

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 6 March 2013 at 7.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Bill Turner	
Councillor Shahed Ali	Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Zara Davis	Councillor Craig Aston, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Stephanie Eaton	Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Judith Gardiner	Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Carlo Gibbs	Councillor Shiria Khatun, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Dr. Emma Jones	Councillor Kosru Uddin, (Designated Deputy representing Councillors Helal
Councillor Helal Uddin	

Abbas, Carlo Gibbs, Bill Turner, Helal
Uddin and Judith Gardiner)

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

Committee Services Contact:

Zoe Folley, Democratic Services,

Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

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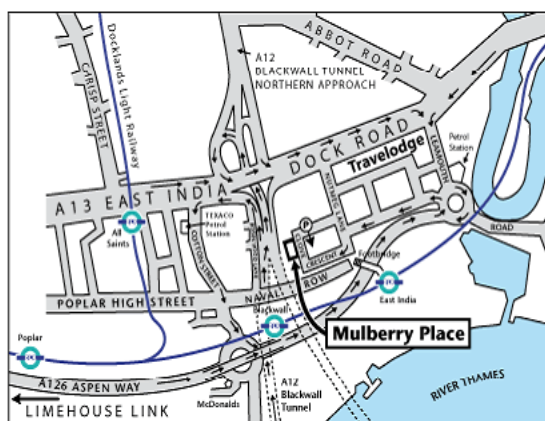
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LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 6 March 2013

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 24th January 2013.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 14	
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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 Monday 4th March 2013.

6. DEFERRED ITEMS **17 - 18**

6 .1 Skylines Village, Limeharbour, London (PA/11/3617) 19 - 104 Blackwall & Cubitt Town

7. PLANNING APPLICATIONS FOR DECISION **105 - 108**

7 .1 The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street (PA/12/03318) 109 - 144 Blackwall & Cubitt Town

7 .2 Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 (PA/12/00637) 145 - 188 East India & Lansbury

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 24 JANUARY 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Bill Turner (Vice-Chair)
Councillor Shahed Ali
Councillor Zara Davis
Councillor Stephanie Eaton
Councillor Judith Gardiner
Councillor Carlo Gibbs
Councillor Dr. Emma Jones

Other Councillors Present:

Councillor Peter Golds

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Mandip Dhillon	– (Principal Planning Officer, Development and Renewal)
Michael Bell	– (Strategic Planning Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Helal Uddin.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Stephanie Eaton declared a disclosable pecuniary interest in agenda item 7.1 (Skylines Village, Limeharbour, London (PA/11/3617))
The declaration was made on the basis that she had a beneficial interest in land close to the application site that had been recorded in the register of Members interests. She indicated that she would leave the meeting room for the consideration of this item.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13th December 2012 be agreed as a correct record and signed by the Chair subject to the inclusion of Councillor Peter Golds in the list of other Councillors in attendance.

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 Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14 (PA/12/02107)

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London.

Mandip Dhillon (Planning Officer) made a further brief presentation on the details of the application. At the last meeting on 13th December 2012, Members were minded to refuse the application due to concerns over: the child play space, density, impact on infrastructure and the adequacy of the s106 funding. Since that time, the applicant had amended the scheme to increase the level of community and child play space. This had been achieved through a slight reduction in private amenity space. However, the latter still complied with policy.

Overall, the scheme continued to comply with policy and the Officer recommendation remained to grant. Officers also explained the implications of a refusal including the possibility that the application may be called in by the Mayor of London.

In reply to questions, Officers confirmed that the POD rent levels in the report would be transferred into the legal agreement. The nearest parks were a short walking distance away from the site (East India Dock Basin was less than a mile away). Therefore, the proposal complied with policy in terms of off site child play space.

Councillor Zara Davies proposed an amendment to the suggested reasons for refusal to include the impact on health. This amendment fell.

On a vote of 3 in favour, 3 against with the Chair casting a second vote in support, the Committee **RESOLVED**:

1. That the suggested reasons for refusal (paragraph 5.19-21 of the report) be **NOT ACCEPTED** and that planning permission (PA/12/02107) at Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road London be **GRANTED** for the erection of two buildings of 7 & 26 storeys comprising 190 residential units (78 x 1 bed; 58 x 2 bed; 50 x 3 bed; 2 x 4 bed; 2 x 5 beds), 134sq.m of gym space at upper ground level, 42 car parking spaces and 244 cycling spaces at basement level, communal open space and associated works SUBJECT TO:
2. Any direction by The London Mayor;
3. The prior completion of a legal agreement to secure the planning obligations set out of the report;
4. That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above acting within normal delegated authority;
5. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report;

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

(Councillors Bill Turner and Judith Gardiner did not vote on this item as they were not present when the item was previously considered and deferred at the 13th December 2012 committee meeting)

7. PLANNING APPLICATIONS FOR DECISION

7.1 Skylines Village, Limeharbour, London (PA/11/3617)

Update report tabled.

Councillor Stephanie Eaton left the meeting room for the duration of this item only.

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding Skylines Village, Limeharbour, London.

The Chair invited registered speakers to address the Committee.

Councillor Peter Golds, speaking in objection to the application, stated that he was representing the Blackwall and Cubitt Town Ward. He was also representing the views of the St John's Tenants and Residents Association (St John's TRA) and other such associations in the area that were opposed to the scheme. He objected to the height and scale of the scheme; the cumulative impact with the consented ASDA and the Angel House plans. He objected to the impact on local services, i.e. schools, health services and transport. They were already at full capacity. He objected to the poor success of the car free agreements in the area given the amount of vehicles on the streets. The application should be referred back to the applicant for further consideration.

In response to Members, Councillor Golds objected to the impact on the businesses on site. He highlighted the benefits of the site (in terms of proximity to Canary Wharf, DLR stations). However there was nothing in the application to support displaced businesses or compensate. He expressed concern at the displacement of the drugs service on site given the drug related problems in the area. The nearest GP surgeries were some distance away.

Jan Donovan, speaking in support of the application, stated that the scheme would deliver 764 units with 228 affordable houses with 154 social rents at Council levels. The applicant had met with residents, Councillor Golds, Officers TfL and the Police amongst other agencies to consider the issues and mitigate the impact. Ms Donovan listed the benefits of the scheme

including: the high quality design, new community facilities, child play space, potential new health and education facilities; new employment space; a full s106 package that would contribute to infrastructure, The existing employment units were tired and out of date. The tenants were on a short lease and were fully aware of this.

In response to Members, Ms Donovan reported that the applicant had not spoken specifically to the drugs and alcohol services about the impact on the drugs services on site and crime levels should it be removed. She saw no conflict in locating such facilities with residential properties. There would be a community floor space for such facilities. There were proposals to provide a support package to help the businesses relocate. There would be opportunities for all existing tenants to come back with discounted rent levels for the first two years. The applicant had met with the Police and there were conditions to address their comments, (for example CCTV monitoring, gates to public space be locked at night). The scheme would help community cohesion with no segregation between private and affordable tenants. All units would look the same, were all close together and would share community space.

Pete Smith (Development Control Manager) made a detailed presentation of the committee report and tabled update, as circulated to Members. The application was previously considered by the committee on 8th November 2012 where it was withdrawn to address Members questions. Since that time Officers had carried out further work with the relevant agencies to address the questions. (This included National Grid, Thames Water, Environmental Health, the Crime and Prevention Officers). Officers had also worked with the applicant to consider the Inspectors Report on the Managing Development Document.

The Marsh Wall area had been identified in policy as an area for housing growth and high density development. The scheme would provide a policy compliant level of affordable housing in favour of social target rents with a significant percentage of family housing. He explained the merits of the scheme including: the design; the community facilities, creation of new jobs and public open space; a full s106 and the good public transport rating. It was noted that the density exceeded policy. However, it was considered that, on balance, given the local context and merits of the scheme, the density was acceptable. Mr Smith explained the outcome of the consultation including the GLA's responses on social target rents (noted by the applicant).

It was considered that the height and massing was satisfactory given the pattern for new developments in the area and policy. It was considered that the impact on education was acceptable given the contributions for education and the allocations for schools in the Managing Development Document.

Officers were recommending that the scheme should be granted.

The Chair then invited questions from Members, which covered the following issues:

- The loss of daylight to properties. Particularly, the number expected to suffer a 'major loss'. (40% or more). Clarification was sought on the extent of the losses.
- Loss of existing businesses due to the rent levels (at full rate) and the completion time.
- The impact on the drugs services currently on site. It was questioned whether Officers had engaged with the providers and the Police to consider the disruptions to this service and how they would fit into the scheme on return.
- The shortfall in child play space.
- The density range given it exceeded policy.
- Impact on the DLR in terms of overcrowding.
- The noise impact from the DLR, particularly on the affordable housing . The insulation to mitigate this.
- The comments of the London Fire Authority about the lack of a detailed ground floor plan showing road access.
- The comments of National Grid and Thames Water about the ability of the services to cope with this development. Members sought further assurances on these matters.
- The size of the retail units. Support was expressed for a mix of small and medium sized units to reflect the local economy. Clarification was sought on the size of the units to ensure this.
- The discussion to involve St John's TRA in the community space.
- Excessive height in relation to the surrounding area.

Officers' responses included the following information

- The impact on sunlight and day light was considered acceptable taking into account the overall benefits of the scheme and the outlooks at present.
- It was possible to control the size of the retail units to prevent undue amalgamation and secure a balance of small and medium sized units. This was supported in policy.
- Environmental Health were satisfied with the scheme and that any noise impact could be dealt with by the conditions.
- It would be necessary to prepare a programme with the existing businesses for potential relocation and return. This would be written into the legal agreement.
- The density matrix in the London Plan was London wide. It was important to take into account the local context and the challenges with housing needs when considering density. Taking this into account, it was considered that the density range was acceptable.
- The child play space complied with policy and there were parks nearby for older children. There were also contributions for open space. The applicant was supportive of providing a youth facility on site and were exploring this option.

- TfL had requested a sum for additional lifts at South Quay DLR Station. Aside from this, they were satisfied with the scheme and the networks capacity to cope with the scheme.
- Officers had recently contacted Thames Water. It was emphasised that they did not wish for the scheme to be refused. They merely sought reassurances about capacity.
- There was a full section in the emergency plans on access routes and fire points. Officers were satisfied with these plans.
- It was possible that discussions could take place with St John's TRA about relocation to the retail floor space.

On a vote of 0 in favour, 5 against and 2 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission (PA/11/3617) at Skylines Village, Limeharbour, London **BE NOT ACCEPTED** for proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys.

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

- Height;
- Density in relation to the London Plan;
- Daylight and sunlight impact to the surrounding properties;
- Lack of child play space on site, particularly for the 11-15 age range;
- Impact on health services generally and, in particular, the existing drug services on site;
- Loss of existing employment uses on site.

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

(The Members that voted on this item were Councillors Helal Abbas, Bill Turner, Shahed Ali, Zara Davis, Judith Gardiner, Carlo Gibbs, Dr Emma Jones)

Adjournment

At this point (10.15pm) the Chair proposed and it was

RESOLVED that the proceedings be adjourned for a five minutes break.

7.2 Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14 (PA/12/02856)

Councillor Stephanie Eaton rejoined the meeting for the rest of the agenda.

Update report tabled

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14 (PA/12/02856)

The Chair invited registered speakers to address the Committee.

Simon Rayner spoke in objection to the application, on behalf of the Abbots and Vickery Wharf Residents Association. The proposal was contrary to policy and contradicted the conservation area. In particular, the plans conflicted with the LBTH Service Head of Planning's letter of 16th July 2010 that in summary stated that no large buildings should be located very close to Bartlett Park. The proposed buildings would dominate the park, was of excessive height adding to the cumulative impact of the other new developments such as the New Festival Hall. It would cast shadows on the park and create parking stress. There was a lack of affordable units. No residents supported the scheme.

In response to questions from Members, Mr Rayner indicated that he was aware of the outline plans for the park when he moved into his property but was under the impression that any plans would comply with the Service Head's letter. The scheme was right on the parameters of the park. There would be overlooking to Abbots Wharf as the windows were glass fronted. It would be overpowering.

Leah Massouras spoke in support of the application as a local resident. She welcomed the enhanced facilities for residents and children such as the waterside centre and café. It would increase the size of the park; improve the dangerous road and provide affordable homes. There was a need for something on Bartlett Park as the children have nothing to do.

Paul Buckenham (Planning Officer) made a detailed presentation of the committee report and tabled update. He described the site location. He explained the principles agreed by the Cabinet in 2008 and 2011 regarding the delivery of new homes at the site and improvements to Bartlett Park. The proposal sought to provide 150 new homes with 52 affordable housing at or below POD rent levels. It would also provide new recreational facilities for Bartlett Park and a land swap to increase the size of the park with a link to the canal.

He explained the outcome of the local consultation. He also explained the design, height, amenity space and the full s106 contributions. The scheme would generally be car free. There was adequate on street parking to accommodate the scheme as shown by the parking survey. The site was within a reasonable distance to transport facilities

He also explained the changes to the timing of conditions as set out in the update report.

Following questions from Members, Officers' reported the following points:

- The comments of NHS Tower Hamlets had been received and were set out in the update.
- The letter of the Service Head was a pre application letter that sets out general principals for the site. However, Officers had since balanced this against the principles in the Cabinet reports, the overall benefits of this scheme including viability. On balance, Officers considered that the benefits outweighed any impact and it generally complied with policy.
- It was considered that the child play space was acceptable given the proximity to Bartlett Park and other play facilities in the area.
- The application was supported by a day light and sun light assessment. This found that the impact on the Bartlett Park was acceptable with no significant overshadowing. The assessment had been independently tested.
- The waterside centre would be open to all levels of ability and all of the community.
- Officers noted the importance of the safety plans for the facility that would be provided via the legal agreement.
- Officers also reported on the deadline for receipt of the New Homes Bonus.

Councillor Bill Turner proposed an amendment to the construction hours for Saturday that they be amended from 0.800 to 13:00 to **09.00 to 13:00**. This was agreed by the committee.

On a vote of 4 in favour, 0 against and 3 abstentions, the Committee **RESOLVED:**

1. That planning permission (PA/12/02856) at Site at Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14 be **GRANTED** for the demolition of the existing single storey temporary shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings (43 x 1 bed, 64 x 2 bed, 37 x 3 bed, 4 x 4 bed and 2 x 5 bed), together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works SUBJECT to.
 - Condition 8 (Compliance) Hours of construction for Saturday be amended to 09.00 to 13:00.

AND:

2. Any direction by The London Mayor;
3. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three

months of the date of this resolution, to secure the planning obligations set out in the report;

4. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report subject to the changes to the triggers for the discharge of conditions in the update.

The meeting ended at 11.30 a.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Agenda Item 6

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

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Application	Proposal	Reason for deferral
24 th January 2013	Skylines Village, Limeharbour, London (PA/11/03617)	Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys.	<p>The proposed height of the buildings;</p> <p>The excessive density – exceeding the maximum densities specified in the London Plan;</p> <p>The daylight and sunlight impacts of the proposed development on surrounding properties;</p> <p>The lack of child play space on site – specifically catering for the 11-15 age range;</p> <p>The impact of the proposed development on existing health services operating from the site and in particular, the existing drug and alcohol services;</p> <p>The general loss of employment uses on the site associated with the proposed redevelopment.</p>

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original report along with any update are attached.

- Skylines Village, Limeharbour, London (PA/11/03617)

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Strategic Development	Date: 6 March 2013	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Pete Smith		Ref No: PA/11/03617	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Skylines Village, Limeharbour, London
Existing Use: Office (Use Class B1)
Proposal: Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of flexible retail/office floor space (Use Class B1/A1 – A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities

The application also proposes new public open space, associated hard and soft landscaping.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 2011 (as amended).

Drawing Nos: Submission Documents
PA/03/010 - Site Plan With Red Line 1/1250 A1
PA/04/010 - Existing Site Plan 1/300 A1
PA/04/011 - Existing Context Elevations 1/300 A1
PA/04/012 - Existing Context Site Sections 1/300 A1
PA/05/010 - Proposed Location Plan 1/1250 A1
PA/05/011 A Proposed Basement Plan #1 1/300 A1
PA/05/012 A Proposed Basement Plan #2 1/300 A1
PA/05/013 A Proposed Ground Floor Plan 1/300 A1
PA/05/014 C Proposed Typical Floor 1/300 A1
PA/05/015 A Proposed Landscape Plan 1/300 A1
PA/05/016 A Proposed Roof Plan 1/300 A1
PA/05/020 A Proposed Context Site Sections 1/2000 A1
PA/05/021 A Proposed Context Site Sections 1/2000 A1
PA/05/026 A Context Elevation 1/1500 A1
PA/05/025 A Context Elevation 1/1500 A1
PA/05/030 A Buildings A and B - East Elevation 1/300 A1
PA/05/031 A Buildings A and B - West Elevation 1/300 A1
PA/05/032 B Buildings A and B - North & South Elevations 1/300 A1
PA/05/040 A Buildings B1 and C- North Elevation 1/300 A1
PA/05/041 A Buildings B1 and C - South Elevation 1/300 A1

PA/05/042 A Buildings B1 and C - East Elevations 1/300 A1
 PA/05/043 A Buildings B1 and C - West Elevations 1/300 A1
 PA/05/048 A Detailed Plan Marsh Wall 1/250 A1
 PA/05/049 A Detailed Plan Limeharbour 1/250 A1
 PA/05/050 B Landscape Sections AA & BB 1/250 A1
 PA/05/051 A Context Site Section CC 1/250 A1
 PA/05/052 A Context Site Section DD 1/250 A1
 PA/05/053 A Context Site Section EE 1/250 A1
 PA/05/054 A Context Site Section FF 1/250 A1
 PA/05/055 A Context Site Section GG 1/250 A1
 PA/05/056 A Context Site Sections HH & II 1/250 A1
 PA/05/057 A Context Site Section JJ 1/250 A1
 PA/05/058 A Context Site Section JJ 1/250 A1
 PA/05/059 - Proposed Connection with Aste Street 1/250 A1
 PA/05/060 A Blocks A & B Sections EE & FF 1/300 A1
 PA/05/061 A Blocks B1 & C Sections HH 1/300 A1
 PA/05/062 A Block B1 & C Section GG 1/300 A1
 PA/05/070 B Building A Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/071 B Building A Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/072 B Building A Plans – Typical Plans - sheet 3 1/250 A1
 PA/05/080 B Building B Plans - Typical Plans - sheet 1 1/250 A1
 PA/05/081 A Building B Plans - Typical Plans - sheet 2 1/250 A1
 PA/05/090 A Building B1 Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/091 A Building B1 Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/092 A Building B1 Plans – Typical Plans - sheet 3 1/250 A1
 PA/05/093 A Building B1 Plans – Typical Plans - sheet 4 1/250 A1
 PA/05/094 A Building B1 Plans – Typical Plans - sheet 5 1/250 A1
 PA/05/100 A Building C1 Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/101 A Building C1 Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/110 A Building C2 Plans – Typical Plans- sheet 1 1/250 A1
 PA/05/120 A Building C3 Plans – Typical Plans- sheet 1 1/250 A1
 PA/09/010 - Building A & B - Typical Cladding Arrangement 1/100 A1
 PA/09/011 - Building B1 & C - Typical Cladding Arrangement 1/100 A1

Supplemental Planning Statement prepared by Rolfe Judd Planning;
 Revised Drawings and Area Schedule prepared by Farrells;
 Design Statement Addendum and Access Statement Addendum
 prepared by Farrells;
 Updated Environmental Statement Non-Technical Summary
 prepared by URS;
 Environmental Statement Addendum Volume I and Volume III
 (Appendix B) prepared by URS;
 Environmental Statement Volume II Addendum: Townscape and
 Visual Impact Assessment prepared by Peter Stewart Consultancy
 and Glow Frog;
 Environmental Statement Addendum Volume III (Appendix A –
 Daylight and Sunlight Addendum Report) prepared by GIA;
 Energy Statement (July 2012) prepared by Watermans;
 Sustainability Statement (July 2012) prepared by Watermans;
 Waste Management Plan (July 2012) prepared by ARUP;
 Transport Letter responding to comments from TfL and LB of
 Tower Hamlets prepared by WSP;
 Skylines Employment Statement 21/12/12 prepared by Rolf Judd
 Skylines Open Space Covering letter January 2013 prepared by Rolf
 Judd

Applicant:
Owner:

ZBV (Skylines) Ltd & Skylines (Isle of Dogs) Ltd
 Multiple Owners

Historic Building: N/A
Conservation Area: N/A

2.0 RECOMMENDATION

2.1 Whilst officers' views on the planning merits of the scheme remain unchanged, if Members are minded to refuse planning permission for this development, it is recommended that Members adopt the two reasons for refusal outlined in this report (see paragraphs 7.4 and 7.6 below).

3.0 BACKGROUND

3.1 This application for planning permission was reported to Strategic Development Committee on 24th January 2013 with an officers' recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached as Appendix 1 & 2 of this report.

3.2 After consideration of this previous report and the update report, the Members resolved not to accept the officers' recommendation and were reminded to refuse planning permission due to concerns over:

- The proposed height of the buildings;
- The excessive density – exceeding the maximum densities specified in the London Plan;
- The daylight and sunlight impacts of the proposed development on surrounding properties;
- The lack of child play space on site – specifically catering for the 11-15 age range;
- The impact of the proposed development on existing health services operating from the site and in particular, the existing drug and alcohol services;
- The general loss of employment uses on the site associated with the proposed redevelopment.

3.3 Although not included in the Members resolution not to accept officers' recommendation, other issues were raised that deserve further comment as part of this report. These other issues include the following:

- The size of proposed commercial units and the extent to which the local planning authority can limit the size of units for retail purposes (through restricting subdivision or enlargement of units for particular purposes);
- Refuse storage and collection arrangements.

3.4 In accordance with Rule 10.2 of the constitution and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Sections 7.0 and 8.0 of this report.

4.0 INFORMATION UPDATE

Child Play Space and Communal Amenity Space Revisions

4.1 The Managing Development DPD (Policy DM4) applies the LBTH child yield calculations and the London Plan Supplementary Planning Guidance (which seeks to determine levels of children and young people's play and informal recreation play space) to arrive at an appropriate on site play space provision for all age groups, specifying 10sq m of play space to be provided for each child.

- 4.2 As Members will recall, the child yield associated with the Skylines proposals is expected to be in the region of 265 children (made up of 94 children under 4 years of age; 116 children between 5-10 years of age and 55 children between 11-15 years of age) and the area of concern concentrated on the lack of play provision set aside on site, specifically focussed towards the 11-15 age range.
- 4.3 Your officers have subsequently discussed this issue with the developer and their agents, with a view to providing on site play facilities to specifically cater for the needs of older children. The developer has agreed to provide some on-site play facilities to cater for the 11-15 year age group, whilst still meeting the space requirements for the 0-4 and the 5-10 age groups. Furthermore, the previously proposed communal amenity space was always proposed well above the specified standards and remains acceptable.
- 4.4 Details of the communal amenity and child play space requirements were set out within paragraphs 9.102-9.108 of the original Committee Report (Appendix 1) and within the Update Report (Appendix 2) which provided greater detail of the play space provision. The table below provides detail as to the amended play space provision, compared to the standards detailed in the London Plan and the Managing Development DPD.

	LBTH/London Plan/SPG Policy Requirement	Scheme Provision	Variance (+ or -)
Communal Amenity Space (LBTH policy)	804 sq.m	1483 sq m	+ 679sq.m
Child Play Space-Under 4	936sq.m	970 sq.m	+ 34 sq.m
Child Play Space-5-10	1157sq.m	1160 sq.m	+ 3sq.m
Child Play Space-11-15	558 sq.m	160 sq.m	- 398 sq.m (see paragraph 4.5 below)
Total	3,455 sq.m	3,773 sq.m	+ 318 sq.m

- 4.5 Members will recall that the applicant has set aside space within the proposed community-orientated floorspace (within Block B) to provide youth club facilities to also cater for the 11-15 age group. There has been encouraging dialogue with the Council's Youth Services, with a view of providing a bespoke youth facility within the development to complement open air play facilities for children aged between 11-15 years. This proposed indoor youth facility is proposed to be provided to shell and core (with internal partitions provided) with a peppercorn rent for a period of five years (but with the Youth Service required to meet service charges). If this dialogue continues to a successful conclusion, this space would provide an additional 750 sq metres of recreational/leisure facilities, making a combined total of 910 sq metres of facilities focussed towards the 11-15 age group, which could be taken into account when considering the extent to which this development caters for the play, leisure and recreational needs of the development as well as those of the immediate neighbourhood.
- 4.6 The general approach, in terms of the provision of play and informal recreation facilitated by new development, is informed by the London Plan Supplementary Planning Guidance entitled "Shaping Neighbourhoods: Play and Informal Recreation" (September 2012). In this document it states that in cases where child yield exceeds 80 children, as is the case in this instance, facilities for the under 10 years of age should be provided on site as well as facilities for older children (in the form of on-site youth space). Significantly, it states that possible variations could apply to reflect existing provision and it states that if the site is within 800 metres of existing facilities for the 11-15 year group, an off-site contribution may

be considered if in accordance with a play strategy. Whilst recognising the levels of on-site play provided as part of this development, including the availability of space within the community facilities floorspace for the provision of a youth club, the Skylines site is within 800 metres of St John's Park and Mudchute/Millwall Park, which both have facilities available for the 11-15 age group.

- 4.7 Referring back to the Supplementary Planning Guidance and following the amendments to the proposed on-site play facilities, this development would provide a good standard of on-site play facilities. The development would also provide a substantial financial contribution (£828,386) towards public open space improvements and a substantial financial contribution (£668,039) towards leisure and community facilities.

Health Services, Drug and Alcohol Services and Retention/Relocation Strategy for Existing Businesses

- 4.8 Following the previous Strategic Development Committee, officers have sought to fully understand the effect of the proposed redevelopment on the existing health services operating from the Skylines site, including drug and alcohol services and the relationship with the proposed retention and relocation strategy for existing businesses.
- 4.9 Your officers (along with the applicant) have met up with the various health service providers operating from Skylines Village (Young Persons Service – operating out of Unit 26; Tower Hamlets Community Alcohol Team - operating out of Unit 22 and the Island Day Programme – operating out of Unit 47).
- 4.10 Your officers have also engaged with colleagues who directly commission these services on behalf of the Council, working in partnership with other health providers. All three of these services occupy floorspace on the basis of an unsecured short term letting agreement or license.
- 4.11 The applicant has offered to deal with two of these existing services (Young Persons Service and the Island Day Programme) utilising the following strategies:
- Confirmation that the community support services (or any replacement service) can remain on site until the site is redeveloped;
 - Assist in any relocation the support service (or any replacement service) including meeting the cost of the relocation and paying any uplift in rent over and above what is being currently paid (for the interim period during the redevelopment);
 - Reserve adequate accommodation within the community facilities floorspace for these health related uses, meeting the relocation costs for the services to come back into the scheme with they elect to do so;
 - Give the community services a rent free period for two years on returning into the scheme and an agreement that the services will then pay the equivalent rent to that currently paid at Skylines, with this being secured for a 20 year period (with break clauses should the organisation decide to relocate elsewhere);
 - Provide an additional room within the community related floorspace that can be used by Alcoholics Anonymous and Narcotics Anonymous and by associated organisations that support family members.
- 4.12 Representatives of the Community Alcohol Team have advised that relocation into the proposed development would not be appropriate, in view of the specific requirements of the client group. Notwithstanding this, the applicant has offered best endeavours controlled through the S.106 Agreement, to find an alternative permanent site (which might be more conveniently located in relation to the client group) as well as to pay relocation costs and to meet the costs of any rental uplift until the proposed redevelopment is completed and available for occupation.

- 4.13 The existing Skylines Village is very much under-occupied with approximately 20 of the 59 units currently vacant, with the majority of which are on short term tenancies and licences. Members are reminded that the S.106 Agreement would incorporate a retention and relocation strategy for the remaining business on the site, including the following initiatives:
- Extended notice period for vacant possession
 - Financial assistance (£2,500) to help mitigate the costs associated with relocation
 - Free advice and assistance (for 6 months) to identify alternative accommodation
 - First right of refusal to occupy new SME space created in the new scheme
 - Transitional relief on rent to existing tenants (first year rent free and second year at half rent).
- 4.14 Furthermore, for the purposes of the S.106 Agreement, it has been suggested that the existing health related services be grouped into a general heading “Substance Mis-use and Abstinence Services for Adults and Children” to ensure that their specific requirements can be appropriately managed.
- 4.15 Finally, Members are reminded that the applicant has offered the full financial contribution towards the capital costs of new health facilities (£1,017,150).

5.0 FURTHER RESPONSE TO MEMBERS’ PREVIOUS CONCERNS

Density of Development

- 5.1 As previously advised, the proposed density of development of the proposed Skylines redevelopment equates to 1,574 habitable rooms per hectare and Members raised concern about how this relates to the London Plan’s residential matrix, which informs Policy 3.4 of the London Plan and seeks to optimise the housing potential of housing sites. The London Plan advises that it is not appropriate to apply the density matrix mechanistically and states that the density ranges are broad, enabling account to be taken of other factors relevant to optimising potential, including local context, design and transport capacity as well as social infrastructure, open space and play.
- 5.2 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a useful quote in the SPG which reads as follows:
- “One the other hand, the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions”.*
- 5.3 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors.
- 5.4 The SPG also provides commentary on where sites border changes in character and setting (as is the case in respect of the Skylines application) and refers to terms such as “place shielding” as well as “place shaping”. Place shielding involves managing the interface between different places where new building on the edge of a site can help protect the surrounding areas from larger buildings. “Place shaping” means the use of wider planning, housing and economic development and management tools to create a successful place. Your officers are of the view that the proposed Skylines redevelopment provides an

opportunity for successful “Place shaping”.

- 5.5 Finally, the SPG states that where proposals are made for development above the density range, they must be tested rigorously, including different aspects of liveability related to the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “placeshaping” as well as concerns over “place shielding”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development. The previous report outlined the reasons why the proposed density and form of development would be acceptable.
- 5.6 Whilst it is full acknowledged that developments should be considered on their own merits and the acceptability of residential densities need to take account of a wide variety of factors, approval of schemes in excess of the London Plan density ranges is not an out of the ordinary occurrence in Tower Hamlets, bearing in mind the Borough’s growth agenda (in terms of additional housing and affordable housing). Most cases are required to be considered “in the balance” with not all density criteria being fully satisfied. Your officers continually monitor and review planning permissions to determine and manage the housing growth agenda and also use this monitoring information to inform the Council’s Planning for Population Change and Growth Model, which underpins the on-going Infrastructure Delivery Plan and identifies infrastructure requirements to support the level of housing growth envisaged by the London Plan and the Core Strategy.
- 5.7 Whilst it is recognised that the Skylines scheme is not without its challenges, especially in managing the transition between the Canary Wharf cluster of taller buildings and the lower scale/density of development to the south east of the Skylines site, it is significant from a density of development point of view that the site is located within an Opportunity Area, as defined by the London Plan and the Canary Wharf Activity Area. The Core Strategy recognises the importance of this area in terms of the growth agenda and as highlighted in the previous report to the Strategic Development Committee, the Core Strategy (Appendix 2) advises that 12,980 new homes are expected to be delivered up to 2025 within the Cubitt Town, Canary Wharf and Millwall “places”. This is clearly the context for the scheme and the desire to create new sustainable “places” such as that proposed for the Skylines site.
- 5.8 It is also significant that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient play space for the 0-10 year olds and arguably, complies with the play space requirements for older children. The scheme also provides significant public open space in the form of the public square and complies with other aspects of the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space. It is acknowledged that the scale of development is quite different from the more traditional scale of development found to the south-east of the site, but the proposed development is designed to effectively manage this transition and will contribute positively in terms of “place-shaping” and will help link residential areas located to the south east of the site and the wider residential hinterland.
- 5.9 The Skylines site has the capacity to accommodate taller buildings, especially buildings located towards the north-western edge of the site at the junction of Limeharbour and Marsh Wall East where new active continuous street frontages will replace the current fragmented 1980’s townscape introducing a new piece in the Marsh Wall East jigsaw and contributing positively to the regeneration of this part of the Isle of Dogs. Bearing in mind the general residential densities that have been accepted in the vicinity of the site to deliver effective development, the majority of which have exceeded London Plan maximum densities, Members might wish to take this into account when finalising their views on this important scheme.

Daylight Impacts

- 5.10 The properties most affected by the proposed development, in terms of reductions in daylight, were listed in the previous report to Strategic Development Committee. With affected properties located to the south of the proposed development, issues have predominantly been focussed towards daylight impacts rather than sunlight effects. At the previous Strategic Development Committee, Members were particularly interested in the extent of daylight failures and the following paragraphs attempt to provide these further details.
- 5.11 As Members will be aware, the primary assessment for calculating daylighting effects utilises the Vertical Sky Component (VSC) method of assessment together with the No Skyline (NSL) method. With existing buildings, the general guide is that where the VSC is greater than 27%, then enough skylight should still be reaching the window of the existing building. The Guidance states that any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and the reduction is greater than 20% of its former value, the occupants of the existing building will notice a reduction in the amount of skylight. The Guidance advises however that it should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 5.12 Referring to the previous report, Members will recall that the properties most seriously affected by the proposed development were 1-39 Aste Street, 1-6 Roffey Street, 6-13 Chipka Street and 26-44 East Ferry Road. Members requested more details as to the extent of failures, whilst acknowledging that the daylight reductions exceeded 40%.
- 5.13 The Sunlight and Daylight Report which accompanied the Skylines planning application (as amended) indicated the following daylight values and the % reduction.
- 1-39 Aste Street
- 5.14 Apart from 5 windows, the majority of Aste Street windows tested (108) currently fail the 27% VSC (average around 24%). The % daylight reduction ranged from between 39.25% to 58%, with 51 of the windows tested having reduced daylight of between 40-50% and 69 windows tested having reduced daylight of over 50%.
- 6-13 Chikpa Street
- 5.15 Apart from 15 windows, the majority of windows tested (68 windows) currently fail the 27% VSC. 20 of the windows tested had reduced daylight of between 40-50% whereas a further 26 windows tested had reduced daylight over 50%.
- 1-6 Roffey Street
- 5.16 30 of the windows tested (48 windows) exceeded the 27% VSC although the % reduction in daylight as a consequence of the development ranged between 12-22%, with 36 windows tested had reduced daylight in excess of 20% (albeit less than 22% in all cases).
- 26-44 East Ferry Road
- 5.17 Apart from 4 windows, the majority of the windows tested affected (29 windows) failed the 27% VSC standard. 6 of the windows tested (with the development) had reduced daylight in excess of 20% (ranging from between 20.10% to 26.63%).
- 5.18 It is acknowledged that the impact of this proposed development on daylight reaching neighbouring properties, especially those properties immediately adjacent to the site boundary (1-39 Aste Street and 6-13 Chikpa Street) is serious, especially with the existing

change in level between the application site and Aste Street and Chikpa Street properties and the existing impact of Skylines on levels of daylight already received by these properties. However and as previously argued, the demolition of the existing buildings already located on the boundary of these properties should help improve the outlook for these properties and in situations where there is a planned transition between differing build character, promoted and facilitated by a planned growth agenda, loss of daylight would need to be accommodated to enable the optimisation of the development potential of such sites. This approach has been previously adopted in a number of situations in Tower Hamlets. Members might wish to consider this further information as part of their further deliberations.

