the collected substances will be disposed of as appropriate.]
- 6.93. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.
- 6.94. **[Officer Comment:** The applicant has advised they have noted this advice.]
- 6.95. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed requiring Impact studies of the existing water supply infrastructure. The studies should determine the magnitude of any new

additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 6.96. **[Officer Comment:** Should planning permission be granted the above condition would be attached as requested. Furthermore, the Environmental Statement contains details of discussions with Thames Water agreeing the cost of works required to ensure water infrastructure would be sufficient.]
- 6.97. A piling method statement should be secured via condition.
- 6.98. **[Officer Comment:** Should planning permission be granted this matter would be controlled via condition.]
- 6.99. Thames Water recommends an informative be attached to any planning permission advising that Thames Water will not allow any building within 5 metres of the large water mains adjacent to the proposed development.
- 6.100. **[Officer Comment:** Should planning permission be granted an informative would be attached to the planning permission as requested.]

#### **The Greenwich Society**

- 6.101. To date no comments have been received.

#### **The Victorian Society**

- 6.102. To date no comments have been received.

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

- 6.103. **[Officer Comment:** TfL comments are formally received from the GLA and have been summarised as part of the GLA response. Please refer to paragraphs 6.33 and 6.49.]

#### **20<sup>th</sup> Century Society**

- 6.104. To date no comments have been received.

#### **LBTH Biodiversity**

- 6.105. The proposal could lead to the permanent loss of up to 2550 square metres (0.255 hectares) of open water habitat within a Site of Borough Grade 2 Importance for Nature Conservation. At best, this area of water will be covered by a deck, at worst it will be displaced by the basement of the building. While this is only a small fraction (less than 1%) of the total area of the Site of Importance for Nature Conservation (SINC), it is further piecemeal erosion of the open water of the docks, following on from the loss of 1.28 hectares between 2001 and 2005. This loss of SINC and water space is contrary to policies DM11 and DM12, unless the development can be shown to improve the water body and provide significant biodiversity enhancements.
- 6.106. The Environmental Statement (ES) refers to this in paragraphs 13.95, 13.96 and 13.102, yet identifies only a temporary, short-term adverse impact on the SINC and on standing water habitat, which seems incompatible with a permanent loss of habitat. Indeed, in paragraph 13.96, it suggests that fish and other mobile aquatic

biota will recolonise the site after construction is completed. It is hard to see how this would be possible if the basement of the new building displaces 2550 square metres of the dock.

- 6.107. Biodiversity enhancements are proposed in paragraphs 5.42 and 5.43 of the ES. These proposed measures would indeed enhance biodiversity if implemented, but it is not clear whether they would compensate for the loss of open water habitat. In particular, the proposed "ecologically beneficial wall" would have to be extremely beneficial to ensure an overall improvement within the SINC. It is recommended that consideration be given to introducing marginal aquatic vegetation, either in coir rolls or gabion baskets attached to this new wall, or on floating rafts, as well as installing nesting rafts suitable for common terns in Middle and/or South Dock.
- 6.108. If the development is to have a net benefit for biodiversity, biodiverse living roofs over a large proportion of the total roof area of the building will be essential.
- 6.109. Nest boxes and native species in the landscaping will also help, but in a much smaller way than enhancements to the dock and green roofs.
- 6.110. If planning permission is granted, a condition should be imposed to secure full details of biodiversity enhancements,
- 6.111. **[Officer Comment:** During the assessment of the ES by the Council appointed consultants clarification was sought as to how the assessment of the permanent loss of water was assessed. The applicant has confirmed that the construction phase would result in a temporary loss of water however the completed development would result in a permanent loss of water. The ES proposed a range of biodiverse enhancement measures to mitigate the impact of this loss. It has subsequently been confirmed that a full range of biodiversity enhancements in accordance with the Biodiversity Officers requirements would be provided. These would be secured via condition should planning permission be granted and would seek to ensure that the final mitigation measures will result in overall biodiversity enhancement.]

#### **LBTH Communities Localities and Culture (CLC)**

- 6.112. CLC requested financial contributions in line with the S106 SPD.
- 6.113. **[Officer Comment:** Clarification was sought from the officer to confirm that the heads of terms, the amounts sought and the approach been taken. The case officer confirmed that the approach taken and amounts sought is correct as set out in paragraph 3.33 and paragraphs 8.209 and 8.228 and of this report.]

#### **LBTH Corporate Access Officer**

- 6.114. To date no comments have been received.

#### **LBTH Crime Prevention Officer**

- 6.115. To date no comments have been received.

#### **LBTH Design and Conservation**

- 6.116. They have reviewed the application and gone through the various planning documents. From an urban design perspective, they have no objections to raise.

- 6.117. In terms of the general conservation implications of the proposals they concur with views expressed by English Heritage. With specific reference to archaeological comments received, they comment that the proposals have deliberately been set back from the dock edge and corner, allowing the line of the dock wall to be read running beneath the new building. There is an extant planning permission which involves the same infilling approach and these proposals are therefore considered to be acceptable.
- 6.118. Protection of the grade I listed banana wall and its immediate setting needs to be ensured by careful condition.
- 6.119. **[Officer Comment:** Conditions to protect the Grade I listed banana dock wall and its immediate setting would be attached should planning permission be granted.]

#### **LBTH Education**

- 6.120. To date no comments have been received.
- 6.121. **[Officer Comment:**For major commercial development financial contributions towards education are not required in line with the S106 SPD.]

#### **LBTH Environmental Impact Assessment (EIA)**

- 6.122. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's Environmental Statement (ES) and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarifications were sought in respect of a number of issues.
- 6.123. **[Officer Comment:** The applicant has responded to the clarifications sought.]

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

- 6.124. Contributions have been requested in line with the S106 SPD.
- 6.125. **[Officer Comment:** Contributions have been secured as requested.]

#### **LBTH Environmental Health Air Quality**

- 6.126. Environmental Health Air Quality have no objection to application with respect to Air Quality, apart from the further assessment on the energy centre that needs to be submitted at reserved matters stage.
- 6.127. **[Officer Comment:** Should planning permission be granted this matter would be controlled via condition.]

#### **LBTH Environmental Health Contaminated Land**

- 6.128. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out.
- 6.129. **[Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

### **LBTH Environmental Health Noise and Vibration**

- 6.130. Plant noise should be designed to meet L90 - 10dB(A) of BS4142.
- 6.131. Construction Noise should meet COCP of 75dB(A) 10hrs from 08:00 to 18:00hrs (Monday to Friday) and Saturday 08:00 to 13:00hrs. No work Sundays and Bank Holidays.
- 6.132. The contents of paragraph 6:18 - 6:22 of the ES are acceptable. Considering the information provided, Environmental Health are happy for planning permission to be considered.
- 6.133. **[Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

### **LBTH Environmental Health Microclimate**

- 6.134. The submitted data has predicted areas where there would be winds of Beaufort Force 6 which is likely to generate nuisance, while winds of Beaufort Force 7 & 8 will make it difficult for a pedestrian to walk.
- 6.135. Since the location of entrances is unknown at this outline stage, a further Wind Tunnel Assessment will be needed so as to ascertain impact correctly when locations are known. The Wind Conditions and possible mitigation methods of Screens/Landscape planting have been mentioned, however, further wind testing will be required at reserved matters stage to ensure pedestrian comfort for its intended use.
- 6.136. Environmental Health are supportive of planning permission being considered subject to a condition to secure further testing.
- 6.137. **[Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

### **LBTH Building Control**

- 6.138. To date no comments have been received.

### **LBTH Planning Policy**

- 6.139. The proposed office use and supporting retail elements are appropriate for a Preferred Office Location and Major Town Centre.
- 6.140. The proposed maximum building extent generally accords with Spatial Policy 10 and policy DM26 although full accordance can only be demonstrated following the delivery of detailed building design.
- 6.141. The proposed development generally accords with Local Plan policies. Further consideration should be given to the built form following the provision of detailed design through subsequent reserved matters applications.

### **LBTH Landscape**

- 6.142. To date no comments have been received.



## **LBTH Sustainability Officer**

- 6.143. The proposals for Heron Quays west have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve a >28% reduction in CO2. The proposals also include the installation of 315m<sup>2</sup> (44kWp) PV array to further reduce CO2 emissions by >1%.
- 6.144. This is supported and follows the London Plan sets out the Mayor's energy hierarchy.
- 6.145. The overall CO2 emission reductions considered achievable for the development are 30%.
- 6.146. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 6.147. The current proposal fall short of these policy requirements by 5% and this equates to 77 tonnes of CO2 of regulated CO2.
- 6.148. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:  
*"...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."*
- 6.149. It is advised that the shortfall in CO2 emission reductions on this project is offset through cash in lieu payment. The current identified cost for a tonne of CO2 is £1,504. This figure used is from the forthcoming GLA carbon tariff guidance (to be published in July 2013) and is also based on the London Legacy Development Corporation's figure for carbon offsetting.
- 6.150. For the proposed scheme it is recommended that a figure of £115,808 is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to local school in the vicinity or other projects to be agreed with the applicant.
- 6.151. 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 developments to achieve a minimum BREEAM Excellent rating. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.
- 6.152. [**Officer Comment:** The applicant has agreed to the financial contribution. The relevant condition would also be attached should planning permission be granted.]

## **LBTH Transportation and Highways**

- 6.153. The principle of the development proposal, that is a large employment site at a location well served by public transport, is supported.

- 6.154. That said the Highway Officer was concerned that the proposed development may have an identified impact on road capacity which, in turn, could lead to delays to existing road users and could disproportionately increase the number of road traffic injury collisions. Further work in assessing and comparing the collision record was sought and if necessary mitigation by means of an agreed scheme of local safety improvement measures.
- 6.155. **[Officer Comment:**Further information was submitted by the applicant which has been reviewed.]
- 6.156. The Highway Officer has advised they have assessed the additional information supplied by the applicant on safety of the new Westferry Road /Heron Quays “longabout” (which they have termed a “Longabout”) and their comments on this matter. The Longabout has had a Stage 3 Audit which did not identify any significant defects; a Stage 4 audit will be undertaken in some months after the “maintenance period”, which will provide further observations on the Longabout’s workings, before Highways takes on the maintenance of the structure from the Canary Wharf Group. To conclude, improvements to the longabout are not required, as its newness means that it is still going through an audit and maintenance process.
- 6.157. In the course of discussions, a scheme to improve the Public Realm of Marsh Wall was identified. This is to bring this poor quality environment up to the high quality that has recently been provided at the ‘Longabout’. Improvements to the footway using high quality materials would cost an estimated £60,000 and carriageway estimated £40,000. This will improve the Public Realm and its safety for all those extra trips on foot, cycle and car generated by this development and for future new occupants of other developments in the vicinity which are being discussed, and will also be required to contribute to Public Realm improvements. The specific stretch which the financial contribution would be used to improve would be from the ‘Longabout’ up to Mastmaker Road.
- 6.158. **[Officer Comment:** The applicant has advised that the Heron Quays West development would have a maximum of 107 car parking spaces and generate 55 outbound vehicle trips in the PM peak hour. The Transport Assessment shows that 1% of these vehicles would have a destination in the Isle of Dogs; thus, at most, only 1 vehicle is projected to use Marsh Wall. The additional traffic on Marsh Wall would not have a material impact on its operation and, hence, there is no justification for this site making a contribution towards road works.
- 6.159. The site is designated for employment use and most employees will arrive via the Heron Quays West DLR station or the Canary Wharf Jubilee line station. There would be negligible rail passengers arriving via Marsh Wall. The applicant has agreed to make a contribution towards improving facilities at the DLR station.
- 6.160. There is potential for bus passengers to/from the development to use bus stops on Marsh Wall but the recent improvements to the Westferry Road gyratory extended along Marsh Wall to include these stops; hence, there is no case for improving walk routes between these stops and the development.
- 6.161. There will be a negligible number of pedestrians walking to the development from the south side of the Isle of Dogs and the few that are coming from the Millharbour area are more likely to use the South Quay footbridge to access the site rather than walk along Marsh Wall.

