

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 25 September 2014 at 7.00 p.m.  
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

The meeting is open to the public to attend.

**Members:**

Chair: Councillor Sirajul Islam  
Vice Chair : Councillor Md. Maium Miah  
Councillor Danny Hassell, Councillor Amina Ali, Councillor John Pierce, Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Muhammad Ansar Mustaqim and Councillor Julia Dockerill

**Deputies:**

Councillor Amy Whitelock Gibbs, Councillor Khaled Uddin Ahmed, Councillor Joshua Peck, Councillor Mahbub Alam, Councillor Gulam Kibria Choudhury, Councillor Harun Miah, Councillor Peter Golds, Councillor Craig Aston and Councillor Chris Chapman

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 23 September 2014**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Wednesday, 24 September 2014**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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## Public Information

### **Attendance at meetings.**

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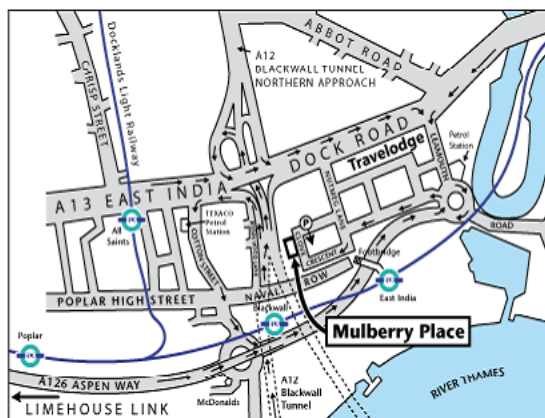
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**East India:** Head across the bridge and then through the complex to the Town Hall, Mulberry Place

**Blackwall station:** Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

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### **Fire alarm**

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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

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.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 8)**

To confirm as a correct record of the proceedings the minutes of the meeting of the Strategic Development Committee held on 14<sup>th</sup> August 2014.

### **3. 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.

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 9 - 10)**

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

| <b>PAGE<br/>NUMBER</b> | <b>WARD(S)<br/>AFFECTED</b> |
|------------------------|-----------------------------|
|------------------------|-----------------------------|

### **5. DEFERRED ITEMS**

None.

|             |  |                 |                     |
|-------------|--|-----------------|---------------------|
| <b>6.</b>   | <b>PLANNING APPLICATIONS FOR DECISION</b>  | <b>11 - 12</b>  |                     |
| <b>6 .1</b> | <b>Quay House, 2 Admirals Way, London E14 (PA/14/00990)</b>  | <b>13 - 98</b>  | <b>Canary Wharf</b> |
|             | Proposal:  |                 |                     |
|             | Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping. |                 |                     |
|             | Recommendation:  |                 |                     |
|             | That subject to any direction by the London Mayor, planning permission is REFUSED for the reasons set out in the Committee report.   |                 |                     |
| <b>6 .2</b> | <b>1 Park Place, Canary Wharf, London PA/13/02344 (Outline Planning Application) and PA/13/02366 (Listed Building Consent)</b>   | <b>99 - 158</b> | <b>Canary Wharf</b> |
|             | Proposal:  |                 |                     |
|             | PA/13/02344: Outline application for the demolition of any existing structures, and construction of a building of up to 102,102 sq.m (GIA) comprising office use (use class B1) along with a decked terrace to the Middle Dock, access and highways works, provision for flood storage, landscaping, pedestrian link and other works incidental to the application (all matters reserved).   |                 |                     |
|             | PA/13/02366: Listed Building Consent for the alterations to grade I listed Quay Wall in connection with the redevelopment of the site under associated outline planning application PA/13/02344.   |                 |                     |
|             | Recommendation:  |                 |                     |
|             | That the Committee resolve to GRANT planning permission subject to any direction by The Mayor of London prior completion of a legal agreement conditions and informatives  |                 |                     |

**6 .3 Peterley Business Centre, 472 Hackney Road London (PA/13/02722) 159 - 204 St Peter's**

Proposal:

Demolition of existing building and phased redevelopment of the site to provide a residential led mixed use development, comprising the facade retention and extension to the former Duke of Cambridge public house, erection of part 7 to 10 storey building on Clare Street and erection of part 4 to 12 storey building on Hackney Road/ Clare Street, all to provide 217 dwellings and 1521 sqm of commercial space falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus disabled car parking spaces, cycles parking, refuse/recycling facilities and access together with landscaping including public realm, communal and private amenity space.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement conditions and informatives

**6 .4 7 Limeharbour, E14 9NQ (PA/14/00293) 205 - 252 Blackwall & Cubitt Town**

Proposal:

Demolition of the existing building and the construction of a new residential building ranging from 6 to 23 storeys (with additional lower ground level) and comprising 134 residential units, private leisure facilities, a new urban square (including new pedestrian links and hard and soft landscaping), revised vehicle access arrangements, and basement car parking and servicing.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The Mayor of London prior completion of a legal agreement conditions and informatives

**Next Meeting of the Strategic Development Committee**

Thursday, 6 November 2014 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



# Agenda Item 1

## **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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 14 AUGUST 2014**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Danny Hassell  
Councillor Amina Ali  
Councillor Helal Uddin  
Councillor Suluk Ahmed  
Councillor Muhammad Ansar Mustaqim  
Councillor Julia Dockerill  
Councillor Khaled Uddin Ahmed  
(Substitute for Councillor John Pierce)

**Other Councillors Present:**

None.

**Apologies:**

Councillor John Pierce

**Officers Present:**

|               |  |
|---------------|--|
| Amy Thompson  | (Pre-Applications Team Leader,<br>Development and Renewal)                     |
| Tim Ross      | (Deputy Team Leader - Pre-application<br>Team, Development and Renewal)        |
| Fleur Francis | (Acting Team Leader - Planning,<br>Directorate, Law Probity and<br>Governance) |
| Zoe Folley    | (Committee Officer, Directorate Law,<br>Probity and Governance)                |

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

**2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 21 July 2014 be agreed as a correct record and signed by the Chair.

### **3. 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

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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

### **5. DEFERRED ITEMS**

None.

### **6. PLANNING APPLICATIONS FOR DECISION**

#### **6.1 Archway House, 1 Muirfield Crescent and 47 Millharbour, London, E14 9SZ (PA/14/00604)**

Update report tabled.

Amy Thompson (Team Leader, Planning) introduced the application regarding Archway House, 1 Muirfield Crescent and 47 Millharbour, London, E14 9SZ PA/14/00604.

Tim Ross (Deputy Team Leader, Planning Services) gave a presentation on the application. The previous application, PA/13/00803, was granted planning permission under delegated powers for change of use from business to data centre. The variation would result in an increase in floor area and height of the development. As a result, the scheme now met the criteria for consideration by the Strategic Development Committee as set out in the Council's Constitution.

The site was located in a prominent point within the Isle of Dogs Activity Area near Millwall Inner Dock. The scheme complied with the policies for the area, that sought to support and provide a transition to the Canary Wharf major centre, given the mixed use nature of the scheme, the continued employment use and the provision of IT facilities. The principle of the scheme had already been established with the previous application. The site was well served by public transport and located within a reasonable distance to the highway network.

Mr Ross showed pictures comparing the approved application, PA/13/00803 with and without the proposal extension. Additional contributions had been secured to reflect the additional floor space. Officers were recommending that the variation should be granted planning permission.

In response to a Councillor's question about the comments made by Councillor Wood (as set out in the update), it was confirmed that the applicant had agreed to notify ward Councillors about the relevant approval of details application. An informative would be added to this affect.

In relation to the request from Councillor Wood about the construction hours, Officers confirmed that the hours of construction should in fact read, as per the approved application: 08.00 to 17:00 Monday to Friday; 09.00 to 13.00 Saturday with no work on Sundays or Bank Holidays. This application did not affect the previously agreed construction hours so they should be retained.

The applicant considered it necessary to increase the height of the proposal to accommodate additional plant equipment.

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

1. That the application under S73 of the Town and Country Planning Act at Archway House, 1 Muirfield Crescent and 47 Millharbour, London, E14 9SZ (PA/14/00604) be **GRANTED** for a minor material amendment to Planning Permission PA/13/00803, dated 13/12/2013 for a variation to condition 2 to allow substitute plans providing for the following amendments:
  - Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal Area) of covered plant area to the sixth floor; and
  - a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height.

Subject to:

2. The prior completion of a Deed of Variation to the legal agreement to secure the planning obligations set out in the Committee report.

3. That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee Report subject to the following as detailed in the update report:
  - That the hours of construction should read 08.00 until 17:00 Monday to Friday; 09.00 until 13.00 Saturday. No work on Sundays or Bank Holidays
  - That an informative be added to the decision notice reflecting the applicant's commitment to notify local Ward Councillors of the relevant approval of details application.

Any other conditions/informative(s) considered necessary by the Corporate Director of Development and Renewal.

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

The meeting ended at 7.15 p.m.

Chair, Councillor Sirajul Islam  
Strategic Development Committee

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

|   |   |
|---|---|
| Up to two objectors on a first come first served basis.                         | For up to three minutes each.   |
| Committee/Non Committee Members.  | For up to three minutes each - in support or against.   |
| Applicant/<br>supporters.<br><br>This includes:<br>an agent or<br>spokesperson. | Shall be entitled to an equal time to that given to any objector/s.<br>For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul> |
| Members of the public in support  | It shall be at the discretion of the applicant to allocate these supporting time slots.   |

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

**How will the applications be considered?**

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:  
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

**How can I find out about a decision?**

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

|   |   |
|---|---|
| <p><b>Deadlines.</b><br/>                 To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.<br/>                 Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>  | <br>Scan this code to view the Committee webpages. |
| <p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul> | <br>Council’s Constitution                         |



# Agenda Item 6

|  |                                   |  |                             |
|--|-----------------------------------|--|-----------------------------|
| <b>Committee:</b><br>Strategic Development                         | <b>Date:</b><br>25 September 2014 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>6 |
| <b>Report of:</b><br>Corporate<br>Director Development and Renewal |                                   | <b>Title:</b> Planning Applications for Decision   |                             |
| <b>Originating Officer:</b><br>Owen Whalley                        |                                   | <b>Ref No:</b> See reports attached for each item  |                             |
|  |                                   | <b>Ward(s):</b> See reports attached for each item |                             |

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| Brief Description of background papers:                                    | 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    |

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

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

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

|   |   |  |                           |
|---|---|--|---------------------------|
| <b>Committee:</b><br>Strategic<br>Development<br>Committee          | <b>Date:</b><br>25 <sup>th</sup> September 2014 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item No:</b>    |
| <b>Report of:</b><br>Corporate Director of Development &<br>Renewal | <b>Title:</b> Planning Application for Decision |  |                           |
| <b>Case Officer:</b><br>Robert Lancaster                            | <b>Ref No:</b> PA/14/00990                      |  |                           |
|   |   |  | <b>Ward:</b> Canary Wharf |

## 1.0 APPLICATION DETAILS

**Location:** Quay House, 2 Admirals Way, London E14

**Existing Use:** B1(a) office use. Vacant 3 storey (1980s) office building (1,821 sq.m (GIA) floor space) and surface car park for 39 spaces.

**Proposal:** Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

**Drawing Numbers:** 2211\_A\_9; 2211\_A\_10; 2211\_A\_11;  
2211\_A\_12; 2211\_A\_13; 2211\_A\_14;  
2211\_A\_15; 2211\_A\_30; 2211\_A\_31;  
2211\_A\_40; 2211\_A\_98; 2211\_A\_99;  
2211\_A\_100; 2211\_A\_101; 2211\_A\_102  
Rev 2; 2211\_A\_103 Rev 2; 2211\_A\_104  
Rev 1; 2211\_A\_105; 2211\_A\_106;  
2211\_A\_107; 2211\_A\_108; 2211\_A\_109;  
2211\_A\_201; 2211\_A\_202; 2211\_A\_203;  
2211\_A\_204; 2211\_A\_205; 2211\_A\_206;  
2211\_A\_210; 2211\_A\_211; 2211\_A\_212;  
2211\_A\_213; 2211\_A\_301; 2211\_A\_501;  
2211\_A\_502; 2211\_A\_510; 2211\_A\_511;  
2211\_A\_512; 2211\_A\_513; 2211\_A\_514;  
2211\_A\_515; 2211\_A\_590.

**Supporting Documents:** Planning Statement  
Design & Access Statement  
Affordable Housing Statement  
Sustainability Statement  
Energy Strategy  
Statement of Community Involvement  
Transport Assessment  
Viability Report  
Environmental Statement, Non-Technical Summary  
Environmental Statement, Volume I (main chapters), Volume II (Heritage, Townscape and Visual Impact Assessment) and Volume III (Technical Appendices).

**Applicant:** Investin Quay House Ltd

## **2.0 Executive Summary**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2 The proposed development would be a clear and demonstrable over-development of the site. This is exhibited by:
- 2.3 The proposed development would have a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height.
- 2.4 The proposed development would overhang and have an insensitive relationship with the South Dock southern quayside which would provide little visual relief, have an overbearing appearance from this important area of public realm and fail to provide a human scale of development at street level.
- 2.5 The proposed development would fail to present an active and engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and associated vehicle waiting area.
- 2.6 The development would fail to provide high quality child play space and, as a consequence would not provide high quality residential accommodation.
- 2.7 The benefits of the scheme, including but not limited to the redevelopment of a vacant building on brownfield land and the

provision of private and affordable housing, do not outweigh the harm identified above and, as a consequence, the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of overdevelopment of the site.