Loss of Employment

- 5.19 Whilst it is appreciated that the proposed development will not provide a similar level of business floorspace compared to existing provision, it is significant that existing accommodation is only partially occupied and in view of the layout and the compartmentalised design of the existing business park, it is likely that the proposed replacement commercial space, whilst providing less floorspace, will provide greater space flexibility for incoming business use and scope for higher employment densities compared to the existing situation (even if Skylines were to be fully occupied). The applicant has also met his full S.106 obligations, in terms of employment and training contributions (£227,020) and other non-financial employment and training obligations (access to employment during the construction and end user phase). These aspects, viewed alongside the relocation and retention packages offered to existing business (enhanced by bespoke offers to the health related services operating from the site and commissioned by the Council) should be considered in the round and would help mitigate against the minimal loss of business accommodation associated with this proposed redevelopment.
- 5.20 Members might wish to consider this further information as part of their further deliberations.

6.0 OTHER ISSUES

Size of Ground Floor/First Floor Retail Units

- 6.1 The size of the various commercial units (identified as flexible A1-A5 and B1 floorspace) includes units of 35 sq.m and 68 sq.m in area, through to 135 sq.m, 199 sq.m and 225 sq.m sized units with the largest unit (on two floors) providing in the region of 500 sq.m. At the previous Strategic Development Committee, there were questions about the potential size of these units and a request to limit the unit sizes (if used for retail purposes) in order to limit the scale of occupation by multiple retail operator (especially supermarket operators).
- 6.2 Policy DM1 of the Managing Development DPD seeks to direct retail uses to the Borough's major, district and neighbourhood centres and allied to this, Policy DM2 seeks to control the scale of local shopping outside town centres, making sure that the form and scale of retail is appropriate to the locality. The supporting text to this policy advises that a shop which is local in nature should not exceed 100 sq.m(GIA); equivalent of two small shop units.
- 6.3 With this being the case and in view of the size of some of the flexible units proposed as part of this development, the issue previously raised could be accommodate through the use of a planning condition, limiting the size of units that may be occupied for retail purposes, to 100sq (GIA). This restriction would not apply to A2-A5 uses or B1 uses, as the policy only relates to retail uses.

Refuse Storage and Collection

- 6.4 A final issue that was raised previously by Strategic Development Committee was confirmation of the proposed refuse storage and servicing arrangements. Referring to the basement and ground floor plans, it is the intention to store refuse within the basement, within

specially designed storage areas, with the refuse either being collected from within the basement servicing area or at ground floor level (via the off street servicing bay located off Limeharbour) with refuse being transported from the basement storage accommodation. The previous recommendation to grant planning permission included a condition requiring approval of a bespoke Waste Management Plan for the site.

7.0 CONSIDERATION OF REASONS

- 7.1 Members raised six areas of concern (as highlighted in paragraph 3.2 of this report) on which they resolved that they were minded to refuse this application. Outlined below are suggested reasons for refusal based on these concerns, followed by officer's comments and advice pertaining to each of the proposed reasons.
- 7.2 Officers are recommending that two reasons for refusal should be carried forward by Members (as set out in paragraphs 7.4 and 7.6 below) when refusing the application, as a number of the specific issues previously raised, including height and scale of development, daylight impacts and lack of playspace, arise out of the concerns raised in respect of the proposed density of development. One reason for refusal refers to overdevelopment with the other referring to the loss of employment floorspace and the failure of the development to properly mitigate the loss of employment. These two reasons for refusal incorporate the concerns raised by Members at the previous Strategic Development Committee.
- 7.3 These two reasons for refusal should be able to be sustained on appeal, although an award of costs cannot be ruled out if it can be proven that the Council, in refusing planning permission, has acted unreasonably.

Suggested Reasons for Refusal

Reason 1

- 7.4 The proposal represents an overdevelopment of the site, in excess of the density ranges outlined by Policy 3.4 of the London Plan (July 2011) and the associated Supplementary Planning Guidance "Housing" and results in a scale, form and height of development which fails to adequately deal with the transition in built character between the Canary Wharf tall buildings cluster and the lower density development that lies outside the Canary Wharf Activity Area, fails to provide adequate play space for all age groups and leads to a material loss of daylight to neighbouring residential occupiers, contrary to Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011), saved Policy DEV1 of the adopted Unitary Development Plan (1998), Policies SP02 and SP10 of the Core Strategy (2010), Policies DM4, DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with modifications and Policies DEV1, DEV2, HSG1 and DEV27 of the Interim Planning Guidance (2007) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

Officer's Comments

- 7.5 This report has previously commented on the issues of residential density, the provision of child play space (following amendments to the scheme proposed by the applicant) and the impact of the development on daylight received by properties bounding the site.

Reason 2

- 7.6 The proposed redevelopment of the existing Skylines Village will lead to a net loss of B1 (Business) floorspace, contrary to Site Allocation 20 "Marsh Wall East" as identified in the Managing Development DPD (Submission Version May 2012) with modifications which states that development should re-provide and intensify existing employment floorspace, saved Policies EMP1 and EMP3 of the Unitary Development Plan (1998), Policy SP06 of the

Core Strategy 2010, Policy Ee2 of the Interim Planning Guidance (2007 and Policy DM15 of the Managing Development DPD (Submission Version May 2012) with modifications and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

7.7 Officer Comments

Again, this report has previously commented on the employment issues associated with this scheme, the likely level of additional employment likely to be forthcoming as a consequence of this new form of employment space specifically focussed towards Small to Medium Sized Enterprises and the bespoke retention and relocation packages being offered by the applicant (specifically those being offered to existing health service providers operating from the site and commissioned by the Council).

8.0 **IMPLICATIONS OF THE DECISION**

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

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

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

2. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)
3. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across this site, as opposed to the current proposed offer at social target rented accommodation (especially in view of the Planning Inspector’s Report which dealt with the Examination In Public into the Managing Development DPD). Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

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

9.0 **CONCLUSION**

9.1 All relevant policies and considerations have been taken into account. Whilst officers remain satisfied that planning permission for this proposed development should be **GRANTED**, subject to the direction by the London Mayor, the S.106 Agreement (including a new head of agreement to accommodate the health related services currently operating from Skylines), the amended drawings which now indicate on site play facilities for the 11-15 age group and planning conditions (including the additional condition seeking to limit the size of units used for retail purposes (100sq.m GIA)), Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous report and update report

presented to the Strategic Development Committee on 24th January 2013 (see Appendices 1 and 2) and determine the planning application as appropriate.

10.0 APPENDICES

- 10.1 Appendix One - Committee Report to Members on 24th January 2013
- Appendix Two – Update Report to Members on 24th January 2013

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings

0 15 m



1:4,500

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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Committee: Strategic Development	Date: 24 th January 2013	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Ross/Pete Smith		Ref No: PA/11/3617	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Skylines Village, Limeharbour, London

Existing Use: Office (Use Class B1)

Proposal: Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of flexible retail/office floor space (Use Class B1/A1 – A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities

The application also proposes new public open space, associated hard and soft landscaping.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 2011 (as amended).

Drawing Nos: Submission Documents

PA/03/010 - Site Plan With Red Line 1/1250 A1
PA/04/010 - Existing Site Plan 1/300 A1
PA/04/011 - Existing Context Elevations 1/300 A1
PA/04/012 - Existing Context Site Sections 1/300 A1
PA/05/010 - Proposed Location Plan 1/1250 A1
PA/05/011 A Proposed Basement Plan #1 1/300 A1
PA/05/012 A Proposed Basement Plan #2 1/300 A1
PA/05/013 A Proposed Ground Floor Plan 1/300 A1
PA/05/014 A Proposed Typical Floor 1/300 A1
PA/05/015 A Proposed Landscape Plan 1/300 A1
PA/05/016 A Proposed Roof Plan 1/300 A1
PA/05/020 A Proposed Context Site Sections 1/2000 A1
PA/05/021 A Proposed Context Site Sections 1/2000 A1
PA/05/026 A Context Elevation 1/1500 A1
PA/05/025 A Context Elevation 1/1500 A1
PA/05/030 A Buildings A and B - East Elevation 1/300 A1
PA/05/031 A Buildings A and B - West Elevation 1/300 A1
PA/05/032 B Buildings A and B - North & South Elevations 1/300 A1
PA/05/040 A Buildings B1 and C- North Elevation 1/300 A1
PA/05/041 A Buildings B1 and C - South Elevation 1/300 A1

PA/05/042 A Buildings B1 and C - East Elevations 1/300 A1
 PA/05/043 A Buildings B1 and C - West Elevations 1/300 A1
 PA/05/048 A Detailed Plan Marsh Wall 1/250 A1
 PA/05/049 A Detailed Plan Limeharbour 1/250 A1
 PA/05/050 B Landscape Sections AA & BB 1/250 A1
 PA/05/051 A Context Site Section CC 1/250 A1
 PA/05/052 A Context Site Section DD 1/250 A1
 PA/05/053 A Context Site Section EE 1/250 A1
 PA/05/054 A Context Site Section FF 1/250 A1
 PA/05/055 A Context Site Section GG 1/250 A1
 PA/05/056 A Context Site Sections HH & II 1/250 A1
 PA/05/057 A Context Site Section JJ 1/250 A1
 PA/05/058 A Context Site Section JJ 1/250 A1
 PA/05/059 - Proposed Connection with Aste Street 1/250 A1
 PA/05/060 A Blocks A & B Sections EE & FF 1/300 A1
 PA/05/061 A Blocks B1 & C Sections HH 1/300 A1
 PA/05/062 A Block B1 & C Section GG 1/300 A1
 PA/05/070 A Building A Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/071 A Building A Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/072 A Building A Plans – Typical Plans - sheet 3 1/250 A1
 PA/05/073 A Building A Plans – Typical Plans - sheet 4 1/250 A1
 PA/05/073 superseded by July 2012 Addendum
 PA/05/080 A Building B Plans - Typical Plans - sheet 1 1/250 A1
 PA/05/081 A Building B Plans - Typical Plans - sheet 2 1/250 A1
 PA/05/090 A Building B1 Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/091 A Building B1 Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/092 A Building B1 Plans – Typical Plans - sheet 3 1/250 A1
 PA/05/093 A Building B1 Plans – Typical Plans - sheet 4 1/250 A1
 PA/05/094 A Building B1 Plans – Typical Plans - sheet 5 1/250 A1
 PA/05/100 A Building C1 Plans – Typical Plans - sheet 1 1/250 A1
 PA/05/101 A Building C1 Plans – Typical Plans - sheet 2 1/250 A1
 PA/05/110 A Building C2 Plans – Typical Plans- sheet 1 1/250 A1
 PA/05/120 A Building C3 Plans – Typical Plans- sheet 1 1/250 A1
 PA/09/010 - Building A & B - Typical Cladding Arrangement 1/100 A1
 PA/09/011 - Building B1 & C - Typical Cladding Arrangement 1/100 A1

Supplemental Planning Statement prepared by Rolfe Judd Planning;
 Revised Drawings and Area Schedule prepared by Farrells;
 Design Statement Addendum and Access Statement Addendum
 prepared by Farrells;
 Updated Environmental Statement Non-Technical Summary
 prepared by URS;
 Environmental Statement Addendum Volume I and Volume III
 (Appendix B) prepared by URS;
 Environmental Statement Volume II Addendum: Townscape and
 Visual Impact Assessment prepared by Peter Stewart Consultancy
 and Glow Frog;
 Environmental Statement Addendum Volume III (Appendix A –
 Daylight and Sunlight Addendum Report) prepared by GIA;
 Energy Statement (July 2012) prepared by Watermans;
 Sustainability Statement (July 2012) prepared by Watermans;
 Waste Management Plan (July 2012) prepared by ARUP;
 Transport Letter responding to comments from TfL and LB of
 Tower Hamlets prepared by WSP;
 Skylines Employment Statement 21/12/12 prepared by Rolf Judd
 Skylines Open Space Covering letter January 2013 prepared by Rolf
 Judd

Applicant: ZBV (Skylines) Ltd & Skylines (Isle of Dogs) Ltd
Owner: Multiple owners
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications; as well as the London Plan (2011) and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD (Submission Version May 2012) with Modifications and in accordance with the objectives of the Borough's Site Allocation for Marsh Wall East as outlined in the Managing Development DPD (Submission Version May 2012) with Modifications and objectives for the Central Sub Area of the Isle of Dogs Area Action Plan (IPG 2007).
- 2.3 The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance Policies 7.8 of the London Plan (2011), and Policy SP10 of the Core Strategy (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the scheme is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved Policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the nearby by Coldharbour Conservation Area.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of Policy 3.4 of the London Plan (2011), Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance, the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.7 On balance, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 The scheme would deliver improved permeability and accessibility through the scheme and wider area whilst being designed to provide a safe and secure environment for residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Core Strategy (2010), Policies DM23, DM24, DM27 and the site allocation of the Managing Development DPD (Submission Version May 2012) with Modifications and Policy DEV4 of the Council's Interim Planning Guidance (2007) which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 Transport matters, including parking, access, and servicing are acceptable and accord with Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), Policies T16 and T18 of the Council's Unitary Development Plan (1998), Policy SP09 of the Core Strategy (2010), Policies DM20 and DM22 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters including energy, are acceptable and accord with Policies 5.2 and 5.7 of the London Plan (2011), Policy SP11 of the Core Strategy (2010), Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

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

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

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

3.2 Financial Obligations

- a) A contribution of £277,020 towards enterprise & employment.
- b) A contribution of £668,039 towards leisure and community facilities.
- c) A contribution of £202,982 towards libraries facilities.

- d) A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £1,017,150 towards health facilities.
- f) A contribution of £828,386 towards public open space.
- g) A contribution of £23,385 towards sustainable transport.
- h) A contribution of £368,754 towards streetscene and built environment.
- i) A contribution of £224,700 towards TfL London Buses.
- j) A contribution of £15,000 towards wayfinding.
- k) A contribution of £117,891 towards S106 monitoring fee (2%)

Total: £6,012,477

3.3 Non-Financial Obligations

- a) 36% affordable housing, as a minimum, by habitable room
 - 71% Social Target Rent
 - 29% Intermediate
 - Development viability review clause to secure any uplift.
- b) Employment and Training Strategy including existing business retention and relocation initiatives
- c) Provision of two floors 'shell and core (including internal walls)' in Block B for youth and community services at a 'peppercorn rent' for 5 year period – precise details still to be agreed with applicant and Council.
- d) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- e) Provision of real time DLR information board
- f) DLR Radio Communication signal booster mitigation (where necessary)
- g) On Street Parking Permit-free development
- h) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
- i) Electric Vehicle Charging Points
- j) Travel Plan
- k) Code of Construction Practice
- l) Off-site Highways Works
 - New raised table, pedestrian crossing and associated works Marsh Wall/Limeharbour

- m) Access to open spaces during specified periods
- n) 24 Hours access to public square
- o) 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

'Compliance' Conditions –

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. Lifetime Homes Standards
4. Parking details (provision of 10% disabled spaces and 20% electric vehicle charging)
5. 10% wheelchair homes
6. Code for Sustainable Homes Level 4
7. BREEAM Excellent
8. In accordance with approved Flood Risk Assessment (floor finish levels, surface water drainage solutions)
9. Hours of construction
10. Cranage height & max building height restriction (London City Airport)
11. Compliance with energy strategy

'Prior to Commencement' Conditions:

1. Contamination – investigation and remediation (in consultation with LBTH Environmental Health and the Environment Agency)
2. Approval of all external materials
3. Approval of child play equipment
4. Landscape and public realm detail (including boundary treatment, ground surface materials, planting scheme, furniture, lighting, Fire Safety measures and location)
5. Estate Management Plan (Maintenance of open space, child playspace, operation and publicly accessible hours, and details of 24/7 concierge and monitored CCTV)
6. Details of replacement trees, existing tree protection, assessment of amenity value of trees to be replaced, and associated mitigation
7. Construction Environment Management Plan
8. Waste Management Strategy (detailing storage & collection of waste and recycling).
9. Air Quality Management Plan
10. Archaeology mitigation in accordance with a Written Scheme of Investigation
11. Thames water (drainage, waste water, and infrastructure capacity statement)
12. Thames water (piling method statement)
13. National Grid (safety and integrity of apparatus statement)
14. Biodiversity mitigation measures (brown and green roofs)
15. Cycle storage details
16. Noise insulation and ventilation measures (consult LBTH Environmental Health)
17. Detail of plant extract equipment (for A3/A5 uses)
18. Delivery and Servicing Plan
19. S278 agreement required

'Prior to Occupation' Conditions:

20. Approval of hours of Operation for non-residential uses

21. Shop front and signage detail

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

3.7 **Informatives:**

- Thames Water Advice
- London City Airport Advice
- Operational substation on site

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.

4.0 **INTRODUCTION**

4.1 This case was initially presented to the Strategic Development Committee on the 8th November 2012 but following detailed questioning from Members, the item was withdrawn from the Agenda with the intention to re-submit the report at a later date. Since that time, your officers have been in detailed discussions with the applicant on a number of related planning matters and this report not only comprehensively covers the material planning considerations associated with this case, but also deals specifically with the issues and questions raised by Members when it was last presented to the Strategic Development Committee.

5. **PROPOSAL AND LOCATION DETAILS**

Site and Surroundings

5.1 The application site is a triangular piece of land, approximately 1.44 hectares in area, presently occupied by "Skylines Village" which comprises 59 small business units of 2 to 4 storeys with associated ground floor car parking and pedestrian and vehicular circulation space and incidental landscaped areas. The site includes a vegetated bank which presents a significant level drop to residential properties to the south-east, fronting Aste Street.

5.2 The site is bounded to the north by Marsh Wall and by Limeharbour to the west, beyond which are situated medium-rise commercial buildings such as Harbour Exchange Square to the west and Meridian Gate and the Angel House to the north, fronting Marsh Wall. The site is bounded onto both Limeharbour and Marsh Wall, by a row of semi mature trees, adjacent to the back edge of footway.

5.3 To the south of the site is Limeharbour Court and the ASDA superstore. ASDA is a constituent part of the allocated Crossharbour District Centre. Limehouse Court is 17 storeys at its maximum height and consists of 213 residential units. The Council's Strategic Development Committee of 27th September 2012 resolved to grant planning permission for the redevelopment of the ASDA superstore site, which comprised demolition of existing supermarket and a comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to

850 residential units, including building heights of up to 23 storeys.

5.4 The application site lies 200 metres to the east of South Quay DLR station, which was modified/relocated around 3 years ago to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, whilst Canary Wharf Underground Station is located 600 metres to the northeast. Five bus routes can be accessed within 300 metres of the site (Routes 135, D3, D6, D7 and D8). Consequently, the site's Public Transport Accessibility Level (PTAL) is 4; in other words "Good". It is likely that the PTAL level will improve over the next few years as Crossrail comes on line and public transport improves alongside the implementation of future development proposals.

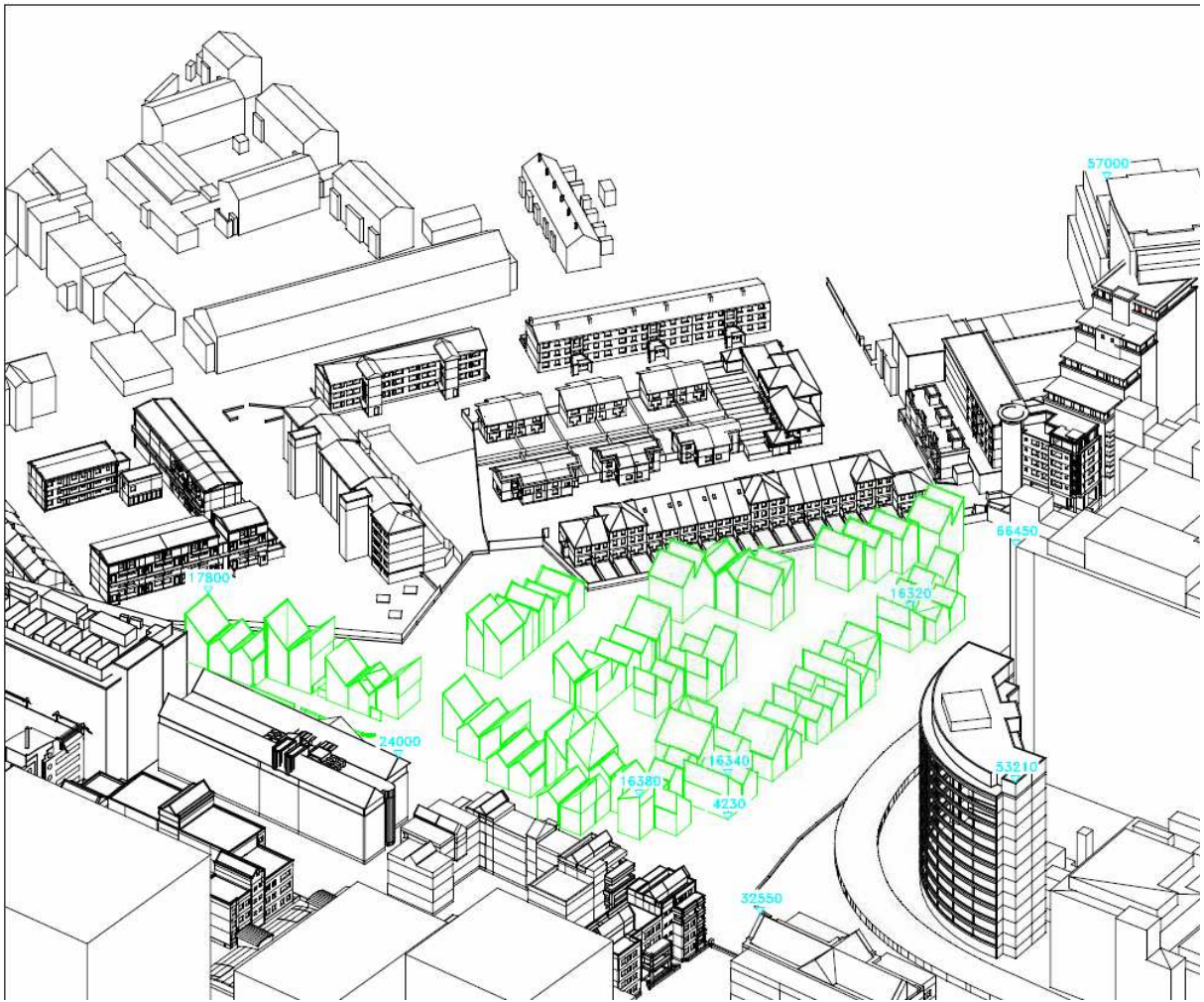


Figure 1: The application site (as existing)

Proposal

5.5 The application proposes the demolition of the 59 existing small business units and the erection of buildings ranging from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of retail floor space (Use Class B1/A1 - A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A double/two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities.

- 5.6 The proposal is based on principles of delivering a strong and active frontage to Limeharbour and Marsh Wall, minimising building footprints and giving more space to landscape, allowing the creation of a large south facing public and semi-private open space. This is illustrated in Figure 2 and 3 below.
- 5.7 The proposal incorporates blocks along both Marsh Wall and Limeharbour with a proposed public square proposed at the junction of these two roads. The distribution of uses within each building is set out below and illustrated in Figure 2
- Block A1 would rise to ten storeys in height with social target rented maisonettes (at ground and first floors) fronting onto the proposed internal open space. Flexible use of floorspace fronting onto Limeharbour would comprise flexible Class A type uses (retail, restaurants etc) as well as B1 business accommodation. The upper floors would comprise social target rented apartments.
 - Block A2 would rise to sixteen storeys with social target rented maisonettes fronting onto the proposed internal open space. Again, the ground floor accommodation fronting onto Limeharbour would comprise flexible Class A and B1 uses with 74 intermediate residential apartments above.
 - Block B would rise to twenty seven storeys would provide two floors of flexible Class A and B1 uses (at ground and first floor), six floors (second to seventh floor) of community orientated floorspace (2,557 sq.m - Class D1) with the remaining floors comprising 107 social target rented apartments.
 - Block B1 is proposed to be the tallest built element on the site and would rise to fifty storeys in height (167metres AOD) and would include a three storey podium element which would provide space for two flexible retail/office units at ground floor level with business accommodation proposed at first and second floor levels. It is intended that this business floorspace (in the form of a quasi-business centre) would be specifically designed to be attractive to small business enterprise and business start-ups. The upper floors of this proposed built element would comprise 332 residential units for sale.
 - Blocks C1, C2, and C3 would rise to twenty-four, eighteen and nine storeys respectively and collectively, would provide flexible Class A and B1 uses at ground floor level and Class B1 uses at first and second floor of Building C1 and 204 residential apartments for sale.
- 5.8 The triangular form of the site at the corner of Marsh Wall and Limeharbour encourages the development of buildings running along Marsh Wall and Limeharbour, creating active frontages to these two main thoroughfares and creating space for the provision of a new open space within the site. A new public square is also located at the junction of the two highways, creating separation as part of the overall built form, a significant area of public realm and helps draw pedestrians into the interior of the site. All buildings would have a significant set back from the street edges, to provide widened pavements along both Limeharbour and Marsh Wall.
- 5.9 The tallest built element is proposed to be linked to the remaining buildings fronting onto Marsh Wall by the proposed three storey podium (with the second floor set back from Marsh Wall. The linked podium would act as a visual break in the Marsh Wall built frontage, with the reduced height to Blocks C1, C2 and C3, seeking to relate to the overall scale of developments to the east and on the opposite side of Marsh Wall. The Marsh Wall buildings would be stepped and staggered to respect potential development parcels that might come forward on neighbouring sites. As Members may be aware, the Council has received an outline planning application for the redevelopment of Angel House, situated on the opposite side of Marsh Wall.

- 5.10 The new landscaped spaces would include a public square with three routes (publically accessible at certain times of the day) leading to the internal open space/communal open space areas, private amenity spaces and child play space provision, along with a possible connecting route through to Aste Street and/or Chipka Street. The routes through the site would be active spaces for both the residents and visitor day-users of the site.
- 5.11 The 764 residential units would provide a mixture of one to five bedroom apartments, 35.7% of which (by habitable room) would be allocated as affordable housing.
- 5.12 The proposal would provide a total of 189 car parking spaces (a ratio of 0.25 per residential unit) of which 19 spaces would be available for disabled users. 32 motorcycle spaces and 1,060 cycle parking spaces would also be provided within the proposed basement accommodation.

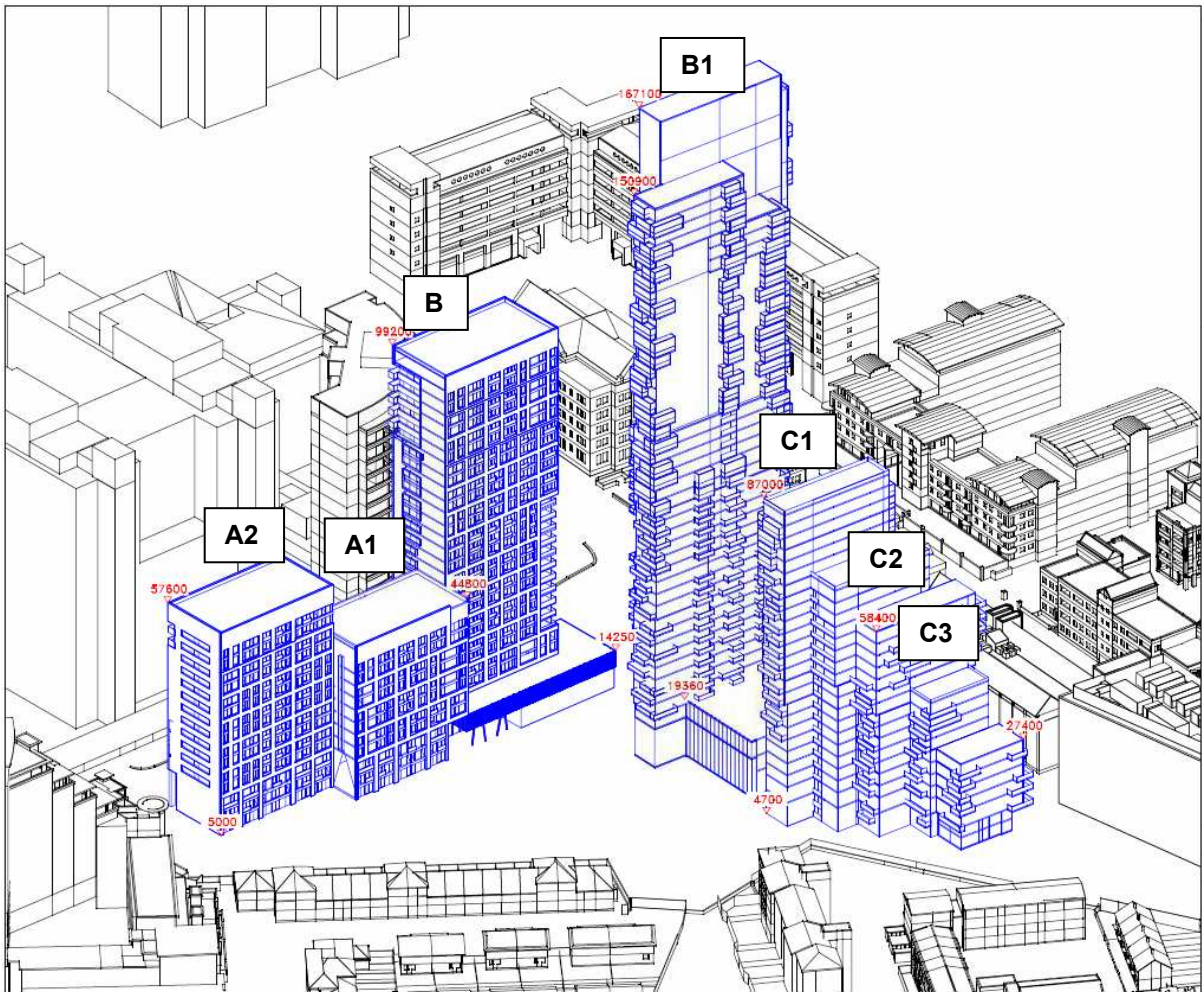


Figure 2: Massing as viewed from the south-east

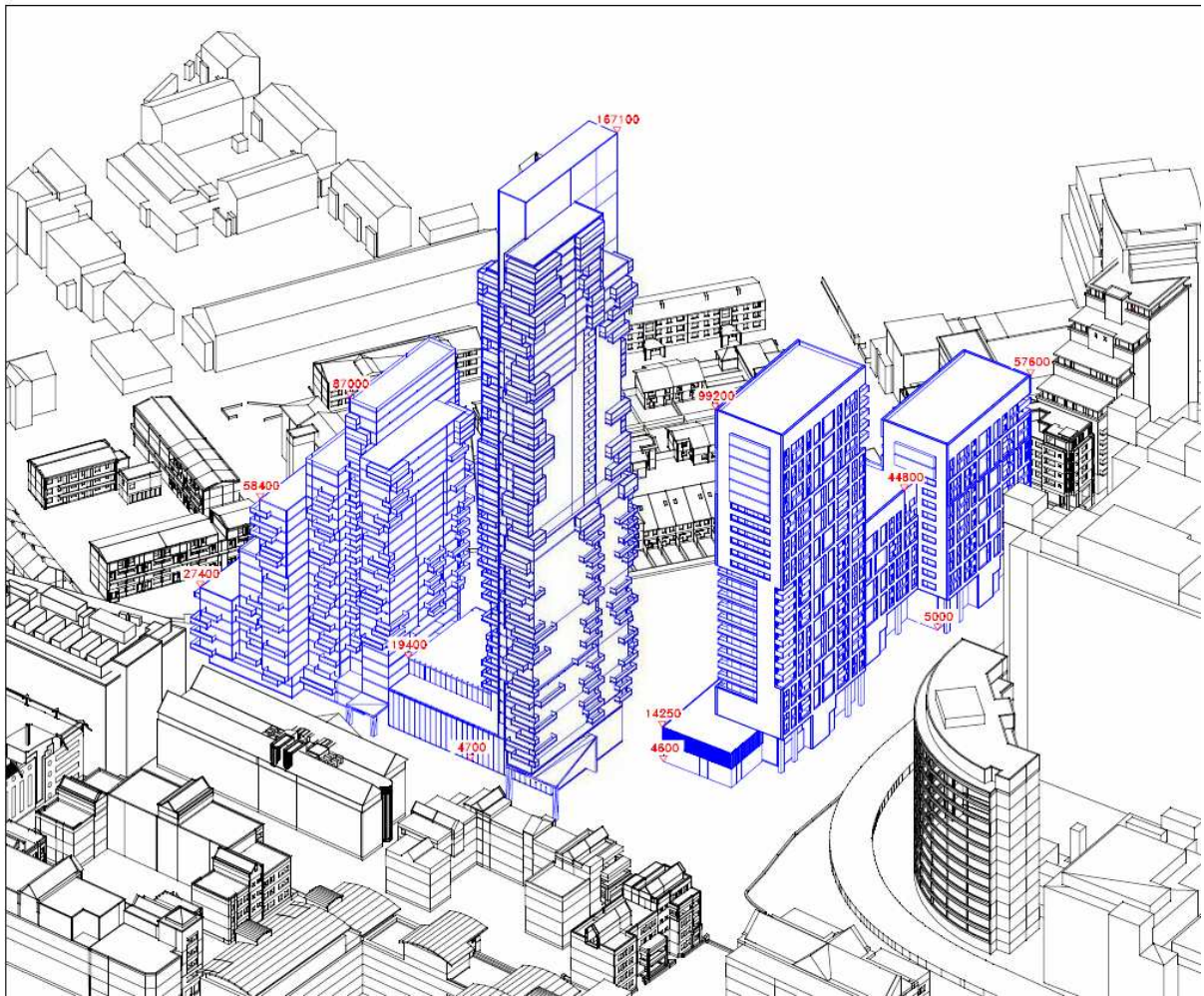


Figure 3: Massing as viewed from north-west

Relevant Planning History

Application Site

- 5.13 There have been a number of small scaled changes of use consents over the years covering the Skylines Village complex, but none of these have any significance to the current application.
- 5.14 More recently, a planning application was submitted to the Council on 28 January 2010 (LBTH Ref PA/10/00182) for the demolition of all existing buildings within the Skylines Village site and the erection of six buildings with heights varying from 2 to 50 storeys and comprising the following:
- 806 residential units;
 - 123-bedroom hotel;
 - 2,020sqm, of Flexible retail, restaurant and office floor space;
 - 6,900sqm business centre providing flexible office floor space;
 - 5,575sqm crèche and school capable of accommodating 584 pupils together with a 1,765sqm associated sports hall;
 - 1,075 sqm community centre; and
 - A two-level basement containing 220 vehicular parking spaces, associated plant, storage and refuse facilities.