- 6.162. In summary, there would be an insignificant impact on Marsh Wall associated with this development and hence no justification for s106 contributions towards improvements. The applicant has already made extensive contributions towards works on Westferry Road and Heron Quays Road and these provide excellent access to the site.
- 6.163. Officers have considered the information provided and have taken the view that a contribution towards highways improvements along Marsh Wall would not be justified as evidenced by the Transport Assessment the proposed development would not have an impact. Furthermore, the link between the proposal and the project to the south is not strong enough in terms of the CIL tests to secure. As the project is commercial, and not residential, linked trips are more unlikely, and the contributions secured towards public transport remain the most important and logical for this proposal.]
- 6.164. Support is given to any reasonable requirements by Transport for London for mitigation towards public transport capacity impacts.
- 6.165. **[Officer Comment:** Financial contributions have been secured towards Buses, DLR and Crossrail as requested by TfL to mitigate against the impact of the development.]
- 6.166. The transport related documentation submitted in support of the application is acknowledged as being to a good level and this is welcomed. Copies of any exchange of correspondence relating to the Transport Assessment scope and a 12 hour all-mode trip matrix would be welcomed.
- 6.167. **[Officer Comment:**The applicant has advised that this information can be derived from the tables within the Transport Assessment.]
- 6.168. Transportation and Highways seek planning conditions and obligations in keeping with a large development and in keeping with the current planning framework, specifically the Planning Obligations SPD 2012. These include contributions towards Sustainable Transport and the Public Realm. Additionally, the Framework Travel Plan and Delivery and Servicing Plan should be secured via the Section 106 process.
- 6.169. **[Officer Comment:** Relevant conditions would be attached as requested should planning permission be granted. With regard to obligations, contributions towards Sustainable Transport have been agreed. However as discussed above a contribution towards Public Realm improvements of the carriageway and footwall along Marsh Wall have not been agreed. A Delivery and Servicing Plan would be secured, however, via condition given this would be more appropriate.]
- 6.170. A Construction Management Plan should also be agreed and the planning case officer is best placed to determine whether this should be secured by condition or via the Section 106 process given the scale and duration of the construction.
- 6.171. **[Officer Comment:** A Construction Management Plan would be secured via condition should planning permission be granted.]
- 6.172. Subject to the above comments, Transportation and Highways support the proposals.

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

- 6.173. As there are no residential properties within this development and considering that it will be erected on private land, there are no comments from the waste management

team. All necessary legislation and LBTH policy on waste management needs to be adhered to when planning for waste storage and collections.

- 6.174. **[Officer Comment:** The applicant will be advised via an informative should planning permission be granted.]

## 7. LOCAL REPRESENTATION

- 7.1. A total of 1512 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 on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	4	Objecting:	4	Supporting:	0
No of petitions received:	0				

- 7.2. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.
- 7.3. Loss of public open space and the fact the new development doesn't propose any open space.
- 7.4. **[Officer Comment:** The application site is a development site and benefits from two extant permissions for the erection of office blocks one of which has been implemented. The details of these applications are set out in detail at paragraphs 4.17 and 4.24 of this report.
- 7.5. The current layout of the site as a temporary park benefits from a temporary planning permission for landscaping which expires in December 2013. The purpose of the application was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site.
- 7.6. Officers are aware of the issues with regard to the provision of publically accessible open space within the borough and policies within the Local Plan seek to protect existing publically accessible open space and seek new provision where feasible or seek financial mitigation. However, given this is a development site and not publically accessible open space it is not possible to retain the temporary landscaping scheme in perpetuity.
- 7.7. The landscape and biodiversity sections of this report set out how mitigation and improvements would be secured. Furthermore, a contribution towards public open space in the area has been secured to mitigate the impacts of the development.]
- 7.8. Impact of another tall building and overpopulation of the Canary Wharf Skyline.
- 7.9. Design of the building lacks imagination. The layout results in the building being directly adjacent to other buildings.
- 7.10. **[Officer Comment:** This is an outline application with all matters reserved and through the reserved matters applications details such as materials would be

secured. The site falls within the Canary Wharf Cluster, which is designated within the Local Plan as being an area suitable for tall buildings. A full discussion of these issues is at paragraphs 8.29 and 8.61 of this report.]

- 7.11. Loss of historic dock.
- 7.12. Concern about filling up the dock.
- 7.13. [**Officer Comment:** It is noted that the element of dock to be lost is of a more recent construction and does not form part of the Grade I listed historic dock wall which surrounds the middle dock. Furthermore, the loss of part of the dock wall facing onto the South Dock has been established by the extant permissions on the site as has the infilling of the dock. A full discussion of these issues is at paragraphs 8.62 – 8.73 of this report.]
- 7.14. Loss of biodiversity (including impact on flora, fauna, fish and birds).
- 7.15. [**Officer Comment:** Please refer to paragraphs 8.160 – 8.175 of this report which consider biodiversity impacts in detail.]
- 7.16. Concern about issues raised by London Underground.
- 7.17. [**Officer Comment:** London Underground Limited comments are discussed at paragraphs 6.62 – 6.68 of this report and set out clearly that these matters can be controlled via condition.]
- 7.18. Impact on water, energy and telecommunications network.
- 7.19. [**Officer Comment:** Thames Water's comments are discussed at paragraphs 6.85 and 6.100 of this report and set out clearly that these matters can be controlled via condition.]
- 7.20. Transport impacts given narrow road adjacent to the development.
- 7.21. [**Officer Comment:**The existing road adjacent to the development measures approximately between 6.5 metres and 8 metres in width. A full assessment of the transport impacts have been carried out and are presented with the Transport Assessment which accompanied the application. This was reviewed by the LBTH Highway Officer and concern about the width of the road adjacent to the site has not been raised. Finally, it is noted that this road was built and implemented as part of the 1992 consent for the redevelopment of the site. ]
- 7.22. Concern about the infrastructure of the local area and its ability to cope with another building.
- 7.23. [**Officer Comment:** Appropriate conditions and financial mitigation have been secured to deliver necessary infrastructure and mitigate the impact of the proposed development. This is fully discussed at paragraphs 8.209 – 8.228 of this report.]
- 7.24. Concern about cumulative impact of development coming forward with regard to light, wind and noise pollution.
- 7.25. [**Officer Comment:** The impact of this development and the cumulative impact as a result of other development were fully considered as part of the submitted ES. This is discussed in full at paragraphs 8.202 – 8.208 of this report.]

- 7.26. Concern about need for further office floor space.
- 7.27. **[Officer Comment:** This is fully discussed at paragraphs 8.2 – 8.10 of this report.]
- 7.28. Concern about impact on the Landmark residential building with regard to views.
- 7.29. Concern about impact on the Landmark residential building with regard to amenity specifically loss of daylight.
- 7.30. **[Officer Comment:** Loss of view is not a material planning consideration. However, the amenity impacts of the development on adjacent residential occupiers including the Landmark Building were fully considered are discussed at paragraphs 8.106 – 8.143 of this report.]
- 7.31. Concern about impact on the health and wellbeing of local residents.
- 7.32. **[Officer Comment:** The application has been supported by an ES which has chapters which assess the impact of the development with regards to air quality, noise and vibration, ground conditions and contamination, daylight, sunlight, overshadowing and light pollution and cumulative impacts. Through the use of conditions to secure mitigation and financial contributions the impact of the development has been limited as much as possible. As such, it is not considered that the proposed development would have an unduly detrimental impact on the health and wellbeing of local residents.
- 7.33. Concern about loss of value of properties.
- 7.34. **[Officer Comment:** The loss of value to properties is not a material planning consideration.]

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
- ⊗ Land Use
  - ⊗ Urban Design
  - ⊗ Heritage Assets
  - ⊗ Transport, Connectivity and Accessibility
  - ⊗ Amenity
  - ⊗ Energy and Sustainability
  - ⊗ Biodiversity
  - ⊗ Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Water Supply)
  - ⊗ Environmental Statement
  - ⊗ Planning Contributions and Community Infrastructure Levy
  - ⊗ Local Finance Considerations
  - ⊗ Human Rights
  - ⊗ Equalities

## **Land Use**

### Policy Context

- 8.2. The site is located within the Isle of Dogs Opportunity Area (IoDOA) as designated by the London Plan which seeks indicative employment capacity of an additional 110,000 jobs and 10,000 homes over the plan period. The site is not located within the Central Activities Zone (CAZ), however, because it is recognised as a strategically significant part of London's world city offer for financial media and business services the CAZ policy objectives apply.
- 8.3. The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013).
- 8.4. Policy 2.10 and 2.11 of the London Plan set out the strategic priorities and function for the CAZ. Policy seeks to sustain and enhance the Isle of Dogs (although formally outside the CAZ) as a strategically important, globally orientated financial and business services centre. It is noted that strategic policy SP01 of the Core Strategy (2010) (CS) advises that with regard to the CAZ, London Plan policy would be applied.
- 8.5. Policy 2.13 of the London Plan sets out the policy context for the support of opportunity areas and intensification areas which applies in this instance given the site forms part of the IoDOA.
- 8.6. Policy 4.2 of the London Plan seeks to support the management and mixed use development and redevelopment of office provision to improve London's competitiveness amongst other aims. Whilst, strategic policy SP06 of the CS seeks to deliver successful employment hubs. Part 2, of the policy seeks to focus larger floor plate offices and intensify floor space in POL including Canary Wharf. Finally, Policy DM16 of the Managing Development Document (2013) (MDD), does not support the net loss of office floor space in POLs.
- 8.7. With regard to the designation of Canary Wharf as a Major Centre part (c) of strategic policy SP01 of the CS seeks to maintain and enhance Canary Wharf as an important major centre in the borough through improving its local accessibility and supporting its continued growth.

### Principle of Office Use:

- 8.8. The proposal is for the creation of between 80,025 and 129,857 square metres of office floor space (Use Class B1) with up to 785 square metres of flexible floor space in Use Class A1, A2, A3, A4 or A5. There are currently three buildings on site which provide 1,676 square metres of office floor space (Use Class B1).
- 8.9. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with policies 2.10 and 2.11 of the London Plan and strategic policy SP06 of the CS which seek to develop the CAZ, POL and the IoDOA, in order to foster London's regional, national and international role, and promotes high-density office-based employment uses in this location. Furthermore, the principle of an office use on this site has been established under previous permissions.