2.8 As such, the scheme is contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2.9 In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy; the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

### 3.0 RECOMMENDATION

3.1 That subject to any direction by the London Mayor, planning permission is **REFUSED** for the following reasons:

1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include:
  - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height;
  - ii. an insensitive relationship with South Dock southern quayside, which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
  - iii. a failure to provide an active and engaging frontage on its southern façade due to its awkward geometry and design at lower levels;

- iv. a failure to provide high quality child play space which, as a result, would not provide high quality residential accommodation.

As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area.

Accordingly, it would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

- 2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

#### **4.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS**

##### Proposal

- 4.1 The proposal would involve the comprehensive redevelopment of the application site including the demolition of the existing 3 storey 1980's office block and the construction of a residential led mixed use tower rising to 233 metres (AOD) set over 68 storeys (excluding the double basement storeys). It would comprise 496 residential units, 315.3 square metres (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

- 4.2 The scheme would provide a total of 496 residential units with 25.78% affordable housing by habitable room. In dwelling numbers it would comprise 387 private units (78.02%); 37 Intermediate units (7.46%) and 72 rented units (14.52%). The detailed provision is set out below:

#### Number and Percentage of units and habitable rooms by tenure

|                 | <b>Number of units</b> | <b>%</b>    | <b>Habitable Rooms</b> | <b>%</b>    |
|-----------------|------------------------|-------------|------------------------|-------------|
| Open Market     | 387                    | 78.02%      | 979                    | 74.22%      |
| Affordable rent | 72                     | 14.52%      | 234                    | 17.74%      |
| Intermediate    | 37                     | 7.46%       | 106                    | 8.04%       |
| <b>TOTAL</b>    | <b>496</b>             | <b>100%</b> | <b>1319</b>            | <b>100%</b> |

#### Dwelling numbers and mix by tenure

|                   | <b>Studio</b> | <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>4 bed</b> |
|-------------------|---------------|--------------|--------------|--------------|--------------|
| Open market       | 58            | 128          | 143          | 54           | 4            |
| Affordable Rent   | 0             | 18           | 18           | 36           | 0            |
| Intermediate      | 0             | 12           | 18           | 7            | 0            |
| <b>TOTAL</b>      | <b>58</b>     | <b>158</b>   | <b>179</b>   | <b>97</b>    | <b>4</b>     |
| <b>Total as %</b> | <b>11.69</b>  | <b>25.81</b> | <b>36.09</b> | <b>19.56</b> | <b>0.81</b>  |

- 4.3 The scheme would contain a double basement containing an automated stacking system car park with vehicle lifts and space for refuse and plant.
- 4.4 The ground floor would make provision for separate entrance lobbies for the affordable housing and the private housing; commercial space and car park lift access and loading bay/waste storage.
- 4.5 The first floor would comprise more car parking through the automated stacking system with plant and 233 cycle parking spaces.
- 4.6 The second floor would contain cycle parking for 368 bicycles and a pool plant room; the third floor would comprise a residents gym/health spa/therapy rooms/Jacuzzi/swimming pool and residents' meeting room.
- 4.7 The 4<sup>th</sup> floor would comprise children's indoor and outdoor play areas and the 5<sup>th</sup> floor would contain more ancillary residential amenity and child play space.

- 4.8 The 6<sup>th</sup> floor upwards would contain the 496 residential units. The affordable housing units would be located between floors 6 and 12 and 16 and 20 with all the private residential units located between floors 13-15 and floors 21 and upwards. Amenity space is also provided on the 18/19<sup>th</sup> floors and the 66<sup>th</sup> and 67<sup>th</sup> floor.

#### Site and Surroundings

- 4.9 The irregular shaped development site comprises an area of 0.192 hectares and is located on the southern side of West India South Dock (south side) within the Millennium Quarter of the Isle of Dogs.
- 4.10 It is bounded by the South Dock quayside walkway and South Dock to the north; to the west by the vacant Arrowhead Quay site (subject of a live planning application for 2 towers of 50 and 55 storeys: PA/12/03315); and several 1980s docklands commercial buildings up to 6 storeys high to the east; and to the south by Admirals Way (private estate road) and the Docklands Light Railway (DLR) tracks (which also runs through the site at its western side). The Canary Wharf estate is located on the northern side of West India South Dock.
- 4.11 The application site contains a vacant 1980s 3 storey office building (1,871 sq.m) with a 39 space surface car park. The surface car park is accessed from Admirals Way, off Marsh Wall and is crossed overhead by the elevated DLR track.
- 4.12 The site is located approximately 500 metres walk away from South Quay (DLR) Station to the east along Marsh Wall, approximately 380 metres from Canary Wharf London Underground Station via the South Quay footbridge. The nearest bus stop lies 130 metres away from the site. The site has a Public Transport Accessibility Level (PTAL) of 5.
- 4.13 On the other side of South Dock (circa 80m wide) is Canary Wharf Estate, including the iconic 1 Canada Square (245.75m AOD). There is also an emerging context at the western end of the docks, which contains a number of sites with extant or unimplemented consents for significant tower buildings, including the "City Pride" permission for a 75 storey tower (239m AOD), "Riverside South" which contains a tower up to 241m AOD and "Newfoundland" a 60 storey tower (226m AOD).
- 4.14 Along Marsh Wall itself, there is the Pan Peninsula (south-east of the site) with two towers of 48 and 39 storeys and Landmark (to the west of the site) with two towers the tallest being 44 storeys in height and it is noteworthy that 40 Marsh Wall has an approval for a 38 storey hotel (125m AOD).



## Designations

- 4.15 The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.16 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.17 The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.18 The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.19 The site is adjacent to a Grade II Site of Borough for Nature Conservation (Millwall and West India Docks), which includes the South Dock. It is principally of importance for the regular presence of breeding and overwintering birds.
- 4.20 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.21 The site is within the London City Airport Safeguarding Zone.
- 4.22 The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.23 South Dock (on the site's northern edge) forms part of the Development Plan's Blue Ribbon Network.
- 4.24 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

## 5. Environmental Impact Assessment

### EIA Regulations

- 5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 5.3 The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

### EIA Scoping

- 5.4 An EIA Scoping Report was submitted to LBTH in February 2014 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 2<sup>nd</sup> April 2014 and the EIA was informed by this document.

### Environmental Information

- 5.5 The ES was submitted by the applicant with the outline planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):

- Chapter 5: Demolition and Construction;
  - Chapter 6: Waste and Recycling;
  - Chapter 7: Socio-Economics;
  - Chapter 8: Transportation and Access;
  - Chapter 9: Air Quality;
  - Chapter 10: Noise and Vibration;
  - Chapter 11: Ground Conditions;
  - Chapter 12: Water Resources, Drainage and Flood Risk;
  - Chapter 13: Archaeology;
  - Chapter 14: Wind Microclimate;
  - Chapter 15: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare;
  - Chapter 16: Electronic Interference.
  - Chapter 17: Cumulative Effects
- Appendix A: EIA Scoping Report and Scoping Opinion;

- Appendix B: Aviation;
- Appendix C: Ecology;
- Appendix D: Waste and Recycling;
- Appendix E: Health and Well Being;
- Appendix F: Transportation Assessment;
- Appendix G: Noise and Vibration;
- Appendix H: Drainage and Flood Risk Assessment;
- Appendix I: Archaeology;
- Appendix J: Wind Microclimate; and
- Appendix K: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare.

- 5.6 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 5.7 LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 5.8 In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 5.9 LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 5.10 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.11 The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 5.12 The Quay House application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 4: The Proposed Development of this ES (along with site baseline

surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).

- 5.13 The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 5.14 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

## 6.0 **Relevant Planning History**

- 6.1 The planning history of the site is a matter of public record and generally consists of applications for changes of use (granted and refused) and applications for advertisement consent. Listed below are a number of relevant applications in the surrounding area:

### Built

- 6.2 "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 6.3 "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.

### Consented / Implemented but not built

- 6.4 "Hertsmere House (Columbus Tower)" PA/08/02709 granted 2<sup>nd</sup> December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).
- 6.5 "Riverside South" PA/07/935 granted 22<sup>nd</sup> February 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).

- 6.6 “City Pride” PA/12/03248 granted 10<sup>th</sup> October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 6.7 “Newfoundland” PA/13/01455 granted 10<sup>th</sup> June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 6.8 “40 Marsh Wall” PA/10/1049 granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.

Under consideration

- 6.9 “Arrowhead Quay” PA/12/3315 for erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 6.10 “1-3 South Quay Plaza” PA/14/944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 6.11 “2 Millharbour” PA/14/1246 for erection of seven mixed-use buildings A, B1, B2, B3, C, D and E (a link building situated between block B1 and D)- ranging in height from 8 to 50 storeys.

- 6.12 “30 Marsh Wall” PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

## **7.0 POLICY FRAMEWORK**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 7.3 Core Strategy Development Plan Document 2010 (CS)

Policies:

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

Annexe 9: LAP 7 & 8: Millwall

- 7.4 Managing Development Document (2013) (MDD)

Policies:

- DM0 Delivering Sustainable Development
- 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  
 DM12 Water spaces  
 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

Site Allocation 17: Millennium Quarter

7.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012  
 Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)  
 Isle of Dogs Area Action Plan October 2007  
 Millennium Quarter Masterplan (2000)

7.6 Spatial Development Strategy for Greater London (London Plan 2011) (including Revised Early Minor Alterations 2013)

1.1 Delivering Strategic vision and objectives London  
 2.1 London  
 2.5 Sub-regions  
 2.9 Inner London  
 2.10 Central Activity Zone  
 2.11 Central Activity Zone - strategic  
 2.12 Central Activities Zone - local  
 2.13 Opportunity Areas and Intensification Areas  
 2.14 Areas for Regeneration  
 2.15 Town Centres  
 2.18 Green infrastructure  
 3.1 Ensuring Equal Life Chances for All  
 3.2 Improving Health and Addressing Health Inequalities  
 3.3 Increasing Housing Supply  
 3.4 Optimising Housing Potential  
 3.5 Quality and Design of Housing Developments

- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London’s visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings



- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

7.7 The 'Draft Further Alterations to the London Plan' were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public has been scheduled for 1 September 2014. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year), creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.

7.8 As the Further Alterations have been subject to public consultation, they are accumulating weight in determining planning applications and are considered to be an emerging material consideration with some weight.

7.9 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- London View Management Framework 2012
- Sustainable Design & Construction 2006
- Draft Sustainable Design and Construction (2013)
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- London World Heritage Sites – Guidance on Settings 2012

7.10 Government Planning Policy Guidance/Statements

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

**8.0 CONSULTATION RESPONSES**

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

- 8.2 The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

**Access Officer**

- 8.3 The Access Officer welcomes the detail provided in relation to access and inclusive design within the Design and Access Statement and requests a number of clarifications in relation to specific elements of the scheme.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed to secure any necessary alterations to the layout.)*

**Affordable Housing Team**

- 8.4 The applicant has made an offer of affordable housing equating to 25.78% by habitable rooms. This offer has been subject to viability testing and, whilst it falls below the Council's target of 35% affordable housing by habitable rooms, it is the most the development can viably offer. The level of affordable housing is therefore supported.
- 8.5 The Council targets a tenure split of 70% Affordable Rent and 30% Intermediate product. The development proposes 68.9% affordable rent and 31.1% intermediate (shared ownership). Whilst not precisely in accordance with the target, the deviation is not significant.
- 8.6 The applicant has confirmed that affordable rents will be in line with LBTH Affordable Rent levels for 2014/15, which are as follows: 1 bed, £224 per week; 2 beds, £253 per week; 3 beds, £276 per week, and 4 beds, £292 per week inclusive of service charges. This is supported.
- 8.7 The breakdown of units proposed units within the affordable element of the scheme is in accordance with LBTH policies for affordable rent tenure. For the Intermediate tenure: 30% of one bed units are proposed against our policy target of 25%, 50% of two bed units in accordance with our policy target and 20% of three bed units are proposed against our policy target of 25%. Whilst there is some deviation from the Council's preferred mix, the overall balance contributes to the Borough's affordable housing needs and is not objectionable.
- 8.8 The applicant has confirmed that the affordable units would have access to the play space on levels 4, 5 and 18 comprising 791.5 sqm of internal space and 448.31 sqm of external space (total 1,239.8 sqm). The applicant also confirms that the affordable units would have access to communal amenity space at levels 18 and 19 comprising 98.7 sqm of internal double height space and 69.2 sqm of external

space (total 167.9 sqm). Further details of these spaces should be secured by way of condition.

- 8.9 The 10% wheelchair accessible accommodation should be set out across the three tenure types of the scheme.
- 8.10 1:50 scaled drawings should be provided as soon as possible in order for LBTH access team to provide comments on the design layouts for these units along with details of the proposed internal communal space provision for all the affordable units.