5.15 The application also proposed new public open space, associated hard and soft landscaping and the creation of a servicing and taxi parking bay on Marsh Wall and a vehicular site entrance from Limeharbour.

5.16 The application was refused under delegated powers on 16th December 2010 for the following reasons):

- Excessive height, scale and mass and poor quality design would appear out of character with the surrounding area and existing urban form and would significantly impact on the ability of adjoining sites to deliver sustainable residential development within the Isle of Dogs Opportunity Area;
- An unacceptable amount of affordable housing and mix of units with the lack of a section 106 agreement failing to mitigate the impact of the development;
- An inadequate quantum of private amenity space;
- Impacts in terms of loss of privacy, increased overlooking, loss of sunlight and daylight and unacceptable noise upon future and existing residents;
- The scheme would impede the effective formulation and implementation of the emerging Marsh Wall East Masterplan Supplementary Planning Guidance;
- Unacceptable traffic, highway safety and parking impacts
- The Environmental Statement was considered to provide insufficient information and was therefore deemed incomplete.

Adjoining Sites

5.17 As highlighted above, the Council has received an application for outline planning permission (LBTH Ref: PA/12/02414) in respect of Angel House, 225 Marsh Wall, located directly to the north of the Skylines Village site on the opposite side of Marsh Wall. This planning application is pending determination and was submitted on 1st October 2012. The application proposes the demolition of the existing Angel House building and the erection of a building of 47 storeys in height with an 11 storey podium, comprising the following:

- 249 residential units (Use Class C3);
- 554 sqm (GIA) of retail floor space (Use Class A1);
- 1,863 sqm (GIA) of office floor space, including a business centre (Use Class B1)
- 155 bedroom hotel, 6,695 sqm GIA (Use Class C1);
- 10 disabled car parking spaces, cycle parking, associated plant, storage and refuse facilities
- Public open space.

6. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations

DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV43	Archaeology
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S4	Local Shopping Parades
S10	Shopfronts
OSN3	Blue Ribbon Network
OS9	Children's Playspace
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

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

Proposals:	ID46	Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure) Flood Risk Zone 2 and 3
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

Isle of Dogs

AAP Policies:

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
IOD19	Residential Uses in the Central Sub-Area
IOD20	Retail and Leisure Uses in the Central Sub-Area
IOD21	Design and Built Form in the Central Sub-Area
IOD22	Site Allocations in the Central Sub-Area

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:		Cubitt Town Vision, Priorities and Principles

Managing Development Plan Document (Submission Version May 2012) with Modifications (MD DPD)

Allocations:	20	Marsh Wall East
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Proposals:

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

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Spatial Development Strategy for Greater London (London Plan 2011)

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals

- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

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

Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)

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

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

- 6.2 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public which took place between 18th and 21st November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications. The Inspectors Report comments specifically on the Council's emerging affordable housing

policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further educational infrastructure (in particular the site allocation for the Westferry Printworks site). Significantly, the Inspectors Report is generally silent on the Council's proposals for the area known as Marsh Wall East (Site Allocation 20) which includes the Skylines Village site. The Marsh Wall East allocation seeks to deliver over 3,000 new net additional homes within the plan period.

7. CONSULTATION RESPONSE

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

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

LBTH Inclusive Access

7.3 Following the confirmation of 10% wheelchair residential units, 10% of parking bays to be wheelchair accessible, lighting, street furniture, accessible cycle parking, inclusive play, surface treatments and gradients, fire escape and lifetime homes criteria, the proposal is considered acceptable in accessibility terms, subject to conditions.

(OFFICER COMMENT: Conditions have been attached to secure further details of the above, as well as a compliance condition for the provision of a minimum of 10% wheelchair housing and parking bays)

LBTH Environmental Health

7.4 Contaminated Land

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

Noise

Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. The building should now be able to meet the requirements of BS8233 "good internal noise design standard". Conditions though should be imposed to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements for a good internal living standard.

(OFFICER COMMENT: Following further discussions the Council's Environmental Health has confirmed there are no objections subject to appropriately worded conditions.

LBTH Communities Leisure and Culture

7.5 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities

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

LBTH Energy Efficiency

7.6 Energy

The information provided in the energy strategy is in accordance with adopted climate change policies and follows the revised “Energy Hierarchy”. The scheme proposes BREEAM ‘Excellent’ and Code for Sustainable Homes Level 4. The proposed energy strategy exceeds the requirements of DM DPD Policy DM29. An appropriately worded planning condition should be applied to ensure the detailed energy strategy and sustainability strategy is adhered to.

(OFFICER COMMENT: Conditions have been attached as requested).

LBTH Highways

7.7 The applicants submitted a Transport Assessment as part of their proposals, which was assessed by the Council’s Highways Section. Further information and amendments were requested.

- Highways will require a s278 agreement to reinstate/redesign the highways and access and planning obligations designed to improve the public realm, cycle route connectivity and the junction of Limeharbour and Marsh Wall,
- A modest commuted sum to improve Preston’s Road roundabout. The cumulative impact of this and other committed and proposed large schemes in the area will impact negatively on the capacity of both of these;
- The increased permeability through the site provided for pedestrians and cyclists is welcomed;
- Concerned about the potential impact on on-street parking of the 82x3 bed+ flats in view of the Permit Transfer Scheme;
- The proposed layby off Limeharbour is off the public highway as an in-out arrangement, which is acceptable provided this can be kept under surveillance to prevent non-delivery drivers using this private bay.
- The level of on-site parking is acceptable, subject to a substantial number of spaces in the basement being allocated to those who qualify for the Permit Transfer Scheme. Limeharbour has a day-time occupancy figure over the parking stress threshold (80%).

The following non-financial obligations should also be secured:

1. Permit free agreement
2. All highways works to be undertaken by the Council at the applicant’s cost

Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction
- Provision of car parking spaces specifically for those who qualify for the Councils ‘Permit Transfer Scheme’.

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions/informatives have also been recommended, as detailed within section 3 of

this report).

LBTH Waste Policy and Development

- 7.8 Statement required stating how refuse will be moved to ground floor level.

(OFFICER COMMENT: This has been discussed with the applicant and your officers are satisfied that this could be satisfactorily dealt with as part of a condition requiring an Estate Management Plan which will specifically deal with refuse storage and collection arrangements).

Tower Hamlets Primary Care Trust (PCT)

- 7.9 PCT have confirmed the HUDU model requires:

A Capital Planning Contribution	£1,071,696
A Revenue Planning Contribution	£4,097,632

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions).

Canal and River Trust

- 7.10 The Canal and River Trust support the comprehensive master-planning process for the area and hope development of this site will be considered as part of this area, despite the early stages of the strategy. Planning contributions are requested for off-site enhancement of the waterspaces and docks.

(OFFICER COMMENT: Planning contributions for off-site enhancements of waterspaces and docks are not required to mitigate the impact of the proposed development and have not been included in the proposed heads of terms).

English Heritage

- 7.11 The proposed development is located to the south of the main cluster, approximately 1.5km from the boundary of the World Heritage Site (WHS). The proposed development by virtue of its scale and distinctive massing forms a noticeable part of the wider setting, particularly in the important view from the General Wolfe statue.

Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has to date retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. The clear recessive planes, the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers are important characteristics. The visual layers of development instil a degree of visual order and importantly, the distance serves to reduce the impact of the tall buildings.

(OFFICER COMMENT: The heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. In summary, it is considered that sufficient detail has been submitted and assessed through the applicant's Environmental Statement, to allow full consideration of the visual and heritage impacts of the proposal).

Environment Agency

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

- Development to be carried out in accordance with the submitted Flood Risk Assessment
- Contamination and verification reports to be approved prior to commencement/occupation
- No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels has been approved
- No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved
- No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

Greater London Authority (GLA)

7.13 In summary, the GLA advised that the proposal (as originally submitted) did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

- Design – concerns around layout, height and massing, particularly the height difference between southern 20 storey block and existing residential properties to the south;
- Additional information required around density, access, affordable housing (linked to a viability assessment), provision of child playspace (double counting), climate change and transport;
- The principle of residential led mixed-use development in the Isle of Dogs Opportunity Area is in the interest of good strategic planning in London;
- The proposed residential density exceeds the London Plan guidance of 650-1,100 HR/ha.

(OFFICER COMMENT: Revisions have been made to the scheme to address the GLA's concerns above, in particular a reduction in the height of the southern Blocks A1 and A2. Similarly, there has been much discussion with the applicant on the levels and form of affordable housing proposed, the calculation of child play space alongside other forms of amenity space provision and the proposed density of the development and its ability and capacity to contribute towards the delivery of infrastructure improvements in order to mitigate its impact. The GLA has declined to make any further comments on the revised proposals until referral of the application at Stage II.

7.14 Following receipt of amended drawings in July 2012 and subsequent discussions with your officers and with the applicant, the GLA have recently forwarded updated comments on this proposed development. The following updated comments have been received:

- Density: Using a plot ratio approach to density, the ratio would be 5.6:1. The London Plan density guidelines suggest a plot ratio of 5:1 in Central London and other accessible areas may be acceptable – taking into account the high residential quality.
- Design: Satisfied that previous issues associated with the relationship between the proposed ground level residential units and the courtyards have been mostly resolved by ensuring that primary entrances from the courtyard. This will ensure this courtyard side of the scheme is to be used as the main entrance, ensuring the courtyard space is better used. Changes to the height and massing are subtle and does not deal with the issue raised about the dramatic and abrupt difference in height between the site and the two storey terraces to the south and is likely to create a development which is alienating to neighbouring residents. However, considering the changing context of the area, the changes made to the scheme and the information submitted may be acceptable. The further note refers back to the Stage 1 comments which the GLA have requested should be borne in mind.

- Playspace: The note raises no objection to the provision of on-site play space, and accepts that space for older children can be provided off site in a nearby open space – with contributions made for its improvement.
- Affordable Housing: The GLA have raised various questions in respect of the form of affordable housing proposed and whether a social target rented option applies to all unit sizes. The GLA has advised that social target rent would not be acceptable. The GLA would need to know the final viability position and be forwarded a copy of the independent review.
- Climate Change Mitigation: The applicant should provide further details as to where the energy plant would be sited and its size etc – assuming that the scheme would be unable to connect to the Barkantine Heat n Power Network. The GLA has also requested further details as to the location of the proposed PVs.
- Transport: Remain of the view that contributions should be provided for South Quay DLR station and Legible London
- Social Infrastructure: Whilst the allocation of private sites for schools is noted, further discussions in respect of delivery will be needed prior to Stage II.

London City Airport

- 7.15 London City Airport have withdrawn their previous objection and make the following comments:

No safeguarding objection subject to conditions to ensure safe construction methods and ensuring landscape details discourage bird activity which presents an aircraft strike risk.

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

London Fire and Emergency Planning Authority

- 7.16 Unable to make any meaningful observations as there is no detailed ground floor plan showing road access around and within the site, hydrant provision as provided on the roads adjoining the site and main entry points to the proposed buildings

(OFFICER COMMENT This response refers to detailed and layout considerations that are generally addressed during later stages of the schemes evolution. There is no reason why these issues cannot be suitably resolved at a later stage, prior to commencement of development and controlled through the imposition of a planning condition – which has been referred to in Section 3 of this Report.

London Underground Ltd

- 7.17 No comments received.

National Air Traffic Services Ltd (NATS)

- 7.18 No objections.

Natural England

- 7.19 Natural England considers that both brown and green roofs should be incorporated in order to provide habitat for Black Redstarts. Also they recommend the imposition of the following conditions

- § Methods to improve the surrounding landscape ecology; and
- § Any trees to be felled are surveyed for their potential to support bats, a European

Protected Species.

(OFFICER COMMENT These request will be captured through the imposition of suitably worded planning conditions)

Transport for London (TfL)

7.20 Trip generation and Highway Impact

TfL are satisfied with the discussions that have taken place between Tower Hamlets and the developer to determine the improvements along the Marsh Wall corridor and design of the junctions.

Buses

TfL welcome the total contribution of £224,700 to be secured through the S106 agreement.

DLR

TfL have requested a contribution of £250,000 towards two additional lifts at South Quay station.

TfL accept the proposed real time information boards, providing timetabled information for a number of different modes. However, it is a requirement that DLR information must be included and this is to be confirmed through S106.

In relation to the DLR Radio Communications, TfL request that a S106 planning obligation should be secured to allow before and after tests of signal strengths. This will allow TfL to assess the level of mitigation required if required.

Pedestrian Crossing

TfL support the plans for the pedestrian crossing and the proposed junction layout.

PERS

If the public realm improvements are to include removal of the guard railing on the section of the footway on the south side of Marsh Wall between South Quay DLR station and the Bus Stop 'SH', TfL recommend that bollards are installed for the section, currently the railings prevent any vehicles driving onto the station forecourt.

Legible London

TfL consider the contribution of £15,000 towards Legible London way-finders should be required. Other developments of a similar scale in the area have contributed the same amount and therefore TfL regard £15,000 to be reasonable contribution from this development.

Parking

TfL understands the parking ratio and is satisfied with these figures. TfL welcome the permit parking suggested, which should be secured through a S106 Agreement.

Crossrail/CIL

Contributions are applicable.

Summary

Overall TfL has no significant objections to the principle of the proposed development. However, TfL request contributions for improvements to South Quay Station and Legible London to be confirmed.

(OFFICER COMMENT: All requests for planning contributions from TfL have been met by the developer, either in kind or through a financial contribution, with the exception of a financial contribution towards additional lifts at South Quay DLR station which is not

considered to be necessary to mitigate the impact of this development)

Design Council/CABE

7.21 Design Council/CABE made the following comments – on the proposal as initially submitted:

- § Currently the landscape design appears non-specific and disconnected from the architecture surrounding it and it is suggested that the team explore a design approach that relates both to the order of the buildings and the triangular space. The proposed diagonal route through the site demands an equally considered approach to find a balance between the public and private zones.
- § Commend the striated organisation of the building and support their height and composition – but much depends upon their relationship with the landscape. In our view, the proposed elevational treatment seems to relate to its context and we think they have the potential to form a successful ensemble.
- § Welcomes the comprehensive approach to environmental sustainability and the site would need to ensure that all options are explored to ensure that the site links into local heating networks.

OFFICER COMMENT – Following receipt of these comments, the landscape strategy for the site (particularly the function and form of the internal open spaces and play space) was further considered. There is now a much more legible and clearer approach being adopted in terms of the allocation of the open spaces as part of the development of the spaces.

British Broadcasting Corporation (BBC)

7.22 No comments received.

Greenwich Maritime World Heritage Site

7.23 No comments received

Association of Island Communities

7.24 No comments received.

London Borough of Greenwich

7.25 No objections raised.

London Wildlife Trust

7.26 No comments received.

Metropolitan Police

7.27 The Police are pleased to see that there is a will to ensure that this development remains secure and that there will be two sets of security doors for access/egress from the buildings. There are many very good points to this proposal.

There are concerns regarding the 'undercroft areas' which offer access to the development from Marsh Wall and Limeharbour. Based on discussions between the Police, the applicant and officers on estate management arrangements, the Police believe that the development shall be successful, provided the appropriate management regime is in place (a 24/7 concierge system, CCTV monitoring and a robust plan for dealing with any individuals or groups who start to use the open access space within the undercroft and across the development as a whole for undesirable activities).

(OFFICER COMMENT: Pre-commencement conditions are recommended to ensure that a Management Plan, CCTV and 24/7 concierge are put in place and the Police are consulted on these proposed arrangements.

National Grid

- 7.28 The letter received from National Grid (dated 24th April 2012 and 13th August 2012) provided general advice to the applicants on the presence of National Grid apparatus (low to medium sized gas pipes and above ground gas sites and equipment). National Grid's response provides advice to landowners and developers on carrying out due diligence to ensure that works do not infringe National Grid's legal rights and that any contractor working or operating near National Grid apparatus follow the HSE Guidance Notes HSG47 "Avoiding danger from Underground Services" and GS6 "Avoid danger from overhead power lines".

(OFFICER COMMENT: The applicant has forwarded additional information which provides officers with assurances that National Grid's apparatus will not be compromised. This additional information has been forwarded to National Grid (emailed on 21 December 2012) and any further comments will be reported in an Update Report. In any case, a pre-commencement condition has been recommended in order to ensure that National Grid installations are accommodated as part of future engagement.

Port of London Authority

- 7.29 No objections raised.

EDF Energy

- 7.30 No comments received.

Thames Water

- 7.31 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of the application. Should the local planning authority look to approve the application, Thames Water would like the following Grampian Style condition imposed ensuring that development is not commenced until a drainage strategy is in place in consultation with Thames Water. The letter also requires the imposition of conditions relating to existing water infrastructure and the strategies that would need to be in place to determine the magnitude of any additional capacity. Further the letter refers to a requirement for a piling method statement with measures put in place to prevent and minimise the potential for damage of the subsurface.

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

8. LOCAL REPRESENTATION

- 8.1 A total of 2,699 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. This was done twice, in March 2012 and July 2012, following an number of scheme amendments.
- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 29 Objecting: 28 Supporting: 0 Neither: 1

No of petitions received: None

8.3 The following local groups/societies made representations following an organised consultation event at the St John's Community Centre on Monday 15th October 2012 at 7:30pm:

St Johns Tenants and Residents Association (there were approximately ten attendees)

The main points raised were:

- A 50 storey tower is too tall for the site
- Scheme overlooks residents properties
- Lack of infrastructure on the Isle of Dogs, such as school places, medical centres.
- Social housing for rent is falling short of 24,000 homes needed.
- Object to DLR receiving s106 money for South Quay DLR Station as it is a new building
- Request that St John's TRA is involved in community space.
- Green space to provide buffer between properties to the south.

(OFFICER COMMENT: The first three points raised are dealt with in the report and repeat objections in the table below. The planning obligations secured have been subject to an independent viability assessment and officers are content that the provision of social target rented housing has been maximised in line with policy. A financial contribution towards new lifts at South Quay DLR is not being sought. A green buffer is proposed directly at the back of properties with outlook onto the site.

8.4 Discussions are on-going with the applicant about how the local community can be involved in the future use of the proposed community space and open space.

8.5 Two of the letters that have been received are from agents acting on behalf of neighbouring land owners. Both letters raise concern, albeit in relation to separate sites (Angel House on the north side of Marsh Wall and "The Triangle site" to the west of the application site on the south side of Marsh Wall) over daylighting and sunlighting impacts and how the proposed development might blight future redevelopment of these neighbouring sites. It should be noted that the letter commenting on the Angel House site was submitted prior to the submission of the current outline planning application in respect of Angel House and officers have not received any further comments from these two landowners, following the re-consultation on the current application which took place in July 2012.

(OFFICER COMMENT: These letters pre-dated amendments to the schemes which sought to deal with a number of issues (including daylight and sunlight) and Section 9 (paragraphs 9.153 to 9.155) below provides more detailed commentary on daylight and sunlight indicators.

Objection Issues	Number of representations citing objection issue.	
	Submitted scheme (March 12)	Amended scheme (July 12)
1. Local services (GP surgeries, schools, nurseries and dentists) cannot support the level of development proposed.	11	6
2. The development is excessively tall / overbearing	6	4
3. The proposals will result in negative daylight/sunlight, overshadowing and microclimate impacts.	4	1

4. The proposal is excessively dense and will result in overcrowding.	2	4
5. Existing businesses do not want to move / protect existing SME space / health and well-being of existing employees.	2	2
6. Additional office space is not required	2	0
7. The local transport network cannot support the proposed level of development.	2	3
8. Homes in Aste Street and Chipka Street will experience a loss of privacy and suffer worse security	2	0
9. The proposals will exacerbate high parking stress levels in the area	1	0
10. House prices in the area will fall as a result of the development	1	1
11. Safety concerns regarding the new public square	0	1
12. Insufficient open space provided	0	1
13. Proposals will blight neighbouring development sites.	2	0

9. MATERIAL PLANNING CONSIDERATIONS

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

- General Principles.
- Design
- Housing
- Community Infrastructure
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability (including biodiversity)
- Health Considerations
- Planning Obligations and CIL

General Principles

9.2 At National level, the National Planning Policy Framework 2012 (NPPF) 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 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes.

9.4 Land Use and Site Allocations

The Council's Core Strategy 2010, identifies Cubitt Town as an area where there will be residential led growth as part of mixed use development. CS policy SP12 and Annexe 9 "Delivering Placemaking" sets out the vision for Cubitt Town.

The Core Strategy Vision provides guiding principles including:

- New development focussed in the north of Cubitt Town;
- Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
- Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf;
- Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.

9.5 At a local level, the Skylines site falls within the Marsh Wall East site allocation within the Managing Development DPD (Submission Version May 2012) with Modifications. The vision for Marsh Wall East is to deliver comprehensive high-density mixed-use development. As such, the principle for a residential led development proposed at Skylines Village would accord with the site allocation objectives for this area.

9.6 The site allocation for Marsh Wall East in the Managing Development DPD (Submission Version May 2012) with Modifications considers that any development should:

- Complement the tall building cluster in Canary Wharf through appropriate taller building heights, whilst respecting and being informed by the existing character, scale, height, massing, views and urban grain of its dockside location and surrounding built environment, particularly the lower rise buildings of Cubitt Town to the south-east.
- Be developed as a series of tall and medium scale buildings with a well-articulated built form and skyline, avoiding significant adverse environmental impacts, including overshadowing of adjacent sites either within the area or outside, particularly along the main routes of Marsh Wall East and Limeharbour.
- Create a legible, permeable and well-defined movement network through the site centred on Millwall and Marsh Wall, connecting to the surrounding existing street network and docksides, with a new bridge crossing to the north.
- Tall buildings should be fully integrated with and facilitate delivery of the new public realm and be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages. Be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages.
- Create a series of inter-connected pocket parks and open spaces, to deliver new amenity space and the Green Grid route network in the area, particularly along the waterfronts of West India and Millwall Docks.
- Additionally, walking and cycling connections should be improved to, from and be created within the site, specifically to the dock sides, north to Canary Wharf Major Centre and Mudchute Park. These routes should align with the existing urban grain to support permeability and legibility.
- Protect and enhance the setting of all heritage assets in and around the area, including the historic docks and the setting of the Maritime Greenwich World Heritage Site to the south.
- Improve biodiversity and nature conservation along the water edges and within open spaces.
- Tall building developments will be required to demonstrate how they relate positively to other proposals for tall buildings and the surrounding townscape, in terms of immediate setting, relationship and cumulative impact.
- Development should seek to deliver over 3000 new net additional homes to help meet the housing target for the place of Millwall.
- In addition to the delivery of a district heating facility within the site, development should be connected to or demonstrate potential to connect to the Barkentine Energy Centre to help create a local energy network.
- Development should re-provide and intensify existing employment floorspace.

- Development should accord with any flood mitigation and adaptation measures stated within the Borough's Level 2 Strategic Flood Risk Assessment (2011) and the sequential test.
- 9.7 The application site is a designated development site (ID7) within the Interim Planning Guidance (2007). Although this document now carries little weight in planning decisions, it demonstrates that the Skylines Village site has been identified as capable of delivering planned housing growth in the borough for a number of years. Policy IOD22 within the IPG Isle of Dogs Area Action Plan states that site ID7 shall have preferred uses of residential (Use Class C3), employment (Use Class B1) and public open space.
- 9.8 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the 764 residential units as well as retail, business and community floorspace and new public open space, would meet these objectives.
- 9.9 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square, new pedestrian links through to the communities to the south and new community orientated floorspace. The proposed community use is therefore considered to accord with Policy SP03, which encourages provision of "high quality social and community facilities".
- 9.10 In line with the Mayor of London's objectives for the Isle of Dogs Opportunity Area; alongside the vision and priorities of LAP 7 & 8 of the Council's adopted Core Strategy (2010) and the priorities of the Managing Development DPD (Submission Version May 2012) with Modifications the principle of major residential redevelopment along with supporting and ancillary uses such as retail and community uses is encouraged.
- 9.11 With the above in mind, the proposed development is considered to accord with the above policies which together seek to encourage residential led mixed use development.

Employment Uses

- 9.12 The existing site contains 59 small-scale business units. The application advises that the site (assuming full occupation) could employ an estimated 280 people. Utilising the former English Partnerships Employment Density Criteria, the proposed development could well lead to the creation of 430 new jobs (providing a net increase of 150 jobs) through the following elements of the scheme:
- 4,480sqm (GIA) business centre providing flexible business space for SMEs;
 - A total of 1,982sqm (GIA) of flexible retail/restaurant/office space for use classes A1-A5 and B1 at ground and first floor levels;
 - Community space of 2,250sqm (GIA) with the potential use as a youth club, GP surgery, dentist, nursery or other employment generating use.
- 9.13 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant; and
 - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area.
- 9.14 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where inter alia, there is evidence that there is intensification of alternative employment uses on site.

- 9.15 Currently, there is approximately 8,969sq.m (GIA) of B1 office space within Skylines Village. The proposed scheme would provide 5,091sq.m (GIA) of dedicated replacement B1 office space but also 1,982sqm of flexible commercial space (use classes B1/ A1-A5). Whilst the scheme would result in (best case) a net loss of office floorspace of 1,893sqm, which assumes that all units identified for flexible use are used for business purposes, the scheme also proposes a significant community floorspace (Class D1) which would generate additional employment. This site is not located within a Preferred Office Location and it is important to recognise that employment can be generated by all commercial uses and is not necessarily limited to B1 uses.
- 9.16 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications seeks to ensure that development should not result in the loss of active and viable employment uses.
- 9.17 However, there have been modifications proposed to this policy by the Planning Inspector who presided over the DM DPD Examination in Public, which recommended the removal of the requirement to provide 12 months marketing evidence to confirm that the employment uses were unviable. During the recent DM DPD Examination in Public it was suggested by the Inspector and agreed by Council Officers that the following amendment be made:

'Exclusion of a 12 months marketing exercise for site allocations will be referenced within supporting text of policy DM15. Replace last sentence in paragraph 15.4 to read, "As such Part (1) of the policy does not apply to Site Allocations'.

- 9.18 This modification is now referred to in the Planning Inspector's Report.

Existing employment levels compared to projected future levels

- 9.19 As highlighted above, it is estimated that the current uses/buildings within Skylines Village have the potential to accommodate up to 280 employees. However, due to the inability to attract tenants to these largely out-dated premises, a large proportion of the existing floorspace (believed to be as much as 30%) is currently vacant and it is understood that the site currently employs approximately 135 people.
- 9.20 In terms of employment generating space, the proposed development includes approximately 4,073 sq. m (net internal) of proposed B1 floorspace, approximately 1,802 sq. m (net internal) for commercial use (class A1-A5, B1). Based on the employment densities in the Planning Obligations SPD 2012 this equates to approximately 434 jobs. The space provided for community uses (approximately 2,046 sq. m net internal) may generate additional full time employment, depending on the type of activities that the space is used. The proposed community orientated space has not been factored into the employment calculation. Therefore, assuming full occupation, the employment levels could possibly exceed the 434 jobs estimated.
- 9.21 A complete assessment of employment created should take into account the number of job that currently exist on-site. As stated earlier, it is understood that the existing occupied commercial buildings on the site provide employment for up to 135 workspaces. This will therefore result in an additional 299 employees on the site from what currently exists. The scale of the proposed development, with an estimated construction period of 39 months, will also ensure the creation of a large number of construction jobs on the site. Opportunities for local people to compete successfully for any of the jobs on offer (either through the construction of operational phase of the development) will be captured through the pooled employment and enterprise planning obligations, the delivery of a site specific employment and training strategy and local engagement in relation to employment opportunities through the Council's Skillsmatch service.
- 9.22 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies

DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

Displacement of Existing Businesses

- 9.23 The proposed redevelopment would result in the displacement of approximately 30 businesses and 135 jobs, which are currently accommodated within the Skylines Village development. The applicant has confirmed that these tenants have been letting space within the building on a short-term basis and that all tenants have been made aware of the plans to develop the site over a number of years. It is understood that tenants have a minimum six month notice period in their leases and that many of the tenants were made aware of the forthcoming redevelopment plans when they entered into leases.
- 9.24 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications provides the emerging local approach in terms of managing development that would be likely to displace existing businesses. Part 2 of the emerging policy states *"Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere."*
- 9.25 The employment statement submitted with this application sets out the proposed details of an employment retention and relocation strategy, which is recommended to be secured as part of the S.106 Agreement. This will be prepared and implemented by the developer in partnership with Council's Employment & Enterprise Team. It is proposed, subject to agreement with the Council at a later date, to deliver this strategy through the following activities and measures:
- Extended notice period for vacant possession provided to all existing tenants;
 - Financial assistance of £2,500 to be offered to all existing tenants to help mitigate costs associated with relocation;
 - Free advice and assistance to be provided to existing tenants by professional advisers, for a minimum of six months, by email and at open days at Skylines Village. Such advice will include assistance with property searches and identifying suitable space for tenants to move to, along with advice on the process of moving;
 - First right of refusal to occupy new SME space created in the new scheme; and most importantly
 - Transitional relief on rent to existing tenants (first year rent free and second year at half rent)
- 9.26 To facilitate any smaller existing tenants on the site, the proposed business centre within Blocks B1 and Block C on Marsh Wall has been designed to provide modern flexible business space that it is capable of subdivision to accommodate spaces for smaller and medium size businesses (SMEs) similar in scale to what is currently available on site. This would include a variety of sizes ranging from around 40sqm up to around 600sqm.
- 9.27 The above principles for the proposed retention and relocation strategy would be similar to the approach taken in respect of other recently permitted development proposals. To further mitigate the potential impacts of displacing the small and medium sized businesses, the applicant has proposed an employment and training strategy which will be secured through the Section 106 Agreement.
- 9.28 Due to the site allocation for Marsh Wall East, the likely employment levels generated in the proposed scheme compared to the existing level and commitment to make provision for existing businesses, the proposal is considered to accord with Policy DM15 of the Managing

Development DPD (Submission Version May 2012) with Modifications which seeks to ensure that development should not result in the loss of active and viable employment uses.

Design

- 9.29 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.30 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).
- 9.31 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.
- 9.32 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Design Strategy

- 9.33 The application is supported by a Design and Access Statement (and Addendum). The proposal is based on the principles of maintaining the street edge, minimising building footprints and giving maximum space to landscape, allowing the creation of a large south facing green open space and child play space which would be available for use, not only by the users of the buildings, but by neighbouring sites and residential areas, particularly during the day.
- 9.34 The triangular shape of the site, which is located at the junction of Marsh Wall and Limeharbour, allows a built form that fronts both streets with a significant opportunity for a taller built element at the junction, framed by a large area of public open space designed to welcome pedestrians into the site, and one that provides an active public realm adjacent to commercial uses. The scheme would successfully introduce active frontages to these two main thoroughfares and create space for the provision of a significant new open space within the site. A new square is also located where the streets converge creating a gap and breathing space to the built form, whilst inviting access to a soft landscaped open space internal to the site
- 9.35 The hard landscaped square would be approximately 0.1ha, situated at the junction of Marsh Wall and Limeharbour and would be publicly accessible 24 hours a day. It would play an important role in improving the local streetscene and the pedestrian experience and would become a fully active space through the provision of active uses such as shops, cafés and restaurants fronting onto the square. The larger area of new landscaped public open space, located towards the centre of the site, would be fully accessible (apart from night-time hours) and would have similar management arrangements as a traditional London Square. This internal space (which would enjoy significant amounts of sunlight penetration) would incorporate child play space, a biodiversity area and important new pedestrian links to through the site, potentially in the future linking Marsh Wall and Limeharbour with the existing residential neighbourhoods to the south, thereby significantly improving permeability in the wider area and links into the Council's Green Grid Strategy.

- 9.36 The siting of the tall building at the corner of Marsh Wall and Limeharbour would landmark this key junction and act as an appropriate way-finder to the new public space. The proposed development establishes an appropriate hierarchy of building heights across the site reflecting their importance and relationship with the existing and future character and scale of development. All buildings have also been set back from the street edge to provide wide pedestrian pavements and create 25m wide boulevards along both Limeharbour and Marsh Wall.
- 9.37 Officers have worked with the applicant as part of pre-application process following the previously refused application (PA/10/00182). The current application is for a scheme that has attempted to respond to the design related reasons for refusal stated in the report for the previous scheme, taking on board changes in policy and local context. This is set out below.
- 9.38 Key amendments were made to the design of the scheme submitted to the November 2011 to take account of concerns from the Council, GLA, Design Council/ CABI. The changes to the design were re-consulted on in July 2012 and are summarised as follows:
- Height reductions to Buildings A1 (minus 2 storeys), A2 (minus 4 storeys), B1 Podium (minus 2 storeys) and C3 (minus 1 storey);
 - Height increase to Buildings B (plus 2 storeys) and B1 (plus 5 storeys);
 - Floorspace area updates to reflect the massing amendments;
 - Residential unit schedule and mix updates to reflect the massing amendments
 - An enhanced landscaping strategy including further details on safety and security, open space and children's playspace.
- 9.39 The overall design of the tall buildings (as amended) is considered to be of a high standard and the bulk and proportion of tall buildings carefully considered. The positioning of the towers and distribution of massing is such that the towers would not dominate the townscape. The detail design of the scheme and materials have been well considered. The scheme with large public spaces at ground level and appropriate landscaping would be a more considered approach and would relate more satisfactorily with lower rise residential sites nearby and the changing ground levels.
- 9.40 The site is located at a strategic axis along Marsh Wall and is very prominent from local and long distant views. However, the proposed tall building with the new public square would help strengthen this axis and make it an appropriate addition to the local context. The recently consented Wood Wharf and Dollar Bay are in immediate local context. Significantly, the Inspector's Report into the DM DPD confirmed that it would not be reasonable to require a clear transition in heights between the Canary Wharf Preferred Office Location and their surrounding areas, not least in the light of outstanding permissions. The Inspectors Report instead suggests a more "flexible expectation" and individual solutions within the context of overall Core Strategy objectives and Design Council/ CABI Guidance.
- 9.41 Furthermore, the work carried out by the team to deal with sunlight/daylight and overlooking issues should ensure that future scheme proposed for neighbouring sites, including Angel House, should be able to come forward without impacting negatively on development capacity of adjacent sites.
- 9.42 The site layout drawing is shown below in Figure 4.