- 8.10. Furthermore, with reference to volume one, chapter seven of the socioeconomic chapter of the submitted Environmental Statement, it is evident that the proposed office floor space would bring significant economic benefits and would complement existing office provision in the surrounding area. The proposed development would have a capacity to accommodate between 5,565 and 9,130 net additional full-time equivalent jobs, which would make a significant contribution to the jobs targets for the loDOA as well as providing opportunities for spin off employment.

Loss of existing office floor space:

- 8.11. There is no net loss of office floor space which accords with strategic policy SP06 of the CS and DM16 of the MDD.
- 8.12. The existing floor space is currently occupied by Skillsmatch, East London Business Place and Union of Construction Allied Trades and Technicians (UCATT) (or the George Brunwell Learning Centre).
- 8.13. East London Business Place is a partnership of private and public sector organisations led by Canary Wharf Group with support from the East London Business Alliance. They provide free face-to-face procurement support service for buyers and suppliers in East London in order to maximise business opportunities for local companies. They work with micro and small to medium sized enterprises and buyers across all industry sectors to source and match local suppliers to their purchasing needs.
- 8.14. The George Brunwell Learning Centre is also a partnership between Canary Wharf Group and UCATT which was launched in November 2002. The centre was supplied and funded by Canary Wharf Group. The centre provides innovative and flexible learning in computer skills and the internet to meet the needs of local construction workers and is a Prometric Test Centre for the Construction Skills Certificate Scheme.
- 8.15. The applicant has confirmed they are committed to working with these current on-site occupiers in order to find alternative locations within Canary Wharf. This would be secured as part of the section 106 agreement.
- 8.16. Skillsmatch are a job brokerage service for the London Borough of Tower Hamlets and provide an Employment and Skills Centre at 8 Heron Quays West.
- 8.17. Employment and Enterprise Officers have been working with the applicant in order to ensure the continued provision of this key service. Skillsmatch's current lease is due to expire in June 2019. There is an Agreement for Lease between Canary Wharf Group and The London Borough of Tower Hamlets negotiated by colleagues within Employment and Enterprise and signed on 11 June 2008. This agreement secures the temporary relocation of Skillsmatch and the permanent relocation of Skillsmatch within a new Training and Development Centre. The agreement also secured some funding for running of a new Training and Development Centre. This agreement still stands and ensures the retention of Skillsmatch within the area.
- 8.18. In conclusion, there is no net loss of office floor space which accords with policy. Furthermore, the relocation of Skillsmatch has been secured through a separate agreement and the applicant has also committed to the relocation of the other two organisations which they are directly linked to. The proposed office-led scheme is therefore considered acceptable.



### Housing Provision:

- 8.19. Policy 2.11 of the London Plan sets out the strategic functions for the CAZ and part (a) of the policy states that “*new development proposals to increase office floorspace within CAZ and the north of the Isle of Dogs Opportunity Area [should] include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan (see policies 3.4 and 4.3).*”
- 8.20. Policy 3.4 seeks to optimise housing potential taking into account local context and character, design principles, public transport capacity within the relevant density range shown in table 3.2 within the London Plan. Furthermore, policy 4.3 of the London Plan provides guidance with regard to mixed use development and offices. Part (A) of the policy states that within the “*Central Activities Zone and the north of the Isle of Dogs Opportunity Area, increases in office floor space should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.*”
- 8.21. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf “*are not appropriate locations for housing*”.
- 8.22. It is noted that the GLA in their stage one letter have requested a contribution to affordable housing and they requested a discussion with the applicant and LBTH regarding the scope for a contribution to be included with the overall section 106 package. They have since confirmed that they accept the applicants and the planning officers position that such a contribution is not required.
- 8.23. Firstly, it is noted that the site is considered desirable for commercial uses given the site context within Canary Wharf Major Centre and Preferred Office Location (POL). Furthermore, whilst the site is not located within the CAZ, the policy objections of the London Plan for the CAZ apply. The introduction of residential uses would not be appropriate and would compromise the role of Canary Wharf as an economic centre. This is in accordance with strategic policy SP02 (2a) of the CS. With regard to London Plan Policy, it is considered that the provision of housing would conflict with the central aim of their policies which is to encourage developments that meet office demand and rejuvenate office based activities in the CAZ
- 8.24. Furthermore, according to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing between approximately 5,565 and 9,130 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in 2.13 of the London Plan
- 8.25. Secondly, the Council’s adopted S106 SPD does not require the provision of affordable housing for commercial developments.
- 8.26. Furthermore, the consented and implemented office development was not required to provide a contribution towards off-site affordable housing, and given that the aforementioned consent has been implemented, a considerable commercial development could be constructed on site.
- 8.27. To conclude, this site is not suitable for housing and an affordable housing contribution is not required by Local Plan policy.

### Conclusions:

- 8.28. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required in accordance with policy.

### **Urban Design**

#### Policy Context:

- 8.29. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.30. 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 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 optimisation of the potential of the site.
- 8.31. Policy SP10 of the CS and 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.
- 8.32. Specific guidance is given within policy 7.7 in the London Plan and policy DM26 in the MDD in relation to tall buildings. The relevant 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.
  - Be of a height and scale that is proportionate to its location within the town centre hierarchy.
  - Only be considered in areas whose character would not be affected adversely by the scale, mass, or bulk of a tall building.
  - Achieve high architectural quality and innovation in the design of the building including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or townscape elements.
  - Individually or as a group improve the legibility of an area 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 including ground floor activities that provide a positive relationship to the street and enhance permeability of the site where possible.
  - Make a significant contribution to local regeneration.
  - Provide public access to the upper floors where possible.
  - Not adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications.

Proposal:

- 8.33. The development would include the demolition of all existing buildings and structures on site and the construction of a tall building fronting Bank Street. The development would provide predominantly office use with the potential to provide some retail use. A ground level deck structure extending across the east, west and south sides of the building, including south into West India South Dock, would also be provided. Associated works to Bank Street which include changing the level would also be undertaken to enable access to the development.
- 8.34. The maximum height for the proposed building is set at 191.50 metres above ordnance datum (AOD).
- 8.35. The development would have a defined ground floor level and includes the potential for a canopy or similar structures to be provided on the Bank Street frontage, which would have a maximum height of 23.70 metres AOD. The potential canopy or structures would also have a minimum height of 4.50 metres AOD above the finished footway level which itself may vary between 6.00 metres and 7.00 metres AOD.
- 8.36. The deck structure would be set at ground floor level, maintained at the finished footway level on Bank Street which may vary between 6.00 metres and 7.00 metres AOD.
- 8.37. The Design Guidelines includes a number of guidelines which are for approval as part of the outline planning application and form non-spatial parameters. A number of the most relevant are noted below:
- A minimum pedestrian route of 4 metres in width on the south, west and east promenades will be provided (Guidelines 13, 14 and 15).
  - Frontages should be active up to at least 3.5 metres about ground level; and the north, south and east frontages should have 70% minimum active frontages and the west elevation a minimum of 50% active frontages (Guidelines 19 and 20).
  - The building should use an established palette of materials of the existing Canary Wharf Estate (Guideline 21) and should recognise a visual axis from Cabot Square in its façade treatment (Guideline 22).
  - The roof design should hide plant, maintenance equipment and building maintenance unit cradles etc. to achieve an organised roof top elevation (Guideline 24).
  - With regard to the raising of the level of Bank Street, Guideline 36 states that *"The Bank Street road levels within the site must be raised between 380-1380mm to allow the finished ground floor level of the building to be between +6.000 metres and +7.000 metres AOD."*
  - The Design Guidelines further state that *"The Kerbside road levels must lie within the proposed zone and be tied back into the existing levels to the east and west of the planning application boundary"* (Guideline 37); *"The new footway and balustrade should not add excessive additional loading to the listed banana wall structure"* (Guideline 38); and *"The top and face of the existing dock wall coping will always remain visible"* (Guideline 39).

Principle of a tall building:

- 8.38. Given the application is in outline with matters of appearance reserved the detailed design of the building would be controlled through the reserved matters applications and conditions. As such, the assessment of this outline application needs to consider

the principle of a tall building in this location and ensure that the control documents (Development Specification, Parameter Plans and Design Guidelines) offer sufficient control to ensure a high quality design is secured through the reserved matters applications.

- 8.39. Having regard to the tall building policies it is considered the proposals accord with these policies because:
- 8.40. The site is located in the CAZ, the IoDOA and within access to good public transport which are areas where tall buildings are considered acceptable.
- 8.41. The height and scale is proportionate to the location of the site within the CAZ and Canary Wharf Major Town Centre which is an established tall building cluster.
- 8.42. The character of the area would not be affected adversely by the scale, mass, or bulk of a tall building given it would be in keeping with the character of the area which is a tall building cluster.
- 8.43. The Design Guidelines sets out the rules, requirements and guidelines that any future reserved matters applications for the development of the building defined in the parameter plans would need to comply with. The Design Guidelines contain 40 guidelines which will ensure a high quality architectural building will be delivered at reserved matters stage. The guidelines provide a control framework within which the final building must comply. Guideline 21 states that *“The building should use the established palette of materials of the existing Canary Wharf Estate.”* This will ensure that the building will be in keeping with the existing buildings within the Canary Wharf Estate which has an established palette of materials which includes natural stone, architectural metal and glass. Finally, it is noted that this document has been reviewed by the Urban Design Officer as part of the assessment of the planning application and during the pre-application discussions and they have not raised any objections.
- 8.44. English Heritage have stated that *“the London View Management Framework supplementary guidance (July 2010) indicates that views from Greenwich Park towards Docklands would benefit further, incremental consolidation of this cluster of tall buildings”*. It is considered that the proposed building would contribute to the consolidation of the existing tall building cluster. In fact Guideline 1 within the Design Guidelines states that *“The building will be a coherent addition to the existing tall commercial buildings at Canary Wharf in respect of its form and appearance, and it will match the high standards of architectural detail and external materials of those existing buildings”*. To conclude, it is considered that the building would make a positive contribution to the skyline when perceived from all angles during both the day and night and would assist in consolidating existing clusters.
- 8.45. It is not considered that the proposed building would adversely impact upon heritage assets or strategic and local views. This is further discussed at paragraph 8.62 and 8.73 with regard to heritage assets and paragraphs 8.57 and 8.61 with regard to views.
- 8.46. There are several guidelines dealing with canopies, shop fronts and promenade width which will ensure active frontages at ground floor level. Guideline 20 specifically states that *“the north, south and east frontages should have 70% minimum active frontages and the west elevation a minimum of 50% active frontages.”* This would ensure the building would present a human scale at street level including ground floor activities that provide a positive relationship to the street.

- 8.47. As discussed within the land use section of this report the proposed development would result in the creation of between 5,565 and 9,130 net additional full-time equivalent jobs, which would make a significant contribution to the jobs targets for the loDOA as well as providing opportunities for spin off employment.
- 8.48. It is not considered that the building would adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications and these topics are discussed in detail within the relevant sections of this report.
- 8.49. It is noted that the GLA support the principle of a tall building and have stated that *“The guidelines are supported and reflect the aspirations of the London Plan to design high quality buildings.”*
- 8.50. Through the reserved matters applications and conditions full details of the bulk, scale, massing and appearance of the building would be controlled.
- 8.51. In conclusion, the principle of a tall building is considered acceptable in this location given the sites location within an established tall building cluster and the principle of a tall building has been established by the extant permissions for tall buildings on the site. Finally, the proposal accords with the relevant tall building policies listed above.