*(Officer comment: If the application were to be approved, the affordable housing offer could be secured by way of legal agreement. Conditions could be imposed to secure 10% of homes being wheelchair adaptable / accessible and to provide details of the layouts of wheelchair units and communal space provision.)*

### **Waste Management Team**

- 8.11 No objections subject to the imposition of relevant conditions.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Environmental Health**

- 8.12 **Contaminated Land:** Have no objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.13 **Noise and Vibration:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.14 **Air Quality:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Transportation & Highways**

#### Car Parking

- 8.15 The submitted application is for a stacking car parking system which houses 42 spaces, 39 of which are for residents and three for visitors. The transport assessment makes a case that the site is highly accessible in terms of public transport and has included a site specific PTAL assessment which rates the site as having a PTAL of 5, in contrast to TfL's assessment which is 3. This is because, in all likelihood, that TfL has not taken the pedestrian bridge to the north of the site into consideration. A PTAL of 5 is considered very good, in

terms of public transport accessibility and we would be looking for and encouraging a car free development, with provision only for disabled parking spaces. Should permission be granted then a 'Permit Free' agreement which restricts residents from obtaining a permit in the surrounding CPZ will be required, secured via the S106 agreement along with a Car Parking Management Strategy to ensure that disabled residents can secure a parking space.

*(Officer comment: Whilst it is noted that the Highways Department encourage a 'car free' development, the proposal is in accordance with policy and therefore a refusal on this basis would not be considered reasonable.)*

*Were the application to be approved, then the s106 agreement and/or conditions could ensure that the development is "permit free" (other than for those households which benefit from the Permit Transfer Scheme) and a Car Parking Management Strategy to ensure, inter alia, that 10% of the spaces are reserved for Blue Badge holders and these residents can secure the parking spaces at an affordable rate.)*

#### Cycle Parking

- 8.16 Cycle parking is provided on the first and second floor and meets the minimum standards set out in the MDD. It is proposed that these will be a mixture of single and double stackers. It is recommended in the MDD that the 'Sheffield' type stand is LBTH preference and we would be looking for a good percentage of the stands to be of this type. Visitor parking and parking for the commercial units are proposed and this is welcomed. Full detailed drawings of the cycle storage will be required as a condition if permission is granted.

*(Officer comment: The applicant has confirmed that 55 of the residential parking spaces will be Sheffield stands, with the remainder in double stackers. Visitor parking and parking for the commercial units can be secured by way of condition.)*

#### Servicing

- 8.17 Servicing is proposed from a dedicated ground floor bay. The area where service vehicles are expected to turn is a shared area with pedestrians. A safety audit, looking at the interaction between service vehicles and pedestrians should be undertaken to highlight any risk and mitigation that may be required. With such a large scheme in terms of residential units the needs for residents moving in and out also need to be considered and I do not believe this has been taken into account.
- 8.18 The vehicular access for the car park and servicing is off a private road, Admirals Way, and there is currently a manned security gate in the vicinity of the access. No mention has been made of this and

whether the applicant has any agreement to move this to facilitate their vehicle access. Further details are required on how this is proposed to operate.

*(Officer comment: It is agreed that the proposal has the potential to cause conflict between pedestrians and service vehicles. Due to the the likely low speeds along with the potential to secure safety measures by condition, it is not considered to cause a significant risk to pedestrian safety, rather it is considered to be a poor design solution, likely to inconvenience pedestrians and undermine the quality and permeability of the proposed public realm.*

*In relation to the second point, if the application were to be approved a Grampian condition may be required to ensure that the developer has secured the necessary legal rights (prior to starting on site) to develop the site in the manner envisaged in the application.*

#### Planning obligations and conditions

- 8.19 There is likely to be an increase in pedestrian permeability through the site, which is welcomed. The effect however, on the pedestrian bridge as a result in the numbers of new residents has not been taken into account. A financial contribution towards the proposed new bridge (as part of the Millennium Quarter Masterplan) should be considered.
- 8.20 The site has a very small footprint and construction is likely to pose a problem, particularly on other users of Admirals Way. Should permission be granted a Construction Logistics Plan will be required by way of condition.
- 8.21 The applicant will also be required to enter into a Section 278 agreement with the Highways Authority to cover any works or improvements to the local public highway network which may be required.
- 8.22 A financial contribution towards works on Marsh Wall, including pedestrian crossing facilities, will be required.

*(Officer comment: Were the application to be approved a Construction Logistics Plan could be secured by way of condition along with a condition to address a scheme of public highway improvements (s278 works). The applicant has offered £268,043.71 towards highways improvements which may be directed towards pedestrian improvements on Marsh Wall or a second foot bridge over South Quay.*

#### Summary

- 8.23 In summary, the applicant has made a case for the site to be considered as having a PTAL of 5, which is considered to represent an

area of very good public transport accessibility. In areas such as this LBTH would expect a car free development, with the only parking reserved for accessible parking. No specific accessible parking is being proposed at this development. As a result this group cannot support the application.

*(Officer comment: Comments noted and addressed in detail above.)*

### **Biodiversity Officer**

- 8.24 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. The proposed development would increase the shading of part of the SINC but, due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 8.25 The proposed landscaping includes "green mounds" around the trees and linear planters and a brown roof on the 4<sup>th</sup> floor terrace. These offer opportunities for biodiversity enhancements. A condition should require full details of the landscaping, including the species to be planted, to be approved by the Council before work commences. The landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.

*(Officer comment: The matters raised are noted and the biodiversity benefits sought could be addressed by planning condition were planning permission to be granted.)*

### **Employment & Enterprise Team**

- 8.26 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant offer in respect of skills and training along with apprenticeship places in the construction phase.

*(Officer comment: If planning permission were to be granted the Council could secure these obligations through the s106).*

### **Energy Efficiency Unit**

- 8.27 The proposal would incorporate measures that would reduce CO2 emissions by 41% over the Building Regulations baseline. Policy DM29 seeks a 50% reduction. In accordance with the Planning Obligations SPD the applicant has offered a cash-in-lieu payment of

£126,720 to mitigate this shortfall. The approach to CO2 emissions reduction is supported.

- 8.28 In terms of sustainability, residential development is required to achieve a Code for Sustainable Homes Level 4 rating and for the commercial element BREEAM 'excellent'. The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and this should be secured via an appropriately worded Condition
- 8.29 A condition is also recommended to ensure that the development connects to the Barkantine District Energy network should it become available.
- 8.30 *(Officer comment: If planning permission were to be granted relevant planning conditions and obligations can address the items above).*

### **Communities, Localities & Culture (CLC)**

- 8.31 CLC 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. CLC, therefore seek that Planning Obligation SPD compliant contributions are secured.
- 8.32 *(Officer comment: If planning permission were to be granted the Council would secure these obligations through the s106.)*

### External Consultees

#### **London Legacy Development Corporation (LLDC)**

- 8.33 The LLDC has written stating that it has no comments to make on the application.

#### **Natural England**

- 8.34 Natural England advises that the scheme is unlikely to affect statutorily protected sites or landscapes. Otherwise they provide generic advice in respect of protected species, local sites, biodiversity and landscaping enhancements.

#### **Canal & River Trust (CRT)**

- 8.35 CRT supports the proposal to unlock the potential of the waterside by animating and opening up the ground level uses within the site as much as possible, and the opening up of the public realm beneath the

DLR. CRT is also pleased to see the proposed active retail frontages around the building and has no objection to the height of the building.

- 8.36 CRT would like to see an enhancement of the dockside walkway including soft and hard landscaping, paving, dock edge treatment and street furniture as part of a Section 106 agreement. CRT would also suggest that services for moorings be provided to the dock edge.
- 8.37 CRT has also requested that should the Council grant planning permission then a number of planning conditions could be imposed to a risk assessment and method statement outlining all works carried out adjacent to the dock; a lighting and CCTV scheme; a landscaping scheme; survey of the condition of the dock wall and a method statement and schedule of repairs identified; surface water run-off and ground water that may drain into the waterway; and, a feasibility study to be carried out to assess the potential for moving freight by water during construction (waste and bulk materials) and following occupation (waste and recyclables).

*(Officer comment: If planning permission was granted the requested planning conditions and informatives would be imposed and the sought public realm enhancements to include dockside paving, seats and bins could be dealt with in the s106.)*

#### **English Heritage (EH)**

- 8.38 EH has advised that this development would not warrant significant concerns in relation to the level of impact on designated heritage assets as the development forms part of a larger cluster of tall buildings. They advise that the Council should consider the potential for the site to draw attention to the “Grand Axis” (the view from General Wolfe Statue (LVMF View 5A). They recommend that the application be determined in accordance with national and local guidance.

*(Officer comment: This issue is dealt with in the main body of the report.)*

#### **English Heritage Archaeology (Greater London Archaeology Advisory Service: GLAAS)**

- 8.39 GLAAS considers that the archaeological interest of the site can be adequately conserved by attaching a suitably worded planning condition.

*(Officer comment: If planning permission were to be granted, an appropriate condition would be imposed.)*

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



- 8.40 The EA advises that the proposal will result in a more vulnerable use within Flood Zone 3. This use is appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test the LPA must be satisfied that there are no alternative sites available for the development at a lower risk of flooding.
- 8.50 Providing the site passes the Sequential Test, a Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The LPA's Strategic Flood Risk Assessment shows that parts of the site will be at risk of flooding if there was to be a breach in the tidal defences but EA's most recent study shows that the site is unlikely to flood during a breach event. The EA consider the development to be at a low risk of flooding.
- 8.51 EA would recommend that a planning condition be imposed to control the finished floor levels for the proposed development

*(Officer comment: The Council's Core Strategy and Managing Development Document DPDs were each subject to a Strategic Flood Risk Assessment. The site is identified as being located within Millwall (a regeneration area where there will be a focus area for the majority of housing) and also being a part of the Millennium Quarter site allocation, it has also been subject to a sequential test. The application was accompanied by a Flood Risk Assessment that was submitted as part of the environmental statement and the Council's external and independent consultants have assessed and found acceptable. If planning permission were to be granted it is recommended that the requested condition is imposed).*

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

- 8.52 LFEPA considers that the water supply proposed is satisfactory with reference to the design and access statement. There was however, no information directly related to Fire Service Access provided. Therefore meaningful observations cannot be made on Fire Service Access at this stage.

*(Officer comment: The Council's Building Control team has assessed the proposal and advises that there is sufficient space within the building core for a separate wet rising mains to be provided to ensure fire safety. In addition, the existing road network at Admirals Way provides sufficient space for a fire vehicle to stop within the required distance (18 metres maximum) to deal with a fire emergency. The applicant has submitted drawings to demonstrate that the above design details meet the LFEPA concerns. As such, if planning*

*permission were to be granted then a suitable planning condition could be imposed to seek and secure details relating to the matter.)*

### **Thames Water (TW)**

- 8.53 TW states that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW therefore recommends that a suitably worded condition be imposed to ensure that Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. TW also recommend that a condition be imposed to control the piling methods for the building. It also requests that a condition be imposed to allow a review of the development's drainage plan.

*(Officer Comments: Were planning permission to be granted the above conditions could be imposed.)*

### **London City Airport (LCY)**

- 8.54 LCY has no safeguarding objection. LCY has requested that planning conditions be imposed on any planning permission to cover the details of cranes and scaffolding during construction; that any change to the building height or its location be re-submitted to LCY for reassessment; and that all landscaping plans and plantations be considered with a view to making them unattractive to birds.

*(Officer comment: Were planning permission to be granted then the above matters could be dealt with by way of suitable planning conditions.)*

### **Metropolitan Police Crime Prevention Design Advisor**

- 8.55 The Met Police have no objections subject to the imposition of a suitable planning condition to ensure that the scheme meets Secured by Design section 2 Certification.

*(Officer comment: Were planning permission to be granted a condition could be imposed to ensure the development achieved Secure by Design accreditation.)*

### **London Underground Infrastructure**

- 8.56 No comments. However, this site appears to be in close proximity to the Docklands Light Railway. Therefore we advise you to contact the Property Department of the DLR to determine what impact, if any, there may be to their infrastructure.

*(Officer Comment: DLR were consulted on the application.)*

### **Docklands Light Railway**

- 8.57 DLR comment that their views are provided as part of Transport for London's response.

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

- 8.58 The PLA has no objection in principle to the proposed development. The PLA requests a condition to maximise the movement of construction material and waste by river. They also request that river bus use is maximised.

*(Officer comment: if planning permission were to be granted for the development a suitable planning condition could be imposed to investigate the feasibility of moving construction material and waste by river. The residential travel plans would be designed in such a way as to encourage the use of river buses).*

### **Maritime Greenwich World Heritage Site Executive (Greenwich Foundation for the Old Royal Naval College)**

- 8.59 Maritime Greenwich objects to the application on the grounds that: (1) it would have a significant impact on an important strategic view from the Maritime Greenwich World Heritage Site; (2) the continuing expansion of development to the West of the Grand Axis, which if unchecked would destroy an important part of London's skyline, creating a disconnect between the two banks of the River Thames and undermining the importance of the Grand Axis as a key attribute of the Outstanding Universal Value of the World Heritage Site; and (3) there are a number of consented but unbuilt buildings behind and to the North of the proposed Quay House development and indeed a number of planning applications in the pipeline in front of and to the South of it. These have the potential to compound a negative impact of the skyline.

- 8.60 MGWHSE consider that the determination of this application ahead of the emergence of the London Borough of Tower Hamlet's Masterplan for the South Quay area is premature.

*(Officer comment: these issues are addressed within the design section of this report).*

### **London Borough of Southwark**

- 8.61 No comments.

### **London Borough of Greenwich**

- 8.62 Greenwich Council objects to the proposal to construct a tower of up to 68 storeys. The Council expresses concern on the excessive height of

a development that would be located significantly to the south of the existing Canary Wharf cluster of tall buildings. The proposed development will bring new tall buildings even closer to the northern edge of the Maritime Greenwich World Heritage Site, and as a result, would have detrimental impact on the setting of the World Heritage Site and the panoramic views from General Wolfe Monument in Greenwich Park, contrary to Greenwich's policies and the London View Management Framework Supplementary Planning Guidance, March 2012.