Figure 4: the indicative masterplan

Justification for Tall Buildings

- 9.43 With reference to the London Plan and Design Council/CABE Guidance, a tall building is described as one which is significantly taller than its surroundings or has a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; has ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 9.44 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Design Council/CABE in their response were supportive of the principle of a tall building in the proposed location and English Heritage did not raise an objection to a tall building in this location.
- 9.45 Policy SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The recent Inspectors report regarding the Managing Development DPD states that there should be a 'flexible expectation' for building heights around the Canary Wharf cluster.
- 9.46 The site is located south of the existing tall building cluster of Canary Wharf and proposed large scale development site at Wood Wharf and east of the tall buildings of the Millennium Quarter. While the site currently comprises mainly commercial elements of small to medium scale, it shares a similar character to these other dockside areas, separated from them by

the South Dock and Millwall Inner Dock. Bordering the docks are a number of larger scale office and housing development within Canary Wharf, the Millennium Quarter and Baltimore Wharf, whilst to the south-east beyond the site are the significantly lower-rise housing estates of Cubitt Town.

- 9.47 Canary Wharf and the Isle of Dogs in general are recognised as a key location for high density development and iconic tall buildings, reflecting its status as an important commercial/corporate hub in London. A larger scale of development has extended beyond the original commercial cluster in recent years to include new high density mixed-use and residential developments, particularly to the south, east and west of Canary Wharf. Higher density residential developments have replaced older low density commercial buildings (which traditionally bounded Canary Wharf) and have started to change the skyline around Canary Wharf. Indeed, these new buildings have started to form new clusters/landmarks which define the transition between the commercial heart of Canary Wharf and the more residential aspects to the south. Marsh Wall (both east and west) sits on the border of this transition point and has been the focus for a number of new mixed-use and residential developments.
- 9.48 The general bulk, scale and mass of the building blocks proposed are considered acceptable as an overall reduction of massing and height from the taller buildings to the north at Canary Wharf, following an established pattern for new buildings set by developments such as Baltimore Wharf, moving south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker and assisting with wayfinding, with scale stepping down (with some variation) toward the lower scale developments to the south. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 9.49 It must be recognised that the delivery of 3000+ new residential units within the Marsh Wall East allocation, with limited site areas forming part of the allocation, will inevitably lead to the introduction of taller buildings and higher density development with all the associated challenges. The London Plan and the Core Strategy are aligned in their promotion of high density residential development for the Isle of Dogs and the emerging DM DPD (which is now at an advanced stage of preparation) specifically focusses on the significance of the Marsh Wall East allocation in delivering high density mixed use development and 3000+ new residential units. For any redevelopment scheme to accord with these development objectives for the Marsh Wall East allocation there will inevitably be a degree of contrast in built form between the Skylines site and its immediate lower density neighbours.
- 9.50 It is acknowledged that the proposed buildings at Skylines are larger in scale and height than many of the buildings to the south of the site, particularly the 2 and 3 storey residential properties at Aste Street. However, this is not an unusual situation on the Isle of Dogs and many examples of similar transition sites can be cited. These include Wood Wharf (PA/08/1215), City Pride (PA/08/2293), Dollar Bay (PA/11/01945), Alberta House (PA/07/00241) and 22-28 Marsh Wall (PA/07/02744). The proposed development responds to the transition in scale between the high rise office buildings of Canary Wharf and residential scale of the area to the south of Skylines. Of particular note are extant consents for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf', a 31 storey tower on 'Dollar Bay' and a 23 storey tower on the Asda, Crossharbour site. Skylines is north of the latter two, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme.
- 9.51 Officers consider the tallest built element (Block B1) to have a unique architectural quality in that it has been designed and detailed to stand out as an outstanding element which acts as a focal point for the area. It provides an address and destination. The scale and placement of Block B1 on the site has been carefully considered to ensure that it strongly identifies this key position whilst also reducing its visual impact from adjoining streets and providing an identifiable separation from the lower scale buildings proposed and existing lower buildings

in the wider area, particularly to the south.

- 9.52 In compliance with these policies, Block B1 demonstrates an exemplar level of design quality and would constitute an elegant addition to the local and wider skyline, acting as a focal point for the wider Marsh Wall East regeneration area. The height of the building provides the opportunity to respect Canary Wharf and other large consented schemes in the local area, whilst the remainder of the development can respond to the scale of the built form to the south. It has been set back from Marsh Wall and Limeharbour in order to frame a new high quality public square on the site and an existing viewing corridor from the south east of the site across the docks to the city beyond.
- 9.53 The proportion and articulation of the tower has been designed to emphasise slenderness as has its orientation. Its narrow north-south profile minimises its impact on the developable land to the north and its visual perception from existing residential areas to the southeast. It will frame a new high quality public square for the local community as well as provide an attractive setting for a substantial new pocket park within the site. Furthermore, the building facades have been designed to reflect the importance of the role of the building as a landmark element of the proposals. The high quality of the design reflects its position, height and mass. There is a level of layering and subtlety to the facades of the building which provide an articulation that can be read from long, medium and short distances.

Townscape

- 9.54 Figure 5 provides an eastern view of the Isle of Dogs, demonstrating the transition discussed in paragraph 9.50 and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of this triangular site is considered acceptable in principle.

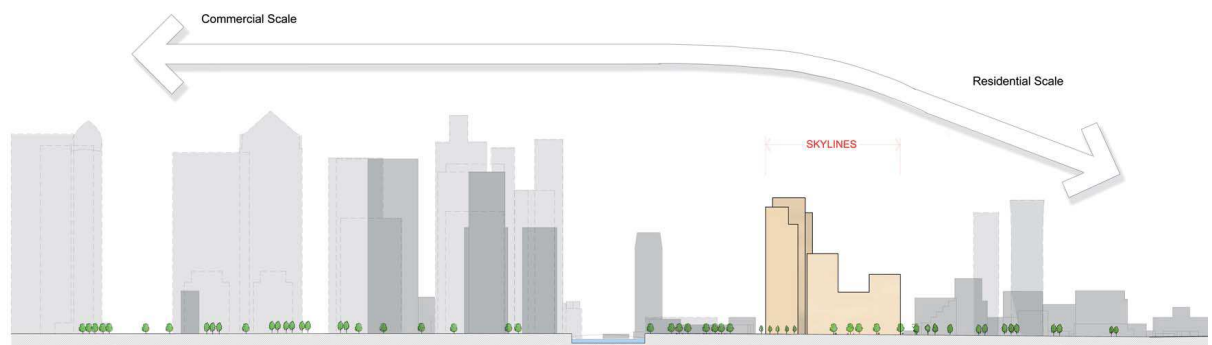


Figure 5 – Eastern view of key buildings, Isle of Dogs

Impact of Height to the South-West

- 9.55 Concerns from both LBTH and the GLA noted that the difference in height between the November 2011 scheme proposals and the existing residential buildings was overly abrupt and potentially negative in terms of visual impact on the neighbouring residents. The current proposals respond to these comments by reducing the height of three of the buildings (A1, A2 and C3) closest to the adjacent terraces to the south.
- 9.56 The heights of the buildings now step further down towards the existing scale of Limeharbour and Marsh Wall. This reduction in height would help to create a more sensitive and complementary massing with the additional benefit of more daylight/sunlight infiltration through the scheme.

Strategic Views

- 9.57 Assessment Point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The 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 does not raise any objections in this respect. English Heritage suggested that the Borough satisfies itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 9.58 Verified views have been considered and whilst the taller elements of the development would be visible, they would blend in with the existing cluster of tall buildings within the area and break down the scale of the commercial buildings within Canary Wharf. English Heritage commented that:

“Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has, to date, retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. EH have also previously noted that the clear recessive planes - the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers - are important characteristics. The visual layers of development instil a degree of visual order and, importantly, the distance serves to reduce the impact of the tall buildings”

Heritage & Conservation

- 9.59 The NPPF sets out the Government’s objectives in respect of conserving and enhancing the historic environments.
- 9.60 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved Policies DEV1 and DEV34 of the UDP, Policies DEV2, CON1 and CON2 of the IPG, Policies SP10 and SP12 of the CS and Policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.61 London Plan (2011) Policies 7.11 and 7.12, Policy SP10 of the Core Strategy Development Plan Document (2010) and Policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.62 It is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Maritime Greenwich World Heritage Site, as well as nearby Coldharbour Conservation Area.

Local Views and Impacts

- 9.63 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London’s skyline, without causing detriment to local or long distant views.
- 9.64 Key views surrounding the site have been considered and assessed, although there are no protected local views.

Aste Street/ Chipka Street

- 9.65 Properties that back onto the site along Aste Street would have clear views of the proposed development. The current proposals have been reduced to be less overbearing and are of a smaller scale at the edges. The tower elements are as far away from the smaller scale properties as the site allows which would minimise views of the proposal in close proximity so that taller elements would not dominate properties on Aste Street and Chipka Street. However, it is noted that due to the suburban feel of Aste Street and Chipka Street the views of the completed development would alter views currently experienced, bringing the 'the City' closer to views from this area.

Marsh Wall

- 9.66 The completed development would create a landmark building within the streetscene of Marsh Wall, creating an edge to the road and a more vibrant streetscene. As mentioned previously, the overall design of the tall buildings is considered to be of a high standard, and the bulk and proportion of tall buildings carefully considered.

Blue Bridge, Preston's Road

- 9.67 The development is visible from the blue bridge but this would be interrupted when other sites in the Marsh Wall East allocation come forward for redevelopment, particularly Dollar Bay and Angel House.

St Johns Park

- 9.68 Views within St John's Park would remain relatively uninterrupted due to the screening effect of trees. The middle and upper storeys of the completed development would be visible from St Johns Park. The setback of tower elements away from the southern boundary would minimise views of the proposal in close proximity so that taller elements would not dominate.

Mudchute/ Millwall Park

- 9.69 Although visible, the proposal is considered to adequately protect views from these parks towards Canary Wharf and the remaining cluster.

Layout and Disposition of Uses

- 9.70 The podium adjoining Block B1 and C would provide a more gradual height transition along Marsh Wall. The height of the lowest block (C3) has also been reduced by a further storey to assist with this relationship. The building to the edge of the scheme have been lowered to respond to the existing neighbourhoods
- 9.71 As the affordable accommodation has been relocated in Blocks A1, A2 and B, the location of the community uses within Block C was reviewed. The proposals site the community uses within the lower floors of Block B, meaning this community space would be located more centrally for all residents to use, and the wider Isle of Dogs community. In addition, the use of these lower floors for community space would be more acceptable than residential uses in terms the noise impact of the adjacent DLR.
- 9.72 Figure 4 above (paragraph 9.42), illustrates those elements being proposed at ground level, which include flexible retail space, offices, maisonettes, and a lay-by servicing area, together with access to basement car and cycle parking and new public square. The pavilion fronting on to the public square is considered to provide animation and a human scale at ground level.
- 9.73 The overall improvement to the site's permeability is welcomed as this would greatly enhance connectivity and permeability through the site, providing step-free access through

the site. The location of pedestrian routes, open spaces and play space is considered to be acceptable, with the proposed building layout and use allocation ensuring that they are legible and have good surveillance.

- 9.74 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the area. The proposal appears sensitive to the character of its surroundings in terms of overall layout, bulk, scale and use of materials.

Detailed Design/ Elevational Treatment

- 9.75 The detailed design of the scheme and materials is well considered. The proposed materials and appearance of the two groups of buildings comprise a varied textural and colour palette which is complimentary to each building group. For example, Blocks A and B adopt a more solid 'hole-in-wall' (e.g. recessed balconies within a flat façade), appearance, whereas Blocks B1 and C take a more sculptural, interlocking geometry with more simple faced treatments.
- 9.76 Blocks A and B are designed to reflect the surrounding residential community. The façades would utilise a mixture of precast concrete panels, dark aluminium cladding and coloured glass balustrade. The main material of the façades of Blocks B1 and C would be glazed panels varying in opacity and colour, with protruding balconies and projected panels which provides three dimensional character to the buildings' exterior.
- 9.77 The facades have been designed to reflect the importance of the role of Block B1 as the scheme's landmark element. There is a level of layering and subtlety to the facades which provides an articulation that can be read from long, medium and more local views.

Secured by Design

- 9.78 The applicant has engaged with the Metropolitan Police who are content with the applicant's response on all issues, except for some outstanding concerns regarding the two covered pedestrian routes onto the site off Marsh Wall and Limeharbour and the potential for these areas to become a crime generator. However, following the confirmation that that these spaces could be closed off at night with the site being managed through a robust Estate Management Plan (which would be secured by planning condition, in consultation with the Police) officers are satisfied that the development would provide adequate safety and security for occupiers as well as visitors to the site of the proposed development. Gating such developments at night-time can act against the overall objectives of providing inclusive and permeable forms of development but safety, security and crime prevention is also an important consideration and on balance, officers feel that closing the site off during night-time hours should help ensure that the site and its immediate environs remain secure. There could well be some night-time activity onto Marsh Wall and Limeharbour, associated with the ground floor commercial uses, which would help maintain surveillance of the area into the evening.

- 9.79 The Police have requested that any Estate Management Plan should require the provision of 24/7 concierge systems along with monitored CCTV and a robust plan for dealing with any antisocial activity within the covered routes and within the main open spaces/play areas on site.
- 9.80 The public realm will be landscaped with high quality material and lighting to create an attractive environment and make a positive contribution to the area. Planting will be well maintained to ensure they do not become screening devices that create dark corners around the site. In addition, pivot gates have been added to the design of the landscaping to allow the public realm associated with the revised proposals to be treated as any other local pocket park. The gates would allow for the closure of the community space after dark/at dusk. This will significantly enhance the safety and security of the amenity space and the residents of the revised scheme. The proposed security plan is shown in Figure 5 below.
- 9.81 To conclude this section of the report, your officers are satisfied that the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.



Figure 5 Secure By Design Diagram

Housing

- 9.82 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring

Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period

- 9.83 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 completions per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.
- 9.84 The emerging DM DPD has identified various strategic sites (Billingsgate Market, Wood Wharf, Millennium Quarter, Westferry Printworks, Crossharbour Town Centre and Marsh Wall East) in order to accommodate housing growth alongside other complementary uses. Development completed prior to 2010 are not factored into the housing targets outlined above. The implementation of targets could well be hampered unless further progress is made in the short to medium term towards further residential permissions and starts on site, especially in view of the current economic climate.

Residential Density

- 9.85 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location, as well as design and amenity considerations.
- 9.86 The site has a "Good" public transport accessibility level (PTAL 4). For central locations with a PTAL 4, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek to provide a density of between 650 and 1,100 habitable rooms per hectare. The proposed density is 1,574 habitable rooms per hectare (or approximately 530 units per hectare). However, the intent of the London Plan and Council's DM DPD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.
- 9.87 The scheme incorporates new pedestrian routes through the application site, as well as planning obligations towards transport infrastructure, public realm and connectivity to improve sustainable travel options.
- 9.88 It should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above. This is further supported by the site's designation within the Central Activities Zone, the Isle of Dogs Opportunity Area, the Marsh Wall East Site Allocation and the Isle of Dogs Area Action Plan, all of which encourage high density development in central locations. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Affordable Housing

9.89 As detailed in Table 1 below, the proposed development would provide 35.7% affordable housing provision by habitable room (or 228 units) split between social target rent and intermediate housing. Furthermore, the affordable element is split 71:29 in favour of social target rented accommodation, which would be generally in line with the Council's policy target of 70:30.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Target Rent	154	20%	584	25.3%
Affordable Intermediate	74	10%	241	10.4%
Total Affordable	228	30%	825	35.7%
Market Sale	536	70%	1441	64.3%
Total	764	100%	2266	100%

Table 1: The proposed indicative overall tenure mix

9.90 The affordable housing offer would comply with current LBTH policy, as it is in the range of 35%-50% and your officers are satisfied, following advice from independent viability consultants and taking into account the current economic climate, that the level of affordable housing at social target rent has been maximised. It is also important to note in this context, that the applicant has agreed to meet all the necessary planning obligations required to mitigate the impact of the development.

9.91 The Council's independent review of the viability assessment concludes that the applicant's affordable housing offer and other financial contributions are the optimum that this development could deliver (at the time of the assessment). Although the viability assessment concludes that the provision of 35.7% affordable housing (based on social target rented provision) is not viable, the applicants have expressed their commitment to providing this on the basis that market conditions will improve in the future which will result in more viable proposition. In time, there is also a possibility that the developer may be able to accept a lower developer profit (currently fixed at 20%) assuming that developer risk is reduced through funding being made available to facilitate a commencement on site.

9.92 Following the publication of the Inspectors Report into the DM DPD, the viability assessment has been further amended, to consider other potential scenarios but the applicant has made it clear that the proposed development has been submitted on the basis of that the rented affordable accommodation is proposed at social target rents.

9.93 The applicant has also agreed to include a review clause in the S106 Agreement to reassess development viability immediately prior to implementation of the scheme to determine whether affordable housing could be further increased, on the terms already negotiated (with rented stock being social target rents). It has been also been accepted that any review mechanism would not reduce percentages already negotiated and agreed.

Housing Type and Tenure Mix

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

9.95 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

- 9.96 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 9.97 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 9.98 Table 2 below outlines the proposed housing mix in the context of the Borough's preferred dwelling mix:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	53	0	0%	0%	0	0%	0%	53	10%	0%
1 bedroom	263	46	30%	30%	19	25%	25.0%	198	37%	50.0%
2 bedroom	251	40	26%	25%	36	49%	50.0%	175	33%	30.0%
3 bedroom	145	43	28%	30%	19	26%	25%	83	15%	20%
4 bedroom	45	18	12%	15%	0	0%		27	5%	
5 bedroom	7	7	5%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
TOTAL	764	154	100%	100%	74	100%	100%	536	100%	100%

Table 2: Indicative overall unit and tenure mix

- 9.99 The housing mix is considered to be in line with the Council's policies and includes the provision of much needed larger family accommodation. The proposal delivers 45% family accommodation in social rent tenure, including provision of 4 and 5 bed homes. There is also an acceptable level of family housing in the intermediate and private tenures. This equates to 26% family housing (3 bedroom and above) across all tenures which helps the borough meet its Core Strategy (Policy SP02) strategic target of 30% of all new housing across the borough to be of a size suitable for families.
- 9.100 The proposal would provide an acceptable mix of housing and could contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Internal Space Standards

- 9.101 The submitted plans demonstrate that the applicant has met the internal space standards set out within both the Housing Design Guide and London Plan. All proposed affordable family homes include a separate kitchen and dining room, although the recently published Inspector's Report states that separate kitchens should not be insisted upon and should be deleted from emerging policy.

Private and Communal Amenity Space

- 9.102 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010) recommending that a minimum of 5 sq m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq m is provided for each additional occupant.
- 9.103 The proposals provide significant amounts of amenity space of different types which is set out in Table 3 below.

	Amount provided	Policy requirement	+/-	Comments
Private amenity space	5,486sqm	4,721sqm	+ 765sqm	<ul style="list-style-type: none"> • Provided as balconies, private gardens, terraces, and winter gardens
Communal amenity space	1,483sqm	804sqm	+ 679sqm	<ul style="list-style-type: none"> • Provided as communal gardens on buildings A1 and B1 (podium).
Children's playspace	2,290sqm	2,590sqm	Minus (-) 300sqm	<ul style="list-style-type: none"> • child playspace also provided on building A1 as a roof garden. This is included as communal amenity space (equal to 325sqm) in this table rather than child playspace. • It is also reasonable to reference the 420 sqm of ground level private residential gardens dedicated to the large family-sized social rented units at the base of Blocks A1 and A2 as usable children's playspace which isn't included in the amount provided figure • 2,290sqm child playspace provided at ground level which will be accessible to the public during daylight hours
Ground level public open space / public realm	6,942sqm	N/A		<ul style="list-style-type: none"> • Includes widened pavements, new public square (1100sqm) open 24 hours a day. Also includes a new public open spaces closed during night-time including 505sq.m biodiversity area and areas of lawn alongside the southern boundary of the site. • Excludes 2,290sq.m child playspace provided at ground level which will be accessible to the public during daylight hours (if included there is 9,232sq.m of provision). • The Interim Planning Guidance Isle of Dogs AAP identifies the site as capable of providing 0.29ha or 20% of site area which is exceeded, however little 'weight' can be afforded to this policy.

Table 3: Amenity Space Provision

- 9.104 The level of private and communal amenity space provision is acceptable and in fact exceeds the policy requirements. Communal and private amenity spaces are provided in a variety of external spaces, including private gardens at ground floor level for the ground/first floor maisonettes, generous balconies and roof terraces/gardens which would provide usable amenity for future residents.

Child Play Space

- 9.105 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation', which sets a benchmark of 10 sq m of useable child play space per child.
- 9.106 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 259 children and accordingly the development should provide a minimum of 2,590sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10 sq.m per child as shown in Figure 4 above. Children's playspace is provided for both 0-5 and 5-11 age groups on site at ground level, which results in the development delivering 2,290sq.m of dedicated child play space, resulting in under provision of 300sq.m. This is considered acceptable due to the provision of both play facilities for younger as well as older children, the overprovision of private and communal amenity space and the provision of public open space in the form of the proposed public square and other incidental areas of open space. Maintenance of the child playspace will be required through imposition of an Estate Management Plan which it is recommended to be secured by condition.
- 8.107 As such, given the on-site provision of children's play space and adjacent playable soft landscaped area and availability of public play space within 800m of the site (i.e. Millwall Park, Sir John McDougal Park and St John's Park) your officers are satisfied that the revised Skylines development will have a beneficial impact on play space in the local area
- 9.108 A condition has been suggested requiring the submission of details of accessible play equipment.

Wheelchair Housing and Lifetime Homes Standards

- 9.109 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 9.110 Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Community Infrastructure

Open Space

- 9.111 The landscape strategy outlines the hierarchy of the spaces starting with the public square, the route/communal gardens, the possible future connection with Aste Street/ Chipka Street, and the private amenity spaces/gardens provided for the Skylines residents. It also summarises the play space provision for the site. The routes through the site will be active areas both for the residents and for visitors/day-users of the site. Benches and cycle parking would be distributed along their lengths as well as elements of landscape design such as low level perennial planting, variety of materials, street furniture and lighting. The new public space will also be capable of contributing to the Green Grid in the area.
- 9.112 New routes which would connect the key public spaces would be fully accessible and would be open to the public (apart from during night-time hours) which would be controlled through

an Estate Management Plan as previously referred. When the routes are closed to the public, residents will still have access via pass gates located at all locations. The routes would be well illuminated allowing residents to use them safely and securely throughout the evenings and early mornings. This addresses previous concerns raised by CABE/Design Council regarding landscaping and a lack of clarity around the function of open space provided

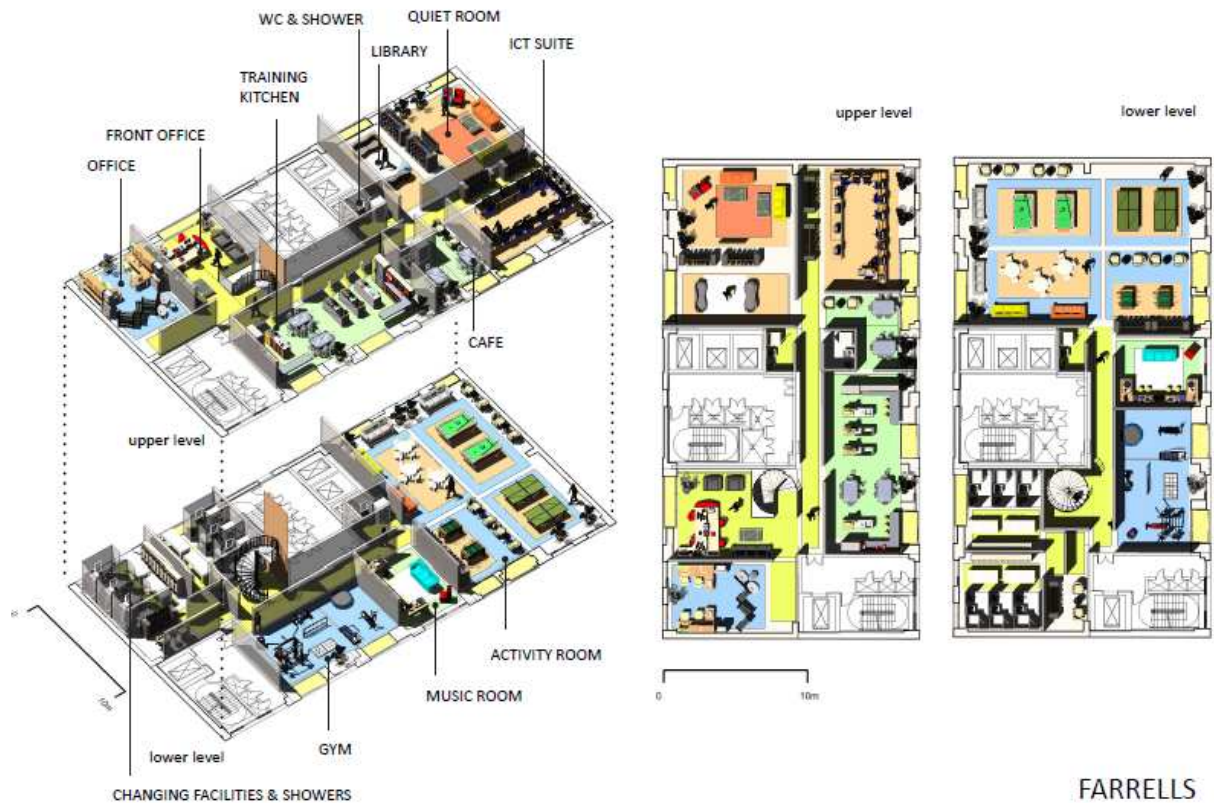
- 9.113 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. The development proposals will accord with the objectives of this policy.
- 9.114 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.115 The scheme would deliver 6,462 sq m of public open space and 9,232 sq m (including the proposed publicly accessible play space). Opportunities to provide new areas of open space are always challenging on the Isle of Dogs with heavy reliance on pocket parks and other open spaces that form an integral part of the Green Grid Network across the Island. The Isle of Dogs AAP (which should be afforded only limited weight but is still of relevance) identifies the site as having the potential to deliver a minimum open space provision of 0.29ha. It is clear that the current proposal would exceed this open space target for the site.
- 9.116 This new public open space and public realm improvements would help to mitigate the impact of the new population and provide a new area of public open space accessible to new local residents and employees as well as existing residents and employees in the area. The addition of new open space will also compliment the five local parks and small open spaces within 1.2km of Skylines Village and help to mitigate the existing deficiency of local parks within the wider Borough and contribute to the Green Grid.
- 9.117 Irrespective of this, the proposed level of open space would still fall below LBTH's standard of 12 sq m per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would provide approximately 4 sqm per person (based on 0.646ha for 1,601 additional residents). Accordingly, the applicant has agreed to a financial contribution of £828,386 to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement.
- 9.118 The southern aspect of the majority of the public open space and play space should ensure good levels of sunlight which should not suffer from permanent overshadowing.
- 9.119 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

Local Schools

- 9.120 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.121 The Inspector, in his recent report into the Managing Development DPD, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools (including Westferry Printworks on the Isle of Dogs) and a minimum of 5 new primary schools.
- 9.122 These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are discussion opportunities for new primary school facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 9.123 The approach to planning for school places and other infrastructure takes into account committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.
- 9.124 The Managing Development DPD also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.125 Work on the site allocations has been integrated with the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.126 The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.

Community Floorspace/Youth Club

- 9.127 Following on from Members previous concerns about lack of opportunities for the wider community arising out of this proposed development, your officers have put the applicant in touch with the Council's Youth and Community Service which has had a long standing aspiration to provide further youth facilities in the Cubitt Town area. It is understood that these discussions have been positive and parties have agreed to continue to work together to develop a shared vision to deliver a new Youth Club in the community space proposed to be spread over two of the seven floors of community space. There is significant need within the Isle of Dogs area for this facility as there is currently only one purpose built youth centre available for use (Britannia Road). Further work is required to realise this vision including fine tuning plans and consulting with local young people but the applicant has offered the space (shell and core) plus internal walls and a commitment for a peppercorn rent for a period of five years whilst meeting service charges. This will be secured in the S106 Agreement. A potential layout for a youth facility is reproduced below.



Skylines Youth Centre Study December 2012

Amenity

Daylight and Sunlight

- 9.128 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.129 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications 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.
- 9.130 The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 9.131 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.132 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.133 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties as well as its impact on the development potential of

neighbouring sites within the Marsh Wall East allocation (DM DPD – Submission Version with Modifications).

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

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

Proposed Development

- 9.135 The daylight/sunlight assessment for the new blocks to be constructed demonstrates that all main facades will receive good levels of sunlight. A total of 338 units are single aspect (233 are within the private sale properties) but none of these are north facing and officers are satisfied that all of these properties would provide satisfactory living conditions.

Neighbouring Properties

- 9.136 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 9.137 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the relevant buildings surrounding the development site. Those dwellings in close proximity of the site and where those dwellings have windows which have a direct outlook onto the Site itself are shown in the table below.

Address	Percentage of windows that exceed 40% reduction in daylight
26-44 East Ferry Road	45%
6-13 Cipka Street	68%
1-39 Aste Street	98%
1-6 Roffey Street	19%

Table 4: Daylight impacts on properties with direct outlook onto Skylines Village

- 9.138 When these failings are assessed against historical standards previously adopted by the Council, they would be assessed as unacceptable as the impact on the existing levels of natural daylight would exceed a 40% reduction which is a key test set out in the BRE guidance, and in many cases well above 40%. This will result in demonstrable harm to the amenity and in particular principal living rooms and rear bedrooms. However, these levels of reduction are not uncommon when higher density development is proposed in accordance with strategies in place to optimise residential densities and plot ratios.

9.139 Buildings further away from the site or buildings which do not have windows with a direct outlook onto the Site which were assessed are as follows:

1-114 Meridian Place
1-52 Antillies Bay
12-24 East Ferry Road
22-25 Chipka Street
30-33 Chipka Street
1-30 Landoverly House
1-12 Ash House
1-18 Rugless House
13-14 Roffey Street
Limeharbour Court

9.140 The impact on properties named above which are remote from the site or do not have a direct outlook onto the site could perhaps be described as “moderate/major adverse”.

9.141 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the south of the site that is in excess of the maximum levels set out in BRE guidance. However it should be acknowledged that in a city centre or urban context such as the Skylines site, significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” Similar daylight impacts have been found to be acceptable, on balance, in other cases in the Borough.

9.142 In many instances residential properties to the south of the application site, including those on Chipka Street, Roffey Street and Aste Street, already receive daylight levels which are below the BRE targets. These properties are therefore particularly sensitive to relatively small changes in lighting conditions. As the Skylines site is currently occupied by very low rise buildings and has a raised site level (around 3 metre difference) when compared to the residential properties to the south, the construction of any meaningful scale of development on the site will inevitably cause some impact on daylight levels to these properties;

9.143 Through the creation of a substantial new public open space at the southern end of the site as well as a new biodiversity area along the southern boundary, the proposed development would in fact improve the aspect to existing residential properties to the immediate south. As detailed in the design and access statement, the final height of the set-back buildings proposed along Limeharbour will be below the sight-line created by the existing buildings (when viewed from the rear gardens along Aste Street).

9.144 Despite letters of objection received on the basis that neighbouring properties would be affected by these proposals, considering the overall proportion of failures and the range of benefits and issues this proposed development is expected to deliver/resolve, it is considered on balance that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.

Sense of Enclosure, Outlook and Privacy

9.145 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

9.146 In terms of impacts upon neighbouring properties, those which are the most sensitive are to

the south fronting Aste Street and Chipka Street. In accordance with Policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.

- 9.147 Accordingly, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 9.148 With relation to overlooking to existing residential properties, the level of overlooking would not be any worse than existing. The existing Skylines Business Village includes a number of business units along the southern boundary with windows fronting directly on to the rear gardens of lower scale residential properties at Aste Street. When combined with the 3 metre level difference along the southern boundary, the existing relationship contributes to an existing sense of enclosure and overlooking which officers believe would be improved as a consequence of the development.
- 9.149 The Skylines proposal seeks to relieve this situation by demolishing the existing business units along the southern boundary and replacing them with new high quality buildings set further back from the boundary. Although these buildings will be taller, their position further away from these properties should ensure that separation distances between opposing windows are substantially increased, thereby minimising opportunities for overlooking or loss of privacy.
- 9.150 In terms of impact on itself, the scheme has been designed to minimise directly facing habitable rooms within 18 metres. The proposals are therefore generally in keeping with the abovementioned policies.

Development Proposals on Adjacent Sites

- 9.151 A further material planning consideration is the impact of Skylines proposal on the submitted application for Angel House (PA/12/02414) mentioned in the relevant planning history section of this report. The review by the Council's independent specialist has confirmed that the proposed Skylines building should not affect the opportunity to develop the site as the proposed residential facades achieve acceptable VSC levels.
- 9.152 A typical proposed residential floor for Angel House application indicates that accommodation can be provided as dual aspect, thus enjoying daylight from two directions, one of which would not be impacted by the Skylines proposal. Therefore even at the lowest residential floor the VSC levels achieved at Angel House would suffice to ensure that the proposed dual aspect accommodation would meet or exceed the minimum internal daylight levels for Average Daylight Factor.
- 9.153 On balance, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

Air Quality

- 9.154 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.155 The Air Quality assessment (Chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality, during construction and the development itself. During construction it is intended that the construction process will be

managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.