Layout:

- 8.52. As with the implemented planning permission (T/97/0076), and the extant planning permission (PA/07/03088) the proposed main building footprint will extend into the South Dock. The principle of this has been established by the previous consents.
- 8.53. At ground floor level the footprint envelope of the building allows for public access on all four sides of the building which is welcomed, in particular along the Dockside. The indicative ground floor plan on page 33 of the Design and Access Statement shows the western frontage of the building including retail active ground floor uses which is supported and is an improvement from the pre-application layout which was previously taken up by service access the whole way along the western frontage.
- 8.54. Along the eastern dock edge the proposed building line no longer overhangs the dock which addresses comments raised during pre-application discussions and is welcome. It was considered that having elements of the building overhanging the dock at this narrow junction would have enclosed the dock. The amended layout with no part of the building overhanging the dock ensures that the historic dock wall along the eastern edge is still visible and allows views of the Bascule Bridge which connects both docks.
- 8.55. The layout of the site would not preclude the redevelopment of the western part of the Heron Quays West site in the future. Block layouts submitted show how a future relationship could work.
- 8.56. To conclude the proposed layout of the site is considered acceptable and in keeping with site layouts adjacent. The retention of public access around the building especially allowing views of the dock is supported. Finally, the development would provide definition of Bank Street and the South Dock.

### Strategic views:

- 8.57. In March 2012 the Mayor of London published the ‘London View Management Framework Supplementary Planning Guidance’ (LVMF) which is designed to provide further clarity and guidance on London Plan’s policies for the management of these views. The LVMF views 1A.1 from Alexandra Palace; 2A.1 from Parliament Hill; 4A.1 from Primrose Hill; 5A.1 from Greenwich; 6A.1 from Blackheath; and 11B.1 and 11B/2 from London Bridge are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.58. Assessment point 5A.1 of the LVMF is the most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The LVMF 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.”*
- 8.59. 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 development would appear as a coherent part of the existing Canary Wharf cluster in the background of the view. The apparent height of the development in this view would be lower than One Canada Square and the HSBC and Citigroup buildings which flank it. Overall, the height, scale and form of the development would fit comfortably within the cluster.
- 8.60. The townscape assessment also produces a number of views from strategic locations round London, including from Waterloo Bridge, Stave Hill (Southwalk), Mudchute Park and the O2 Exhibition Centre Riverside Walkway.
- 8.61. 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, English Heritage and the Councils Design and Conservation Team do not raise any objections in this respect.

### **Heritage Assets**

#### Policy Context:

- 8.62. Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 8.63. Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would

lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).

- 8.64. PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.
- 8.65. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.66. Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

Impact on heritage assets:

- 8.67. The quay walls, copings and buttresses to the Import Dock and Export Dock now known as West India Middle Dock, to the north of the site, are listed as Grade I. Part of the listed structure lies within the northern boundary of the site along the Middle Dock. The listing description describes the quay walls as being of sophisticated brickwork “...*having a profile and counterfort buttresses, on a gravel bed.*” There are ashlar granite copings which have been largely renewed or covered by jetties. The Dock wall runs east-west along the northern site boundary, to the north of Bank Street. A pedestrian path is located on a concrete slab set about part of the depth of the brick wall of the Dock (the southern part closest to Bank Street). Coping stones are located above the northern part of the brick wall facing the Dock, flush with the pedestrian path. In views towards the part of the Dock wall within the site, the pedestrian path along Bank Street is therefore seen to be set-back from the coping stones, the top and face of which are visible.
- 8.68. No works are proposed to the Dock Wall as part of this application. However, the Bank Street road levels within the site need to be raised by between 380 – 1380 mm to allow the finished ground floor level of the building to be between +6.000 and +7.000 AOD.
- 8.69. As a result of these works the top and face of the existing dock wall coping would always remain visible and this is controlled by guideline 39. As a result it is not considered that the raising of the levels of Bank Street would have an adverse impact on the setting of the Grade I listed dock wall.
- 8.70. As requested by the Conservation Officer, conditions would be attached should planning permission be granted to ensure the protection of the listed banana wall during any construction works. This is also reflected in guideline 38.
- 8.71. The dock wall along the southern boundary of the site facing onto the South Dock is not listed nor is it located within a conservation area. Nevertheless, English Heritage Archaeology have discussed the need to consider the desirability of retaining the readability of this heritage asset as a former dock. They have advised that comment is sought from the Borough Conservation Officer. Following further discussions with the Borough Conservation Officer, the loss of part of the South Dock Wall was considered acceptable in this instance. This is because the principle of the loss of part of this dock wall has already been established through the implemented and

extant scheme. Furthermore, through detailed discussions at pre-application stage the view of the entrance to South Dock has been protected by ensuring the building line does not overhang the canal. It is considered that the most important elements of the dock wall are being preserved which would ensure the readability of the dock as an industrial heritage asset.

- 8.72. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 450 metres away; Narrow Street Conservation Area is 550 metres away; and Coldharbour Conservation Area is approximately 800 metres away. It is not considered the proposed development would adversely affect the character and appearance of these conservation areas largely because of the distance limits the indivisibility with the site from these conservation areas.
- 8.73. In conclusion, it is not considered that altering the Bank Street Road level would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset. Furthermore, it is not considered the proposed development would have an unduly detrimental adverse impact on the character and appearance of adjacent conservation areas.

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

#### Policy Context:

- 8.74. 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.
- 8.75. 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.
- 8.76. Policies 6.13 of the London Plan, spatial 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.

#### Site context and proposal:

- 8.77. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). Heron Quay DLR station is approximately 200 metres east of the development and the Jubilee Line Station is located within five minutes walking distance of the site. The nearest bus stops to the proposed development site are situated on Bank Street, Marsh Wall, Westferry Road, West India Avenue and Westferry Circus upper level roundabout. There are a total of six bus routes that serve bus stops within 400 metres of the site (equating to a walk time of less than five minutes), the 135, 277, D3, D7, D8 and N550 (night bus).
- 8.78. It is noted that access is a reserved matter. However, an illustrative scheme has been prepared for the maximum floor area proposed in order to demonstrate how these elements could be accommodated on site.



- 8.79. The illustrative design includes three basement levels. Car and cycle parking would be provided in basement one and car parking provided in basement two. Indicative ground floor and basement plans have been provided.

#### Car Parking and Access:

- 8.80. A total of 107 car parking spaces have been included in the design which is in line with DM22 Parking and the parking standards table within the MDD. However, this would only apply should the maximum floorspace be delivered. In accordance with comments from TfL the car parking standards would be controlled via condition. Car parking for the B1 floor space would be provided at one space per 250 square metres plus one disabled space for the retail uses. The applicant has agreed to this condition.
- 8.81. The borough highway officer has noted that a car free development should be considered at the reserved matters stage. Notwithstanding, the development would comply with borough parking standards.
- 8.82. A minimum of 10% of the total number of car parking spaces would be accessible and this would be controlled via condition.
- 8.83. A minimum of 20% of the car parking spaces would also be designed with charging points for electric vehicles with a further 10% of spaces easily convertible to provide charging points in the future. This would be controlled via condition.
- 8.84. 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 additional 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 development proposals can be accommodated on the surrounding highway network, which has been accepted by both TfL and LBH Highways.
- 8.85. Based on the illustrative plans vehicular access to the basement car park (including servicing) would be from Bank Street. A taxi drop-off/pick-up lay-by facility may be provided outside the building.
- 8.86. The borough highway officer considers that the assessment of the need for the taxi drop-off/pick-up lay-by should be assessed as part of the reserved matters application for access. At this point it would be possible to establish if one is required. Initially, the TfL highway officer was requesting that this be dealt with now, however, they have agreed with the approach of the borough highway officer.

#### Cycle Parking:

- 8.87. Cycle access to the development would be provided from Bank Street. Secure and accessible cycle parking facilities would be provided for employees and visitors to the building in line with council cycle parking standards. And a minimum level of cycle parking would be controlled via condition, based on the final floorspace delivered.
- 8.88. Based on the maximum GIA, a minimum of 1,123 cycle parking spaces would be provided within the illustrative scheme for the office use. Additional cycle spaces for the retail uses would also be provided in accordance with standards when its land use is determined. This would be controlled via condition.

8.89. Servicing and Deliveries:

- 8.90. All servicing for the development would take place off the highway in a dedicated service area at ground floor level with service vehicle access provided directly from Bank Street. Both TfL and the borough transport officer support this. The reserved matters application for access would finalise the details of how servicing would take place.
- 8.91. A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition.
- 8.92. Transportation and Highways support the principles of a large development providing employment at this location.

Traffic and Highway Assessment:

- 8.93. The Transport Assessment employs a robust approach in considering the outline development proposals and it is appreciated that the Transport Assessment broadly considers “worst case scenarios.”
- 8.94. Referring to paragraphs 6.153 and 6.172 of this report which discuss in detail the Borough Highway Officer Comments.
- 8.95. A contribution towards Public Realm Improvements was not sought in this instance. The applicant through the Transport Assessment demonstrated that there would not be an impact on this section of highway. As such, contribution would not be justified and would not be in line with the CIL regulations.
- 8.96. Travel Planning and encouraging the use of modes of transport other than private car use is welcome and would off-set the impact of the development. Furthermore, reducing the maximum parking levels at the reserved matters stage would further reduce the level of impact.
- 8.97. A Travel Plan would be secured via condition as requested by TfL and the borough highway officer.

Public Transport Improvements

*Bus Network*

- 8.98. As demonstrated by the applicants Transport Assessment the development is likely to generate additional demand on the bus network in peak hours, particularly along the Wesferry Road corridor, which currently operates in excess of its planned capacity. Without appropriate mitigation, capacity constraints on this key corridor are expected to increase in the context of the cumulative impact of future development of the Isle of Dogs. In line with London Plan policy 6.1 appropriate financial mitigation has been agreed at £270,000 towards enhancing bus capacity in the local area and this would be secured via the section 106 agreement.

*Docklands Light Railway (DLR)*

- 8.99. To accommodate the cumulative increase in trips arising from the proposed development alongside others in the vicinity, and to improve accessibility, TfL have secured financial contributions towards upgrading Heron Quay West Station. A contribution of £250,000 would be secured via the section 106 agreement.

*Cycle Hire*

- 8.100. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Upper Bank Street. These are currently operating close to capacity. Office workers account for a large proportion of the scheme's users, and the proposed development is likely to bring a high number of potential users to the area. TfL continues to develop the network where possible, and considers that there is a need for a new 24-point docking station in the vicinity of the site. The applicant has agreed to a financial contribution of £70,000 towards a new cycle hire docking station within the vicinity of the site. This would be secured via the section 106 agreement.
- 8.101. TfL have also sought the installation of real-time public transport information screens in the communal areas of the development. This would be secured via the section 106 agreement.