*(Officer comment: These issues are addressed within the main body of the report).*

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

- 8.63 London Plan policies on housing, affordable housing, strategic views, World Heritage Sites, historic environment, urban design, tall buildings, Blue Ribbon Network, inclusive design, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Housing:** Further detail should be provided on the residential quality of the proposals, particularly in relation to the standards contained in the Housing SPG. In the context of the emerging Supplementary Planning Document for the South Quay area, further discussions are required concerning the capacity of existing local amenities, infrastructure and services to support the development, before the proposal can be considered acceptable with regards to density.

*(Officer comment: The applicant has provided further clarification regarding housing quality. If the application were to be approved, a condition could address the remaining matters.)*

*In relation to the impact on amenities, infrastructure and services these are addressed in chapter 9 of this report.)*

**Affordable housing:** The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12. Further information should be provided on the feasibility of social/affordable rent units, and evidence of discussions with potential providers.

*(Officer comment: Affordable Housing is addressed in chapter 9 of this report.)*

**Strategic views, World Heritage Sites and historic environment:**

The proposed building will have a negligible impact on LVMF strategic views 11B.1 and 11B.2 and the Tower of London World Heritage Site. It will have a greater impact on LVMF strategic view 5A.1 and the Maritime Greenwich World Heritage Site, marking the historic axis; however, as part of the developing cluster, it will not detract from the integrity and importance of the World Heritage Site.

*(Officer comment: The impacts on heritage assets are addressed in chapter 9 of this report.)*

**Urban design and tall buildings:** The applicant should reconsider the layout of the ground floor, clarify issues relating to the extent of glazing in the facades, and address concerns about the impact of the building of the proposed building on the Arrowhead Quay site.

*(Officer Response: The applicant has clarified issues regarding the extent of glazing. The impacts of the proposed building on the Arrowhead Quay site are addressed in Chapter 9 of this report. GLA are now satisfied with the layout of ground floor due to the active frontage provided by retail uses.)*

**Blue Ribbon Network:** The improvement to the dock edge is strongly supported.

*(Officer comment: Were the application to be approved, improvements in the dock edge (including paving, street furniture and dockside fencing & chains could be secured via the s106 agreement.)*

**Inclusive design:** Further information is required on the segregation of road and pedestrian routes; access to the car lift; Lifetimes Homes standards; the design of Blue Badge parking bays; a car parking management strategy; and mobility scooter storage and charging.

*(Officer comment: The applicant has provided clarification in respect of the car lifts, lifetime homes standards, parking bay design and mobility scooter storage and charging. If the application were to be approved, a condition / legal agreement could address the requirement for a car parking management strategy. Officers consider that the proposal, due to its location of its servicing bay would lead to conflict between pedestrians and servicing vehicles further undermining the quality and permeability of the limited and constrained public realm.)*

**Climate change:** Further information is required on overheating; DER and TER sheets; connection to the Barkantine district heating network; the number, location and floor space of the energy centres; CHP and system carbon saving calculations and running times.

*(Officer comment: The applicant has provided clarification in respect of the potential for overheating, emissions rates, energy centres and carbon saving calculations and running times. Were the application to be approved, a condition could ensure that the development could connect to the Barkantine DHN if it became available.)*

**Transport:** TfL is concerned that the changes and iterations to the plans since pre-application discussions are not in line with aims to promote pedestrian safety and disabled parking accessibility. Further discussions are required concerning the impact on DLR infrastructure. PCL and PERS audits are required before the application is referred back to the Mayor.

*(Officer comment: See TfL comments in section 8.64-8.79.)*

## **Transport for London**

### Site, Location and access

- 8.64 TfL highlight their disappointment with the number of parking spaces increasing since their pre-application discussions with the applicant. TfL highlight the site's location would support a low level of car parking.

*(Officer comment: The level of parking proposed is compliant with Policy.)*

### Car Parking & Access

- 8.65 TfL raise concerns with the ability of disabled users to use the car stacking system. TfL are also concerned that there is insufficient space for car to queue to use the single lift to the basement and the back end of a waiting car would overhang the public highway, compromising pedestrian safety and amenity.

*(Officer comment: The applicant has since provided clarification in respect of the car stacking system as well as 'reservoir' space for queuing vehicles.)*

### Cycle Parking

- 8.66 TfL confirms that the quantity of residential parking spaces is acceptable. However, the documentation does not describe the type of parking.
- 8.67 TfL confirm the number of visitor cycle parking spaces is acceptable, however they note that their proposed location under the DLR is unlikely to be acceptable due to operational access requirements for repair and emergency purposes.

*(Officer comment: The applicant has confirmed that the majority of the cycle parking will be on double stackers whilst 55 spaces will be provided by Sheffield stands.*

*The applicant has proposed an alternative location for visitor cycle parking, which could be secured by condition if the application were approved.)*

#### Trip Rate & Modal split (assessment of impacts)

##### Vehicular

- 8.68 TfL confirms that the vehicular trip rate is likely to be slightly less than for the current land use. However, due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.

*(Officer comment: It is inconceivable that the use of the proposed 42 parking spaces could have a material impact on junction capacity (particularly given the likely vehicular trip generation of the existing use). In any case, TfL are now satisfied with the applicant's clarifications in respect of the extent of the submitted Transport Assessment.)*

##### Public Transport - DLR

- 8.69 TfL confirm that much of the site is within the DLR Protection Zone and a property agreement with DLR will therefore be required.
- 8.70 TfL considers there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London way-finding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development.
- 8.71 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

*(Officer comment: Were the application to be approved, a way-finding strategy could be secured by condition.)*

##### Public Transport - Buses

8.72 TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.

8.73 TfL requests that the applicant clarifies whether the kerb heights meet the minimum height thresholds for bus stops. If not, TfL may seek a Section 106 contribution towards remedial works.

*(Officer comment: Were the application to be approved, a contribution towards bus capacity could be secured by way of the s106 agreement. The applicant has provided further information in respect of kerb heights for bus stands).*

#### Public Transport - walking & cycling

8.74 TfL strongly supports the provision of a second footbridge across South Dock and will support the seeking of pooled funding for this bridge.

*(Officer comment: The applicant has offered £268,043.71 towards highways improvements which may be directed towards a second footbridge).*

#### Public Transport - cycle hire

8.75 TfL is seeking pooled contributions from sites within the emerging South Quay Masterplan area towards the provision of additional cycle hire capacity. Therefore, in accordance with London Plan policy 6.9 'cycling', TfL requests that the Council secures a contribution of £70,000 within the section 106 agreement towards the provision of additional cycle hire capacity within the site's locality.

*(Officer comment: Were the application to be approved, a contribution towards cycle hire could be secured by way of the s106 agreement.)*

#### Servicing

8.76 TfL is concerned that the arrangement is very tight for turning on the site as it appears the larger vehicles, especially the 10m length, will encroach onto public open space and could come into conflict with pedestrians whose movement towards the South Quay Bridge may be impeded.

8.77 TfL also raise concern that the proposed arrangements for refuse (storing the bins in the loading bay on collection day) could take the loading bay out of use for half an hour, several times a week as recycling and general waste is collected separately.



- 8.78 TfL also requires protections in place for the DLR elevated rail supports from servicing lorries and cars accidentally hitting these supports.

*(Officer comment: Officers agree that the servicing strategy would result in conflict between pedestrians and servicing vehicles. Protection for DLR supports could be secured by condition if the application were to be approved.)*

#### Other measures

- 8.79 TfL will require the provision of a Construction Logistics Plan, Car Parking Management Plan, Travel Plan and Servicing Plan as conditions on any grant of planning permission.

*(Officer comment: These matters could be secured by condition were the application to be approved.)*

### **8.0 LOCAL REPRESENTATION**

- 8.1 In excess of 6,000 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.

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

**No of individual responses: 47    Object: 22    Support: 25**  
**No petitions received. 0**

- 8.3 The full responses are on public file. Some of the key issues in letters of support and objection may be summarised as follows:

#### **In support**

- The development would boost the local economy;
- The development would provide much needed additional housing and particularly affordable housing;
- The development would see the redevelopment of a disused site;
- The proposal would provide public realm, improve the area under the DLR and deter anti-social behaviour;
- The proposal includes high quality homes;
- The scheme would provide play, leisure and other facilities for young and old people as well as families;
- The aesthetic and environmental elements of the building are commendable.

*(Officer comment: The need for additional housing, including affordable housing is recognised as a significant benefit to the*

*scheme. Nonetheless, the overall quality of the scheme is such that the benefits of the scheme do not outweigh the identified harm.)*

### **In objection**

- Overdevelopment of a restricted site;
- The height, scale mass and density of the proposal are unacceptable;
- The proposal does not integrate into the townscape;
- The development would infill the “Grand Axis” and would detract from views from General Wolfe Statue and Queen’s House;
- The development exceeds London Plan density standards and does not demonstrate the exceptional circumstances needed to justify such density;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- There are unresolved legal issue which may affect the deliverability of the site;
- The Waterside / Thames Haven estate should be subject to a Masterplan and redeveloped comprehensively;
- The proposal would increase noise and vibration to surrounding properties;
- Admiral’s Way is too small to serve a large development;
- The proposal would create noise, disturbance and dust during construction;
- The construction process would hamper the operation of other businesses on Admiral’s Way;
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Prejudice the redevelopment of sites to the east.

*(Officer comment: The proposed density, scale, massing and height are addressed in Chapter 9 of this Report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

*In relation to the “unresolved legal issues” these relate to rights of way, oversailing rights, rights to light and various other leaseholder/freeholder consents and land ownership matters. These are essentially private matters. If the application were to be approved, it may be appropriate that a Grampian condition be imposed to ensure that the developer secures all necessary rights prior to implementing the permission.*

*Loss of value to neighbouring properties is not a material planning consideration.*

*The Council is pursuing a South Quay Masterplan SPD to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. Given its early stages of development it has little weight as a planning consideration.*

*In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved through conditions such as a construction management plan.)*

## 9.0 **ASSESSMENT OF APPLICATIONS**

9.1 The main planning issues that the committee raised by the scheme are:

### 10: Land-use

- Principles

### 11: Density / Quantum of Development

### 12: Housing

- Principles
- Affordable Housing
- Housing Mix
- Quality of Accommodation
- Daylight and Sunlight
- Amenity Space and Public Open Space
  - o Private Amenity Space
  - o Communal Amenity Space
  - o Public Open Space
  - o Child Play Space

### 13: Design

- Policies
- Context
- Assessment
  - o Heights
  - o Setting and Local Views
  - o Architecture
  - o Grand Axis
  - o Impact on neighbouring sites
  - o Microclimate
  - o Secure by Design
  - o Inclusive design
  - o Conclusion

### 14: Neighbouring Amenity

- Privacy
- Outlook / Sense of Enclosure
- Daylight and Sunlight
  - o Permanent and Transient Overshadowing

- Solar Glare
- 15: Heritage
  - Heritage Policies and Guidance
  - Strategic Views
  - Archaeology
  - Surrounding Conservation Areas, Listed Buildings
- 16: Transport
  - Trip Rates
  - Vehicular Access
  - Car Parking
  - Cycling and Walking
  - Public Transport
    - Buses
    - DLR
    - Crossrail
    - Jubilee Line
  - Demolition and Construction Traffic
  - Servicing and Deliveries
- 17: Waste
- 18: Energy and Sustainability
- 19: Environmental Considerations
  - Air Quality
  - Noise, Vibration and Odour
  - Contaminated Land
- 20: Flood Risk and Water Resources
- 21: Biodiversity
- 22: Television and Radio Reception
- 23: London City Airport Safeguarding Zone
- 24: Health
- 25: Impact on Local infrastructure and facilities
- 26: Other financial considerations
- 27: Human Rights considerations
- 28: Equalities Act considerations
- 29: Conclusion

## **Land Use**

- 10.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 10.2 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and

applications should be considered in the context of the presumption in favour of sustainable development.

- 10.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 10.4 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 10.5 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 10.6 The scheme proposes the demolition of a vacant office building (circa 1800sqm) and the construction of a mixed use residential-led development, including retail uses at ground floor. This would not be inconsistent with London Plan Isle of Dogs Opportunity Area policies (which include Central Activity Zone policies pertaining to offices) which seek housing as well as employment growth. Moreover, the London Plan recognises there is significant potential to accommodate new homes and scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of uses. The active (retail) uses at ground floor with residential above is also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 10.7 Having regard to the policies applicable to this site, it is considered that the harm associated with the loss of the (vacant) office accommodation is outweighed by the potential benefits associated with a residential-led re-development on this site. Accordingly, the principle of the proposed land uses is supported.

### **Density/Quantum of Development**

- 11.1 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.