- 9.156 The statutory review and assessment of local air quality within the LBTH resulted in the entire Borough being declared an Air Quality Management Area (AQMA).
- 9.157 An assessment has been undertaken of potential impacts associated with the forecast changes in traffic flows on nearby access routes; dust and vehicular emissions during demolition and construction; and the anticipated emissions from vehicles associated with the completed development. The impact assessment has been updated to reflect the recently issued vehicle emissions factors. These vehicle emissions factors have been issued by the Department for Environment Food and Rural Affairs (Defra). The results of the updated assessment are presented in Chapter A15: Air Quality of the July 2012 ES Addendum.
- 9.158 Any air quality impacts arising from demolition and construction dust are predicted to be minor adverse at the nearest sensitive receptors, lasting only for the duration of the demolition and construction phase. An Environmental Management Plan will be prepared for the site prior to the commencement of any onsite works and will be agreed with the Council, which will include a whole suite of measures to reduce dust emissions.
- 9.159 It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 9.160 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy DEV2 of the UDP, Core Strategy Policy SP02, Policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

- 9.161 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.
- 9.162 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.
- 9.163 Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. Environmental Health has confirmed that the building should now be able to meet the requirements of BS8233 "Good Internal Noise Design Standard". Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.
- 9.164 Facades of the rear blocks would be acoustically screened from Marsh Wall, Limeharbour and the DLR. The most affected blocks would be Blocks B, A1 and A2. These blocks are proposed to be designed with the lift core facing Limeharbour, to minimise the impact on habitable room and proposed façade attenuation measures and specifications would provide

adequate insulation for good resting and sleeping conditions in dwellings. It is recommended that the approval of these details is conditioned to facilitate detailed consultation with Environmental Health officers at a later stage.

- 9.165 The proposed development has considered the likely effects of noise both positive and negative on the local amenity and any sensitive receptors, the cumulative noise impact as part of the Environmental Impact Assessment and to mitigate any impacts. Conditions are also recommended which require the approval of noise insulation measures in consultation with Environmental Health, restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions, and requiring the submission for approval of hours of operation for any A1-A5 uses
- 9.166 As such, it is considered that the proposals are in keeping with the NPPF, 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.

Transport, Connectivity and Accessibility

- 9.167 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.
- 9.168 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.169 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site lies 200 metres to the east of South Quay Docklands DLR station, which has previously been upgraded/relocated to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, and Canary Wharf Underground Station is 600 metres from the site to the northeast. Five bus routes can be accessed within 300 metres of the site (nos. 135, D3, D6, D7 and D8).

Highways

- 9.170 The application proposes access to an underground car park and servicing area (off Limeharbour). The proposal also includes a lay-by which is off the public highway and is accessed from Limeharbour for incidental servicing and deliveries.
- 9.171 The submitted Transport Assessment demonstrates that the development will generate a net decrease of 3 AM peak hour and 13 PM peak hour two-way vehicle trips on the surrounding highway network compared to the existing business operation. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBTH Highways.

Servicing and Deliveries

- 9.172 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in the IPG and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

- 9.173 The proposed layby off Limeharbour provides for most servicing and deliveries. The basement allows sufficient headroom for delivery and serving vehicles if required which are able to enter and exist in forward gear.
- 9.174 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

Waste, Refuse & Recycling

- 9.175 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.
- 9.176 Notwithstanding the above, the indicative scheme shows that within the residential block, residents have access to communal waste stores within the basement where they deposit their waste. Waste collection vehicles enter the basement and collect full bins from designated presentation areas or directly from the waste rooms. The inclusion of large lifts and ramps allows waste to be transferred from the basement to ground levels, where refuse vehicles, using the Limeharbour drop-off to minimise any impact on traffic flows, can collect the waste if required. Commercial waste would be stored and collected from the basement.

Car Parking

- 9.177 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.178 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus. It should be noted however that the recent Inspectors Report concluded that the DM DPD should specify parking levels according to PTALs rather than singling out Canary Wharf or the Isle of Dogs as separate geographic zones. He also recognised that minimal parking levels could have a materially adverse effect the viability of development.
- 9.179 The scheme proposes a maximum of 189 car parking spaces within a basement. All of these spaces are allocated for residential use (170 standard, 19 disabled). Spaces would be allocated to affordable housing units, according to the number of new residents which would qualify under the Council's Permit Transfer Scheme. This will be secured through planning obligation. The overall parking provision reflects a ratio of 0.25 spaces per residential unit which exceeds the current MD DPD policy but is considered acceptable by LBTH Highways on the basis that provision is made for those new residents who qualify for the Council's Permit Transfer Scheme. This is to prevent the exacerbation of existing parking stress levels on local roads. It is also justified by the fact that there are existing car parking spaces, the replacement of which is not considered to increase local traffic.
- 9.180 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units which has been justified. Electric vehicle charging points are provided with each car parking space which will be secured by condition.
- 9.181 The Transport Assessment also considered the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 205

parking spaces (although 189 are now proposed) which indicated that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years but the Council has already collected planning obligations from other developments for improvement works.

- 9.182 Notwithstanding the above, the LBTH Highways support the proposed parking levels subject on street parking permit-free agreement being secured through the planning obligations restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 9.183 In addition to the above, further measures to discourage car use in this development proposal include 1,060 cycle parking spaces, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 9.184 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed development, whilst not causing detriment to the free flow of traffic on the surrounding highway network.

Provision for Cyclists

- 9.185 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,060 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan Policy 6.13.

Public Transport Improvements

Docklands Light Railway

- 9.186 TfL considers that it is likely that most trips will be made from South Quay DLR station. A programme of works has already been identified to improve this station, relating to the installation of additional lifts to improve accessibility. Whilst TfL has requested a financial contribution of £250,000, the applicants have refused to meet this request on the basis that the development would not increase capacity of the local public transport system and therefore does not meet the legal test for planning obligations.
- 9.187 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.
- 9.188 Given the height and proximity of the proposed development, TfL may require a contribution towards a signal booster to mitigate the impact of the proposals on the DLR radio communications. TfL therefore require the developer to conduct before and after tests of signal strength to allow TfL to assess the level of mitigation needed. The funding of any mitigation measures required as a result of the test will need to be secured via the Section 106 Agreement.

Crossrail

- 9.189 The development is required to make a contribution of around £2,343,285 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

Buses

- 9.190 The PTAL rating for the site is good. Five bus routes (135, D6, D8, D3 and D7) are within close proximity of the site, and the new South Quay DLR station is approximately 200m to the west of the proposal site. The site is also approximately 980m (12-13 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall.
- 9.191 As the development site is within walking distance of Canary Wharf for the Jubilee Line, TfL assume a lower bus trip generation and therefore accept the lower figure of 39 bus trips. TfL have requested £224,700 towards London Buses, to be secured via the S106 Agreement.

Pedestrian Environment

- 9.192 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility in and around the site. The proposal incorporates a new diagonal north-south route linking Marsh Wall and Chipka Street. The proposal seeks to ensure active retail frontages to the pavilion and residential overlooking of this route, ensuring a high level of passive surveillance.
- 9.193 The proposal would secure high quality public realm within the site, with high quality materials, the use of natural stone paving, lighting and street furniture. The applicants have also agreed to a financial contribution of £828,386 towards open space improvements. In addition, this development proposal will contribute to the following pedestrian improvements which will be secured through a S278 Agreement:
- A new urban square at the junction of Marsh Wall and Limeharbour, and new pedestrian routes linking East Ferry Road, Marsh Wall and Limeharbour.
 - Improved pedestrian crossing at junction of Limeharbour and Marsh Wall to be secured through a S278 Agreement.
 - 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding through a financial contribution of £15,000
- 9.194 In addition, the introduction of a raised table and new pedestrian crossing via a S.278 highways agreement would further serve to improve the pedestrian experience along Marsh Wall and Limeharbour.
- 9.195 Conditions are recommended seeking full details of the improvement works to be delivered in addition to financial planning obligations towards public realm improvements.

Inclusive Access

- 9.196 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the Core Strategy and Policy DM23 of the MD DPD 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.
- 9.197 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.
- 9.198 With high PTAL levels and the provision of step free access routes, the proposed development would be accessible, usable and permeable for all. The proposed public realm strategy for the site, including the private and communal gardens, would be accessible to all (subject to access times as previously discussed).

Energy & Sustainability

- 9.199 At a National level, the NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 9.200 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 9.201 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.202 The information provided in the submitted energy strategy is principally in accordance with adopted climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications which requires:
- 2011-2013 = 35% CO2 emissions reduction;
 - 2013-2016 = 50% CO2 emissions reduction; and
 - 2016-2031 = Zero Carbon
- 9.203 The emerging Managing Development DPD, 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 non-residential development to achieve a minimum of BREEAM Excellent.
- 9.204 The Energy Statement (July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposals are to link to the Barkantine District Heating System to supply the space heating and hot water requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions by 38% (Be Clean).
- 9.205 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 4.4% carbon savings over the regulated energy baseline. It is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (110m2 PV array) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.206 The total anticipated CO2 savings from the development are 38% (573 tonnes CO2 per annum), through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy therefore exceeds the

requirements of Policy DM29 which seeks a 35% reduction in CO2 emissions. Therefore the CO2 savings proposed for this development are considered acceptable and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.

- 9.207 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non residential development to achieve a BREEAM Excellent 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 emerging Managing Development DPD.
- 9.208 The submitted Sustainability Statement (including Code Pre-assessment and BREEAM pre-assessment) details how the development will achieve a Code for Sustainable Homes Level 4 and BREEAM Excellent for the offices and retail elements. It is recommended that the achievement of a Code Level 4 rating for all residential units and BREEAM Excellent ratings for the office and retail elements are secured through an appropriately worded Condition with the Code for Sustainable Homes Final Certificates submitted to the Council.

Environmental Considerations

Contamination

- 9.209 In accordance with the requirements of the NPPF, saved UDP Policy DEV51 and Policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.210 The Council's Environmental Health Officer has reviewed the documentation and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.
- 9.211 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

Microclimate - Wind

- 9.212 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 9.213 The submitted Environmental Statement assessed the microclimate of the proposed development and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms and these can be conditioned. The results for the detailed element of the proposal are acceptable.

Flood Risk

- 9.214 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 9.215 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.216 The application site lies within Flood Zone 3 as shown on the EA Flood Map. This zone

comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.

- 9.217 The site levels are between 4m AOD and 5m AOD. As a result of this it is proposed that for part of the development levels will be raised to 5m AOD. Finished floor levels (FFLs) at ground floor, and basement entrances will be at a minimum level of 5.1m AOD. Based on the River Thames levels, this provides ground floor levels 300mm above the 1 in 200 tidal peak level for the year 2107. Safe refuge and evacuation routes from the basement and ground floor levels will also be provided. This has been agreed with the EA which has confirmed that the proposed mitigation is acceptable.
- 9.218 In order to meet with the regulatory and planning policy requirements to reduce rainwater run-off, an attenuation tank (located in the basement) will be installed at the Site to slow down the rate of surface water run-off. Increased requirements for water supply will be mitigated by providing water efficiency measures such as low flow fittings and metering. Rainwater will be recycled for use on gardens and grey water will be collected from residential units to be used for flushing of toilets to ground floor commercial units. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.219 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.220 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, Core Strategy Policy SP04 and Policy DM11 of the MD DPD 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 MD DPD also requires elements of living buildings.
- 9.221 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 would provide an ecological enhancement to the local area.
- 9.222 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies. Any trees lost alongside the boundary of the site will be replaced and retained trees would be protected.

Health Considerations

- 9.223 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.
- 9.224 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.
- 9.225 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.

9.226 The applicant has agreed to a financial contribution of £1,017,150 to be pooled to allow for expenditure on health care provision within the Borough.

9.227 The application will also propose public open spaces within the site. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and potential route through to existing open space.

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

Planning Obligations and CIL

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

9.230 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.

9.231 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.

9.232 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.233 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

9.234 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations the proportion of affordable housing has been secured at 35.7% affordable housing based on a social rent to intermediate split of 71% and 29% respectively. The independent advice includes a revised appraisal using alternative benchmark values to those used by the applicant. The revised appraisal produces a lower residual land value than the applicants own appraisal therefore the independent advice concludes that:

“The development as proposed cannot support any additional affordable housing or financial planning obligations”.

9.235 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 DPD (Submission Version May 2012) with Modifications and Planning Obligations SPD (2012).

9.236 Also factored into this was a maximum financial contribution secured through planning obligations (s106) of **£6,012,477** and in addition to this the proposed development would be liable for the Mayor of London’s CIL charge of approximately **£2.34 million**.

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

- A contribution of £277,020 towards enterprise & employment.
- A contribution of £668,039 towards leisure and community facilities.
- A contribution of £202,982 towards libraries facilities.
- A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- A contribution of £1,017,150 towards health facilities.
- A contribution of £828,386 towards public open space.
- A contribution of £23,385 towards sustainable transport.
- A contribution of £368,754 towards streetscene and built environment.
- A contribution of £224,700 towards TfL London Buses.
- A contribution of £15,000 towards wayfinding.
- A contribution of £117,891 towards S106 monitoring fee (2%)

9.238 Non-Financial Obligations

- 36% affordable housing, as a minimum, by habitable room
 - 71% Social Target Rent
 - 29% Intermediate

- Development viability review clause to secure any uplift.
- m) Employment and Training Strategy (including business retention/relocation initiatives)
 - n) Access to employment (20% local procurement; 20% local labour in Construction; 20% end phase local jobs)
 - o) Provision of real time DLR information board and testing and resolution of any communication issues arising (signal booster)
 - p) On Street Parking Permit-free development
 - q) Basement Car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
 - r) Travel Plan
 - s) Code of Construction Practice
 - t) Off-site Highways Works
 - New raised table, pedestrian crossing and associated works Marsh Wall/ Limeharbour
 - u) Access to public open space during daylight hours
 - v) 24 Hours access to public square

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

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

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

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

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

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

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

9.242 In this context "grants" might include:

- a) New Homes Bonus;

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

- 9.244 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.245 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £2,343,285
- 9.246 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual Council Tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council Tax that each unit would generate over a rolling six year period.
- 9.247 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £1,345,324 - £1,589,690 in the first year and a total payment £8,071,944 - £9,538,141 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 9.248 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:-
- 9.249 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".
- 9.250 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.
- 9.251 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.

- 9.252 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.
- 9.253 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.254 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.
- 9.255 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

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

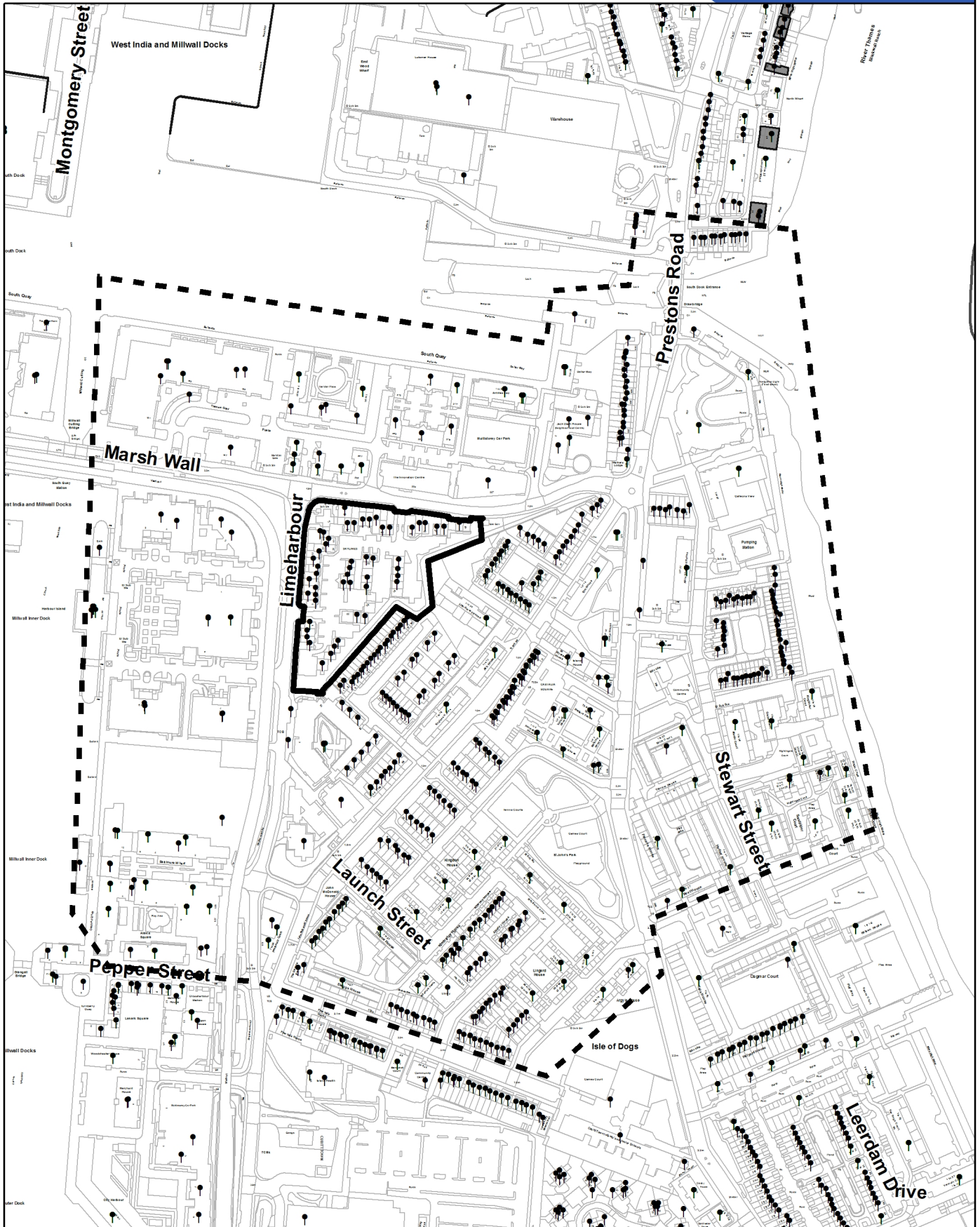
10 Conclusions


- 10.1 The proposed development would form and integral part of the Marsh Wall East site allocation to deliver the objectives of the Core Strategy. It provides much needed affordable

housing in a high quality, well designed, mixed use development. The proposals comply with the National, Regional and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

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


Planning Application Site Map




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m



1:4,500

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 number:	7.1
Reference number:	PA/11/03617
Location:	Skylines Village, Marsh Wall
Proposal:	<p>Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys in height, comprising of the following:</p> <ul style="list-style-type: none">• 764 residential units (Use Class C3);• 1,982 sq.m (GIA) of flexible retail floor space (Use Class A1-A5/B1);• 4,480 sq.m (GIA) of office floor space (Use Class B1)• 2,250sq.m (GIA) of community floor space (Use Class D1);• A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities <p>The application also proposes new public open space, associated hard and soft landscaping.</p>

1.0 CLARIFICATION AND CORRECTIONS

- 1.1 The Strategic Development Committee is requested to note the following clarifications and corrections to the report circulated with the agenda.
- 1.2 The following amendments to the submission documents reference numbers are required.

Submission Documents

PA/05/014 A C Proposed Typical Floor 1/300 A1
PA/05/070 A B Building A Plans – Typical Plans - sheet 1 1/250 A1
PA/05/071 A B Building A Plans – Typical Plans - sheet 2 1/250 A1
PA/05/072-A B Building A Plans – Typical Plans - sheet 3 1/250 A1
PA/05/073 A Building A Plans – Typical Plans – sheet 4 1/250 A1
~~PA/05/073 superseded by July 2012 Addendum~~
PA/05/080 A-B Building B Plans - Typical Plans - sheet 1 1/250 A1

- 1.3 The inclusion of a further paragraph under Section 2 of the report that summarises the material planning considerations is recommended – to read as follows:

The proposal makes efficient use of a site which is included within the Isle of Dogs Opportunity Area, as identified in the London Plan (2011) and the Marsh Wall East site allocation, as identified in the Managing Development DPD (Submission Version May 2012) as modified and facilitates an increase in the supply of housing including affordable housing in accordance with Policies 2.13, 3.3 and 3.11 of the published London Plan (2011), Policy SP02 of the Core Strategy and Policy DM3 of the Development Management DPD (Submission Version May 2011) as modified.

Recommendation

- 1.4 Paragraphs 3.2 and 3.3 on page 94-95 of the agenda, which deal with the financial and non-financial planning obligations should be amended to reflect the applicant's agreement to contribute towards enhancement to South Quays DLR station (to the

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tune of **£250,000** and a financial contribution towards multi-modal improvements directly to or in the vicinity of Preston's Road roundabout, to the tune of **£100,000**.

- 1.5 These changes/additions to the range of planning obligations are in response to late comments received from the GLA (email received 14th January 2013) which restated TfL's request for a contribution towards improving the accessibility to South Quay DLR station with specific reference to the provision of additional lift access. There have also been on-going discussions with the applicant regarding the desire to improve the safety and multi-modal movements through Preston's Road roundabout and the financial contribution offered by the applicant and suitably reflects the impact of this development on the operation of Preston's Road roundabout and proximity issues. With the required uplift in the 2% monitoring fee (now £124,891) the overall level of agreed planning obligations would be **£6,369,476**
- 1.6 This list of obligations should also reflect the actual percentage affordable housing proposed (35.7% by habitable room).
- 1.7 Following publication of the Committee report the applicant has reviewed their position regarding the 'Development viability review clause to secure any uplift' as referred to in paragraph 3.3, 9.93 and 9.238 in the Committee report. The applicant has requested that the clause be removed as it was felt that introducing uncertainty regarding the maximum level of affordable housing to be provided would be likely to erode potential investor's confidence in the scheme and therefore jeopardise the prospect of the development being delivered. In the light of this and in view of the overall percentage of affordable housing proposed at social target rent, alongside the other financial and non-financial planning obligations, your officers feel (with hindsight) that requiring a review mechanism in such circumstances, would be unreasonable. The requirement for a future review of development viability has therefore been deleted from the report.
- 1.8 Officers remain satisfied that the financial viability of the scheme 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 DPD (Submission Version) and Planning Obligations SPD (2012).
- 1.9 To clarify the position in respect of the proposed youth club accommodation, the S.106 clause should read – "the provision of two floors "shell and core including internal walls" in Block B for a youth and community services at a peppercorn rent for five years, but with the eventual operator obliged to meet service charges".
- 1.10 These changes should be mirrored in the later section of the report which refers again to Planning Obligations and CIL (paragraphs 9.229 – 9.238 inclusive)

General Corrections

- 1.11 Paragraph 5.7, typographical error; heights for Block A1 and A2 should read 11 storeys (including plant) and 15 storeys (including plant) respectively.
- 1.12 Paragraph 7.12 The Environment Agency has confirmed that finished floor levels should be set no lower than 5.1 metres AOD.
- 1.13 Paragraph 7.14 delete last sentence of "Officer Comment" as the GLA made further comments by email dated 14th January 2013.

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- 1.14 Paragraph 9.15 amend to read ‘*Currently, there is approximately 8,969sqm (GIA) of B1 office space within Skylines Village. The proposed scheme would provide 4,480 5,094 sqm (GIA) of dedicated replacement B1 office space but also 1,982sqm of flexible commercial space (use classes B1/ A1-A5). Whilst the scheme would result in (best case) a net loss of office floorspace of 2,507 4,893-sqm, which assumes that all units identified for flexible use are used for business purposes, the scheme also proposes a significant community floorspace (Class D1) which would generate additional employment. This site is not located within a Preferred Office Location and it is important to recognise that employment can be generated by all commercial uses and is not necessarily limited to B1 uses.*’
- 1.15 To provide further clarification in respect of child play space provision, a more detailed table is produced below. The child play space requirement set out in Table 3 and paragraph 9.106 should read 2,651sqm which results in an under provision of dedicated child play-space of 361sqm.

	Playspace provided on site (sqm)	Playspace policy requirement (sqm)	+/- policy requirement
Under 3 years provision	970	936	34
4-10 years provision	1320	1157	163
11-15 years provision	0	558	-558
Total	2290	2651	-361

- 1.16 Paragraph 9.117 should read(based on 0646ha for ~~4,604~~ 1,599 additional residents).
- 1.17 Paragraph 9.127, penultimate sentence should read “.....applicant has offered the space (shell and core) plus internal walls and a commitment for a peppercorn rent for a period of five years, with a future occupier required to meet service charge costs”
- 1.18 Para 9.176 – delete the word “indicative”

2.0 CONSULTATION RESPONSES

Employment and Enterprise

- 2.1 Even though the Employment and Enterprise Team forms part of Development and Renewal and views are reflected in the Planning Considerations section of this report, it is considered appropriate to summarise their comments. There is a standard Planning Obligations SPD request for job opportunities for local people (20% of construction jobs going to local people through the Skillsmatch Service and procurement of local goods and services during the construction phase

There is a financial requirement as part of this development to support and/or provide the training and skills needs of local residents in accessing job opportunities created through the construction and end user phases of the development.

The applicant has committed to providing a Displacement/Relocation Strategy for existing businesses and Employment and Enterprise are content in principle, with the measures outlined in the Displacement Strategy which is similar to other

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Displacement Strategies agreed elsewhere. This would be in accordance with the policy approach promoted through Policy DM15 of the Managing Development DPD. It is recommended that this is secured through the S.106 Agreement; with the Council's Employment and Enterprise team requesting input in agreeing the detail of the relocation strategy should planning permission be granted.

3.0 FURTHER REPRESENTATIONS

3.1 Since publication of the agenda a further representations have been received on 17 and 24 January 2013 from two local residents objecting on the grounds of

- Overdevelopment – with 749 flats proposed on the back of the 850 flats that were recently approved on the ASDA site and 249 additional units on Angel House and further flats awaited on the London Arena Site. Lack of infrastructure to support this growing population.
- Heights of buildings – the development is too high at 45 storeys, which will damage the character of the area. The height of the buildings should be considerably reduced to say 5-6 storeys and no more than 10 storeys.
- Oversupply of housing, no point building flats that will remain empty.
- Overcrowding – South Quay DLR is already overcrowded in the mornings
- Reduction in property prices as many more properties come onto the market.

3.2 One of these letters had been previously submitted to the Council and the associated email dated 24th January advises that the view is shared by many residents of the Isle of Dogs.

3.3 In addition, the Council has received a petition in support of the application on 17 January 2013 comprising 42 (forty two) signatures.

3.4 The petition (paraphrased) reads as follows:

The following residents of Blackwall and Cubitt Town Ward support the planning application which will deliver a number of major benefits for the Isle of Dogs community such as:

- 228 new affordable homes (out of 764) with 174 being family sized (3 or more beds)
- The creation of a new 1 hectare public park on the sit which will be open to residents during daylight hours
- Provision of a large level of community floorspace which could be occupied by a youth club, with the remainder being used as a NHS Primary Care Trust or nursery
- In addition to the number of jobs associated with the construction period, the development will create up to 470 jobs which is approximately 3.5 times the number of people currently employed on the site

3.5 For completeness the total representations received on the application at submission stage and in relation to the amended plans are 29 objecting, one stating neither support nor objection and a petition of 42 signatures in support of the application.

4.0 PLANNING OBLIGATIONS AND CIL

4.1 There are proposed changes to the Planning Obligations and CIL Section of the Report to reflect the text outlined in Section 1 of this Update Report

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5.0 **RECOMMENDATION**

- 5.1 Officer's recommendation remains as per the original subject to the amendments set out in Section 1 of this Update Report (Paragraphs 1.4 - 1.7).

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Agenda Item 7

Committee: Strategic Development	Date: 6 th March 2013	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

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

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

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

Tick if copy supplied for register:

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

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Agenda Item 7.1

Committee: Strategic Development	Date: 7 th March 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Katie Cooke		Ref No: PA/12/03318	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street

Existing Use: Residential properties (Use Class C3), public house (Use Class A4), office, storage and light industrial units (Use Classes B1, B2 and B8), a faith building (Use Class D1) together with commercial car parking and a car washing facility (sui generis)

Proposal: Submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.

Drawing Nos:

Architecture Initiative

- WOO-ARI-PLN-000002 Revision B - Location Plan & Existing Site Plan
- WOO-ARI-PLN-000003 Revision A - Demolition Plan
- WOO-ARI-PLN-000004 Revision B - Access Plan
- WOO-ARI-PLN-000010 Revision D - Ground floor plan
- WOO-ARI-PLN-000011 Revision D - First floor plan
- WOO-ARI-PLN-000012 Revision D - Second floor plan
- WOO-ARI-PLN-000013 Revision D - Third floor plan
- WOO-ARI-PLN-000014 Revision D - Roof plan
- WOO-ARI-PLN-000015 Revision A - Overall Build Scheme Dimensions
- WOO-ARI-ELE-400001 Revision B - North and West Elevations
- WOO-ARI-ELE-400002 Revision B - South and East Elevations
- WOO-ARI-ELE-400004 Revision B - North and West Elevations
- WOO-ARI-ELE-400005 Revision B - South and East Elevations
- WOO-ARI-SEC-500001 Revision D - Sections
- WOO-ARI-SEC-500002 Revision D - Sections
- WOO-ARI-ELE-400010 Revision A- Materials

Colour Urban Design Ltd.

- WOO-CUD-PLN-003 Revision D - Landscape Proposals – Interim
- WOO-CUD-PLN-004 Revision C - Landscape Proposals – Completed Parcel 'R'
- WOO-CUD-PLN-005 Revision C - Boundary Treatment Plan and Indicative landscape levels - Interim
- WOO-CUD-PLN-006 Revision C - Boundary Treatment Plan and Indicative landscape levels

Supporting Documents

- Planning Statement (Urban Initiatives Studio) , dated 19/12/12
- Design and Access Statement (Architecture Initiative) , dated 21/12/12, Document Version 1.1
- Transport Statement (Urban Movement) , dated December 2012, ref: 10074
- Transport Statement Appendices (Urban Movement)
- Transport Statement Addendum, Rev A, Issue 2 (Urban Initiatives Studio), dated February 2013
- BREEAM Pre-assessment (Bouygues UK) , dated December 2012
- Energy Strategy (Capita Symonds) , dated 14th December 2012. Ref: CS/060704
- Daylight and Sunlight Report (XCo2 Energy) , dated 17/12/12, ref: 8290
- Wind Microclimate Study (BMT) , dated 18/12/12, ref: 431412
- Ecological Appraisal (Encon Associates) , dated 14/12/12, ref:A1899-Rev A
- Arboricultural Report (Encon Associates) dated, 18/12/12, ref: A1899-Rev A
- Air Quality Assessment (Capita Symonds) , dated 14/12/12, ref: 001
- Environmental Noise Survey (Cole Jarman) , dated 14/12/12, ref: 12/3830/R1
- Land Quality Statement (Campbell Reith), project number 11126, dated December 2012
- Site Waste Management Plan (Bouygues UK) , dated December 2012, ref: WOO BTG WAS 000100 Rev A
- Statement of Community Involvement (Urban Initiatives Studio) , dated 19/12/12
- Woolmore School: Justification for demolition (Urban Initiatives Studio), dated 18 December 2012;
- Glass Solutions Austria - Saint Gobain details, dated 05/12/13;
- Response to BB99 Guidelines (Urban Initiatives Studio), dated February 2013
- Clarification of School Dimensions Statement, Revised, Issue No.2 (Urban Initiatives Studio), dated February 2013

Applicant:	London Borough of Tower Hamlets Children's Schools and Families Directorate
Owner:	Various
Historic Building:	N/A
Conservation Area:	The Naval Row Conservation Area partly falls within the outline application site (albeit not Building Parcel R). The All Saints Conservation Area is within close proximity of the application site

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing

Development DPD Submission Version and Modifications (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:

- It is considered that the proposed scale of the buildings would be in accordance with the scale parameters and accord with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy 2010, policy DM25 of the Managing Development DPD Submission Version and Modifications (2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure appropriate scale of developments in order to maintain the amenity, character and context.
- It is considered that the proposed appearance of the scheme would maintain a high quality environment and be in accordance with the Design Code and accord with policies 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan (2011), policies ST17 and DEV1 of the UDP (1998), policies DM24 of the Managing Development DPD Submission Version and Modifications (2012), policy SP10 of the Core Strategy (Adopted 2010) and DEV2 of the IPG (2007), which seek to ensure high quality design and appearance of developments.
- It is considered that the proposed landscaping associated with Building Parcel R would maintain a high quality environment and accord with policies DEV1 and DEV12 of the UDP (1998), policies SP09 and SP10 of the Core Strategy (Adopted 201), policy DM25 of the Managing Development DPD Submission Version and Modifications (2012), policies DEV2 and DEV13 of the IPG (2007), which seek to ensure high quality design and appearance of landscaping in developments.
- It is considered that the access arrangements for Building Parcel R accord with policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD Submission Version and Modifications (2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options
- On balance the proposals indicate that the scheme can provide acceptable space standards and layout. As such, the scheme is in line with policy DM18 (d) part (ii) of the Managing Development DPD Submission Version and Modifications (2012) which requires schools to comply with the relevant standards.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** reserved matters consent.

3.2 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.3 Conditions

- District Heat Network Connection
- BREEAM
- Bat Survey
- School Travel Plan
- Construction Logistics Plan
- Secure By Design statement
- S.278

Informatives

- 3.4
- To be read in line with PA/12/0001
 - S.278
 - Thames Water public sewer
 - Bats European Protected Species licence
 - Caretaker/site manager to control gates
- 3.5 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4.0 RESERVED MATTERS

- 4.1 Reserved matters applications are applications that follow approval of Outline planning permission where details have not been previously agreed.
- 4.2 A reserved matters application deals with some or all of the outstanding details of the outline application proposal, including:
- *Appearance* - aspects of a building or place which affect the way it looks, including the exterior of the development
 - *Means of access* - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
 - *Landscaping* - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
 - *Layout* - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
 - *Scale* - includes information on the size of the development, including the height, width and length of each proposed building
- 4.3 The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.
- 4.4 In the case of Woolmore School, all matters were reserved as part of the outline consent, planning reference: PA/12/0001 (this is addressed in further detail in Section 5 of this committee report).
- 4.5 A copy of the Committee Report for PA/12/0001 has been appended to this report for background information.
- 4.6 The Reserved Matters application has been submitted in accordance with condition H2 of the outline consent which states:

'For Building Parcel R, the details of reserved matters of the layout, scale, design and appearance of the buildings, the means of access thereto and the landscaping as well as details of vehicular and cycle parking provision and details pursuant to the approved Parking Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Development within that Building Parcel.