#### *Crossrail*

- 8.102. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between between £14,866,310 (£12,006,775 – figure with CIL credit) and £24,449,375 (£19,935,565 – figure with CIL credit) towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage. The section 106 agreement would be drafted to reflect the requirement for Crossrail contribution to be paid, on commencement of development based on the methodology outlined in the SPG.
- 8.103. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £2,859,535 and £4,513,810 for this development.
- 8.104. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

#### Conclusion:

- 8.105. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network. The impact of the proposed development would be mitigated through the financial contributions secured to enhance the public transport network. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

#### **Amenity**

- 8.106. Part 4 a and b of policy SP10 of the CS, and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

8.107. The application site is located in a commercial area and the nearest residential properties are approximately 150 metres away.

Daylight, Sunlight and Overshadowing:

8.108. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).

8.109. In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.

8.110. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

8.111. In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

8.112. 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 on 21st March"*.

8.113. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume One of the Environmental Statement (ES) – Chapter 16. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.

8.114. The following properties were tested and comply with BRE Guidelines:

- 1-9 Chandlers Mews
- 25 Westferry Road
- Waterman Building
- Jefferson Building
- Quayside

8.115. The following properties were also tested and are discussed in more detail below:

- Anchorage Point – 42 Cuba Street
- Cascades – 4 Westferry Road
- 22-28 Marsh Wall – Block 1
- 22-28 Marsh Wall – Block 2
- 22-28 Marsh Wall – Block 3
- 4 Manilla Street
- 6 Manilla Street
- Berkeley Tower and Hanover House – Westferry Circus

#### *Anchorage Point*

- 8.116. Anchorage Point is a residential apartment block that sits approximately 230 metres to the south west of the application site. The submitted daylight and sunlight report shows that a number of windows will experience a reduction in VSC of more than 20% from existing. The worst case is a reduction of 39% from existing, although the majority experience a loss of between 20% and 30%.
- 8.117. However, moving to the NSL test all of the windows except one accord with BRE guidelines and would experience a reduction of less than 20% NSL. The one room which has a reduction of more than 20% NSL is located on first floor level.
- 8.118. To conclude, whilst some rooms do not meet the VSC standards, the NSL results are sufficiently good that, considering the distance of the development site from Anchorage Wharf (approximately 260 metres), it is not considered the development would cause an unduly detrimental impact on balance. Consideration also needs to be given to the impact of the design of the building which has deep recessed balconies which cause a significant level of self-obstruction.

#### *Cascades:*

- 8.119. Cascades is a residential apartment block that sits approximately 190 metres to the south west of the application site. Only two rooms within this development, both located at ground floor level would experience a loss of VSC and NSL. With regard to VSC the loss would be between 27.25 and 27.81 % where the recommended level of loss would be 20%. With regard to NSL the loss would be between 22.51 and 24.72 where the recommended level of loss would be 20%.
- 8.120. From the Daylight and Sunlight consultants analysis of the elevation it would appear that these are secondary rooms, such as second or third bedrooms. Therefore, whilst the impact on these two rooms will clearly be noticeable, the impact on Cascades itself as a building is substantially compliant and it would be unreasonable to refuse planning permission on the basis of the impact of these two windows alone. On balance, the level of impact is not considered to be unduly detrimental in this instance.

#### *Marsh Wall – Block 1 and 2 – Landmark Buildings:*

- 8.121. The Landmark development is a residential apartment block that sits approximately 115 metres to the south west of the site. The submitted daylight and sunlight report shows that 43 windows with Block 1 and 36 within Block 2 do not meet the required VSC standards. However, moving to the NSL test all of the windows tested comply with BRE Guidelines.
- 8.122. The Daylight and Sunlight Consultant has advised that whilst there will be a noticeable reduction in VSC, the rooms will appear to the occupants to continue to be well lit, due to the open aspect that they will enjoy and the good level of internal light. As such, the impact on the Landmark building would not be unduly detrimental with regard to daylight given the results accord with BRE Guidance.

#### *4 Manilla Street (Millwall Fire Station Development):*

- 8.123. 4 Manilla Street is located to the south of the development. The submitted daylight and sunlight report shows that 4 windows in the building do not meet the required VSC standards that is, two windows on the first floor (both serving the same room) and one window on the 2<sup>nd</sup> floor and one window on the 3<sup>rd</sup> floor. The level of failure is between 21.42 and 25.09.

8.124. However, moving to the NSL test, for these rooms, the level of reduction would be less than 20% which accords with BRE Guidance. In light of the fact that the NSL levels are acceptable the impact of the proposed development on this property would not result in unduly detrimental impacts with regard to daylight. Furthermore, it is noted that this property is approximately 270 metres from the development site.

*6 Manilla Street:*

8.125. 6 Manilla Street is located directly to the west of 4 Manilla Street. The submitted daylight and sunlight report shows that 10 windows in this building do not meet the VSC standards. The level of failure is between 21.10 and 45.16%. However, moving to the NSL, most of the rooms that fail VSC assessment pass the NSL assessment, with the exception of two on the first floor.

8.126. Again, there is substantial compliance with daylight standards to this property as a whole, which is located a significant distance away from the development site (approximately 260 metres), and as such it is not considered that planning permission should be refused on the basis of the impact on these two rooms. On balance, it is not considered that the proposed development would result in an unduly detrimental impact on the daylight of existing residents within this property.

*Berkeley Tower and Hanover House:*

8.127. Berkeley Tower and Hanover House are located to the north-west of the site adjacent to Westferry Circus. The submitted daylight and sunlight report shows that two windows do not meet the VSC standards, one each on second and third floors. It is however important to note that these windows appear to serve rooms that have more than one window and the other windows do not experience a 20% reduction of VSC. In addition, the NSL results show compliance with BRE Guidelines.

8.128. Therefore, on balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

Sunlight:

8.129. The submitted daylight and sunlight report shows that the sunlight standard is met for all the buildings tested.

Shadow Analysis:

8.130. The following amenity areas or areas relevant for shadow and light pollution were tested:

- West India Middle Dock
- Canal to the east of the site
- Lower Dock
- Deck structure within the development

8.131. The analysis shows that more than 50% of the two amenity areas tested for shadow analysis will be left with more than half their areas seeing two hours of sunlight on 21<sup>st</sup> March. The Daylight and Sunlight Consultant has reviewed the information submitted and agrees with the conclusions.

8.132. It is evident that the eastern end of the dock and the canal area will both be in shadow at the end of the day throughout the year, however there is a pattern of shadow movement that means that the waterway areas will not be adversely overshadowed when assessed against the standard required.

#### Conclusions:

- 8.133. The submitted daylight and sunlight report identifies the key neighbouring residential properties around the site likely to be affected by the development. Many of these are a considerable distance away from the site, but it is correct that they have been assessed in order to take account of the scale of Heron Quay West outline massing.
- 8.134. For the most part where VSC results fail, these are mitigated by good levels of NSL as identified above. Where there are isolated instances that windows fail both the VSC and NSL test it is not considered that this would merit refusal of the scheme. On balance, the level of impact with regard to daylight is considered to be acceptable and would not result in unduly detrimental impacts.
- 8.135. With regard to sunlight there would not be an unduly detrimental impact and the tested windows accord with BRE guidelines.
- 8.136. With regard to overshadowing, the amenity areas tested accord with BRE Guidelines.

#### Overlooking, loss of privacy, sense of enclosure:

- 8.137. The nearest residential property to the development would be the Landmark residential towers which are approximately 115 metres to the south west of the application site. It is not considered that there would be a detrimentally impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 115 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

#### Noise and Vibration:

- 8.138. Chapter 10, Volume one of the ES contains an assessment of the impact of the proposed development with regard to noise and vibration. This has been reviewed by the relevant Environmental Health Officer who has raised no objection subject to relevant conditions.
- 8.139. With regard to plant, this would need to be designed to meet L90- 10 dB(A) of BS4142 and this would be controlled via condition.
- 8.140. During the Construction Phase, accordance with the Code of Construction Practice would be required. This would be secured as part of the section 106 agreement.
- 8.141. Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 8.142. It is noted that residents are concerned about the impacts during the construction phase. Through Environmental Health legislation which the applicant is required to comply with the level of impact during construction would be managed.

#### Conclusion:

- 8.143. With regard to amenity, given the nearest residential properties are approximately 115 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. On balance, taking account of building design and distance from the application site it is not considered

that there would be an unduly detrimental impact on daylight and sunlight of existing residents adjacent to the site. It is acknowledged that there are isolated rooms that would experience a change in daylighting levels. However, it is not considered that these isolated instances would merit refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.

## **Energy and Sustainability**

### Policy Context:

- 8.144. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.145. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.146. The London Plan 2011 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).
- 8.147. Policy SO3 of the CS 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. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.148. Policy DM29 of the MDD 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 non-residential schemes to achieve a BREEAM Excellent rating.

### Energy:

- 8.149. The proposals for Heron Quays West have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve at least a 28% reduction in CO2. The proposals also include the installation of 315m2 (44kWp) of Photo Voltaic (PV) array to further reduce CO2 emissions by 1%.
- 8.150. The overall CO2 emission reductions considered achievable for the development are 30%.
- 8.151. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.152. The current proposal fall short of these policy requirements by 5% and this equates to 77 tonnes of CO2 of regulated CO2.



- 8.153. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:  
*“...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”*
- 8.154. The shortfall in CO2 emission reductions on this project will be offset through cash in lieu payment. The current identified cost for a tonne of CO2 is £1,504. This figure used is from the forthcoming GLA carbon tariff guidance (to be published in July 2013) and is also based on the London Legacy Development Corporation’s figure for carbon offsetting.
- 8.155. For the proposed scheme the figure of £115,808 is sought for carbon offset projects in the vicinity of the proposed development. The financial contribution will be ring fenced for energy and sustainability measure to local schools located nearby or other projects to be agreed with the applicant.
- 8.156. A condition would be attached to the permission to ensure 30% CO2 reductions would be achieved.
- 8.157. The application is in outline and at the reserved matters stage further CO2 savings may be incorporated into the design of the scheme. However, at the point of the submission of the reserved matters applications the requirement for CO2 reductions would have risen to 50%. As such, it is considered that in this instance energy would be assessed at the point of assessment of the main application. Any further reduction in CO2 emissions attained at reserved matters stage would be welcome and would result in the applicant exceeding the CO2 target set by the compliance condition.

#### Sustainability:

- 8.158. 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 developments to achieve a minimum BREEAM Excellent rating. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

#### Conclusions:

- 8.159. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.

#### **Biodiversity**

#### Policy Context:

- 8.160. In terms of policy designations within the CS and MDD, the docks form part of a the blue grid and the docks are designated as a Site of Importance for Nature Conservation (SINC). The site also forms part of the Blue Ribbon Network as designated by the London Plan.

- 8.161. Chapter 13 (Ecology) Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on the ecological and nature conservation resources on and in proximity of the site.
- 8.162. The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.163. Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.164. Policy 7.24 of the London Plan sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network. Policy 7.28A specifically states that "*Development proposals should restore and enhance the Blue Ribbon Network by ... c) preventing development and structures into the water space unless it serves a water related purpose.*"
- 8.165. Policy 7.30 of the London Plan makes specific reference to development alongside London's docks, and requires such development to protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by amongst other aims preventing their partial or complete filling.
- 8.166. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.167. Policy DM12 of the MDD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.