- 11.2 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 11.3 The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is very good and is PTAL 5
- 11.4 The site area is 0.192ha (including the DLR tracks which cross the site and the exclusion zone) and contains 496 units (1319 habitable rooms). Therefore, the proposed density is 6,869 habitable rooms per hectare (2,583 units per hectare). However, the site includes the DLR tracks which are 9.5m wide and 50m long (475sqm) which is a very significant constraint and detracts from the ability of the site to mitigate its own impacts. It may be more appropriate, therefore, to consider the density measurement excluding this area. In this case, the density would increase to 9,128 habitable rooms per hectare (3432 units per hectare).
- 11.5 The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 11.6 Advice on the interpretation of density can be found in the SPG which reads as follows:
- "...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."
- 11.7 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. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

11.8 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would be an over-development of the site, in particular:

- it would provide a limited and compromised public realm and not have a setting commensurate with a building of such significant height;
- it would overhang South Dock southern quayside providing little visual relief for people using this public realm and be overbearing and fail to provide a human scale of development at street level;
- it would not present an active and engaging frontage on its southern façade due to its awkward geometry, obscure glazing at lower levels and prominent car stacker entrance and vehicle waiting area;
- it would fail to provide high quality child play space which, as a result, would not provide high quality residential accommodation;
- the proposed servicing arrangements would bring servicing vehicles into conflict with pedestrians, further compromising the quality of the proposed public realm and would be uncomfortable for pedestrians undermining the permeability benefits of opening up this area for public use;
- There is a potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these

sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.

- 11.9 As a result, it is considered that the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of over-development.

## **Housing**

### Principles

- 12.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 12.2 The application proposes between 496 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan.
- 12.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

- 12.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 12.5 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual



sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

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

- 12.6 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 12.7 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 12.8 The affordable housing offer is 25% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved.
- 12.9 The affordable housing is being offered at a 69:31 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy is minor and the tenure split is supported.
- 12.10 The affordable rented units are offered at the LBTH affordable rent levels for this postcode. The 1-bed flats would be £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

## Housing Mix

12.11 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. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

12.12 The table below compares the proposed target mix against policy requirements:

| <b>Ownership</b>         | <b>Type</b> | <b>Policy requirement (%)</b> | <b>Proposed mix</b> |
|--------------------------|-------------|-------------------------------|---------------------|
| <b>Private</b>           | Studio      | 0                             | 20                  |
|                          | 1 bed       | 50                            | 40                  |
|                          | 2 bed       | 30                            | 25                  |
|                          | 3 bed       | 20                            | 12                  |
|                          | 4+ bed      | 0                             | 3                   |
|                          |             |                               |                     |
| <b>Affordable Rented</b> | 1 bed       | 30                            | 30                  |
|                          | 2 bed       | 25                            | 25                  |
|                          | 3 bed       | 30                            | 30                  |
|                          | 4+ bed      | 15                            | 15                  |
|                          |             |                               |                     |
| <b>Intermediate</b>      | Studio      | 0                             | 0                   |
|                          | 1 bed       | 25                            | 30                  |
|                          | 2 bed       | 50                            | 50                  |
|                          | 3 bed       | 25                            | 20                  |
|                          | 4+ bed      | 0                             | 0                   |

12.13 The affordable-rented units are in accordance with policy. The proposed intermediate mix is 5 percentage points more than the policy for the 1-beds and 5 percentage points lower in the 3-beds. This is not a significant deviation from policy in this instance, due to the challenges around affordability for 3-bed intermediate units in high value areas.

12.14 The private mix is focussed towards studios and 1-and 2 -beds, albeit a proportion of 3+beds are proposed. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG

argues that it is inappropriate to crudely apply *“housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements”*. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

- 12.15 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council’s Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

#### Quality of residential accommodation

- 12.16 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 12.17 All of the proposed flats meet or exceed the London Plan minimum internal space standards. There are no single aspect north facing flats. There are no more than 8 flats per core for the affordable rented flats and 9 flats per core between levels 14-58 (private and intermediate tenures), this is considered to accord with objectives of the Housing SPG. As currently proposed some of the proposed flats would not have sufficient storage space, however this can be addressed by condition. There is no natural light to the corridors, however given the staggered nature of these corridors, natural light would only have a limited benefit in any case. The flats can be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable (for the private and intermediate tenures) and wheelchair accessible (for the affordable rented tenures) – conditions could secure the above. The 3-bed affordable rented properties, as currently proposed, do not have separate kitchens. However, again this could be addressed by condition. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height is 2.5m in accordance with relevant policy and guidance.

### Internal Daylight and Sunlight

- 12.18 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.
- 12.19 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

### Daylight

- 12.20 The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development in both the existing situation and when considering all the cumulative surrounding development. The Council's consultants, Delva Patman Redler (DPR) have provided as with their interpretation of the results.
- 12.21 DPR advise that, for the existing scenario, the levels of light to the proposed flats would be very good with only minor exceptions. Only 2% of rooms do not meet the necessary standard. These being some bedrooms, where small windows lead on to a balcony and it is that balcony that limits available sky visibility.
- 12.22 In the cumulative scenario, there are additional reductions in light, 11% of rooms do not meet the ADF standard. In this scenario there are also living rooms which do not meet the ADF standard. These are primarily located on the centre of the east and west elevations where other proposed tall buildings will be under a light of sight. In the worst cases, the ADF is 1.1 (as opposed to a standard of 1.5), but these are rooms which have large balconies which limit sky visibility and are larger than normal rooms. The levels of light the proposed flats would receive are generally good given the context of high rise towers in the cumulative scenario. It is worth noting, however that were the remainder of the Admiral's Way estate was to be redeveloped in line with the Site Allocation, the daylight levels to eastern façade would inevitably be impacted.

### Sunlight

- 12.23 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the

window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

- 12.24 The internal sunlight potential has been tested for applicable rooms. In the baseline scenario all of the relevant rooms enjoy levels at or in excess of the standards advised by BRE. In the cumulative scenario, the south-east facing flats continue to benefit from good light whilst to the west, there are more significant reductions. This is due to the shadow caused by proposed neighbouring dwellings. Overall, however the levels of sunlight in the cumulative scenario would be commensurate with residents' expectations in this area.

#### Amenity space and Public Open Space

- 12.25 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provide guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

#### *Private Amenity Space*

- 12.26 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 12.27 The proposal provides private amenity space to all of the flats in compliance with the above quantitative standard in the form of winter gardens. It is likely, however, that for the lower level west facing flats, the impact of the DLR line would result in uncomfortable levels of noise when the winter garden is used as a balcony and these balconies would generally have a poorer outlook.
- 12.28 It is noteworthy that, without mitigation, the balconies are mostly inappropriate for their intended use in relation to microclimate (wind levels). The balconies that require mitigation (substantial parapets and 50% overhead canopies) would inevitably have a reduced perception of openness that one might otherwise enjoy from these amenity areas.

#### *Communal Amenity Space*

12.29 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 536sqm. The proposal would provide 617.1m sqm of communal amenity space (187.3sqm of which is internal and 486.8sqm of which is on a terrace.) The internal and external spaces are located on levels 18-19 for the affordable residents and on levels 66-67 for the private flats.

*Child play space*

12.30 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 127.6 children (0-15 years of age) and therefore 1,276sqm of play space is required. A breakdown by age bracket is provided below:

- 53.7 children who are between 0-3 requiring 537sqm of space;
- 50.5 children who are between 4-10 requiring 505sqm; and,
- 23.4 children who are between 11-15 requiring 234sqm.

12.31 In relation to child play space, 555sqm of child play space is provided for very young children (416.5 internally and 139sqm externally). For children aged 4-10 506.4sqm of child play space is provided (218.18sqm is internal and 288.2sqm external). For older children 236.9sqm of space is provided (167.9sqm internally and 52sqm externally). Overall, 802.6sqm of the child play space is internal and 479.2sqm external – total 1281.8sqm. The internal and external spaces are located at levels 4-5 and 18-19.

12.32 Therefore, the proposed quantitative spaces standards are met. However, alongside quantitative standards a qualitative assessment is required. Consideration can be given to such matters as the amount of sun these spaces would enjoy, wind levels, noise levels and layout.

13.33 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21<sup>st</sup>) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.

12.34 The applicant has provided an assessment for the terraced areas within the proposed building. This shows that the areas on the southern side (levels 4/5 and 18/19) are generally in compliance with the standards whilst two terraces on the 4/5 floor on the eastern and

north-western side would not. The north-western terrace would receive no sunlight in either the existing or cumulative scenario.

- 12.35 Both the north-western and south-western terraced areas at Levels 4/5 are proposed for 4-10 year olds. Both of these terraces require substantial wind mitigation. This mitigation would be in the form of a 2.8m parapet along the entire western side along with 50% canopy over the majority of the terraces on this level. These mitigation measures would reduce the perception openness from these spaces, harming their ability to provide high quality outdoor space.
- 12.36 The predicted noise level for these western terraces (at the terrace edges) during the daytime is 76dB. British Standard 8233 (2014) advises that levels of 55dB Laeq.T are appropriate for outdoor amenity areas. Whilst this significant deviation from the benchmark is somewhat inevitable given the proximity of the DLR, the amenity space would, nonetheless, suffer from unpleasantly high levels of noise.
- 12.37 In terms of the layout, it is noteworthy that the 52sqm of outdoor play space for the 23/24 older children (11-15 years old) is spread across three separate terraces approximately, two at level 4/5 and one at level 18/19. It is difficult to see how these small (two approximately 16sqm and one 20sqm), fragmented spaces could be considered to provide play space suitable for this age group. Consequently, it is considered the development provides a sub-standard quality of external play space for older children.
- 12.38 In summary, it is considered that child play space (of which none is at grade and all within the building) is not of sufficient quality having regard in particular to the levels of light and openness, levels of noise pollution and the fragmented and limited nature of the older children's outdoor play space. This harm is exacerbated by the limited and compromised public realm that would accompany the development, which is addressed in the following paragraphs.

#### *Public Open Space*

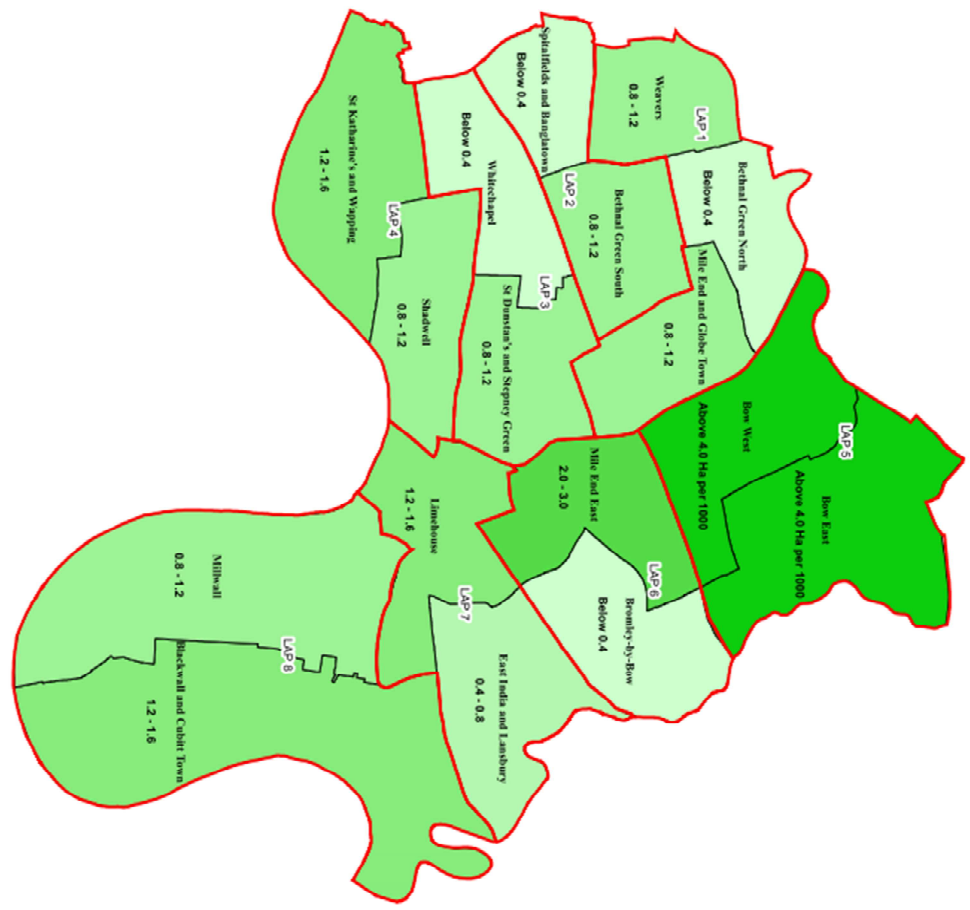
- 12.39 Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 12.40 The site area minus the footprint of the building, leaves 1,091sqm of space. 925sqm of this is on the western side of the building mostly under the DLR tracks and within the exclusion zone. This is the proposed public realm for the development.