Reason: To ensure that the Local Planning Authority has control of those matters that have been reserved from the grant of this outline planning permission and in accordance with DEV1 of the London Borough of Tower Hamlets Unitary Development Plan, Policy SP01 of the London Borough of Tower Hamlets Core Strategy and policies 7.6 and 7.7 of the London Plan 2011.'

5.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The wider Blackwall Reach site

- 5.1 Blackwall Reach comprises an area of 7.7 hectares and comprises of the Robin Hood Gardens, together with land parcels to the north and south. The application site is bounded by East India Dock Road (A13) to the north, Blackwall Tunnel Approach Road (A12) to the east, Cotton Street (A1260) to the west and Preston's Road roundabout/Aspen Way (A1261) to the south. The southern boundary is also marked by the elevated DLR tracks and the Blackwall DLR station. The application site can be seen overleaf in Figure 1.
- 5.2 The site is located within the London Borough of Tower Hamlets.
- 5.3 The Robin Hood Gardens Estate is the largest land parcel within the development area and comprises an existing social housing estate containing 214 residential units set around a landscaped area known as the Millennium Green. The estate was built in 1972 and constructed in concrete, however has decayed over recent years. The buildings are not listed and have been exempt from listing for 5 years from May 2009 by the Secretary of State.
- 5.4 The northernmost part of site contains a further 22 maisonettes located in Anderson House and 16 terraced house and flats between Robin Hood Gardens and Woolmore Street. Poplar Mosque & Community Centre, Woolmore School and the All Saints NHS health centre building are located to the north of Woolmore Street, whilst the north-west are of the application site contains a small number of poor quality buildings.
- 5.5 The southern part of the site between Poplar High Street and Blackwall DLR station contains a number of light industrial units and temporary buildings, together with commercial car parking facilities. Some of the former industrial buildings are presently in use for community and non-residential institution purposes. Immediately adjacent to the DLR station is a TfL bus stand and turnaround.
- 5.6 The south-eastern area of the site also includes part of the Naval Row Conservation Area. This L-shaped conservation area wraps around the former East India Docks, whose perimeter dock walls, railings and steps are Grade II listed and immediately adjacent to the application site boundary. The bridge parapet above the entrance to the Blackwall Tunnel, together with the East India Dock pumping station are also Grade II listed.



Figure 1: The application site (as existing)

- 5.7 The scale of the buildings within the site varies from 3-storey town houses immediately to the north, whilst Robin Hood Gardens rise to 7 and 10 storeys. In the south it is generally single or 2 storey industrial units rising to 3 storeys for the Steamship public house and 4 storeys for the residential block adjacent to the site boundary.

Surroundings

- 5.8 The scale of buildings beyond the site boundary contrast with those within. Within East India Dock immediately to the east of the application site are 10 storey commercial buildings, whilst to the south residential buildings of 25-35 storeys in height exist at New Providence Wharf and Wharfside Point South. On the opposite side of Prestons Road roundabout, there is an extant planning permission at 2 Trafalgar Way for two residential-led mixed use buildings of 29 and 35 storeys in height.
- 5.9 There are a number of conservation areas within close proximity of the application site. As mentioned above, the Naval Row Conservation Area is partially located within the site boundary. All Saints Conservation Area is located opposite the site to the west, on the opposite side of Cotton Street, the focus of which is the Grade II* listed All Saints Church, its churchyard and Grade II listed rectory on the opposite side of Newby Place. The St Mathias Church Poplar and Lansbury Conservation Areas are located further to the west. To the north of the application site to the north of East India Dock Road lie St Frideswide's and the Balfron Tower Conservation Areas.

Transport infrastructure and connectivity

- 5.10 The site has a good public transport accessibility level (PTAL) ranging from 3 to 5 with an average across the site of 4 (1 being poor and 6 being excellent). The A12, A13 and A1261 highways that surround the site area all part of the Transport for London Road Network (TLRN). Blackwall DLR station within the southern part of the application site provides services on the Beckton and Woolwich Arsenal branches. Furthermore, All Saints DLR is within reasonable walking distance of the site and provides services on the Stratford to

Lewisham branch. Seven bus routes are within walking distance from the site; D6, D7, D8, 15, 108, 115 and 277. The bus stand and turnaround presently located in Ditchburn Street adjacent to the DLR station acts as the terminus for the route 15 bus. Cycle superhighway route 3 (CS3) runs through the site along Poplar High Street to Naval Row. However, pedestrian connectivity is generally poor given that the site is surrounded by heavy traffic routes and poor permeability through the site.

Outline planning consent (PA/12/0001)

5.11 Outline planning permission was granted on 30th March 2012 for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide the following uses:

- Up to 1,575 residential units (up to 191,510 sq.m GEA - Use Class C3);
- Up to 1,710 sq.m (GEA) of retail floorspace (Use Class A1-A5);
- Up to 900 sq.m of office floorspace (Use Class B1);
- Up to 500 sq. m community floorspace (Use Class D1);
- Replacement school (up to 4,500 sq.m GEA - Use Class D1);
- Replacement faith building (up to 1,200 sq.m - Use Class D1);
- An energy centre (up to 750 sq.m GEA); and
- Car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas and on-street)

5.12 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination, however, matters of detail have been submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians.

5.13 Conservation Area Consent (Reference: PA/12/0002) was also granted which included the demolition of a warehouse building adjacent to and on the east side of the Steamship Public House, Naval Row. The building is located within the Naval Row Conservation Area.

Reserved Matters Application

5.14 The Woolmore School site is located in the London Borough of Tower Hamlets on a site surrounded by major roads: the A102 Blackwall Tunnel Northern Approach to the east, the A13 East India Dock Road to the north, the A1206 Cotton Street to the west, and the A1261 Aspen Way to the south. The block within which the existing and new school sits is bounded to the south by Woolmore Street, to the east by Robin Hood Lane, to the north by Ashton Street, and to the west by Bullivant Street.

5.15 The land uses surrounding the school site are characterised by largely residential development, although this is both of variable character, and in the process of change. Three-four storey accommodation on both Woolmore Street and Ashton Street is contrasted with the Robin Hood Gardens estate just to the south, which comprises two ten storey 'walls' of flats.

5.16 As detailed within the Outline Planning Permission, all proposals are to be managed through the use of the three control documents (in line with condition A4), as follows:

- **Parameter Plans:** These define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions, which identifies each of the development blocks (A1 to R) within development zones (DZ 1- 4) (see Outline Planning Application Parameter Plans 512/7008/RevA, 512/7101/RevA and 512/7105/RevA). The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.
- **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 Code:** This document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards and subdivides the site into 4 character areas/urban quarters. These are entirely consistent with the 4 development zones as detailed above.

- 5.17 This Reserved Matters application is part of Development Zone 1 (DZ1) and one of the first phases of development to come forward and comprises all land and buildings within 'Parcel R' (as shown in Figure 2) of the Outline Planning Application (as set out in the Parameter Plan – Development Zone 1 512/7101/RevA of the Outline Planning Application). This includes Woolmore School; land to the east of the existing school which currently houses a vacant Primary Care Trust building; and land westwards (encompassing a stopped up Bullivant Street and a strip of land immediately to the west). Reserved Matters consent was granted for Phase 1a on 24/12/12 which is to the west and northwest of the Woolmore School site.
- 5.18 Figure 2 shows one of the submitted parameter plans, which identifies each of the development blocks (A1 to R) within the development zones (D.Z 1-4). The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation

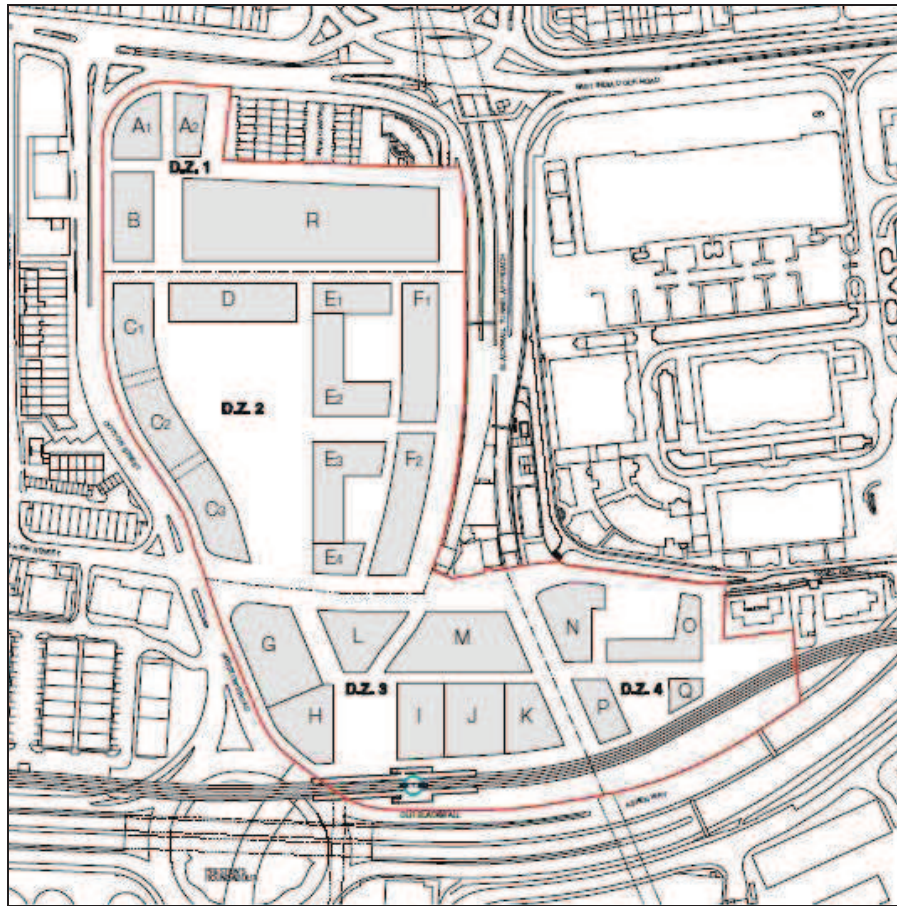


Figure 2: The Development Zones and blocks as presented in the parameter plans

- 5.19 Parcel R is greater in extent than the existing school grounds and encompasses the vacant health centre building to the east of the existing school playground and a stopped up Bullivant Street together with a strip of land to its west on the western boundary of the school. This extended school site covers an area of 6,055sqm. Immediately to the west is the Community Square (as identified in the Outline Planning Application).
- 5.20 The existing Woolmore School building is located in the southwest part of the block described above. This is due to be demolished, with the new main building located in the northeast part of the block. The land west of the new buildings will be reconfigured to provide a playground and other facilities for the school. The existing western boundary of the school site, Bullivant Street, is due to be closed and relocated further to the west, taking the form of a shared space street (as set out with the Swan Housing Group Reserved Matters application - reference: PA/12/02752).
- 5.21 In addition to this Reserved Matters Application, the remainder of DZ1 was approved submitted under a separate application which was made by Swan Housing for Phase 1A (Reference: PA/12/02752). It comprised:
- Community Square;
 - Three buildings;
 - Office floorspace;
 - Mosque
 - Residential (second floor and above within building A1 and within the whole of Building B); and
 - Associated and ancillary development including access, servicing, car parking, open

space and landscaping.

5.22

In the short term, whilst the Swan Housing Group complete their construction the western most portion of Parcel R will not be available to the school as it will be utilised by the Swan Housing Group for their construction works. The school playground proposals have however been designed to allow the playground to be extended to take in this land once Swan Housing Group have completed their construction works (post 2015). Refer to Zonal Masterplan Completed Parcel R (drawing WOO-CUD-PLN-002 Rev D).

Reason for the School's Demolition

5.23 As part of the outline application, planning permission was granted for the expansion from a one-form entry to a three-form entry school which would assist with providing sufficient school places for the local community, including families living in new homes in the area. This is within the context of the Council needing to increase primary school places in the Borough overall, particularly in the south eastern area of the borough, to meet the needs of the rising population.

5.24 During the outline application process, various objections were received from the Twentieth Century Society and various residents regarding the loss of the building.

5.25 Whilst Woolmore School is not listed (nationally or locally) or located within a Conservation Area, a document has been prepared by Urban Initiatives Studio which explores the heritage value of the existing buildings on site and provides justification for their demolition, in line with Condition B1 of the Outline Planning Permission which has since been approved. This document has been submitted as part of this Reserved Matters Application in order to set out the background, reasons and justifications for the school's removal.

5.26 The heritage value of the existing school, building has also been assessed. Woolmore School is an example of an L.C.C. simplified Neo Georgian school that retains many of the Arts and Crafts elements inherited from the architect's housing traditions including simple stock brick, gaunt vent stacks, vernacular relieving arches and the cottage-like top floor windows expressed as dormers. However Woolmore School is not listed and the council's design and conservation officers consider it does not reach the required standard to be considered worthy of listing. It is not in a Conservation Area and the extensive alterations have deprived this relatively simple building of much of its original character. Furthermore significant modifications would be required to ensure that the building can meet the required standards including removal and replacement of staircases and a high proportion of the internal walls. The assessment outlines that there are no significant heritage issues in demolishing the existing school building to allow a new school to be built.

5.27 In addition to the above, the current school building provides approximately 1,300 sqm of accommodation but does not meet the current DfE standards or performance requirements:

- Typical classroom sizes are too small;
- Access is not DDA compliant (indeed the Council's access officer was unable to access the building at a recent site visit);
- The school dining hall is sub-standard with a number of columns breaking up the space;
- The means of escape does not meet modern day standards;
- Energy performance is poor and the building is naturally ventilated;
- Sound transmits through the building and from outside resulting in a noisy operating environment; and
- There are issues of glare, poor lighting and daylighting to some areas and the school provides a poor environment for IT.

5.28 Having reviewed the information submitted as part of this reserved matters application,

5.29 particularly the 'Justification for Demolition' Statement produced by Urban Initiatives Studio,. Officer's consider the erection of a new school building at the eastern end of the site (as Option Two) to be the best option for the following reasons:

- Ensures that the new school can be designed in accordance with best practice and to meet the recommendation of Building Bulletin 99: Briefing Framework for Primary School Projects (DfES);
- Ensures that the new school can be provided to meet the highest performance standards providing a more energy efficient building that reducing future costs to run and is 'sealed' to reduce noise (an important issue in this location);
- Allows for the new school building to be constructed whilst the existing school remains in operation.
- Results in a reduced footprint and therefore ensuring more playspace for children.

5.30 No details were available on how the school facility would be delivered at the outline stage. This was a reserved matter that would be decided during the reserved matters stage. In the minutes of the Committee Meeting, it was agreed that this reserved matters application would be taken back to Committee so that Members could be assured that their views on the matters were sought.

Relevant Planning History

5.31 **PA/12/0001-** Outline consent was granted on 30th March 2012 for: 'Outline application for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide:

- Up to 1,575 residential units (up to 191,510 sq.m GEA - Use Class C3);
- Up to 1,710 sq.m (GEA) of retail floorspace (Use Class A1-A5);
- Up to 900 sq.m of office floorspace (Use Class B1);
- Up to 500 sq. m community floorspace (Use Class D1);
- Replacement school (up to 4,500 sq.m GEA - Use Class D1);
- Replacement faith building (up to 1,200 sq.m - Use Class D1)

5.32 The application also proposes an energy centre (up to 750 sq.m GEA); associated plant and servicing; provision of open space, landscaping works and ancillary drainage; car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas plus on-street); and alterations to and creation of new vehicular and pedestrian access routes.

5.33 All matters associated with details of appearance, landscaping, layout and scale and (save for the matters of detail submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians as set out in the Development Specification and Details of Access Report) access are reserved for future determination and within the parameters set out in the Parameter Plans and Parameter Statements '

5.34 **PA/12/0002-** Conservation Area Consent was granted on 30th March 2012 for : 'Demolition of building adjacent to and on east side of Steamship Public House, Naval Row.'

5.35 **PA/12/2740 -** Approval of details were permitted on 7th December 2012 in relation of Phase 1A for 'Conditions, C1, (Decentralisation), D1, (Parking management), D3, (Sitewide

phasing), E1, (Zonal masterplan), E2, (Affordable housing strategy), E3, (Play space), E4, (Micro wind climate) & E7, (Site wide phasing), of Planning Permission dated 30 March 2012, Ref: PA/12/00001.'

- 5.36 **PA/12/2752-** Reserved Matters consent was granted on 24th December 2012 for Submission of reserved matters pursuant to condition E5 of outline planning permission dated 30th March 2012, reference PA/12/00001 for 98 new homes; 500 sqm community centre; 838 sqm office space and a 954 sqm mosque (ie for building parcels A1, A2 and B within Development Zone 1, excluding Parcel R 'Phase 1A') comprising layout, scale and appearance of the buildings, the means of access thereto and the landscaping as well as approval of details of vehicular and cycle parking provision, servicing and refuse collection and associated ancillary development.

6. POLICY FRAMEWORK

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

Government Policy:

NPPF

London Plan 2011:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking

6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.9	Access to Nature and Biodiversity
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature

Adopted Core Strategy 2010:

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

Unitary Development Plan 1998 (saved policies):

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space

T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
OS9	Children's Playspace
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places

Interim Planning Guidance (October 2007):

LS25	Blackwall Reach
LS26	St Mathias Centre
L1	Leaside spatial strategy
L2	Transport
L3	Connectivity
L5	Open Space
L6	Flooding
L9	Infrastructure and services
L10	Waste
L34	Employment uses in East India North sub-area
L35	Residential and retail uses in East India North sub-area
L36	Design and built form in East India North sub-area
L37	Site allocations in East India North sub-area

Interim Planning Guidance – Other

Blackwall Reach Project Development Framework 2008

Managing Development: Development Plan Document (Submission Version 2012) and Modifications:

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

London Plan Supplementary Planning Guidance/Documents

Lower Lea Valley Opportunity Area Planning Framework 2007
 London Housing Design Guide 2010
 Interim Housing SPG
 London View Management Framework 2010

Housing
 Land for Transport Functions 2007
 East London Green Grid Framework 2008
 Sustainable Design & Construction 2006
 Accessible London: Achieving an Inclusive Environment 2004
 Providing for Children and Young People's Play and Informal Recreation 2008
 Draft All London Green Grid 2011
 Draft Housing 2011
 Draft London World Heritage Sites – Guidance on Settings 2011
 Draft London View Management Framework 2011
 Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

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

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

7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

LBTH Biodiversity

7.3 The applicant's Ecological Appraisal identifies the existing school building as of medium potential to support roosting bats and recommends emergence and re-entry surveys, which have to be undertaken between May and September. The Council's Biodiversity Officer commented that as a pre-1914 (albeit only just pre-1914) building with a slate roof, there is potential for roosting bats. Guidance states that surveys for European protected species should be undertaken before planning permission is granted. However, in this case, outline planning permission has already been granted, and thus permission for the demolition already exists. The reserved matters do not directly affect the likelihood or nature of impacts on bats. Therefore it makes little difference whether the bat survey is undertaken before or after granting permission for the landscaping and other reserved matters, provided it is undertaken before demolition begins. Therefore a condition should be attached stating that, before demolition begins, precautionary bat surveys, consisting of 2 emergence surveys and one dawn re-entry survey, are undertaken. If bats are found, a European Protected Species

licence will have to be secured before demolition begins to prevent a breach of the law.

The proposed landscaping includes a wildflower area and several mixed native hedges. This will ensure an overall gain in biodiversity, assuming no bats are present on the site. I note that no green roofs are proposed. Biodiverse green roofs would provide additional biodiversity benefits.

(OFFICER COMMENT: A condition will be attached regarding the bat survey)

LBTH Building Control

7.4 No comments received.

LBTH Access Officer

7.5 No comments received.

LBTH Education

7.6 No objection

LBTH Transportation and Highways

7.7 No objections subject to a condition being attached requiring the applicant to submit a School Travel Plan

LBTH Arboriculturalist

7.8 No objections.

LBTH Sustainability & Renewable Energy

7.9 The Council's Energy Officer has reviewed the information submitted and has stated the following:

'The proposals are considered in accordance with the consented outline energy strategy and it is recommended that the energy strategy is secured by Condition and the scheme is delivered in accordance with the outline consent. An appropriately worded Condition should be attached to any permission to include the submission of details of the connection to the district system.

In terms of sustainability, the submitted information commits to achieving a BREEAM Excellent and a pre-assessment has been submitted to demonstrate how this level is deliverable. It is recommended that achievement of the BREEAM Excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council within 3 months of occupation. '

(OFFICER COMMENT: Conditions have been attached as requested)

LBTH Waste Management

7.10 No comments received

LBTH Secure by Design

7.11 No objections subject to a Secure by Design being attached

(OFFICER COMMENT: A suitably worded condition will be attached)

English Heritage (Statutory Consultee)

7.12 No objection

Transport for London (Statutory Consultee)

7.13 No objection

Environment Agency (Statutory Consultee)

7.14 No objection subject to the conditions which were requested were attached to the outline consent.

(OFFICER COMMENT: These conditions were attached to the outline consent, namely condition H6 and D18)

Greater London Authority (Statutory Consultee)

7.15 No comments received

(Officer Comment: The GLA do not get consulted on Reserved Matters applications)

Thames Water

7.16 No objections subject to an informative being attached.

(OFFICER COMMENT: This informative will be attached to the decision notice)

London Fire and Emergency Planning Authority

7.18 No Comments received

Crossrail Charging Zone

7.19 No comments received

SPLASH Residents Association

7.20 No comments received

Association of Island Communities

7.21 No comments received

Twentieth Century

7.22 No comments received

(OFFICER COMMENT: This organisation were consulted late in the process and any comments/objections received will be included within an Update Report)

8. LOCAL REPRESENTATION

8.1 A total of 4,878 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3 Objecting: 1 Supporting: 1 Neither: 1
No of petitions received: none

8.2 One comment received related to a resident writing to the Council thanking them for the opportunity to view the applicant and the consultation process.

In Support

8.3 The letter of support was received from the Chair of Governors which accepted that the existing building has its own merits, however appreciates that it does not have capacity to meet the needs of the current demand.

8.4 The letter also stated that the project will be of great benefit to the students and surrounding community.

8.5 Furthermore the school is seen as an educational landmark.

In Objection

8.6 The objection received related to the following issues which are material to the determination of the application, and they are addressed below.

8.7 Due to the nature of the comments, various comments have been clustered together with an officer comment at the end of the points where they are considered to be related.

8.8 Design & Heritage

- The representations comprised several corrections (points 1- 5) to the architectural description of the school within the applicants 'Justification for Demolition' document.

(OFFICER COMMENT: This is not considered to be a material consideration. However, it is important to note that the objector's comments are based on the draft 'Justification for Demolition' document and some of the comments raised in respect of history and heritage value were amended in the version submitted to discharge the B1 condition and this reserved matters application. Equally this amended version includes further details of options that were considered by Architecture Initiative in arriving at the final proposal. It would appear that the objector has not had sight of these options.)

- The objection noted two reasons as to why the building is not listable and various design issues.
- The building is only one of 33 surviving examples of a 1912-1918 elementary school with highly visible and very distinctive line of seven massive upper- stage vent stacks.
- Unlike many of the other 13 surviving schools with white boxed eaves, the white boxed eaves at Woolmore retain their original lath and plaster soffits on particularly fine of original wrought- iron eaves and gutter brackets.
- Together with 5 of the schools in London Borough Tower Hamlets, Woolmore is a unique member of London's largest and most representative group of 1912-1928 Neo-Georgian LCC elementary and special school buildings.
- Although Woolmore School is not listable, it is nevertheless a historic school building which should be retained and refurbished in line with published advice from English

Heritage and the Department for Children, Schools and Families.

(OFFICER RESPONSE: Woolmore School is not listed, nor is it not located within a Conservation Area. The Council has however sought to carefully consider the value of the existing building in heritage terms as part of the development process. As required by Condition B1 of the Outline Planning Permission, a document has been submitted entitled 'Justification for Demolition to Support Discharge of Condition B1'. This document includes an assessment of the efforts made to retain the existing structure. Officers consider that the justification is correct in demonstrating that it has not proved possible to retain the building.

In summary, the Council has demonstrated that the loss of the building has been very carefully considered, especially, given that the building is not a heritage asset as defined in NPPF.)

- The objector stated that it is felt that all of the shortcomings listed in paragraph 3.2 in the 'Justification for Demolition' document could easily be overcome. Furthermore the post WW2 part of the building could be demolished and replaced by a linking block between the adopted and refurbished old school building and a modern new school building to the east (as set out in their letter January 2012). However it is felt that this has not been taken on board.

(OFFICER COMMENT: This option was considered (refer to Justification report page 16 – Option development – Option B) and was dismissed by the School community (including LBTH Department for Children, Schools and Families) because it divided the year groups and compromised the educational delivery. It is also worth noting that to ensure the building meets current statutory requirements (DDA / Part M access and movement in buildings) this option required extensive re-modelling of the existing building.

- Instead of drawing up an option based on this suggestion, the applicant's architect has produced an option which deliberately places a new school building on the north side of the old school building

(OFFICER COMMENT: The options worked up in more detail were collectively chosen by the School and LBTH Department for Children, Schools and Families as feasible solutions. These schemes were developed with the current educational, and future educational demands in mind.)

- The objection indicates that rather than demolishing the building in its entirety, the applicant could have done the following:
 - Made large openings in some of the dividing walls (rather than demolish them between the existing classrooms;
 - Rather than demolish the 'existing hall/dining room' for a large double height multi-functional hall/sports hall and dining room, it would have been better to have an assembly hall/sports hall and a separate dining hall next to a new kitchen in a new school building.

(OFFICER COMMENT: Two hall options were considered however they were dismissed on the basis that the external play areas would not achieve the BB99 inner city school guidance and would not be acceptable by LBTH Department for Children, Schools and Families as a viable solution.

- The new school building could be to the east of the old school building. It could be a two-storey building along the eastern side of Woolmore Street. In doing so, the WW2 part of the building could be retained.

(OFFICER COMMENT: This option was reviewed with the Head of Woolmore School, the Governors and other teaching staff members and was not supported.)

- The architect has been obliged to plan and design a replacement school simply because a new school and a new mosque were promised as part of the demolition of Robin Hood Gardens. Given the demolition of these flats, school and adjacent former manual training centre, a retained and refurbished Woolmore Primary School is needed at the heart of the Blackwall Reach regeneration area (...) this historic school building would continue to serve its purpose for another hundred years.

(OFFICER COMMENT: The new build option on the eastern side of the site was chosen by the School, Governors and LBTH (Department for Children, Schools and Families). Furthermore the design has progressed with full engagement and support from the School community and local community.)

9. MATERIAL PLANNING CONSIDERATIONS

9.1 This is the second reserved matters application for the Blackwall Reach project which was granted outline consent (PA/12/0001) on 30th March 2012. It is imperative to note that the principle of development has been established and this application deals with the reserved matters set out in Condition H2 of the outline consent.

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

- Appearance
- Layout
- Scale
- Landscaping
- Access

9.3 Each issue is examined in more detail in the report below.

APPEARANCE

9.4 The outline planning permission established a series of design principles for the proposed development which were communicated in both the Design and Access Statement and the Design Codes which accompanied the outline proposals.

9.5 As previously mentioned in this report, the heritage value of the existing school building has been assessed. Woolmore School is an example of an L.C.C. simplified Neo Georgian school that retains many of the Arts and Crafts elements inherited from the architect's housing traditions including simple stock brick, gaunt vent stacks, vernacular relieving arches and the cottage-like top floor windows expressed as dormers. However Woolmore School is not listed and the council's design and conservation officers consider it does not reach the required standard to be considered worthy of listing. It is not in a Conservation Area and the extensive alterations have deprived this relatively simple building of much of its original character. On this basis, it is considered that the existing school building should be demolished to allow a new school to be built.

The main entrance into the proposed school is on the southern elevation facing Woolmore Street. The materials emphasise the solidity and strength of the building volume as a barrier to the Blackwall Tunnel approach, therefore a dark rough brick is proposed, adding density and weight to the form.

9.6 To provide the dynamic cut along the main atrium and to open up the building to its context, full height curtain walling has been employed to give a clean definition between the two main volumes of the building, each clad in their own individual brick. As the

function changes, so does the brick and the teaching block employing a more muted buff colour. This tone of brick references the masonry of local industrial buildings and is much softer in appearance.

9.7 As part of the submission materials, the applicant submitted the following material samples:

- Ibstock Brick – Himley Ebony Black (0354);
- Danehill Yellow Facing s Brick
- Eternit Samples – Cool Grey (N292), Anthracite (N251) and Grey (N282)

9.8 Officers have since reviewed these samples and are happy with the proposals.

9.9 With regard to the teaching blocks, and the main atrium, curtain walling has been used to allow natural light in. On the west elevation it is used to create a clear visual link from the external play to the internal atrium link bridges.

9.10 The main entrance curtain walling will be mainly glazed, with the occasional solid panel. These panels will add different levels of reflectiveness and transparency to the extruded glazed atrium.

9.11 The applicant had originally proposed to use glazed bricks along the north elevation along Robin Hood Lane by way of introducing patternation to this frontage, however as the scheme has progressed, this is no longer proposed. Instead, the applicant proposes to create a patternation of bricks on the SE corner of this elevation to add some detail to the façade. In addition, the proposals comprise 4 of the larger windows to have coloured reveal trims set behind the outer leaf as shown on drawing ref: WOO-ARI-ELE-400010 Revision A– Materials

9.12 In light of the above, the proposed detailed design is considered acceptable within the context of the site and would preserve the character of the All Saints Church. As such the proposals are in accordance with policies 7.1, 7.6, 7.7, 7.10 and 7.11 of the London Plan (2011), policies DEV1 and DEV2 of the IPG (2007), DEV 1 and DEV2 of the UDP (1998) , policy DM25 of the Managing Development DPD (Submission Version ,2012) and policy SP10 of the Core Strategy (Adopted 2010) which seek to ensure appropriate scale of developments in order to maintain the amenity, character and context.

SCALE

9.13 The detailed design set out within this reserved matters application would not extend beyond the upper limits in terms of footprint, height and bulk of the approved outline application PA/12/0001. The proposed detailed design and amount of development would not materially deviate from the approved outline application PA/12/0001.

9.14 As mentioned previously, the Parameters Plan which was submitted as part of the Outline application established the following parameters for Building Parcel R:

Building Parcel R	Height AOD (m)		Width (m)		Length (m)	
	Min	Max	Min	Max	Min	Max
	17	21	82	90	38	46

Figure 3: Parameter dimensions for Building Parcel R.

9.15 The documents submitted as part of this Reserved Matters application largely comply

with the principles established in the outline permission.

- 9.16 The width of the proposed school building is below the minimum identified in the parameters plans, whilst the length and height are within the range identified. The school building indicated in the outline approval occupies approximately two thirds of the Parcel R site and assumes that the school site can be extended westwards to include land currently occupied by Bullivant Street.
- 9.17 The applicant has confirmed that the design team explored a number of options for the school (as set out in the B1 report) and the proposal submitted responds to the following important considerations:
- The requirement for continuity of education;
 - The location of a significant sewer that crosses the site in a north - south orientation (this makes a building of width 82m - the minimum dimension in the parameter plan - impossible to deliver without building across the sewer); and
 - The unavailability of the land to the west of the school occupied by Bulivant Street, in the short term.
- 9.18 The new school is located to the eastern end of the site where it can be built whilst the existing school continues to function. In this location it avoids the sewer and allows for the extension of the school playground to the west as a later phase. Importantly the new school building is within the parameters for height and the GEA of the proposed school is 3,973sqm which accords with the maximum floorspace of 4,500sqm, and the entire footprint of the building still remains within the school land parcel (Land Parcel R)
- 9.19 Given the changes above, this application is considered a 'subsequent application' under the EIA Regulations, and therefore officers have considered the requirements of Regulation 8 – *'Subsequent applications where environmental information previously provided'*.
- 9.20 This reserved matters application is in relation to a Schedule 2 development, and has not itself been the subject of a screening opinion and is not accompanied by an ES. Officers have considered the supporting environmental information submitted with the application and conducted a review of the Environmental Statement submitted with the outline application (PA/12/00001), and consider the information adequate.
- 9.21 The original outline permission is conditioned (Condition A4) such that detailed schemes as a result of Reserved matters Applications have to comply with the parameter plans approved as part of the outline application. In this instance the proposal, if implemented, would be in breach of that condition, however, should this proposal be approved, it would render any enforcement action in relation to that breach not expedient to pursue for the reasons for approval set out in this report. It has been recommended to the applicants that a s.96a application is made to amend that condition prior to implementation of this proposal.