Principle of infilling South Dock:

- 8.168. The proposed development involves the partial infilling of South Dock and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding the blue grid. There is however an extant planning permission which includes the same infilling approach which is material in the consideration of this case. Furthermore, the development would provide a significant (financial) contribution to maintaining and enhancing Canary Wharf's role as a leading centre of international finance and commerce and in turn London's world city status.
- 8.169. The effect of infilling South Dock would also have an impact on biodiversity within the area given water would be permanently displaced.

8.170. In order to mitigate against the impact of the loss of water and habitat as a result of partially infilling South Dock, a range of biodiversity enhancement measures have been proposed. The Biodiversity Officer has noted that these enhancements would need to improve the water body and provide significant biodiversity enhancements in order to accord with policies DM11 and DM12.

8.171. The following biodiversity enhancements would be required:

- Enhancements to habitats within the Docks
- Biodiverse green roofs (designed in accordance with Buglife's best practice guidance)
- Nest boxes for swifts and other birds within the new building
- Use of native plants and other plants beneficial to wildlife in the landscaping scheme
- Marginal aquatic vegetation either in coir rolls or gabion baskets attached to the new wall or on floating rafts
- Nesting rafts suitable for common terns in Middle and/or South Dock

8.172. The above enhancements would be secured via condition should planning permission be granted. This approach is supported by the Borough Biodiversity Officer.

8.173. The GLA have stated that *"it would not be reasonable, nor would it be in the interest of good strategic planning, to object to the current scheme on the basis of the infilling of the dock, particularly given the extant permission... this is a unique case which does not establish a precedent for future proposals which fail to comply with Blue Ribbon Network policies relating to infilling the docks. As an exception therefore the latest proposals are acceptable."*

8.174. In conclusion, in light of the extant planning permission, subject to conditions to secure biodiversity enhancements and given the economic benefits of the scheme the partial infilling of South Dock would be acceptable in this instance. Officers agree with the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks.

#### Landscaping:

8.175. In light of the biodiversity enhancements required, the hard and soft landscaping scheme for the development which would be controlled via condition would need to focus on ensuring biodiversity enhancements as part of the development.

#### **Environmental Considerations**

##### Air quality:

8.176. 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 which would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

- 8.177. Chapter 9, Volume one of the submitted ES presents an assessment of the likely significant air quality effects of the development. In particular, consideration is given in the assessment to the demolition and construction works as well as air quality effects arising from operational traffic on local road network as a result of the development.
- 8.178. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management. The main effect on local air quality during demolition and construction relates to dust, which is more likely to be generated from demolition activities and earthworks. A range of measures to minimise or prevent dust would be implemented through the adoption of the Construction Logistics Management Plan.
- 8.179. Computer modelling was carried out to predict the impact of future traffic related emissions and the likely changes in local air quality following the completion of the development. Given that the assessment of operational road traffic effects from the development was found to be insignificant, no mitigation measures are required.
- 8.180. The development is proposing an energy centre and plant the final details of which are not known given the application is in outline. At reserved matters stage details of the energy centre and plant location would be finalised and further air quality would need to be undertaken at reserved matters stage as requested by the Environmental Health Air Quality Officer.
- 8.181. In conclusion, the ES identifies that there will be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.182. 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.
- 8.183. Chapter 15, Volume One of the submitted ES assess the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken 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.
- 8.184. In the absence of any mitigation, the development would give rise to a full range of wind effects. Depending on the location within and surrounding the site, the season and the type of pedestrian activity taking place, wind conditions were found to be both suitable for the intended pedestrian use in some locations and windier than desired in others.
- 8.185. Further detailed design of the building (to include building form and articulation and entrance locations) at reserved matters stage would allow an opportunity to improve the wind conditions where required. This could include detailed landscape planting within the site and the implementation of possible wind screens.

- 8.186. Furthermore, the Environmental Health Officer has requested that further wind modelling be carried out at reserved matters stage. This would ensure that building entrances are located in the most suitable locations and minimise the impacts of the development to ensure pedestrian comfort. These measures can be secured by condition in the event that planning permission is granted.

Contaminated Land:

- 8.187. 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 within Chapter 11 (Ground Conditions and Contamination), Volume One.
- 8.188. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

Flood Risk and Water Supply:

- 8.189. 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.
- 8.190. The development falls within Flood Risk Zone 3. Chapter 12 (Water Resources and Flood Risk), Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on surface water drainage, ground water levels and flows and flood risk. The chapter also considers the likely significant effects on capacity of foul and surface water discharge and potable water supply infrastructure. The chapter is supported by a Flood Risk Assessment (FRA).

*Flood Risk:*

- 8.191. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.
- 8.192. The proposed development has a flood vulnerability classification of 'less vulnerable' and is appropriate development under the sequential test carried out by officers in line with the NPPF.
- 8.193. The ES and Flood Risk Assessment set out mitigation required. During the demolition and construction phase, the relocation of the West India Dock South wall in order to construct the basement results in the requirement for temporary flood defences in the form of a cofferdam which would be installed to maintain the integrity of the flood defences. This is shown on the parameter plans.
- 8.194. The proposed dock wall modifications and raising of the ground levels would improve the level of flood protection provided to the proposed development and the surrounding land. The proposed finished level of the building would be raised providing a greater level freeboard above the predicted extreme flood levels provided by the EA.
- 8.195. Due to the proposals encroachment into the existing dock, a degree of flood storage would be lost within the wider dock system. However, the overall net effect compared with the consented scheme is a slight gain in flood storage.

- 8.196. Groundwater levels should not impact or be significantly impacted on by the proposed development.
- 8.197. Surface and foul water would be conveyed away from the site in an appropriate manner. The majority of surface water would be discharged to the docks, as occurs at the existing site which is the most sustainable solution for the site.
- 8.198. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.199. Flood risk has been assessed by the Environment Agency (EA). Following the submission of supplementary information which forms part of the FRA the EA have removed their objection. They have recommended conditions relating to flood risk and ground water protection due to the historical contamination activities and potential for ground water contamination. Should planning permission be granted these conditions would be attached to the planning permission.
- 8.200. 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 accords with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

*Water Supply:*

- 8.201. The ES outlines that the carrying out of upgrade works along Bank Street as recommended by Thames Water would mitigate any impact on water supply in the area. In line with these comments within the ES, Thames Water have requested a condition to require the submission of water impact studies. Through the use of appropriate conditions it would ensure there would be no impact on water supply within the area.

**Environmental Impact Assessment**

- 8.202. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.203. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.204. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarifications were sought in respect of a number of issues.

- 8.205. This additional information will provide further clarity on the EIA, however even without it the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.206. As the application is in outline, for the purposes of the assessment of environmental effects and to comply with the requirements of the EIA Regulations, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to additional significant environmental effects and/ or change the finding of the ES. Should the applicant then bring forward proposals which alter the parameters identified and assessed in the ES, they may need to be reassessed and/ or a new planning application submitted.
- 8.207. The ES assesses the potential impacts from a proposed development, the likely significant effects and any required mitigation to reduce adverse effects and enhancement measures to increase the benefits. The various environmental effects are dealt with in relevant sections of this report with conclusions given, proposals for mitigation by way of conditions, and/ or planning obligations as appropriate.
- 8.208. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

- 8.209. Regulation 122 of CIL 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:
- § Necessary to make the development acceptable in planning terms;
  - § Directly related to the development; and
  - § Are fairly and reasonably related in scale and kind to the development.
- 8.210. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.211. 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.
- 8.212. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education
- 8.213. The Borough's other priorities include:
- Health
  - Sustainable Transport

- Environmental Sustainability
- Public Realm

- 8.214. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.215. The application is in outline and the minimum and maximum commercial floor space proposed ranges from 78,349 square metres to 128,966 square metres. Given, the level of floor space is not fixed at this stage it is not possible to confirm the final level of financial contributions in lines with the SPD.
- 8.216. In considering how to deal with the section 106, in light of the fact this is an outline scheme and the scale of development is not fixed at this stage, Officers have calculated the level of contributions taking account of the minimum and maximum level of commercial floor space provision. The minimum and maximum range of planning contributions required to mitigate the impact of development dependent on the final level of commercial floor space provided are listed below.
- 8.217. The section 106 agreement would include the formulas contained within the section 106 SPD and the final level of the contribution would be agreed as part of the reserved matters applications once the fixed amount of commercial floor space is agreed.
- 8.218. This approach ensures that the level of financial mitigation is proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach. This is also the approach suggested by the GLA with regard to the Crossrail contribution.
- 8.219. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.
- 8.220. As discussed at paragraph 8.19 – 8.27, an affordable housing contribution is not required for this application. Furthermore, health and education contributions are not required for commercial development in line with the section 106 SPD and have not been secured in this instance.
- 8.221. As discussed at paragraph 8.101 and 8.103 of this report, in line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £14,866,310 (£12,006,775 – figure with CIL credit) and £24,449,375 (£19,935,565 – figure with CIL credit) towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage similar to LBTH financial contributions as requested by the GLA and TfL.
- 8.222. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £2,859,535 and £4,513,810.
- 8.223. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment



would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

- 8.224. TfL have also requested contributions towards bus improvements, improvements at Heron Quay West DLR station and a contribution towards a new cycle hire docking station. Following negotiations between the applicant and TfL the financial contributions were agreed as fixed amounts regardless of the scale of development which would be built. This was because, the amount agreed does not reflect the upper amount requested by TfL to mitigate the impacts of the development.
- 8.225. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.226. To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be between £18,771,104 (£15,854,378 with CIL Credit) and £29,681,150 (£25,077,064 with CIL Credit).
- 8.227. The proposed heads of terms are:

Financial Obligations:

- A contribution of between **£1,146,291** and **£1,179,425** towards employment, skills, training and enterprise.
- A contribution of between **£142,977** and **£234,646** towards Idea Stores, Libraries and Archives.
- A contribution of between **£533,261** and **£874,830** towards Leisure Facilities.
- A contribution of between **£97,935** and **£160,725** towards Sustainable Transport.
- A contribution of **£115,808** towards Environmental Sustainability.
- A contribution of between **£910,561** and **£1,494,358** towards Public Realm.
- A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- A contribution of between **£250,000** towards TfL DLR improvements at Heron Quay West Station.
- A contribution of between **£270,000** towards TfL Bus services within the area.
- A contribution of between **£14,866,310** (£12,006,775 – figure with CIL credit)\* and **£24,449,375** (£19,935,565 – figure with CIL credit)\* towards Crossrail.
- A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£368,061** (£310,870 – figure with CIL credit applied to Crossrail contribution)\*\* and **£581,983** (£491,707 – figure with CIL credit applied to Crossrail contribution)\*\*

\*It is noted that the CIL payment has been estimated at between £2,859,535 and £4,513,810. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

\*\* The monitoring fee calculation has been based on the total financial contributions and takes into consideration the estimated CIL credit towards the Crossrail figure.