- 12.41 The applicant has, surprisingly, not provided a Sun Hours on the Ground assessment for this area. Therefore, it is not possible to quantitatively assess the level of sunlight this area would enjoy. It is obvious, however, that sited under the DLR line, the space would not be perceived as receiving good levels of light. Moreover, the DLR tracks above also would harm any perception of openness that might otherwise be expected from an area of public realm.
- 12.42 The submitted Noise Assessment for the closest ground floor façade to this public realm predicts noise levels between 62dB to 66dB LAeq,16hr. This is well above the advised level of 55dB Laeq.T. The predicted levels of noise would be uncomfortable and further reduce any sense of pleasantness one may derive from this space.
- 12.43 The development is proposed to be serviced from a dedicated ground floor bay on the eastern side of the development which would be accessed across a front portion of the proposed public realm. This would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance lobby. Service vehicles would also reverse out of the bay across this area.
- 12.44 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and constrained proposed public realm.
- 12.45 Whilst mitigation measures (such as white lines, warning signs and audible warnings) may mitigate the pedestrian safety risks, these measures in themselves would further compromise any pleasantness one may derive from this area.
- 12.46 In summary, the quality of this public realm is compromised by the DLR line and, whilst opening up this area improves the permeability for the public, the benefit of this area for the proposed residents is limited particularly when considered alongside the Council's concerns regarding the other forms of amenity space proposed.
- 12.47 It is worth consideration of whether other publicly accessible open space in the wider Millwall area can wholly or partially mitigate the compromised provision of the child play and open space within the scheme itself. The GLA 'Play and Informal Recreation' SPG advises that spaces should be within a 100m for 0-4 year olds, within 400m for 5-11 and within 800m for older children. There are no spaces within a 100m or 400m for younger and the middle age groups. The closest spaces are a 176sqm facility at Stafford Street which is more than 400m away and Sir John Mcdougal Park is approximately 670m away, which is within the 800m maximum distance for older children.



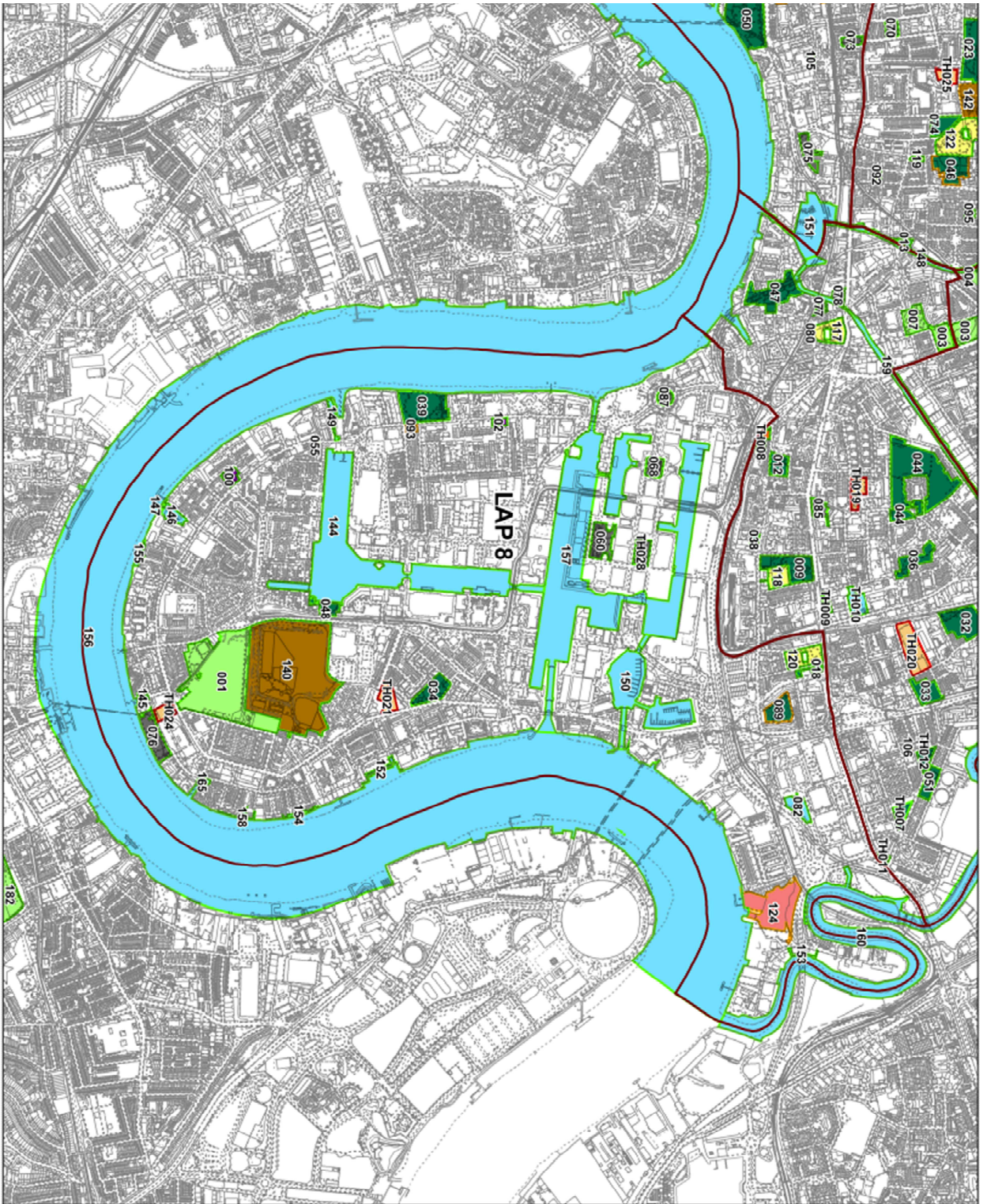
- 12.48 As can be seen from the extracts below from the Council Open Space Strategy, the site (within Millwall) is in an area with one of the lower proportions of open space per 1000 population in the Borough. The Borough seeks 1.2Ha per 1000 population (see LBTH Open Space Strategy and derived from the National Playing Fields Association benchmark standards). Millwall is given a 0.8-1.2Ha rating. The second map shows the relative dearth of open space on the western side of the Isle of Dogs and the heavy reliance on Sir John McDougal Park. The third map shows the area is given a negative rating in terms of open space quality.
- 12.49 As a result of the above analysis, it is considered inappropriate to rely on other publicly accessible open space in the area to overcome the shortcomings in the quality of the provision of child play and open space within the proposed scheme.

Please note that these are approximate values centred on 2003 ward boundaries. The values are for publicly accessible open space, without water front spaces such as rivers and docks.



|  |             |           |             |           |     |    |       |         |       |         |    |             |         |
|--|-------------|-----------|-------------|-----------|-----|----|-------|---------|-------|---------|----|-------------|---------|
| <p><b>Tower Hamlets</b><br/>Open Spaces Strategy</p>   |             |           |             |           |     |    |       |         |       |         |    |             |         |
| <p>Open Spaces per 1000 Population by Ward<br/>Map No: 17</p>  |             |           |             |           |     |    |       |         |       |         |    |             |         |
| <p><b>Area of Publicly Accessible Open Space in Hectares per 1000 Population</b></p> <ul style="list-style-type: none"> <li>Below 0.4</li> <li>0.4 - 0.8</li> <li>0.8 - 1.2</li> <li>1.2 - 1.6</li> <li>1.6 - 2.0</li> <li>2.0 - 3.0</li> <li>3.0 - 4.0</li> <li>Above 4.0 Ha per 1000</li> </ul> <p>□ LAP Boundaries</p>                              |             |           |             |           |     |    |       |         |       |         |    |             |         |
| <p>Scale: 1:30,000 at A3</p>   |             |           |             |           |     |    |       |         |       |         |    |             |         |
| <p>Revised by: K Kane (LBTH) August 2005</p> <table border="1"> <tr> <td>Drawn by:</td> <td>Checked by:</td> <td>Revision:</td> </tr> <tr> <td>DCH</td> <td>BB</td> <td>FINAL</td> </tr> </table> <table border="1"> <tr> <td>Map No:</td> <td>Date:</td> <td>Job No:</td> </tr> <tr> <td>17</td> <td>24 Feb 2005</td> <td>D701447</td> </tr> </table> |             | Drawn by: | Checked by: | Revision: | DCH | BB | FINAL | Map No: | Date: | Job No: | 17 | 24 Feb 2005 | D701447 |
| Drawn by:  | Checked by: | Revision: |             |           |     |    |       |         |       |         |    |             |         |
| DCH  | BB          | FINAL     |             |           |     |    |       |         |       |         |    |             |         |
| Map No:  | Date:       | Job No:   |             |           |     |    |       |         |       |         |    |             |         |
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|  |                          |
|--|--------------------------|
| <p><b>Tower Hamlets</b><br/>Open Spaces Strategy<br/>LAP 8 Framework Map<br/>Map No: 11</p>  |                          |
| <p><b>Primary Purpose for Definition</b></p> <ul style="list-style-type: none"> <li>Open Spaces</li> <li>Allotments/City Farm</li> <li>Burial Ground</li> <li>Civic Space/Water Front</li> <li>Ecological</li> <li>Housing Open Space</li> <li>Local Park</li> <li>Major Park</li> <li>Outdoor Sports Facilities</li> <li>Playground</li> <li>Square/Garden</li> </ul> |                          |
| <p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>Restricted</li> <li>Partially Restricted</li> <li>Unrestricted</li> </ul>   |                          |
| <p><b>LAP Boundaries</b></p>   |                          |
|  |                          |
| <p>Revised by: K Kane (LBTH) August 2005</p>   |                          |
| <p>Drawn by: DCH</p>   | <p>Checked by: BB</p>    |
| <p>Map No: 11</p>  | <p>Date: 24 Feb 2005</p> |
| <p>Scale: 1:14,000 at A3</p>   | <p>Job No: D/10/1447</p> |
| <p>Revised: FINAL</p>  |                          |

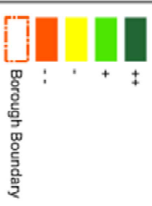


10/1047 Tower Hamlets Open Spaces Strategy Project/figures/figure 7.mxd  
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Site Quality Score

Map No: 16

Open Space Quality Scores  
Q & V compared  
to standards



Revised by OAR (LBTH) May 2011

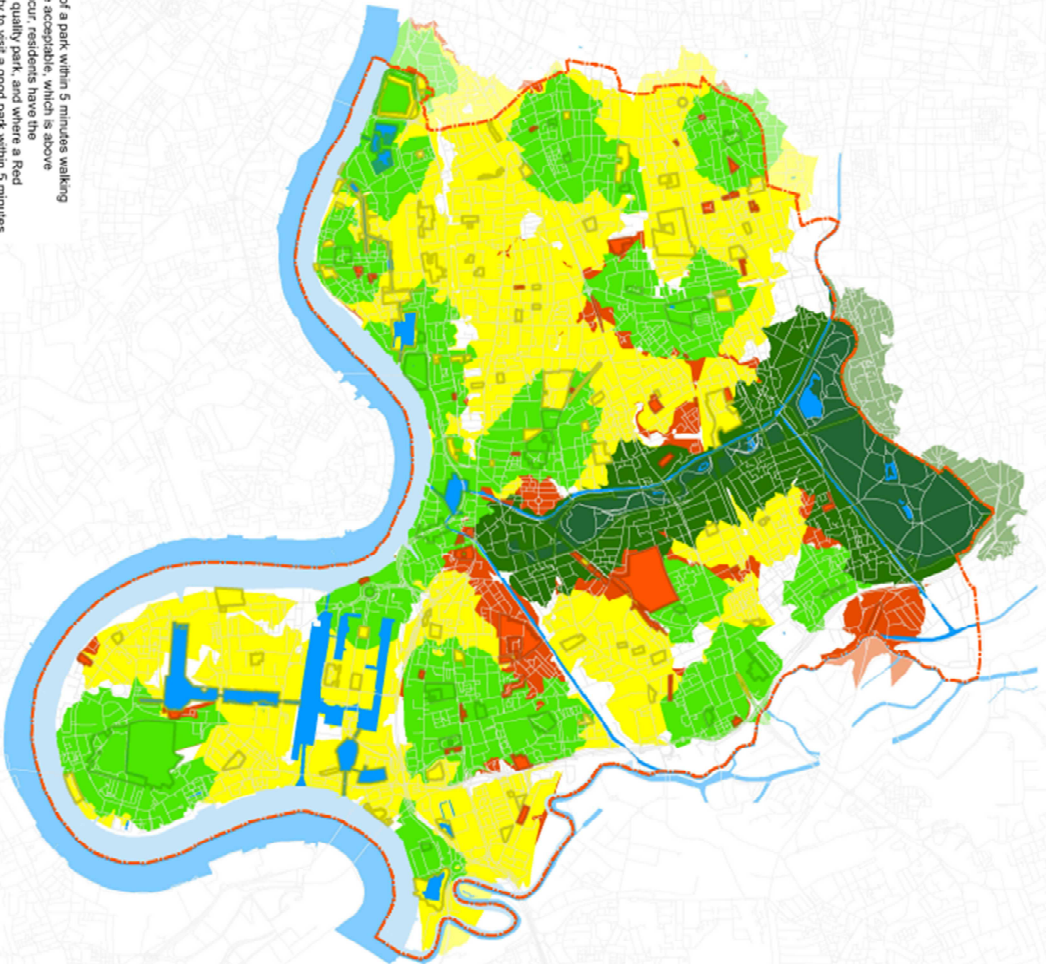
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Map No: Date: Job No:  
15

Scale: 1:30,000 at A3



Each catchment represents the quality of a park, within 5 minutes walking time. Quality is layered with good above acceptable, which is above poor. Thus where Green catchments occur, residents have the opportunity to walk 5 minutes to a good quality park, and where a Red catchment occurs, there is no opportunity to visit a good park, within 5 minutes. White indicates areas where there is no access to any park or open space within 5 minutes walk.



## Design

### Policies

- 13.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 13.2 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).
- 13.3 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 the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 13.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 13.5 Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 13.6 Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out in DM26 can be summarised as follows:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the Canary Wharf Major Centre and surrounding residential areas;
  - Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its

scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies and other townscape elements;

- Provide a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters
- Not adversely impact on heritage assets or strategic and local views including their settings and backdrops;
- Present a human scale of development at street level;
- Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- Not adversely impact on microclimate of the surrounding area, including the proposal site and public spaces;
- Not adversely impact on the setting and of waterbodies and views to and from them.