LAYOUT

- 9.22 This section deals with a number of issues which all work together to portray how the layout has been designed and how it is acceptable in planning terms.
- 9.23 The Parameter Plans establishes the maximum and minimum dimensions for the site in which this scheme complies with (as set out in the above 'Scale' section of this report).
- 9.24 The proposals comprise a 3- 4 storey building which is broken into three sections. The applicant has demonstrated that the height of the building is within the established parameters set.
- 9.25 Within the control documents, it specifies that the Woolmore School site must also accommodate a multi-use games area (MUGA), the indicative dimensions of which are 35m by 30m (Development Specification). Requirement R6-73 establishes that the MUGA and associated changing facilities must be accessible and available to the wider community after school hours. Requirement R6-72 also states that the MUGA should be provided at the eastern end of the site unless an alternative location is proven to be preferable within the parameters and design objectives of the scheme. The proposed scheme submitted as part of this Reserved Matters Application locates the MUGA at the western end of the site. The proposed MUGA is 33m x 18.5m. Whilst this is smaller than the MUGA suggested in the Development Specification it is sized based on the specific request of the school and with the support of LBTH Directorate for Children Schools and Families.
- 9.26 The outline planning application did not stipulate whether or not the existing school building should be retained. The exact location and layout of the school buildings and the MUGA were also not fixed. Whilst there was a recommendation that the school building should have a positive and active relationship with the new community square, with the MUGA located to the east, the design development process has resulted in an alternative proposal that has significant benefits for the school.
- 9.27 The layout of Parcel R is considered to be a well-designed space with good connection routes both north-south and east-west. Due to the sites constraints (the location of the existing properties on Ashton Street and a 132kV electricity cable running along Woolmore Street), it has not been possible to expand the site to the north or south.
- 9.28 The new building has been designed to take up minimum site area and release a maximum play area for the school and improved visual amenity for the surrounding residential properties. The building is located at the eastern edge of the site and helps separate the site and surrounding landscape from the Blackwall Tunnel approach which runs adjacent to the development area, as required in the Design Code document.
- 9.29 The access to and servicing for the school are also located at the eastern edge of the site, away from the landscaped areas and pupil activity. The play spaces have been designed to provide the appropriate requirement for each year group, with entrances linked to the separate spaces. A MUGA is located along the southern boundary adjacent to Woolmore Street, where it can also be easily accessed by the local community as a shared facility, as required within R6-73 of the Outline Planning Design Code.
- 9.30 In terms of the buildings on site, the building form is broken into three sectors to maximise flexibility within the spaces, create an attractive teaching environment, provide a positive relationship with outdoor spaces and to ensure that certain areas of the building can be utilised out of hours for community use securely. The three spaces include:

- The hall/community hub/admin and staff functions: are grouped in the large form;
- The main teaching accommodation is located in a linked four storey form around a central atrium space; and
- Public entrance and link, via a glazed atrium spine.

9.31 Additional external teaching space is provided at roof level above the social hub facilities, which will be used by the older children and specialist functions located on the higher building levels.

9.32 A major feature stair located at the end of the teaching wing provides the main channel for pupil circulation from the higher building levels into the landscaped areas at site level.

9.33 Notably the site is constrained by the different levels, the architects have designed a successful area at the base of the stair which has facilitated structured arrangements of play spaces both immediately around the building and within the broader site landscape.

9.34 Discussed below are other issues which relate to the layout of Phase 1.

i) Building Bulletin 99

9.35 The Council does not have any policies to control the size and layout of school spaces. However, in this instance, Building Bulletin 99 was used by the applicant as for guidance for recommended areas.

9.36 Building Bulletin 99 (BB 99) provides simple, realistic, non-statutory area guidelines for primary school buildings, by providing minimum areas for all types of space in primary schools. It also offers area ranges over and above this minimum to allow schools flexibility in the design of their buildings and the way in which they use them.

9.37 The applicant has submitted a document as part of the reserved matters application showing how the proposed areas respond to the BB99 Guidelines.

9.38 Officers are happy with the quantum of play space provided as well as the quantum of internal spaces given that the proposed areas meet the requirements of the school.

9.39 In this instance, it is considered that that the proposals comply with policy DM18 (d) part (ii) of the Managing Development DPD Submission Version and Modifications (2012) which requires schools to comply with the relevant standards.

ii) Substation

9.40 The sub-station indicated in the north-east corner of the Woolmore School site is to be provided in response to a request by UK Power Networks to provide power for the new school.

iii) Secure by Design

9.41 There has been regular dialogue between the applicants and the Crime Prevention Officer (CPO) to ensure an acceptable scheme is delivered at both the outline and this reserved matters phase.

9.42 Below are the comments raised the CPO and the response in light of a meeting between the applicant and CPO to address these issues:

- The CPO sought a minimum of 3M high perimeter fencing to all boundaries.

Response: In response to the comment made for 3m high fencing throughout, the applicant observed that LBTH PFI schools utilise a 2.8m min height. The CPO agreed to this subject to the fencing not being climbable, both in the spec of the mesh and the details such as flush to any dwarf walling and with no gaps within the 2.8m height.

The perimeter varies according to location and the following points were discussed.

- Weld mesh fencing, typically on Woolmore Street frontage.
 - Railings on dwarf walls adjacent to the (west of the) front entrance and the majority of the Robin Hood Lane frontage and (beyond the new substation and bin store) the service yard onto Ashton Street.
 - The school building will form the secure perimeter from the railing adjacent to the front entrance doors the staff cycle store area.
 - Weld mesh Fencing on Aston Street from the Service Yard through to the existing masonry wall on Ashton Street.
 - Retained existing Masonry Wall for approx the western half of Ashton Street and round the corner to continue for the majority of Bullivant Street.
 - Weld mesh fencing starts at the south end of the masonry wall and meets that on Woolmore Street.
- The CPO sought for the secure cycle store to be moved to within the school, so that it is more central and therefore more visible.

Response: The Staff cycle parking is accessed via a controlled gate (same system as the building entrances) and within the 2.8m high perimeter. The area is over looked by staff offices and thus the passive surveillance at early and late times of the school day is improved. On balance it was agreed that the provision is adequate but that it would be better if a closure detail could be provided (in the fencing) to reduce the gap to the overhanging building so that no opportunity to scale over the fence is available. The overhang provides natural shelter for the cycle parking .

Visitor cycle parking is adjacent to the staff cycle parking (same overhang and passive surveillance, but outside the secure perimeter fencing. It was agreed that this is adequate.

- The CPO sought details of how the applicants plan to secure each area, as it will be essential to keep each zone separate and secure.

Response: The 'zones' within the school grounds, as submitted, were there for educational reasons in terms of space and pupil management, however the on-going dialogue has now lead the team to the conclusion that less constrained treatment is required. It was agreed that this would not be an issue for SBD concern

- The car park has separate access and egress gates. The CPO would prefer ONE access/egress gate please.

Response: As a result of the design and site's constraints, this has to the need to entrance and egress gates as there is not sufficient area available to provide adequate vehicle turning space to meet the Highways requirement of using a forward gear for both entering and leaving the site.

The specification and type of gate has been discussed with the CPO since his comments. As a result of on-going dialogue with the school since the application, the applicant is expecting to bring forward a proposal for an electrically operated sliding gate at both locations. This type of gate is preferred by the CPO, and it was

observed that the suggestion that the exit gates will probably be operated by induction loop in the paving should be reconsidered, as it is vulnerable to interference. The alternative of remote control to match that of the entrance gate was strongly promoted. This was accepted by the applicant.

- Requests that Full SBD achievement be a planning condition for this proposal due to the location of the school.

Response: This shall be conditioned to the consent.

- Concerns are had regarding the overhang

Response: In the light of the significant cantilevered overhang on to the Robin Hood Lane frontage, the CPO concern raised are about the temptation that the shelter may offer to individuals to hang around on evening and weekends. To some extent this is offset by the existing passive surveillance from the residences on the south side of Woolmore Street. It was agreed that upon the subsequent phase(s) of the Blackwall Reach Regeneration being completed that this is not likely to be a concern. However it was raised that the construction period of the development on the south side of Woolmore Street is likely to be the most vulnerable time for the front entrance of the school. This is understood to be at approximately late 2015 or later. From a design point of view the overhang is a result of the size of the school hall which would not fit at ground floor.

Also the nature of the stepped and ramped access in combination with the overhang presents an impossible challenge to provide subtle perimeter fencing. On balance it was recognised that given the positive experience with similar designs for school entrances in Tower Hamlets that it will be subject to a watching brief. The CPO has agreed that this should be looked at in the long term to see if it works and agrees that should there be any crime/ASB issues in the future an agreed protocol should be to create a secure perimeter to the external part of this overhang, using security railings/fencing at 2.8M.

The CPO will require clear white (low energy lighting) with good colour rendering to be used on the area as this in conjunction with the school cctv coverage will be a deterrent.

- The applicant is to forward details what gates, fencing, doors, windows, lighting, cctv etc prior to purchase for the CPO's comments as part of the Secure by Design statement.

9.43 In conclusion it is considered that the proposed development complies with Strategic policy SP10 of the CS and DM23 and DM24 of the MD-DPD, which seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, paces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Saved UDP policies DEV1 and DEV2 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.

LANDSCAPING

9.44 The Landscape Zonal Masterplan sets out the different areas of external space.

9.45 The positioning of the school has created a natural divide between the car park and service yard, ensuring that the pupil circulation is safely segregated from any vehicle

movement within the site.

- 9.46 External space has been divided into a range of different type and scales to provide the opportunity for large and small group teaching and social activities, which includes:
- Nursery and Reception Play: including a dedicated entrance, ground floor classrooms providing direct access to their outdoor spaces, including covered outdoor play areas, areas of soft flooring;
 - Key Stage 1 and 2 Play Areas: drop off and pick up zone and facilities for cycle and scooter parking, joint direct access to the MUGA (meeting Design Code requirement R6-73), terraced landscape and split level play; and
 - 3rd Floor External Terrace: A controlled environment to provide a shared kitchen garden resource to encourage connections with nature and understanding of domestic crops with health and nutrition which can also be used as an extended teaching space and quiet reading area.
- 9.47 Bullivant Street presents an opportunity to extend the schools external facilities and provide a larger area for adventure play and a natural resource for flexible role play. The proposals include a planted edge providing a green connection between the school and the Swan Housing Group proposals including the community square.
- 9.48 As part of the submission documents, a Biodiversity Statement was submitted. The council's biodiversity officer reviewed this document and noted that the report identifies the existing school building as of medium potential to support roosting bats and recommends emergence and re-entry surveys, which have to be undertaken between May and September.
- 9.49 As a pre-1914 (albeit only just pre-1914) building with a slate roof, the biodiversity officer agrees there is potential for roosting bats. Guidance states that surveys for European protected species should be undertaken before planning permission is granted. However, in this case, outline planning permission has already been granted, and thus permission for the demolition already exists. Therefore the bat surveys must be carried out before demolition begins. A condition will be attached to the consent to regulate this.
- 9.50 If bats are found, a European Protected Species licence will have to be secured before demolition begins to prevent a breach of the law.
- 9.51 In addition to the above, an arboricultural report was submitted as part of the reserved matters application. It identifies 12 existing trees on site, of which 9 are to be removed. The Council's arboricultural officer has reviewed the application documents and has no objections to the proposals given that none have a Tree Protection Order on them and that the proposed replanting and wider landscaping enhancements outweigh the loss.
- 9.52 It is noted that there are no green roofs for the proposals; however the applicant has confirmed that this is a result of the roof area being largely devoted to the teaching roof terrace, the PV array or the mechanical ventilation equipment, either the air handling units or their associated ductwork. Consequently the opportunity to introduce a useful area of green roof does not arise.
- 9.53 Furthermore, the roof area as a proportion of the building GIA is relatively low for a primary school (due to the number of storeys) combines with the unusual amount of ventilation provision in a way which means the roof area is a busy area.
- 9.54 Given the high quality landscape which is proposed elsewhere on the site, including wildflower area and several mixed native hedges. This will ensure an overall gain in biodiversity, and officers consider this outweighs the lack of green roofs.

ACCESS

- **Access**

- 9.55 Consideration has been given to the accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- 9.56 As part of the submitted documents, the applicant submitted a Transport Statement which was produced by Urban Movement.
- 9.57 With regard to walking, basic arrangements will remain unchanged and the key issues are therefore to ensure continuing safe and convenient pedestrian access both across and along Woolmore Street, and also across Cotton Street via the signalised facility linking to Bazely Street. The applicant proposed that 'School Keep Clear' markings should be located against the northern kerb of Woolmore Street in a continuous stretch across the two main pupil entrance points (KS1/KS2 and Reception/Nursery) and possibly extended to cover the main school entrance further to the east.
- 9.58 However having reviewed the proposals, the Council's highways officer does not support this notion as the borough's experience of school keep clear zones is that rather than creating a vehicle free buffer between the school and the carriageway, they offer clear kerbside space for vehicle drop off and pickups. While officers do not object to the loss of parking spaces, Highways is concerned that extending the zone will simply create a larger area of pick up/ drop off parking and encourage car trips to the site. Thus officers do not support increasing the school keep clear zone at this point and this element of the proposal has been omitted.
- 9.59 Below is a review of the highway information submitted as part of this application.

- ***Servicing and delivery***

- 9.60 Site access by large vehicles for deliveries and servicing will be provided to ensure that, as far as possible, such activity takes place off the public highway.
- 9.61 It is proposed that vehicles will enter the site from Robin Hood Lane, turn left onto Ashton Street and then left into the site. In order to exit the site, vehicles will turn right out onto Robin Hood Lane.
- 9.62 As part of the highway officer's original comments, they sought confirmation that that the vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access points to the car park. The applicant has since demonstrated that this will be provided.
- 9.63 Whilst officers are happy with these proposals in principle, further details will be provided at a later stage. For example, condition D2 of the outline consent requires details of a detailed Estate Management Plan to be submitted. This includes details of servicing and deliveries. In addition transport and traffic management improvement measures will be submitted as part of the discharge of conditions D1 and D10.
- 9.64 The highways officer has requested that a Construction Logistics Plan be attached to this consent. This will be conditioned.

- ***Vehicle and cycle parking***

- 9.65 In order to encourage cycling by both staff and children cycle parking facilities will be

provided as follows:

- Staff: 5 stands for 10 bikes
- Pupils: 16 stands for 32 bikes
- Visitor: 3 stands for 6 bikes

- 9.66 Whilst the proposed staff spaces are welcomed, it is noted that the proposed student spaces equate to 1 space per 20 students, short of the 1 in 10 cycle spaces per pupil as set out in the London Plan and London Borough of Tower Hamlets. However, as part of pre-application discussions, this short fall was agreed between the applicant and officers on the basis that provision would increase to 1 in 10 cycle spaces per pupil should demand require it. Should this be the case, additional space on-site is reserved specifically for this purpose and this will be monitored through the school travel plan which has been conditioned to be provided.
- 9.67 An area of the school playground has been safeguarded for additional cycle parking provision should this be required in the future. This allows for a further 20 cycle stands providing 40 cycle parking spaces. This provides for an overall provision of 72 spaces (ie allowing for 10% of the 720 school pupils to arrive by cycle).
- 9.68 The majority of safeguarded spaces are located in the KS1/KS2 playground (adjacent to the entrance On Woolmore Street (19 stands / 38 spaces) with one additional stand (2spaces) proposed in the Reception Playground. Further to the highways original comments, the applicant has marked these additional spaces on the submitted plans WOO---ARI---PLN---000004 Rev B – Access Plan and WOO---CUD---PLN---000003Rev C – Landscape Proposals Interim.
- 9.69 Sustainable modes of transport have been adopted in this scheme by virtue that the existing nine on-site parking spaces will be replaced by just six new spaces, two of which are for 'blue badge' holders only. This parking is intended for use by members of staff only, and car sharing will be encouraged. This is compliant with IPG Policy CP40 and Managing Development Policy DM20, the use of cars for travel to and from the school will be discouraged. As part of this approach.
- 9.70 Furthermore, the existing bus and DLR services provide the school with a good level of public transport accessibility. The likely increase in demand for travel by public transport to and from the new school will not be sufficient, in itself, to justify improvements in bus or DLR services, or directly associated infrastructure. However, the quality of walk routes to and from the DLR stations and the nearest bus stops will be kept under review as part of the process of improving conditions for pedestrians generally.
- 9.71 The Council's Highways Officer has requested that a s.278 agreement is entered into in connection with this permission to ensure the works respect the highways land. This will be dealt with through a condition.

- ***Trip Generation***

- 9.72 The expansion of Woolmore School to provide three form entry will increase trips to and from the site. An analysis of the number and mode split of trips for the expanded school is not provided in the Transport Statement. However, information on trips for the existing school on the site is given, showing 18% of pupils currently access the site by car.
- 9.73 Applying this proportion to the expanded school, c.130 car trips would be made daily to the school. If this were the case, the roads approaching the school would likely become

congested during the school 'peak' periods (the start and end of the school day). Although it is expected that car travel to the school will be suppressed by the limited vehicle access to the site and the proximity of the new intake to site (thus encouraging walking), robust measures must be implemented by the school to minimise the level of additional car trips to the site. To achieve this, the highways officer has requested a School Travel Plan to be conditioned to the consent should it be approved.

9.74 The highway's officer has also requested that the School Travel Plan includes details on how the two access points will be managed (i.e KS1/ KS2 and Reception/Nursery).

9.75 It is considered that, subject to the submission and approval of a school travel plan, the proposed parking, servicing and access arrangements are in accordance with policies 6.3, 6.8 to 10, 6.12 and 6.13 of the London Plan (2011), policies T16, T18, T19 and T21 of the UDP (1998), policies DEV17 and DEV19 of the IPG (2007), policies SP08 and SP09 of the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development DPD (Submission Version and Modifications, 2012) which seek to ensure that sustainable transport networks are provided in addition to appropriate parking provision.

OTHER ISSUES

9.76 Whilst not forming part of the required reserved matters topics, the applicant has also provided details in relation to energy and amenity. Officers have considered these in order to assess the full details of the proposals. These are set out below.

Energy

9.77 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 emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.78 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).

9.79 The Managing Development 'Development Plan Document' emerging 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. Emerging Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The current requirement of the policy is for BREEAM Excellent development.

9.80 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.

- 9.81 In addition to the policy requirements, the outline application permitted energy strategy set the parameters for all developments to link into the district heating system proposed for the site and for all schemes to meet the BREEAM excellent rating.
- 9.82 The submitted Energy Strategy for Woolmore School sets out the proposals to maximise CO2 emission reductions through energy efficiency measures and renewable energy technologies (9kW PV array). The anticipated CO2 savings are a 26% compared to building regulation 2010 requirements. This exceeds the London Plan CO2 emission reduction requirements but falls significantly short of DM29 policy requirements.
- 9.83 However, these emission reductions are considered acceptable as the proposals include the installation of a temporary energy system to supply the space heating and hot water requirements prior to the delivery of the Blackwall district heating system. Once the connection to the district system is realised the CO2 emissions of the scheme will be further reduced due to the carbon intensity factor of the district CHP compared to the temporary gas system.
- 9.84 Connectivity to the wider district system is a requirement of the outline permission and it is anticipated that this will occur when phase 3 has been completed and the CHP commissioned. The proposals are considered in accordance with the consented outline energy strategy and it is recommended that the energy strategy is secured by Condition and the scheme is delivered in accordance with the outline consent. A condition will be attached to any permission to include the submission of details of the connection to the district system.
- 9.85 In terms of sustainability, the submitted information commits to achieving a BREEAM Excellent and a pre-assessment has been submitted to demonstrate how this level is deliverable. The Council's energy officer has recommended that achievement of the BREEAM Excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council within 3 months of occupation. 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 Draft Managing Development DPD. As such, should reserved matters be granted, a condition will be attached.

Amenity

- 9.86 Details of private amenity have been considered as part of the decision. The applicant has submitted a number of documents addressing various amenity aspects, including a wind and microclimate reports, daylight/sunlight, and air quality reports which are examined in further detail below.

(i) Daylight Sunlight

- 9.87 Officers are satisfied that the proposed development would not have an unduly detrimental effect on the adjoining properties daylight and sunlight amenity.
- 9.88 **Daylight Assessment**
The daylight analysis indicates that the impact on existing surrounding properties arising from the proposed development will be well within acceptable limits.
- 9.89 Out of the 28 windows, 4 windows passed the 25 degree line test. All the remaining existing windows had VSC levels of greater than 27%.
- 9.90 Impact on daylighting levels for the proposed buildings as part of a masterplan south of

the Woolmore Primary School site were also found to be acceptable:

- VSC assessment was carried out for two facades on buildings within the masterplan proposed for the south of the site.
- Assessment results indicate that VSC levels for majority of the area on these two facades will be greater than 27%.
- The slight loss in daylight at the ground and first floors are not considered to be of concern as VSC levels are still above 20%.

9.91 **Sunlight Assessment**

A total of 28 south facing windows (within 90 degrees of south) were assessed for annual and winter sunlight hours. Only 4 of the 28 windows passed the 25 degree line test; all of the remaining windows received at least 25% of annual probable sunlight hours and 5% of winter probable sunlight hours under the proposed condition.

9.92 In summary, all of the assessed existing windows pass the relevant BRE tests for daylight and sunlight access. Two facades on the proposed building to the south of the site will experience a slight loss on daylight access, but this is not considered to be of significant concern in an urban environment.

9.93 The report confirms that the proposed Woolmore Primary School building will not result in significant negative impact to daylight and sunlight access for surrounding properties.

(ii) Wind Microclimate

9.94 The wind study which was produced by BMT Fluid Mechanics Ltd demonstrates that the wind conditions within and around the proposed site are expected to be suitable, in terms of pedestrian comfort and safety, for all users throughout the year.

9.95 Condition H4 of the outline consent deals with the microclimate strategy. This information was submitted and approved under separate cover (PA/12/3317).

(iii) Air Quality

9.96 An Air Quality report, produced by Capita Symonds was submitted as part of this application. The report notes that the proposed scheme has adopted a suitable approach to reduce the exposure of users within the design. The proposed school buildings will be sealed and the air drawn into them by mechanical ventilation via inlets on the roof.

9.97 The document states that at the detailed planning stage of the school, emissions from the proposed boilers should be assessed to ensure than emissions will be drawn into proposed ventilation inlets.

9.98 Overall, subject to detailed assessment of the boilers, the scheme is expected to comply with the Environmental Statement.

9.99 This document is necessary to discharge condition D16 of the outline consent and should be formally submitted to the planning department under separate cover.

(iv) Noise

9.100 This was considered as part of the outline consent which was subsequently approved.

9.101 The outline application was accompanied by a noise and vibration assessment and it was concluded that the proposals were acceptable subject to the imposition of conditions restricting construction hours and noise emissions and requesting the

submission and a Construction Management Plan. The applicants have submitted an Environmental Noise survey in relation to this proposal that has not attracted any objections from the Councils Environmental Health officers. The information contained within the survey will require formal discharge in relation to condition A15 of the outline permission.

- 9.102 In summary, the proposals are considered to be consistent with policy SP10 of the Core Strategy (2010), Policy DEV2 of the UDP (1998), Policy DEV1 of the IPG (2007) and Policy DM25 of the Managing Development DPD (Submission Version, 2012) which seek to protect the amenity of local residents and the environment in general.

(v) Land Contamination

- 9.103 A Land Quality Statement was produced by Campbell Reth and submitted as part of this application. However this was dealt with as part of the outline consent through the assessment of the Environmental Statement.
- 9.104 This detail is not relevant to this reserved matters application and is required to be submitted under separate cover to discharge condition D11 which deals specially with land contamination.

(vi) Waste

- 9.105 A waste management strategy was submitted as part of the application documents, however this will be assessed as part of the approval of details for the outline consent via condition D9.

Section 106 Agreement

- 9.106 Section 106 contributions were secured as part of the outline scheme (these can be viewed in the attached committee report for PA/12/0001 and PA/12/0002).
- 9.107 In summary the requested contribution was approximately **£14.48million**.
- 9.108 The outline application approved the principle of development, including all relevant planning obligations necessary to make the development acceptable and it is not considered necessary to seek, any further S106 contributions.

Equalities Act Considerations

- 9.109 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.

- 9.110 The contributions towards various community assets/improvements and infrastructure

improvements (such as access to playspace and contributions to transport improvements and education) 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, improving the quality of education facilities within the Borough and social cohesion.

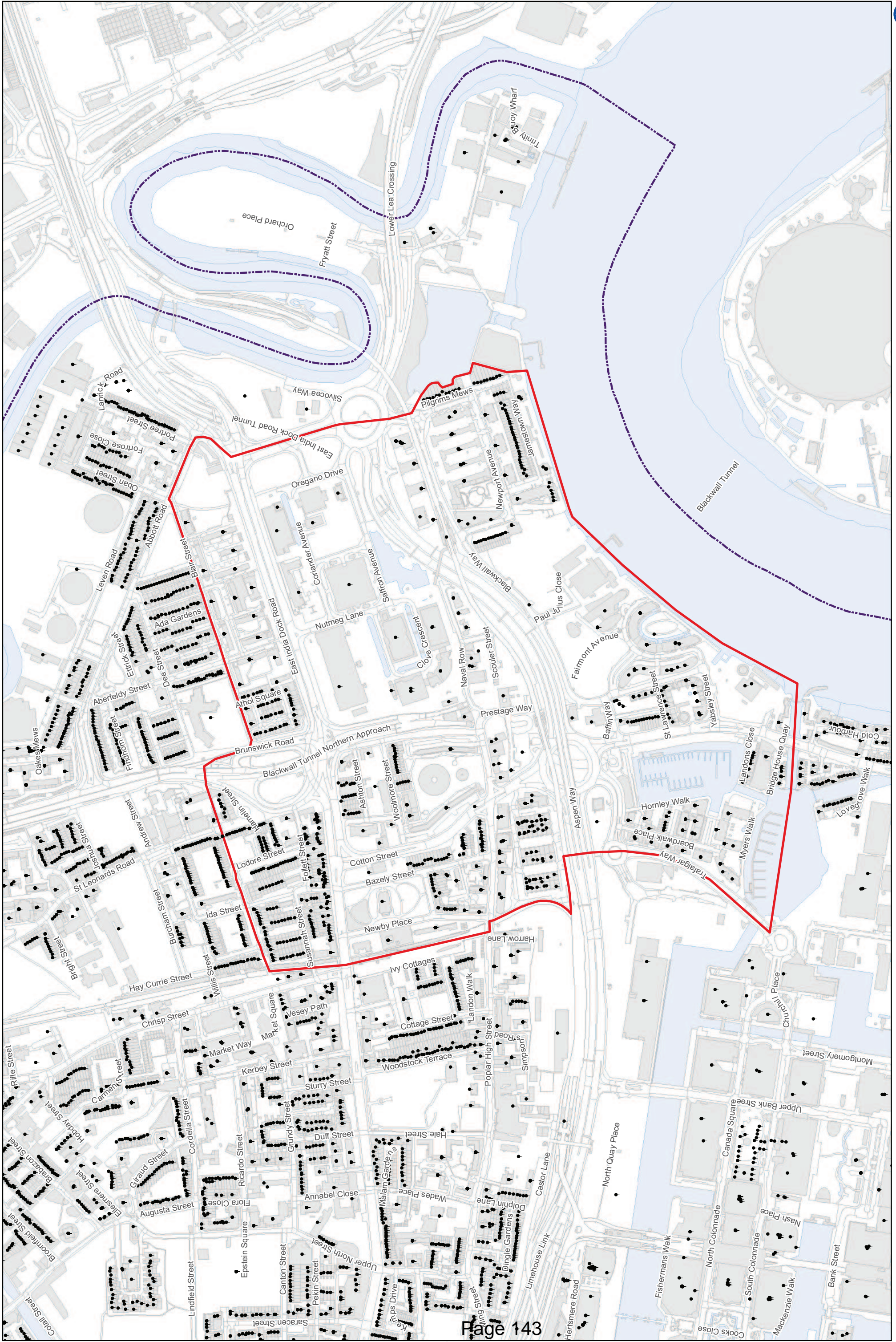
9.111 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.112 The recreation and leisure related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

9.113 The contributions to affordable housing along with commitments to re-house existing residents support community wellbeing and social cohesion.

10.0 Conclusions

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



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Agenda Item 7.2

Committee: Strategic Development	Date: 6 th March 2013	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Mandip Dhillon		Ref No: PA/12/00637	
		Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

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

Existing Use: Vacant/Cleared site

Proposal: Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 6 to 22 storey buildings to provide 223 dwellings and 129sqm of new commercial floorspace falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

Drawing Nos: Submission Documents

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

Flood Risk Assessment prepared by M3 Mayer Brown dated November 2011,
Air Quality Assessment prepared by M3 Mayer Brown dated November 2011,
Energy Report prepared by XCO2 dated November 2011,
Sustainability Statement prepared by XCO2 dated November 2011,
Transport Assessment prepared by M3 Mayer Brown dated November 2011,
Email from Tim Gaskell dated 13th August 2012 with supplementary Highways and Transport information,
Landscape Design report, prepared by HED (rev 02) dated 06.12.11,
Wind Microclimate Analysis Report prepared by XCO2 dated November 2011,

Noise & Vibration Assessment prepared by M3 Mayer Brown dated November 2011,
Ground-Borne Noise & Vibration Mitigation Package - Train Induced Vibration Assessment prepared by M3 Mayer Brown dated August 2012,
Air-Borne Noise Mitigation Package - External Building Fabric Report prepared by M3 Mayer Brown dated August 2011,
Note on Community Involvement prepared by polity dated November 2012,
Radio and Television Signal Interference Assessment prepared by HOARE LEA
Geo-Environmental Interpretative Report prepared by CARD Geotechnics dated Feb 2004
Landscape and Public Realm- Outline Specification dated 25 November 2011
Affordable Housing Viability Submission dated March 2012 (Confidential)
Letter from HEDC dated 1st February 2013 (with appendices) regarding Viability Revisions (Confidential)

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

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

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012 with modifications); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

o The principle of redeveloping the site to provide a residential led development with ancillary ground floor commercial unit is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policy 3.1 and 4.8 of the London Plan 2011, SP01, SP02 and SP12 of the Core Strategy (2010) and DM1, DM3 and DM8 of the Managing Development DPD (Submission Version 2012 with modifications) together with the aspirations of site allocation No. LS29 of the Leaside Area Action Plan 2006.

o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policies S07 and SP02 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.

o Impacts of the development on the amenity of neighbours in terms of loss of light, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

o On balance the quantity and quality of housing amenity space, communal space, public open space and child play space are acceptable and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.

o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Langdon Park conservation area, the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies DEV1, DEV2, DEV8 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24, DM28 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV1, DEV2, DEV3, DEV4, CON2 and CON5 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the boroughs heritage assets.

o Transport matters, including parking, access, servicing and cycle parking provision are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012 with modifications) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.

o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, transportation improvements, education

facilities and employment opportunities for residents, community facilities, public realm improvements and sustainable transport in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

○ The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available and employing a formal pre-application process, including free duty officer advice and through the use of a Planning Performance Agreement. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

3. RECOMMENDATION

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

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

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

Financial Obligations

- a) Employment Skills and Training
 - £48,617 Employment and training during the construction phase
- b) Education
 - £237,280 primary school places in the borough
 - £156,429 secondary school places in the borough
- c) Health
 - £280,311 towards the NHS Primary Care Trust
- d) TfL contributions
 - £250,000 Contribution towards TfL infrastructure improvements
- e) Community Facilities
 - £236,841 towards Idea Stores, Archives and Libraries and Sports facilities
- f) Sustainable Transport
 - £26,045 towards highways improvements and cycling
- g) Public Realm Improvements
 - £497,382 towards public open space and works within the vicinity of the site
- h) S106 monitoring at 2% of sub total (£34,258)

Total Financial Contribution **£1,767,563**

Non-Financial Obligations

- i) 22.2% affordable housing by habitable room
- j) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- k) On Street Parking and Permit-free development
- l) Travel Plan
- m) Code of Construction Practice

- n) Electric Vehicle Charging Points
- o) 8 parking spaces allocated to on site affordable family housing (£15,000 each).
- p) Communal play space and child space accessible to all future residents of the development
- q) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

CONDITIONS & INFORMATIVES

1. Three year time limit
2. Compliance with approved plans and documents
3. Submission and approval of samples and materials
4. Submission of details to demonstrate adaptability of duplex units to provide accessible units
5. Details of Landscaping and Public realm to include play space, ramps and boundary treatments, to be approved in consultation with London city Airport
6. Delivery of Energy Strategy
7. Code for Sustainable Homes- Code Level 4
8. Development to comply with Secure by Design
9. 100% of homes secured to Lifetime Homes Standard
10. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
11. Foundation design to include elastomeric bearings
12. Cycle parking for residential units to be provided in accordance with approved plans
13. Refuse and recycling provision to be provided in accordance with approved plans
14. Commercial cycle parking to be submitted and approved in consultation with TfL
15. Servicing Management Plan to be submitted and approved in consultation with TfL
16. Highway Improvement Works to be submitted and approved
17. Construction Environmental Management Plan to be submitted and approved in consultation with TfL
18. Impact study of existing water supply infrastructure, to be approved in consultation with Thames Water
19. Car Parking Management Plan to be submitted and approved in consultation with TfL
20. Detail of construction methodology adjacent to the DLR to be submitted and approved in consultation with TfL
21. Unrestricted access to be maintained to Langdon Park station during the construction phase of the development
22. No encroachment is permitted onto Carmen Street including the laying out of any tables and Chairs
23. Restricted hours of opening for the ground floor commercial unit
24. Environment Agency condition- Development to be completed in accordance with the FRA submitted and hereby approved
25. Submission and approval of any extraction flue associated with the commercial unit, to be routed internally
26. Environment Agency condition- Submission and approval of surface water drainage details

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

3.5 **Informatives:**

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

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

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

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The application site

4.1 The subject site comprises an area of 0.41 hectares and is broadly rectangular in shape. The site is currently cleared and unoccupied, with hoardings surrounding its perimeter.

4.2 The site is located on Chrisp Street which forms the sites western boundary. The site boundaries are formed by Carmen Street to the south which is a pedestrianised thoroughfare leading to Langdon Park DLR station and Langdon Park to the east. Cording Street forms the sites northern boundary and the eastern boundary comprises the DLR line.

4.3 The area to the south of the site comprises higher density development which have been permitted and/or constructed recently. The area of the north of the site is characterised by lower scale residential properties.

4.4 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Langdon Park, which lies to the east of the site.

Transport infrastructure and connectivity

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

Proposal

4.6 Full planning permission is being sought for the following:

- Erection of a part 6 storey, part 22 storey building;
- 223 residential units, including 22.2% affordable housing;
- 129sqm of flexible floorspace comprising A1, A2, A3, A4, B1, D1 and/or D2 uses;
- 39 car parking spaces provided at basement level (including 4 disabled bays); and

- On site cycle parking spaces.

Relevant Planning History

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

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP6	Employing Local People
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	T26	Use of the Waterways for Freight
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals:	LS29	Leaside Area Action Plan
Policies:	DEV1	Amenity
	DEV2	Character and Design

DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV27	Tall Buildings Assessment
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON2	Conservation Areas
CON5	Protection and Management of Important Views

5.4 Interim Planning Guidance – Leaside Area Action Plan 2006 (LAAP)

Development Sites:	LS29	Carmen Street and Chrisp Street
Policies:	L1	Spatial strategy
	L2	Transport
	L3	Connectivity
	L4	Water Space
	L5	Open Space
	L6	Flooding
	L7	Education
	L8	Health
	L9	Infrastructure and Services
	L10	Waste
	L30	Residential and Retail uses in Poplar Riverside sub-area
	L32	Design and built form in Poplar Riverside sub-area
	L33	Site allocations in Poplar Riverside sub-area

5.5 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Town Centre Activity
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills

SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering Placemaking
SP13	Planning Obligations

5.6 **Managing Development Plan Document - Submission Version May 2012 (MD DPD)**

Policies:	DM1	Development within the town centre hierarchy
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	LivingBuildings 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	BuildingHeights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

5.7 **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

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

2.9	Inner London
2.18	Green Infrastructure: the network of open and green spaces
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
4.1	Developing London's Economy
4.8	Supporting a successful and diverse retail sector

- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.11 London View Management Framework
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.9 London Plan Supplementary Planning Guidance/Documents

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

5.10 Government Planning Policy Guidance/Statements

- NPPF The National Planning Policy Framework 2012

5.11 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

5.12 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public which took place between 18th and 21st November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications.