### Non-financial contributions

- Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Commitment to use reasonable endeavours to relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- Commitment to use reasonable endeavours to relocate them with Skillsmatch(whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- Travel Plan
- Code of Construction Practice
- Walkways - Maintenance of new walkways within the development together with unrestricted public access
- Install real time public transport screens within the ground floor of the building.
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.228. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

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

8.230. 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.

8.231. 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.

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

8.233. These issues are material planning considerations when determining planning applications or planning appeals.

8.234. 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.

8.235. 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 £2,859,535 and £4,513,810.

### **Human Rights**

8.236. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.237. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.238. 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.

8.239. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.

8.240. 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.

8.241. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.242. 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.

8.243. 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 obligations to be entered into.

### **Equalities**

8.244. 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.

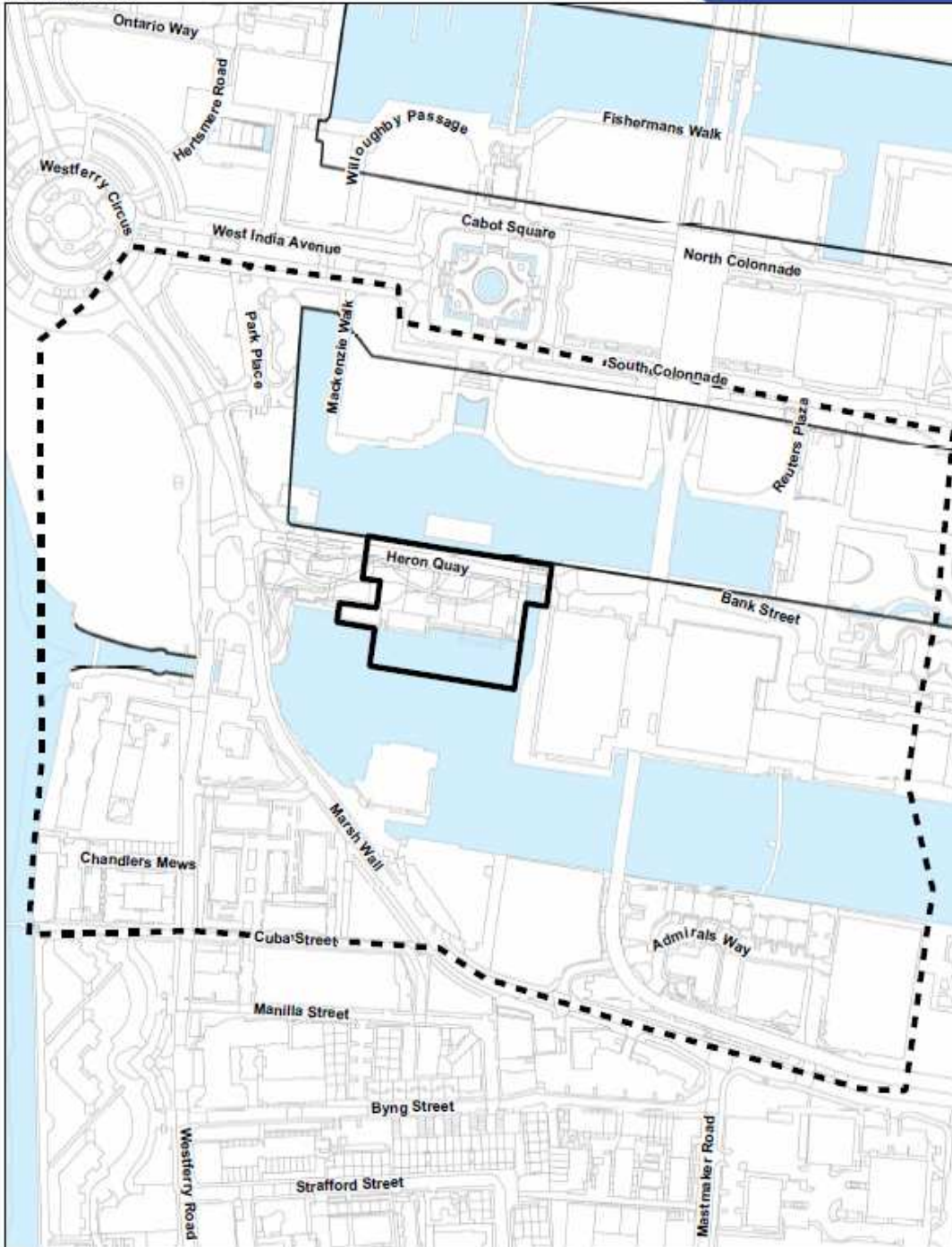
8.245. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.246. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **9. CONCLUSION**

9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map  
PA/13/01150



- Planning Application Site Boundary
- Locally Listed Buildings
- Consultation Area
- Statutory Listed Buildings

0 30 m



1:3,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 7.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 August 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.3
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for a deed of variation to a Section 106 agreement
<b>Case Officer:</b> Iyabo Johnson	<b>Ref No:</b> PA/13/00846 and PA/07/03282 <b>Ward:</b> Millwall

## 1. APPLICATION DETAILS

<b>Location:</b>	Indecon Court (Phase 2 site), 20 Millharbour
<b>Existing Use:</b>	Disused
<b>Proposal:</b>	Deed of variation to Section 106 agreement dated 13 <sup>th</sup> June 2008, relating to application PA/07/03282
<b>Drawing Nos/Documents:</b>	N/A
<b>Applicant:</b>	Galliard Homes and One Housing Group
<b>Ownership:</b>	Galliard Homes
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 A deed of variation to alter the tenure of affordable housing is sought to the Section 106 agreement linked to the second phase of the Indecon Court development which was granted planning permission in 2008. The amount of affordable housing remains unchanged. The approved scheme included 546 units in total, of which 123 were affordable, to be let at social target rents. The applicants have presented robust financial evidence demonstrating that with 123 units at social rent, the scheme would not be economically viable. Instead, the applicants are seeking a deed of variation to enable the affordable units to be made available under the affordable rent tenure. The viability evidence presented suggests that at affordable rents, the scheme would be viable. Officers accept that the provision of the affordable units at social rents would render the scheme unviable. Officers have negotiated a bespoke rent schedule for this scheme which ensures that all rents fall below the Council's POD rent levels and that the units will be affordable for households on the Council's waiting list as a result. Officers consider that the provision of the units at affordable rents, with the greatest reduction below POD levels in the family sized units, accords with current policies which seek to maximise the provision of affordable housing both in the Borough and London more generally.

## 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to ratify officers recommendation to agree a deed of variation to the original s106 Agreement to alter the tenure of affordable housing to the affordable rent product.

## 4. SITE AND SURROUNDS

- 4.1 The Indecon Court site comprises 1.76ha and is located within the Millennium Quarter Master Plan area (MQMP) on the Isle of Dogsto the south of Canary Wharf area.
- 4.2 Phase 1 of the site is now complete and includes approximately 360 residential units

together with commercial uses at ground floor. The first phase of the development also included an area of public realm known as Lightermans Gardens which is identified in the Millennium Quarter Masterplan (MQMP) as being at the heart of the Millennium Quarter.

4.3 This application relates solely to the eastern side of the site and is known as Phase 2 of the original outline planning permission and incorporates an area of 0.94ha.

4.4 The site is bounded by three roads being Lightermans Road to the north, Millharbour to the east and Lanterns Lane to the south.

## **5 RELEVANT PLANNING HISTORY**

### *Outline Planning Permission (PA/02/01330)*

5.1 Outline planning permission was granted on 22<sup>nd</sup> June 2004 for:

*A mixed use development up to a maximum height of 19 storeys (78.5 metres) comprising residential (Class C3), offices (B1), shops/financial and professional services/food and drink units (A1,A2,A3), B1 workspace units, public open space and pedestrian routes with basement car parking, access and new highway arrangements. The application is accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.*

### *Phase 1 (PA/06/00900)*

5.2 The first phase element of the outline permission included a provision of 71 affordable homes, this represented 27% of the overall total in terms of habitable rooms which accorded with the Council's Unitary Development Plan (1998) which was the relevant policy document at the time. Of the 71 affordable units, 54 were within the Social Rent tenure and 17 within the Intermediate tenure.

### *Phase 2 (PA/07/03282)*

5.3 Full Planning Permission was granted on 13 June 2008 for:

*The demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD).*

*Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level.*

5.4 On 29 May 2012, a certificate of lawful development in respect of a development was granted for continued demolition of existing buildings and construction of a mixed use development pursuant to planning permission dated 13 June 2008, Ref: PA/07/03282. The Certificate served to confirm that demolition works associated with the implementation of the planning permission granted in June 2008 had commenced before the five year deadline for implementation and that as a result the works were lawful and the planning permission extant.

## **6 BACKGROUND TO PROPOSED VARIATION**

### *Interpretation of affordable rent*

6.1 The s106 Agreement in respect of the PA/07/3282 application was signed in 13 June 2008,



before the affordable rent product as we now understand it (being rent up to 80% of market rent) was in place. However, within the Agreement, the term 'affordable rent' had been used to describe the social target rent tenure.

- 6.2 In October 2012, the developer (Galliard Homes) together with the Registered Provider (One Housing Group) approached the Council to seek clarity on the meaning and effect of clauses relating to the provision of affordable housing as set out in the Section 106 agreement.
- 6.3 One Housing Group had agreed to enter into a development partnership with Galliard on the basis of them being able to provide the affordable units (123 in total) at affordable rent (i.e. up to 80% of market values) levels rather than at social target rent levels (typically 28% to 40% of market rent). Both One Housing Group and Galliard were of the view that the Section 106 provided scope for both parties to agree this.
- 6.4 The Section 106 agreement defined affordable housing as *“residential accommodation for which the asking price/rent is significantly lower than prevailing market/prices rents in the Council’s Area.”* Affordable Rent is defined as *“rent levels not exceeding rent caps (or such other standards that replace the same) set by the Housing Corporation from time to time or such other standards.”*
- 6.5 The applicants sought to demonstrate that as the Section 106 included the term “affordable rent”, the provision of the affordable units at affordable rent (as the term is understood today) instead of social target rents would be acceptable and within the bounds of the Section 106 agreement. On this basis, the applicants argued that the Council would be acting against the terms of the Section 106 agreement by insisting on social target rent.
- 6.6 Council officers did not accept this position, contending that as the affordable rent product was introduced by the Government in 2011, it could not have been in the contemplation of the parties when the Section 106 was completed in 2008. Officers considered that the use of the term “affordable rent” was merely coincidental and that the intention of the Council at the time was to secure the units at social target rents, to which “rent caps” are typically associated.
- 6.7 Officers subsequently advised the applicants that the original intent of the Agreement was to deliver social target rent affordable housing. However officers advised that a blended approach to the provision of affordable housing could be considered acceptable in policy terms subject to sufficient evidence being tabled demonstrating that the provision of the affordable units at social target rents would threaten the overall viability and deliverability of the scheme.