13.7 The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:

- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
- Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
- Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
- Create a legible, permeable and well-defined movement network...”

13.8 As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:

- that development will provide suitable setbacks, where appropriate from water space edges;
- development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

### Context

- 13.9 The site is situated with the northern area of the Isle of Dogs which has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 13.10 Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and as playing a major role in enhancing London's position in the global economy.
- 13.11 To the east of the Canary Wharf Estate is a vacant site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD). It is noteworthy that heights within the Wood Wharf scheme generally drop off to the east towards the more modest housing within the Coldharbour area.
- 13.12 On the western side of, Canary Wharf Estate at the western ends of North and South Dock and with the River Thames behind (i.e. further to the west), there are a number of approvals for substantial residential and office towers (these being Newfoundland (226m AOD), Riverside South (241m AOD), Hertsmere House (Colombus Tower) (242m AOD) and City Pride (239 AOD)).
- 13.13 To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.
- 13.14 On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 13.15 There are also a number of current applications within this South Quay / Marsh Wall area for substantial residential towers including at South Quay Plaza, Arrowhead Quay and 2 Millharbour. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.

- 13.16 To the south of Marsh Wall, heights drop off relatively rapidly, with areas behind Marsh Wall as little as 4 stories in height and generally in residential use.
- 13.17 It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 13.18 It is within this existing and emerging context, that this proposal must be considered.

#### Assessment of Height

- 13.19 The application site is 0.19Ha in size, including the DLR crossing and the exclusion zone. Whilst excluding the DLR tracks would reduce the net site area to 0.147Ha. The proposal is for a single residential tower 233m (AOD) in height.
- 13.20 The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which Quay House is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 13.21 Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 13.22 For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 13.23 The proposed scheme at 68 storeys (233m AOD) is just a few metres lower than 1 Canada Square which is the tallest building within the Canary Wharf Cluster. Whilst the recently consented City Pride



building is 239m AOD (75 storeys), there is a very different context to the location of Quay House. As referred to above, the development at City Pride marks the end of South Dock. On the other hand, the sites in the immediate vicinity of Quay House are much lower in scale including the consented 40 Marsh Wall (38 storeys).

- 13.24 The scheme at 68 storeys is of a completely different scale to surrounding buildings within the Marsh Wall / South Quay area, including the 145m/147m residential towers at Landmark and Pan Peninsula and does not comply with the adopted Town Centre hierarchy approach set out in policy DM26 for the location of tall buildings.

#### Assessment of setting and local views

- 13.25 The proposal, if built, would be the tallest residential tower in the country. With any tall building, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposal is surrounded to the east by ill-defined and impermeable car parking and open space associated with the low-rise 1980's offices of Admiral's Estate and to the west by the DLR line. The proposed public realm contribution is underneath the DLR tracks, which result in this area having a poor sense of openness and daylight and high levels of noise. The quality of these spaces is severely compromised. As a consequence, the proposal would appear incongruous with its setting and insensitive to its local context.
- 13.26 It is evident in the Design and Access Statement (DAS) that the approach during design development was one of coming up with various options for the tall building based on a brief and architectural design that has little to do with the existing context of the site or local planning policy. The options developed for testing the scheme makes no reference to the need to respond to the lower rise building within the Activity Area and to relate to the dockside setting (DAS Page 46) and instead the focus is on the scale of Canary Wharf cluster. As a consequence, it fails to demonstrate how the development would successfully transition the difference in scale of buildings between Canary Wharf and the surrounding residential areas.
- 13.27 Some of the local views of the scheme illustrate how incompatible a scheme of this scale is at the local level. For example, the view on page 73 of the DAS shows how the proposed scale of the building is out of context within its setting. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The scheme fails to make an appropriate local response as illustrated in some of the local views.

- 13.28 Proposed elevations E & F – Emerging Context shows the scheme and its relationship to the dock and to the Canary Wharf Cluster. The projecting podium of the building forms the base for the tower that orients at a 45 degree angle to take advantage of the views. However, this revolved tower also projects over the entire dockside walkway. This raises concerns around the impact of the proposed tower as it rises immediately over the dock with little visual relief for those using the dockside walkways. It is important to note that the dockside walkway is a significant piece of public realm in constant use. The projecting podium of the tower and the 61 storey tower rising above it over the dockside walkway will present an overbearing impact on the walkway and from the footbridge.
- 13.29 Furthermore, the development as seen in local views from the south has some awkward elements. In particular, the geometry of the second and third floor element with its obscure glazed façade, forms a bulky protrusion and allied with the car stacker entrance (and car waiting area) at ground level immediately below, is not considered to present an active or engaging frontage.

#### Architecture

- 13.30 In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevational treatment of the upper elements (5<sup>th</sup>/6<sup>th</sup> floor and above) of the buildings are of a high standard. It would provide visual interest and contrast along with a slender profile, particularly when compared with the commercial tall buildings within the Canary Wharf estate.

#### Grand Axis

- 13.31 The applicant argues that the rationale for a building of this height is to mark ‘the Grand Axis’ that runs through the site. They refer to the Maritime Greenwich World Heritage Site Management Plan (Third review) as needing to mark the lost opportunity to ‘resurrect the relationship of the new buildings there with the Grand Axis’. Such an argument, though a useful starting point in developing ideas for shaping design of a scheme, needs to be situated within its local as well as its strategic context.
- 13.32 Firstly, there are no policies within the Development Plan that seek to encourage buildings to mark this Grand Axis by locating tall buildings along the axis. Such an important decision about marking the axis cannot be the role of one site or one scheme but a public policy matter that should encapsulate a shared vision. In any case, a building of such height and prominence should be of outstanding design in all ways and a building that is out of context and harmful in its local setting, cannot be justified by its impact on long-range views.

- 13.33 Secondly, there are a number of sites that fall on the Axis. Any one of these sites could serve such a purpose (if such a purpose were to be considered a worthy one), including sites closer to the General Wolfe Statue which could just as effectively mark the axis with a smaller building due to its closer proximity to the Statue.
- 13.34 Thirdly, the Grand Axis is already compromised by existing buildings. It is unlikely that such a monumental piece of civic design whose visibility is already compromised by buildings can be resurrected by a tall residential building that is out of context within its local area. In any case, it is noted within the submitted THVIA, that other cumulative schemes, if built, would weaken the ability of the proposed tower to 'mark' the Axis in a strong and convincing manner.

#### Impact on neighbouring sites

- 13.35 The applicant has included in the DAS a scheme for the neighbouring sites in Admiral's Way Estate. In summary, it proposes buildings set away from the Dock in an arc from Quay House with public realm to the front. It is considered that such an approach would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings. Moreover, it depends on Admiral's Way coming forward in a certain form that takes into account the scale of the Quay House site proposal by providing significant open space that would benefit the Quay House proposal.
- 13.36 In this comprehensive redevelopment approach presented by the applicant, there is no contribution from Quay House towards that wider vision beyond suggesting how the other blocks should be built without compromising the development of the Quay House proposal. A scheme of such density without any contribution towards the development of neighbouring sites but instead relying on neighbouring sites to provide open space on a sufficient scale for the setting of its own development would compromise the delivery of housing and growth within the Tower Hamlets Activity Area.

#### Microclimate

- 13.37 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 13.38 The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.

- 13.39 The microclimate impact on balconies and terraces is addressed elsewhere in this report. The wind levels at ground level are generally suitable, however some mitigation would be appropriate in the form of landscaping. Were the application to be approved this could be addressed by way of condition.

#### Secure by Design

- 13.40 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 13.41 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. The Metropolitan Police Crime Prevention Design Advisor has no objections to the scheme and advises that were the application to be approved a condition should be imposed to ensure that the scheme meets Secured by Design section 2 Certification.

#### Inclusive Design

- 13.42 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 13.43 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 13.44 Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and 10% of spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.
- 13.45 The proposed new homes could be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

#### Conclusion

- 13.46 The proposed development would exhibit clear and demonstrable signs of over-development, in particular:

- 13.47 The proposal would provide limited and compromised public realm and would not have a high quality setting commensurate with a building of such significant height.
- 13.48 Furthermore, the development by reason of its cantilevered projection over the quayside walkway would present little visual relief and would be overbearing from this important element of public realm, failing to create a human scale of development at street level.
- 13.49 The proposed development would fail to present an active or engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and vehicle waiting area.
- 13.50 There is potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.
- 13.51 Consequently, the proposal would fail to sensitively relate to its context or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.
- 13.52 The proposal as a whole would not provide sufficient public benefits to outweigh the harm identified and would be contrary to London Plan and Local Plan policies on tall buildings and optimising (rather than maximising) housing output.

### **Neighbouring amenity**

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

- 14.3 There are two scenarios considered in this section. The first looks at the proposed development with existing buildings only. The second looks at the proposed development with existing and cumulative schemes (i.e. nearby consented and proposed buildings).

Privacy, outlook and sense of enclosure

- 14.4 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 14.5 In the existing scenario, the proposed development is surrounded by commercial development to the east and west and South Dock to the north and Admiral's Way / Marsh Wall to the south respectively. Accordingly, it would not result in a loss of privacy to existing neighbouring residential occupiers.
- 14.6 In relation to the cumulative scenario, the development would have a circa 20m gap between the proposed Quay House and Arrowhead Quay buildings. Moreover, Quay House's windows are angled away from directly overlooking the Arrowhead Quay. The proposal is not, therefore, considered to result in a significant loss of privacy to potential occupiers of an arrowhead quay development.
- 14.7 In respect of development to the east, the proposed Quay House scheme is circa 3m from the neighbouring site to the east. There are no current proposals for this part of the Admiral's Way estate, however it is allocated with the Millennium Quarter Allocation for redevelopment for 'a strategic housing component'. Therefore, this development would require a proposed development on this site to be set circa 18m away from the boundary, particularly as Quay House relies on east facing windows to provide daylight to a significant portion of the proposed flats. Within the applicant's Design and Access Statement, they have set a suggested manner in which this estate could be redeveloped taking account of the proposed Quay House scheme. However these buildings would be set away from the dock in an arc from Quay House and would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings.
- 14.8 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. The impact on public vistas and the proposed public realm are discussed elsewhere in this Report. However, in relation to views from neighbouring properties, there is a sufficient distance to ensure that the development would not unduly impact on outlook or create a

sense of enclosure from neighbouring existing and future developments.

#### Effect on daylight and sunlight of neighbouring dwellings

- 14.9 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 14.10 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 14.11 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 14.12 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 14.13 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 14.14 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 14.15 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

- 14.16 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 14.17 The application is supported by a Daylight and Sunlight Assessment (DSA). The Council appointed specialist daylight and sunlight consultants, Delva Patman Redler (DPR) to review this Assessment. Their findings are set out below:

#### Existing Scenario

##### Daylight - Discovery Dock West apartments

- 14.18 There will be 49 out of 120 windows that experience a reduction below the BRE recommended level for VSC. In general, however, the reductions are below 25% from existing and the remaining levels of daylight are relatively good for an urban location. The NSL standard is met. The impact is minor adverse.

##### Daylight - Block Wharf, 19-26 Cuba Street

- 14.19 5 windows out of 99 will not meet the BRE standard for VSC. The windows that do not pass are to living / dining rooms, where there are other windows to those rooms that experience more modest reductions and are within the BRE standards. The rooms, therefore, are left with good levels of daylight and the impact is minor adverse. The NSL standard is met.

- 14.20 The impacts on the following properties are compliant for both VSC & NSL:

- Phoenix Heights, 4 Mastmaker Road
- 1 Bosun Close
- 10/14 & 24/28 Tideway House
- Dowlen Court, 29 Byng Street
- 74 Manilla Street (North Pole Public House)

#### Sunlight

- 14.21 The development site is located to the north of most of the neighbouring buildings tested for the application. The only property that would experience a reduction in sunlight of greater than 20% from existing is 19/26 Cuba Street. The impact on that building would be minor adverse and the impact on the other neighbouring buildings would be negligible.

#### Cumulative Scenario

##### Daylight



Discovery Dock West apartments

- 14.22 In the cumulative analysis, 36 additional windows would not meet the VSC requirement and two rooms would not meet the NSL requirement, but the actual percentage losses are generally small. The impact is, therefore, minor adverse.

Phoenix Heights, 4 Mastmaker Road

- 14.23 In the cumulative analysis, there are some rooms which do not meet the required standard, with two rooms experiencing a reduction in VSC of 27%, and with living room windows experiencing a reduction of more than 20%, but where those living rooms have multiple windows, and the other windows are otherwise compliant. We therefore agree that the impact is minor adverse. The NSL standard is met in this scenario.

1 Bosun Close

- 14.24 The impact is compliant for both VSC & NSL.

10/14 & 24/28 Tideway House

- 14.25 In the cumulative analysis, the cumulative effect of the proposed development on these properties is compliant with BRE standards when compared with the other cumulative schemes in place, the impact is minor adverse. The NSL standard is met in this scenario.

Dowlen Court, 29 Byng Street

- 14.26 The impact is compliant for both VSC & NSL.