The Inspectors Report comments specifically on the Council's emerging affordable housing policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further educational infrastructure.

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 The following comments were provided:

The internal layout of units should comply with guidance in BS8300:2009 (2010);
(**Officer comment:** An informative will be added to ensure the applicants are aware of the standards the new build development should achieve.)

The site should be provided with level thresholds;

(**Officer comment:** The site provides level access with ramps in and around the site and internal lifts to the upper floors and basement level)

Details of adaptability of the duplex units should be provided;

(**Officer comment:** These details will be conditioned for approval at a later date)

Further information regarding disabled parking provision, visitor parking and taxi drop off requested;

(**Officer comment:** Four disabled parking spaces are provided within the basement, the scheme provides no visitor car parking on-site. Whilst there is no designated taxi drop off point, the basement is accessible for drop off purposes with lifts to provide access to the upper levels.)

The scheme should provide adequate external lighting;

(**Officer comment:** These details will be conditioned for approval at a later date)

Ramps within the public realm should be at a crossfall of no greater than 1:50;

(**Officer comment:** These details will be conditioned for approval at a later date, plans show the ramps being provided at 1:20)

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

(**Officer comment:** The applicants have now provided a dedicated mobility scooter/charging room within the basement.)

In principle no objections are raised.

LBTH Biodiversity Officer

6.4 No comments received to date.

LBTH Parks and Open Spaces

6.5 No comments received to date.

LBTH Arboricultural Officer

6.6 No objections.

LBTH Energy Officer

6.7 The information provided in the energy strategy is principally in accordance with adopted climate change policies. The integration of a communal heating scheme incorporating a

Combined Heat and Power (CHP) engine is in accordance with London Plan 2011 policies. Photovoltaic Panels (PV) are also proposed on site. The total anticipated CO2 savings are expected to be 36% which exceeds local policy requirements of the Managing Development DPD (Submission Version 2012 with modifications). The applicant is also achieving a Code for Sustainable Homes Level 4. A condition is recommended to secure the energy strategy. (**Officer Comment:** A condition will be imposed to secure the delivery of the energy strategy as proposed and the delivery of Code Level 4 is achieved within all new dwellings.)

LBTH Building Control Officer

6.8 No comments received to date.

Crime Prevention Officer

6.9 The following comments have been provided:

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

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

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

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

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

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

Metal Louvers are a climbing hazard;

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

An access control system should be implemented at the site;

(**Officer comment:** This is a management consideration for review by the applicants at a later date. A concierge desk is provided at ground floor level within the Tower Block (Block 1))

Signage should be provided to deter unauthorised access;

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

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

LBTH Housing Officer

6.10 The following is a summary of the comments provided:

The scheme provides 22.2% affordable housing (by habitable room);

(**Officer comment:** This has been reviewed by an independent consultant as the maximum the scheme can deliver. This is discussed further within Section 8 of this report)

There is an overall provision of 50% family housing within the affordable housing provision;

There is a 68%/32% split of affordable rent and intermediate housing which is broadly in line with Council policy and London Plan policy;

The unit mix does not accord with policy requirements for the 1 and 2 bed units within the affordable housing tenures;

(**Officer comment:** Whilst a more policy compliant mix would be welcomed, given the over provision of family housing, on balance, the affordable housing provision is acceptable.)

10% wheelchair accessible housing throughout the scheme is supported;
All units to be built to Lifetime Homes Standards;
(**Officer comment:** A condition to secure all homes as Lifetime Homes Standard will be included on the decision notice.)
The amenity space should be accessible for all future residents;
(**Officer comment:** This will be secured within the legal agreement for the site)
All affordable rent levels are set at LBTH POD levels for the E4 area which is supported.

Environmental Health

6.11 Contaminated Land

No objections, subject to a condition to secure a site investigation and remediation.
(**Officer comment:** A contamination and remediation condition will be included)

6.12 Noise and Vibration

Officers are happy for Planning Permission to be considered . EH does request the provision of elastomericresilient bearings on the foundation during the construction stage as a mitigation method.
(**Officer comment:** A condition will be included to secure elastomeric resilient bearings.)

LBTH Highways Officer

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

vicinity of the site;

(**Officer Comment:** This is discussed further within the main body of the committee report.)

LBTH Policy Officer

- 6.14 A3 and A4 uses are not supported at the site, as it is located outside the Crisp Street district town centre. D1 and D2 uses should be local in scale and nature but are considered appropriate on the edge of the existing town centre boundary;

(**Officer comment:** Whilst it is noted that the site is outside the Crisp Street district town centre boundary, given the prominent location of this site at the entrance to the Langdon Park DLR, the activation of the ground floor area of Carmen Street is supported as an exception to provision of a ground floor commercial unit. This is discussed further within 'Land Use' under Section 8 of this committee report.)

LBTH Employment and Enterprise Officer

- 6.15 No objection, subject to the following obligations:

Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
- A financial contribution of £48,617 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and for the end user/ commercial unit operation. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. .

(**Officer Comment:** The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Communities, Localities and Culture

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

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

- 6.17 (**Officer comment:** The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Children, Schools & Families

- 6.18 No comments received to date.

(Officer comment: The education contributions for this proposed development will be calculated using the Planning Obligations SPD 2012. Accordingly, the school child yield from this development requires contributions for 16 primary school places and 7 secondary school places. This requires obligations of £393,709 towards education contributions.

(Officer comment: The planning obligations requested have been agreed and will be secured through the S106 legal agreement.)

LBTH Waste Policy and Development Officer

6.19 No objection to the waste storage arrangements.

London Fire and Emergency Planning Authority (LFEPA)

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

London City Airport

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

(Officer Comment: The requested conditions will be added to the decision notice.)

English Heritage Archaeology

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

Thames Water

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

(Officer Comment: The requested conditions and informatives will be added to the decision notice.)

National Air Traffic Services Ltd (NATS)

6.24 No objection raised.

Natural England

6.25 No objection raised.

London Underground Limited

6.26 No objection raised.

Greater London Authority (GLA - Statutory Consultee)

6.27 In summary, the GLA advised that the proposal did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

Principle of development

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

Housing

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

Child play space

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

Urban design

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

Tall Buildings/Views

The location of the tower in the south east corner is viewed as acceptable and there is no objection to a tall building on this site, subject to an assessment of the longer range views to demonstrate that there is no unreasonable harm to local or more distant environments. The lower block is also considered to be acceptable.

No concerns are raised with the layout and access of the proposed development, the proposal provides activation of frontages and enhances the street relationship.

The building line does not encroach into the safeguarded DLR space along the eastern boundary.

It has been requested that the 6th and 7th floor of the lower block to the north of the site are removed in order to enhance the quality of the courtyard amenity space.

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

Residential Quality

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

Access and Inclusive design

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

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

Sustainable Development

The carbon dioxide savings within the development are 36%. This exceeds the targets within policy 5.2 of the London Plan.

Confirmation is requested of the size of the energy centre.

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

Climate Change Mitigation

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

Transport

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

Community Infrastructure Levy

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

Conclusions

Whilst the application is broadly acceptable in planning terms, the following remedies could possibly lead to the application being compliant:

- Housing- further interrogation of the viability information

(Officer comment: This is discussed in full in the body of the committee report)

- Children's Playspace- Applicant to confirm the playspace facilities within Langdon Park and LBTH to secure contributions

(Officer comment: Whilst there are facilities within Langdon Park, obligations have been secured for improvements to public open spaces in the vicinity of the site.)

- Urban design- further information/revisions sought

(Officer comment: Whilst it is noted that a reduction in height is sought for the lower block. This reduction was sought in order to improve the courtyard amenity space. The daylight and sunlight assessment has found that the courtyard would meet the BRE requirements and would not be overshadowed. It is not therefore considered necessary to reduce the height as requested. The height is considered acceptable in townscape terms.)

- Transport- further information and obligations are required

(Officer comment: see TfL comments below for full information)

Transport for London (TfL)

6.28 Car Parking

The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area. The applicants are asked to identify on or off street car club parking spaces. A car parking management plan should be conditioned as part of any approval.

(Officer comment: The EVCP and permit free agreement will be secured through the S106 agreement. The applicants are providing 8 on-site basement car parking spaces for affordable family sized units, therefore it is not considered that there is sufficient capacity on site to provide a car club space. Whilst a car club cannot be accommodated on site, a car

club space is proposed as part of an adjoining development, therefore this space will be promoted through the Travel Plan delivered at the site. A condition will be imposed requesting a car parking management plan.)

DLR Infrastructure

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

DLR Capacity

- 6.30 Contributions are requested of £250,000 to fund enhancements to passenger facilities at the station.
(**Officer comment:** This has been agreed and will be secured through the S106 agreement.)

Cycle Parking

- 6.31 The cycle parking provision complies with London Plan standards. The applicant should seek to provide access to showering and changing facilities for the ground floor commercial unit.
(**Officer comment:** The applicants have investigated options to provide showering facilities, however, there is considered to be insufficient floorspace to provide the facilities without significantly reducing the floorspace of the unit. It is considered excessive to provide these facilities for the scale of commercial unit proposed. On balance, officers do not consider that this could be a reason for refusal on the grounds that it is unlikely to be upheld on appeal.)

Buses

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

Construction Deliveries and Servicing

- 6.33 The principle of using Carmen Street, and relocating the existing fire access gate is acceptable, subject to a Delivery and Servicing Plan being secured. A construction and logistics plan is also required to be submitted and approved via an appropriate condition.
(**Officer comment:** This will be secured via conditions.)

Travel Planning

- 6.34 Full details of a Travel Plan should be secured through the S106 agreement.
(**Officer comment:** This will be secured through the S106 agreement.)

Canal and River Trust

- 6.35 No comments received to date.

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

- 6.36 No comments received to date.

Environment Agency

- 6.37 No objection to the development as proposed.

Conditions are requested to be attached regarding implementation in accordance with the

assessment submitted and surface water drainage.
(**Officer Comment:** The requested conditions will be added to the decision notice.)

BBC

6.38 No comments received to date.

British Telecom

6.39 No comments received to date.

EDF Energy

6.40 No comments received to date.

English Heritage

6.41 No comments received to date.

Tower Hamlets Primary Care Trust

6.42 Planning obligations of £280,311 are required for this development to secure appropriate capacity within local healthcare facilities.
(**Officer comment:** The obligations requested have been agreed and will be secured through the S106 agreement).

National Grid

6.43 No comments received to date.

Olympic Delivery Authority

6.44 No comments received to date.

7. LOCAL REPRESENTATION

7.1 A total of 4546 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been displayed on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	12	Objecting:	12	Supporting:	0
No of petitions received:	0				

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

7.3 In objection

7.4 Land Use

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

(**Officer comment:** The provision of a ground floor commercial unit will add activity and natural surveillance to Carmen Street, this is discussed in detail within the Land Use section of this committee report.)

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

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

7.5 Design & Heritage

- Height is too tall

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

- The height does not relate to the surrounding area

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

7.6 Amenity

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

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

- Loss of light/overshadowing.

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

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

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

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

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

7.7 Housing

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

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

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

(Officer comment: The development proposes the delivery of 22.2% of affordable housing, affordable housing is discussed in detail within the main body of the report.)

7.8 Highways & Transportation

- Increased vehicular congestion in the area.

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

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

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

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

7.9 Other

- Impact on local infrastructure including traffic, drainage, doctors surgeries.
(**Officer comment:** full planning obligations are being secured to mitigate against the infrastructure impacts of this development.)
- The provision of open space at the junction of Carmen Street and Chrisp Street will encourage loitering
(**Officer comment:** The redevelopment of the site and the provision of natural surveillance from the new residential units is likely to enliven the space and deter loitering. The delivery of public open space is supported given the borough wide shortage.)
- No real/substantial efforts at pre-application community engagement were undertaken.
(**Officer comment:** The applicants undertook a public consultation event on the 19th October 2011 and notified local residents in advance that the event was taking place. In addition, through the planning application process, community engagement has been undertaken as part of the formal submission.)

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

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

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Principle of Development and Land Uses

8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.

8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular

priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.

- 8.4 The site allocation for the application site as detailed within the Leaside AAP supports residential (Use Class C3) development at the site under the sites allocation reference LS29. The principle of residential development at the application has also been established through the resolution to grant planning permission in 2005 for a 17 storey residential led development.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

Commercial Uses- Ground Floor Level

- 8.6 The application proposes the provision of 129 (NIA) square metres of ground floor commercial space fronting Mile End Road. This could be used for uses falling within Classes A1 – Retail Shops; A2 – Financial and Professional services; A3 – Restaurants/Cafes; A4 – Drinking Establishments; B1 – Offices; D1 – Non-Residential Institutions and/ or D2 – Assembly and Leisure.
- 8.7 The provision of this commercial element adds interest and activity to the Carmen Street pedestrianized frontage, which also forms the gateway into the Langdon Park DLR station. The application site is located on the edge of the existing Chrisp Street district town centre boundary and will create a natural end to the existing town centre as residents approach to the DLR station entrance. Other land uses including offices, non-residential institutions and assembly and leisure uses are also proposed as possible uses at ground floor level. These will also add activity to the Carmen Street frontage.
- 8.8 At 129 square metres (NIA), the level of commercial provision is not considered sufficient to cause a detrimental impact on the existing commercial provision adjoining the application site and within Chrisp Street district centre. It is therefore acceptable in land-use terms as it accords with policy DEV3 of the UDP which encourages mixed use developments and the provision of shops and services to meet the needs of local residents. The potential amenity impacts of these uses are considered below – and are found acceptable in terms of planning policies. This modest sized commercial unit is likely to cater for local needs without detriment to the Chrisp Street District Centre and other local commercial operators, and as such it would accord with saved UDP policies ST34, ST35 and S7 and policy RT3 of the IPG and DM1 of the MD DPD which seek to provide a range of commercial uses in the borough, including local shops, within a short walking distance of all residents.

Density

- 8.9 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.10 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS and policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.11 As detailed earlier in this report, the site has a good public transport accessibility level

(PTAL) of 4.

- 8.12 In terms of density characteristics, the site and surrounding area has a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 1,534 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.13 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to the standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.14 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in other areas which include:
- Access to sunlight and daylight
 - Sub-standard dwelling units
 - Increased sense of enclosure
 - Loss of outlook
 - Increased traffic generation
 - Detrimental impacts on local social and physical infrastructure
 - Visual amenity
 - Lack of open space; or
 - Poor housing mix
- 8.15 These specific factors are considered in detail in later sections of the report – and are found, on balance, to be acceptable.
- 8.16 In the case of this proposal it is considered that:
- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to the surrounding area.
 - The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
 - The proposal provides good quality homes, including larger family houses, of an appropriate mix alongside the delivery of on-site affordable housing.
- 8.17 In overall terms, officers are satisfied that the development makes the most efficient use of land. Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.
- 8.18 The GLA Stage I response also noted that the site location is on an important arterial road,

on a prominent corner, immediately adjacent to a park, where a landmark building is promoted through planning policy and that this may justify increased density levels.

- 8.19 The development does not present any unacceptable symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policies SP02 and SP10 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Design

- 8.20 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.21 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 8.22 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 compliment the local character, quality adaptable space and optimising the potential of the site.
- 8.23 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.24 The planning application is a full planning application for the provision of a part 6 storey and part 22 storey development. The development is provided as a 6 storey block where the site adjoins lower rise residential properties located to the north of the site. The scale of the proposed development is in keeping with the neighbouring developments which adjoin the site and provide an appropriate transition to the north of the application site.
- 8.25 The proposed 22 storey block is proposed at the southern end of the application site, in closer proximity to the higher rise developments which exist around Langdon Park station. The design of the tower block is a simple and contemporary building which relates well to the existing developments to the south of the site. The provision of external balconies allows adequate amenity space to be provided to all units whilst providing a positive relationship and contribution at street level with a double height ground floor commercial units fronting Carmen Street.

Assessment

- 8.26 At street level the proposal seeks to provide ground level publicly accessible amenity space at the junction of Carmen Street and Chrisp Street. The lower 6 storey block to the north of the site is provided with ground floor buffer zones and external balconies which are located above ground level due to the change in level at the site. The Cording Street frontage replicates the form of the Chrisp Street frontage with a buffer zone and direct entry into the residential units at ground floor level. The Carmen Street frontage has been provided with ground level commercial floorspace, which is provided with a double height unit, to add

interest and detail to the Carmen Street frontage. There is a strong sense of animation at street level providing overlooking and natural surveillance which is supported.

- 8.27 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Building Heights and Tall Buildings

- 8.28 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.29 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.30 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.31 The proposed development provides a transition in scale between the high rise developments located at the edge of the Crisp Street district town centre, and the residential scale of the area to the north of the site. The image below provides a proposed view of the site, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building at the application the site is considered acceptable in principle.



- 8.32 In terms of views, the application is accompanied by a number of views including Langdon Park to the east of the site, Chrisp Street (looking north and south), Canning Town DLR and Greenwich Park. The overall height of the tower has been reduced following negotiations, to 22 stories in height. The adjoining development to the south of the site has recently been granted planning permission to provide an additional 3 storeys above the existing 16 storey tower. Following consideration of the site and surrounding context and extant consent, it is considered that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

Heritage & Conservation

- 8.33 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.34 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough conservation areas.
- 8.35 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Strategic Views

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

Local Views and Impacts

- 8.37 Views surrounding the site have been considered and assessed, although there are no

protected local views.

8.38 The proposal is not considered to have a detrimental impact on local views as demonstrated within the views/CGIs submitted alongside this application. The impacts of the taller 22 storey development would be seen in the context of the surrounding built form, which also comprises tall buildings. As set out in the GLA comments, the site forms a prominent location that provides a gateway to the Langdon Park DLR station. The building acting as landmark to the DLR station would not in itself form a new and significant introduction to the skyline.

8.39 On balance it is considered that the proposed development safeguards local and strategic views, conserving the setting of the Greenwich Naval College (World Heritage Site), as well as the adjoining Langdon Park conservation area.

Housing

8.40 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.41 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

8.42 The application proposal will deliver up to 223 residential units.

Affordable Housing

8.43 As detailed in table 1 below, the overall indicative proposal includes 22.2% affordable housing provision by habitable room, or 223 units.

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

Table 1: The proposed tenure mix

8.44 The proposed overall delivery of 22.2% affordable housing by habitable room does not meet the Council's minimum requirement of 35%, in accordance with policy SP02 of the Core strategy 2010. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing and planning contributions have been secured, whilst ensuring the scheme can be delivered and is viable. On balance, the provision of 22.2% of affordable housing is considered to be acceptable.

Housing Type and Tenure Mix

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

- 8.46 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.
- 8.47 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.48 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.49 Table 3 shows the applicant's unit and tenure mix:

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	16	98	70	5	0	0	189
Intermediate	0	3	6	2	0	0	11
Social Rent	0	0	0	0	0	0	0
Affordable Rent	0	4	6	10	3	0	23
	16	105	82	17	3	0	223

Table 2: Summary of tenure unit mix

- 8.50 In order to assess the acceptability of the indicative mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed overall mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	121	4	17.4%	30%	3	27.3%	25%	114	60.3%	50%
2bed	82	6	26.1%	25%	6	54.5%	50%	70	37.1%	30%
3bed	17	10	43.5%	30%	2			5		
4bed	3	3	13%	15%	0	18.2%	25%	0	2.6%	20%
5bed	0	0			0					
Total	223	23	100%	100	11	100%	100	189	100%	100

Table 3: unit and tenure mix

- 8.51 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.
- 8.52 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of

no more than 80% of the local market rent.

- 8.53 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.54 The Council's Housing team are supportive to the provision of affordable housing. As part of the independent review of the applicants viability toolkit, options to provide the larger family affordable accommodation as social rented accommodation were fully investigated, however it was found that the change in tenure provision would render the scheme unviable and undeliverable.
- 8.55 The affordable element is split 68:32 in favour of affordable rented, this is broadly in line with the Council's policy target of 70:30, as set out in the CS 2010.
- 8.56 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The LBTH Housing team support this approach. The applicants rent levels shown below are inclusive of service charges.

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)
Proposed development POD levels/E4 POD rent levels	£151.00 (inc service charge)	£151.00 (inc service charge)	£187.00 (inc service charge)	£229.00 (inc service charge)
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)

Table 4: Proposed Rent Levels for Affordable Rented units.

- 8.57 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 56.5% provision against a 45% target, including 4 bed homes.
- 8.58 There is an over provision of one and two beds and an under provision of three beds within the private/market sale tenure. However, given that the proportion of family housing within the affordable rented tenures exceeds targets and within the intermediate tenure is broadly policy compliant, officers consider the housing mix acceptable.
- 8.59 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 22.2% on site affordable housing is welcomed. Therefore, on balance, it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Internal Space Standards

- 8.60 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.

8.61 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

Private and Communal Amenity Space

8.62 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor’s Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

8.63 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 223 units the minimum communal amenity space required would be 263sqm. Overall, the proposal delivers approximately 365sqm of usable communal amenity space located within the courtyard area of the lower residential block. This provision of on-site communal amenity space accords with policy DM4 of the MD DPD and provides a dedicated and quality usable communal space and is considered acceptable.

Child Play Space

8.64 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London’s SPG on ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).

8.65 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 48 children and accordingly the development should provide a minimum of 480sq.m of play space in accordance with the London Plan and the emerging MD DPD’s standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space- Under 5	190sq.m	40%	250sq.m
Child Play Space- Under 5-11	170sq.m	36%	
Child Play Space- Under 12+	120 sq.m	26%	
Total	480sq.m		
Shortfall Child Play Space	230sq.m		

Table 5: Child Play Space Details

8.66 The scheme delivers 250sqm of on-site playspace, this caters for all of the children aged 0 – 5 and a proportion of the 5-11 year old age group, this playspace is also proposed to provide play equipment/furniture. There is an obvious shortfall of on-site playspace for some 5-11 year olds and the 12 and above age groups.

- 8.67 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Langdon Park is located to the east of the application site and is less than 50metres walking distance from the site. Planning obligations have been secured towards local public open spaces and this would include Langdon Park. Whilst no child play space is provided on site for some 5-11 year olds and the 12 + age groups, it is considered that there are adequate facilities within close proximity to the site to accommodate these children. On balance, the provision of on site communal and child play space, alongside private amenity space for all future residents is considered to be acceptable.

Wheelchair Housing and Lifetime Homes Standards

- 8.68 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.69 Across the development, 22 residential units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. The units are to be distributed across the proposed tenures which is supported by LBTH housing. The delivery of 10% wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 22 wheelchair accessible units are delivered within the scheme.

Amenity

Daylight, Sunlight and Overshadowing

- 8.70 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.71 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight and Sunlight

- 8.72 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. In order to assess the quality of light, it is necessary to consider both measures of daylight as the VSC measures the amount of light received by the window whereas the no skyline (NSL) daylight distribution contour measures the amount of light penetrating into the room. The 2011 BRE guide emphasises the VSC and NSL as the primary method of assessment. Average Daylight Factor or ADF measures the internal living conditions of new build dwellings, or in this case, the proposed development.
- 8.73 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

Proposed Development

- 8.74 The daylight assessment for the new blocks to be constructed has been carried out by testing the mid point on the elevation of all proposed blocks.
- 8.75 It is indicated that all habitable rooms would meet their daylight requirements (ADF).

Neighbouring Properties

- 8.76 The daylight and sunlight assessment for the neighbouring properties has been undertaken. The buildings tested include:
- Terraces along Chrisp Street
 - L11 consented scheme on Chrisp Street
 - Langdon Park school building 1
 - Langdon Park school building 2
 - New build scheme on Carmen Street
- 8.77 The report submitted to the Council has been independently reviewed and it is found that the impact to the two Langdon Park school buildings will be acceptable and in accordance with the BRE guidelines. An assessment was undertaken of the adjoining industrial site, located to the north of Cording Street. Whilst the property does experience a loss of light in excess of the BRE guidelines, the guidance does advise that the criterion should be applied flexibly for non-domestic buildings. Given the use of this premises and as a number of the rooms are served by more than one window, it is not considered unacceptable that the site experiences some loss of light in this urban location.
- Terraces along Chrisp Street
- 8.78 There are 8 terrace houses located to the west of the proposed development site on Chrisp Street. Of the units tested, 4 units fail to meet the VSC targets and 5 units (including the 4 which fail the VSC targets) fail the daylight distribution targets (NSL). The report concludes that the 4 residential units which fail both the VSC and NSL targets will experience a material loss of internal daylight.
- 8.79 Of the 16 ground and first floor windows tested, 8 windows comprising the ground and first floor windows of 4 residential units fail to achieve the BRE guidelines. The failures are considered to be minor adverse impacts on the existing residential units. In relation to VSC, the ground floor windows suffers a loss of 36%, 35%, 32% and 31% of their former value against a target of 20%. The upper floor windows suffer a loss of 35%, 30%, 31% and 31%, again against a target of 20%. Generally, the losses are between 10% and 15% above the recommended acceptable losses in the BRE guidelines. With regards to the NSL the losses of their former value range between 24% and 49% where again the target is 20%. It should however be noted that after taking into account the losses in former values identified, all the properties will still receive above 20% VSC and between 47% and 60% NSL which is considered acceptable in a dense urban location
- 8.80 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the west of the site that is in excess of the guidelines set out in BRE guidance. However, it should be acknowledged that the application site is a cleared site and as a result these properties currently receive significantly high levels of daylight, in some cases as much as 97% NSL which is considered unusual in a city centre or urban context such as Poplar. Thus, any modest development of the site would result in sunlight and daylight impacts. Significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” The application of these greater levels of flexibility are also influenced by the existing absolute values of Daylight and Sunlight that are presently enjoyed. In this case the existing levels are exceptionally good.
- 8.81 Whilst the impact on sunlight and daylight will be noticeable in many cases, the residual levels of daylight (and sunlight) that these neighbouring properties will continue to enjoy will not be incomparable to other properties in this part of the Borough. Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings, that on balance,

impact of the development on daylight to neighbouring properties is considered to be acceptable.

L11 Consented Scheme on Chrisp Street

- 8.82 The L11 consented scheme on Chrisp Street is currently under construction and not yet occupied, and is known in the local area as the Equinox development. Whilst the independent review notes that this development will experience a material loss of light due to the VSC results from the proposed development where the losses are between 44% and 29% of their former value against a target of 20%.
- 8.83 Officers note that the design of this unit affords some units to have dual aspect properties and the layout also accommodates for many living/dining areas to be served by more than one window which will limit the impacts. This development is also designed with external balconies which serve the living dining rooms within the block. Balconies and overhangs are acknowledged with the BRE guidance to significantly reduce the light entering windows below them. The combination of the balconies and the proposed development results in the loss of daylight and sunlight at this property.
- 8.84 A supplementary assessment has also been undertaken against the Average Daylight Factor. In this regard, it is concluded that whilst the impact as a result of the development will be noticeable, the habitable rooms will meet the ADF standards. On balance, given the design of this new build development it is not considered that the impact on this particular building will be unreasonable given the circumstances.

New Build Residential Scheme on Carmen Street

- 8.85 This site is located directly to the south of the application site and comprises a 16 storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.
- 8.86 Officers have reviewed the approved layout of this building which comprises dual aspect living rooms and bedrooms on the northern elevation. The dual aspect living rooms are served by high level windows which face the development site, and full size bedroom windows. Only the bedroom windows on this elevation were assessed given that the living room windows serve as secondary room windows, the independent review considered this approach to be acceptable.
- 8.87 All bedrooms tested on the northern elevation of the Carmen Street development experienced failures of daylight, with windows losing between 37% and 42% VSC of their former value against a target of 20%. Whilst the new development will result in a noticeable loss of daylight to the existing Carmen Street residential development, as the existing levels of natural daylight are exceptionally good, the BRE guidelines state that greater percentage losses may be acceptable in these cases. As a result, the residual levels of natural light will not be substantially below comparable dwellings in this part of the borough, therefore the impact is considered to be acceptable.

Overshadowing

- 8.88 *Communal Space and Childrens Play Space*
- 8.89 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”*.

- 8.90 The overshadowing results for the proposed amenity areas are acceptable and accord with the BRE guidelines. This provides assurance that the space will provide a quality, usable amenity area for all future residents.
- 8.91 On balance, the development will result in a material loss of light to the terrace of residential properties located to the west of the application site, however given the urban nature of the application site and surrounding area, this is not uncommon in an urban area and will be comparable to other properties in this part of the borough. It is not considered that the impact of this development on these minimal number of units warrants refusal of this application given the merits of this scheme and the significant delivery of housing, including affordable housing.

Noise and Vibration

- 8.92 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.93 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.
- 8.94 As discussed above, the application site adjoins the DLR route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Throughout the course of the application, officers have sought to establish the mitigation proposed through the provision of adequate glazing on this elevation of the building. Environmental Health officers are now happy with the proposed treatment of this elevation and it not considered that there will be a detrimental impact on future residents.
- 8.95 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.96 As such, it is considered that the proposals are in keeping with the NPPF, 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.

Sense of Enclosure, Outlook and Privacy

- 8.97 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.
- 8.98 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the west on Chrisp Street and o the south on Carmen Street. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.
- 8.99 Along Chrisp Street and Carmen Street separation distances between directly facing habitable rooms windows are between 18 and 24 metres, which accords with policy requirements.

- 8.100 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable and would not lead to overlooking between existing and proposed residential occupiers.

Transport, Connectivity and Accessibility

- 8.101 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.
- 8.102 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.103 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site is located at the Langdon Park DLR station, providing excellent links in and out of the borough. The existing site is well served by bus routes on Chrisp Street and further links available at East India Dock Road which is a short walk to the south of the site.

Car Parking

- 8.104 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.105 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels based on the PTAL of a given site, at the development site, units with less than 3 bedrooms have a minimum parking standard of 0.2 spaces per unit with 3 bedrooms plus being 0.3 spaces per unit. At the application site, the MD DPD policy parking standards would permit the provision of 46.6 spaces. The proposed development seeks to deliver 39 car parking spaces within the basement which is considered to accord with planning policy.
- 8.106 The application proposes to close the existing vehicular access point and provide a single vehicular access into a basement from Cording Street, where the 39 car parking spaces will be provided within a basement level. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area.
- 8.107 Of the 39 basement car parking spaces proposed, the applicant has agreed to deliver 8 spaces which will be allocated and secured for the future family units within the affordable housing provision at the site. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents.
- 8.108 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.109 Considering the above, the Borough's Highways department support the proposed parking levels.
- 8.110 Accordingly, it is the view of officers that subject to securing the provisions outlined above,

the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

Servicing and Deliveries

- 8.111 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.112 Deliveries and servicing are proposed from Cording Street and Chrisp Street. The Chrisp Street block will be served by residential servicing on-street, however some limited commercial servicing will be permitted on Carmen Street. This servicing arrangement is subject to agreement with the LB Tower Hamlets highways team and be subject to agreement on out of hours servicing arrangements. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network

Waste, Refuse & Recycling

- 8.113 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 8.114 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for refuse collection within the basement of the development and also fronting Cording Street. Cording Street is an existing refuse collection route and this arrangement is therefore considered to be acceptable. .

Provision for Cyclists

- 8.115 In accordance with cycle parking requirements, 268 cycle parking spaces have been provided in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13.

Public Transport Improvements

- 8.116 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 8.117 Planning obligations have been sought by TfL for improvements to the DLR. These contributions have been secured for strategic infrastructure improvements to the DLR line and Langdon Park station.

Energy & Sustainability

- 8.118 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.119 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 8.120 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2

emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.121 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:
- 2011-2013 = 35% CO2 emissions reduction;
 - 2013-2016 = 50% CO2 emissions reduction; and
 - 2016-2031 = Zero Carbon
- 8.122 The planning application follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the development (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 36%. This exceeds the policy requirements of emerging policy DM29 and the London Plan Policy 5.2 requirements and is considered acceptable.
- 8.123 Code (Level 4) ratings are currently proposed as minimum levels for all new residential units, and considered acceptable.

Contamination

- 8.124 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.125 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.

Flood Risk

- 8.126 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.
- 8.127 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.128 The Environment Agency and Thames Water have raised no in principle objections to the proposal subject to the imposition of suitable conditions which would be attached if planning permission was granted.
- 8.129 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Health Considerations

- 8.130 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.
- 8.131 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.
- 8.132 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.133 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.134 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 8.135 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure 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.

Section 106 Agreement

- 8.136 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.137 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.138 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and 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.
- 8.139 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.140 This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver more than 22.2% affordable housing alongside the full contribution request of planning obligations. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering a lower affordable housing contribution overall.

8.141 The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.142 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers sought to deliver 22.2% on-site affordable housing and a full contribution of planning obligations, to mitigate against the impacts of the development.

8.143 The obligations can be summarised as follows:

Financial Obligations

- Education: £393,709
- Enterprise & Employment: £48,617
- Community Facilities: £236,841
- Health: £280,311
- Transport for London: £250,000
- Sustainable Transport: £26,045
- Public Realm Improvements: £4976,382
- Monitoring & Implementation 2% of total

Non-Financial Obligations

- 22.2% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points
- 8 parking spaces allocated to on site affordable family housing.

8.144 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision to deliver further affordable housing without reducing the level of S106 that could be secured. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 22.2% by habitable room. The developer has agreed to

the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigates against its impacts.

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

- 8.145 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.146 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.
- 8.147 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.
- 8.148 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.149 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.150 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £543,060 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 22.2% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.151 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 unrung-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.152 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 £285,285 within the first year and a total of £1,711,712 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 8.153 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 8.154 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"*.
- 8.155 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.
- 8.156 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.157 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.
- 8.158 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.159 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.
- 8.160 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

- 8.161 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Act;
- 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.162 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

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

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

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

Conclusions

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



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