#### *Viability*

- 6.8 The developers (Galliard) acquired a debt of around £60m upon purchasing the site. This debt was owed to an Irish Building Society. This debt has now been acquired by the National Asset Management Agency (NAMA), a body established by the Irish government to acquire loans linked to land and development from Irish banks.
- 6.9 NAMA has placed a minimum residual land value on the site of £25m. The residual method of valuation essentially subtracts total scheme costs and profit from total scheme revenue to arrive at a residual land value. NAMA have stipulated that £25m is the minimum residual land value it would be willing to accept before releasing the site for redevelopment.
- 6.10 Following on from officers’ advice, the applicants submitted two viability appraisals to the Council. The appraisals illustrated the impact of providing the affordable units at social target rent and at POD level rents on the profitability and viability of the scheme. Both appraisals were verified by an independent assessor on behalf of the Council. In both scenarios (social rent and POD rent), the appraisals showed that a residual minimum land value of £25m would be achieved which would meet NAMA’s criteria for releasing the site.
- 6.11 However, both scenarios would return sub market levels of profit. Typically, developers would

seek a fixed profit margin of around 20% of the gross development value (GDV). If the affordable units were let at social target rents, the scheme would achieve a 13% profit margin which would be undeliverable. If the units were let at affordable rents, a 16% profit would be achieved which whilst being lower than typical market expectations, would be acceptable to NAMA. This would make the development viable and deliverable as a result.

- 6.12 In addition, the GLA have iterated that grant funding for the scheme will only be made available to subsidise a reduction in rents to POD levels. The GLA have confirmed that grant would not be available if the Council insists on social target rents. Without grant funding, the scheme will not be deliverable.

*Rent levels*

- 6.13 Officers have considered the findings of the viability assessments and the advice of the Council's independent assessor, and accept that the provision of all 123 of the affordable units at social rent would render the scheme unviable and inhibit its delivery.
- 6.14 However, officers expressed concern that current POD rents for properties in the Isle of Dogs, which is a relatively high value area, would prove to be unaffordable for many households on the Council's housing waiting list.
- 6.15 In response to these concerns, the applicants have agreed to set the rent levels below the Council's POD levels. In the case of the family sized units, there is a significant reduction from the POD levels.

The proposed rents inclusive of service charges are set out in the table below:

Unit Type	No of units	POD Rent 13/14 (including service charge)	Proposed rent	Social target rents (excluding service charge)
1 bedroom	26	£210.35	£206.55	£132.16
2 bedroom	37	£235.25	£231.00	£139.92
3 bedroom	46	£249.00	£234.00	£147.70
4 bedroom	14	£276.00	£238.00	£155.47

- 6.16 All of the weekly rents are below the Council's POD levels. Significant reductions have been secured for the family sized units, for which the Borough has an acute need.
- 6.17 The applicants are seeking to amend the Section 106 agreement to reflect the new agreed rents.

**7. POLICY FRAMEWORK**

- 7.1 Following the adoption of the Managing Development Document on 17<sup>th</sup> April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011 (minor alterations 2012). The following policies are relevant to the application:

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

SP02 Urban living for everyone

**Managing Development Document (Adopted 2013)**

DM3 Delivering Homes

**Spatial Development Strategy for Greater London (London Plan 2011) (minor alterations 2012)**

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

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

The National Planning Policy Framework 2012 (NPPF)

### **8. CONSULTATION RESPONSE**

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

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

#### **LBTH Affordable Housing Team**

8.3 *All rents are below our preferred POD Affordable rent levels and the rents on the family sized larger units are much lower especially on the 4 bed homes. This will make them more attractive to families as the impact of Welfare Reform starts to impact on them.*

*The Affordable Housing Team would always want to see rental levels as close to social target levels as possible and in all circumstances below our preferred POD affordable rents. This scheme was approved before the concept of 'affordable rents' was introduced. The GLA are grant funding the scheme and the scheme is only viable with the new affordable rents. Additional grant funding in the region of £4m would be required to reduce the rents to social target rent levels – the GLA did not consider this to be good value for money but were prepared to allow the grant to subsidise rents at the levels set out above*

*Given the circumstances, on balance the Affordable Housing Team considers the scheme at these rent levels acceptable.”*

### **9. MATERIAL PLANNING CONSIDERATIONS**

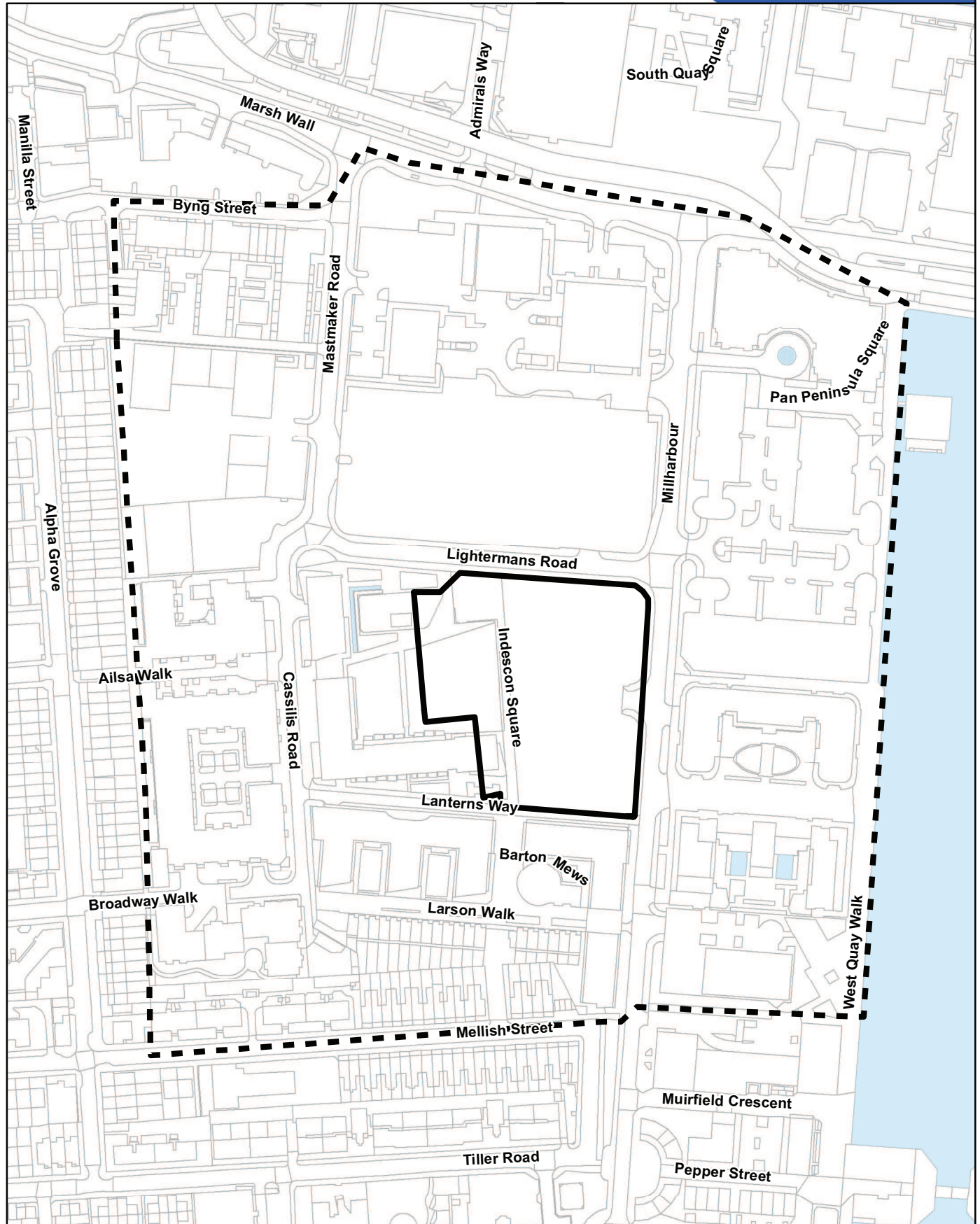
#### *Delivery of affordable housing*


- 9.1 The London Plan (LP) has recently undergone minor alterations to ensure consistency with the National Planning Policy Framework (NPPF) (2012). Paragraph 3.58 of the LP (minor alterations 2012) identifies the new affordable rent product as being a means through which boroughs can achieve the aims of policy 3.9 of the LP (2011) which seeks to deliver mixed and balanced communities. Paragraph 3.68 of the LP (minor alterations 2012) states that “boroughs should enable the range of affordable rents to be applied” in order to maximise the provision of affordable housing across London.
- 9.2 Strategic policy SP02 of the Core Strategy (CS) (2010) sets an overall target for the delivery of affordable homes of 50% until 2025. The policy states that this target will be achieved through requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 9.3 Policy DM3 of the adopted Managing Development Document (MDD) (2013) states that development will be required to maximise affordable housing provision in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the CS (2010).
- 9.4 Phase 2 of the Indescon Court development will deliver a total of 546 new homes, 165 of which are affordable which equates to 35% of the total by habitable rooms (42 of these units are intermediate homes). The overall split between rented and intermediate tenures would not change as a result of the proposed deed of variation.

- 9.5 The supporting text to policy SP02 of the CS (2010) acknowledges that instances will arise where affordable housing requirements will need to be varied where policy obligations cannot be met. In these instances, *“detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met”*.
- 9.6 It must be remembered that this application only seeks to alter the tenure of the affordable housing, and in a policy context the requisite amount of affordable housing remains unchanged and to be delivered. Whilst the applicant has provided a robust economic justification for the switch to affordable rents and in doing so met the Council's policy requirements, the wider policy context does merit consideration.
- 9.7 The emerging amended version of the London Plan (minor alterations 2012) promotes the new affordable rent product as a tool for promoting the delivery of affordable housing across London. Boroughs are advised to *“not attempt to set rent targets”* in order to avoid impeding the maximisation of affordable housing provision.
- 9.8 In the current economic climate, issues around development finance and viability are playing a significant role in the delivery of new affordable homes. Phase 2 of the Indecon Court development was granted planning permission in 2008 and following that, the owners of the site went into insolvency, owing a sizeable debt to an Irish funder. This debt has been acquired by NAMA and works to implement the 2008 permission began on site in May.
- 9.9 Through the financial evidence that has been provided, officers have reached the conclusion that an insistence on the provision of the affordable units at social rents would render the scheme unviable. Such an insistence could threaten the delivery of the scheme, despite the commencement of ground works which have begun in order to keep the 2008 consent extant.
- 9.10 The Borough has ambitious housing targets and needs to deliver approximately 2,885 units per year in order to meet these. The failure of this scheme to deliver 546 new units would compromise the Borough's ability to deliver against its targets. Whilst the 123 affordable units would not be made available at social rents, they would be priced below the Council's POD levels and would as a result be affordable for households on the Council's waiting list.
- 9.11 The proposed deed of variation would secure the delivery of 546 new homes of which 123 would be affordable with 60 of these being large enough for families. Given the general thrust of both the Council's policies and the London Plan (2011) which seek to maximise affordable housing including within the affordable rent tenure, the proposed switch from social rent to affordable rent is considered acceptable on balance and necessary to ensure delivery of the scheme.

## **10 Conclusions**

- 10.1 All other relevant policies and considerations have been taken into account. The deed of variation should therefore be accepted



-  Planning Application Site Boundary
-  Locally Listed Buildings
-  Consultation Area
-  Statutory Listed Buildings

0 30 m



1:2,500

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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