74 Manilla Street (North Pole Public House)

- 14.27 There are windows in this property which experience reductions of VSC of more than 20% from existing. These are on the first & second floors, but only two windows do not meet that standard when other windows to the same rooms are left with relatively modest reductions in daylight. Therefore, the cumulative impact is minor adverse. The NSL standard is met.

Block Wharf, 19-26 Cuba Street

- 14.28 In the cumulative scenario, the proposed scheme causes no effective reduction in VSC over the cumulative baseline and therefore the impact is negligible. The NSL standard is met.

Arrowhead Quay

- 14.29 Arrowhead Quay is one of the sites that is included in the cumulative analysis. As such the ADF method of analysis for this property is more appropriate to assess the level of daylight that the building will be left with, rather than a reduction in daylight, where no current daylight is being enjoyed by an existing building on that site.
- 14.30 The daylight that would be available to the proposed Arrowhead Quay buildings in the existing scenario, i.e. without taking account of the Quay House development, show that these buildings would have relatively low levels of ADF with many rooms below the minimum recommended level for their room use. This is principally the result of recessed balconies limiting sky visibility. The Quay House scheme proposal will reduce these levels of ADF very noticeably, and to rooms on all floors in the east tower and the lower four floors on the west tower. Reductions are substantially more than 50% from the ADF that they would have enjoyed if Quay House was not developed, and there are reductions of up to 90% from that level. In the worst cases, there are bedrooms that will be left with ADF values as low as 0.07. Therefore, it is clear that some of the rooms in the currently proposed Arrowhead Quay scheme, in particular the East Tower, will have a very poor level of internal illuminance.
- 14.31 An assessment, testing the ADF that would be available to those rooms within the proposed Arrowhead Quay scheme if the balconies were omitted, has been undertaken. This shows that the effect is largely as a result of the proposed design of Arrowhead Quay. However, it does not change the fact that the rooms themselves would be left with very poor levels of light if both developments went ahead and the effects are major adverse.
- 14.32 It is noteworthy that the proposed East Tower of the Arrowhead Quay scheme is situated, at its closest point, circa 2m from its eastern boundary, has an orientation such that windows on its eastern façade face directly towards the Quay House site and has single aspect flats reliant on east facing windows recessed under balconies. The low level of daylight that the occupiers of Arrowhead Quay would receive is significantly related to the design choices for that scheme rather than an undue impact from the Quay House proposal. In any case, the weight given to the Arrowhead Quay scheme is limited, the Council has not resolved to approve the application and it is evident that there are many ways to develop that site which could achieve different levels of daylight for future occupiers of that site.
- 14.33 In summary, it is not considered that the proposed Quay House scheme unduly fetters the Arrowhead Quay site in respect of daylight potential.

30 Marsh Wall

14.34 30 Marsh Wall is one of the sites that is included in the cumulative analysis. The results show that the proposed ADF values for 30 Marsh Wall, when assessing the proposed scheme in relation to the existing baseline only, will generally leave the rooms with above the minimum recommended levels of ADF, with the exception of some living / dining / kitchens which will however have levels of ADF above 1% and where the levels of ADF are limited by the presence of private balconies and winter gardens. On balance the effect should be considered to be minor to moderate adverse.

14.35 In the cumulative scenario, there are virtually no additional losses caused by the proposed development against the cumulative results, although the cumulative baseline means that the rooms to 30 Marsh wall will have relatively low levels of ADF. However, the impact of the Quay House development in the cumulative scenario is negligible.

63/69 Manilla Street

14.36 This is one of the sites that are due for development. Where comparing the proposal to the existing scenario, and allowing an ADF value of 1.5% for a living / dining rooms / kitchens, the scheme proposals can be considered to comply with BRE standards. The impact is therefore negligible.

Sunlight

14.37 For existing residential occupiers, there would be little additional harm as a result of Quay House in the cumulative scenario as compared in the first scenario tested.

14.38 For the occupiers of potential future developments, Arrowhead Quay, 30 Marsh Wall and 62/69 Manilla Street, sunlight levels will be relatively low, particularly to the east facing elevations where sunlight will be obstructed by the proposed development. The Council's consultant advises, however, that the levels of sunlight are likely to be commensurate with expectations of occupants in an urban area of tall buildings as this location will be.

Shadow Analysis (Sun hours on the ground)

14.39 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no less than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.

14.40 There are three sensitive amenity areas: the existing South Dock and the proposed amenity spaces to Arrowhead Quay and Quay House.

The applicant has, surprisingly, not carried out a Sun Hours on the Ground assessment on their own proposed amenity space.

- 14.41 The results show for both scenarios the proposed development would not cause a significant overshadowing effect on South Dock.
- 14.42 In relation to the proposed amenity space to the Arrowhead Quay proposal, the effect of Quay House in both scenarios would be negligible.

#### Transient Overshadowing

- 14.43 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 14.44 Transient overshadowing diagrams (on hourly internals throughout the day) have been undertaken at three dates: 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December in order to understand the shadowing effects of the development.
- 14.45 The results show that Quay House, with its relatively slender form, does not cast an unduly significant shadow. In the cumulative scenario it is also noteworthy that it overlays shadows from other proposed buildings.

#### Solar Glare

- 14.46 Solar Glare is caused by the direct reflection of the sun's rays on reflective surfaces of buildings such as glass or steel cladding. There are no quantitative criteria within the BRE Guidance or elsewhere as to what is acceptable or not for solar glare. It is therefore a professional judgement as to the likely effect of solar glare associated with a particular development, generally though glare reflected at steeper angles is less likely to cause nuisance or distraction as you have to look upwards to see it. The Council's consultants advise that the proposed scheme would not cause undue solar glare and mitigation measures are not required.

#### Conclusion

- 14.47 Having regard to the effects of this proposed development on neighbouring amenity in regards to microclimate, noise and air quality along with the effects on privacy, outlook, sense of enclosure, daylight, sunlight, overshadowing and solar glare and light pollution it is considered that the development would not result in an

unacceptable material deterioration/loss of amenity to existing and proposed neighbouring buildings. However, it is noteworthy, that no consideration has been given to the effect of the development potential of the remainder of Admiral's Way. The proposal almost abuts its eastern boundary and it is likely that any future development on the neighbouring site would have to be set substantially away from the boundary were Quay House to be built.

### **Heritage**

- 15.1 The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (namely 11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 15.2 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 15.3 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 15.4 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are 'designated' heritage assets, whilst it is considered that the potential archaeological remains are 'non-designated' heritage assets.

### **Strategic Views**

- 15.5 The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama's from those from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1).
- 15.6 The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage

and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings. The HTVIA analysis shows that the effect of consented proposals will be to link the Quay House proposal to the main cluster of tall buildings at Canary Wharf. Although the HTVIA does not include an analysis of Assessment Point 11B.2, the LVMF SPG focuses on the importance of the clear backdrop of the White Tower of the Tower of London from this Assessment Point, and the proposal will have no impact on this.

- 15.7 The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London. However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated."

- 15.8 This refers to the axial arrangement of Greenwich Palace and the Queen's House, which was later extended by St. Anne's Church at Limehouse, All Saints Church on Blackheath, and the General Wolfe Statue. With reference to St. Anne's Church, the Maritime Greenwich World Heritage Site Management Plan (Third Review 2013) describes this as 'the Grand Axis' (Outstanding Universal Attribute 3) and states that:

"Unfortunately, visibility of this monumental piece of civic design has been lost. Despite the early buildings of Canary Wharf being located 'off-axis' the later buildings obscure the vista of St. Anne's and no specific landmark has been introduced to take its place."

- 15.9 The Management Plan goes on to state that:

"There are opportunities with further development on Canary Wharf to resurrect the relationship of the new buildings there with the Grand Axis. The vistas (north and south) from the scarp at Wolfe statue are as significant as the view to it from Island Gardens."

- 15.10 The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the

proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. However, as the HTVIA demonstrates, the effect of marking the axis will be considerably weakened by the construction of consented schemes on the Isle of Dogs.

- 15.11 The HTVIA considers another view (View Seven) from within the World Heritage Site, located in the courtyard of the Old Royal Naval College. The view looks north across the river, framed by the wings of the Old Royal Naval College, with the axis marked by the Statue of King George II. In the middle ground, the tree canopy along the north bank of the Thames is visible, and beyond this to the right (east) are the towers of Canary Wharf, although the taller of the Landmark Towers on the Isle of Dogs is also visible to the left (west) of the axis. The proposed building aligns with the axis, appearing in the background of the view immediately behind the George II Statue, to the left of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. As the Old Royal Naval College wings restrict the width of the outlook, the proposal is more prominent in this view compared to LVMF Assessment Point 5A.1; however this will again be weakened by the construction of consented schemes on the Isle of Dogs.
- 15.12 The applicant's HTVIA demonstrates that the proposed building marks the axis and will be significantly taller than existing development in these views from the World Heritage Site; however it also illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. Within this developing cluster, the building would be only slightly taller, and its effect of marking of the axis will be weakened. In summary, the proposed development will not detract from the integrity and importance of the World Heritage Site.

#### Archaeology

- 15.13 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 15.14 English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to

agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

### Surrounding Conservation Areas and Listed Buildings

- 15.15 It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would have a negligible effect on the setting of these assets.

### **Highways and Transportation**

#### Vehicular Access

- 16.1 The proposed access is unchanged from the existing situation in that it is from Marsh Wall onto the privately owned Admiral's Way. Given the relatively low level of predicted trips (see below), this is considered to be satisfactory.
- 16.2 The development provides for a stacker system for vehicle parking and includes a "reservoir" space for a vehicle that may need to temporarily queue for the stacker. The applicant advises that they have the right to use the road for the proposed parking arrangements. It is noted, however, that an objection letter casts doubt on that. Given the lack of clarity and if the application were to be approved, a Grampian condition could be attached to the proposal to require the applicant to demonstrate prior to the commencement of works that the development would be able to operate in the manner envisaged.

#### Vehicular Trip Rates

- 16.3 The proposal proposes 42 spaces, compared to the existing situation where 39 spaces are provided for the users of the Quay House office building. The Transport Assessment predicts that the current office use would have a greater impact at AM and PM peaks on the road network than the proposed uses.
- 16.4 The Transport Assessment also undertook a "worst case scenario" assessment, considering the effects on the road network without taking account of the existing use. Given the relatively low number of predicted trips relating to the operation of the development (i.e. residents' vehicles and servicing and delivery vehicles) the impact would be imperceptible on the wider road network (other than at the junction of Admiral's Way and Marsh Wall).
- 16.5 Whilst, TfL's and LBTH Highway's request for junction modelling are noted, it is considered that the submitted Transport Assessment (TA)



is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

### Car Parking

- 16.6 The site has a PTAL of 5 and as such the maximum London Plan car parking standards are 0.1. The proposal is for 496 dwellings and the maximum car parking provision would therefore be 49 spaces. Applying the Local Plan standards would result in a maximum parking requirement of 60 spaces. The development proposes 42 spaces (39 for residents with 3 for visitors). Whilst providing spaces for visitors in this highly accessible location is not fully in compliance with policy, given the overall number of parking spaces is below both the London and Local Plan standards and that there are only 3 visitor spaces, this is not objectionable.
- 16.7 10% of vehicular parking spaces should be provided for blue badge holders. Given the scheme proposes a vehicular stacker system all the spaces are capable of being used by a disabled driver, (noting the clarifications provided by the applicant in respect of the use of the stacker system). However, given the value these spaces may attract (if sold or leased) it would be imperative to ensure that these 4 disabled spaces are allocated on need rather than to the 'highest bidder'. Therefore, were the application to be approved, the s106 could require a car parking management strategy to be submitted and approved by the Local Planning Authority to ensure the above.

### Cycling and Pedestrians

- 16.8 Residential cycle parking is provided on the first and second floor and meets the minimum standards set out in the Local Plan. It is proposed that these will be a mixture of Sheffield standards (55) with the remaining cycle parking (542) provided by double stackers. The proportion of cycle parking provided in double stackers is disappointing as they can be harder to use and consequently deter cycle use.
- 16.9 13 residential visitor cycle parking spaces and 3 parking spaces for the commercial uses are provided by way of Sheffield stands. This is in accordance with relevant standards. The applicant has proposed two locations for this parking and were the application to be approved the final location could be controlled by way of condition.
- 16.10 Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, TfL are seeking pooled contributions across this area towards the provision of additional capacity. TfL are seeking a contribution of £70,000 for this

development in accordance with policy 6.9 of the London Plan. The applicant has agreed to this contribution and were the application to be approved this could be secured through a s106 agreement.

- 16.11 This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling infrastructure. The applicant has offered £268,043.71 towards highways improvements which could be spent towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

#### Public Transport

##### *Buses*

- 16.12 TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2. The applicant has accepted this request and if the application were to be approved, this could be secured through the legal agreement.
- 16.13 In relation to nearby bus stands, there are two that are relevant. One of these already provides the standard 125mm kerb height. The other is directly outside 40 Marsh Wall, a site with an extant consent for redevelopment which is 'liable' for s106 contributions in respect of footway improvements. Accordingly, it is not necessary for the applicant to make a contribution in this respect.

##### *DLR*

- 16.14 TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London wayfinding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development. Were the application to be approved, a Wayfinding strategy could be secured through condition.

##### *Jubilee and Crossrail*

- 16.15 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

#### Demolition and Construction Traffic

- 16.16 It is considered that were the application to be approved, the impact on the road network from demolition and construction traffic could be adequately controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

#### Servicing and Deliveries

- 16.17 Servicing is proposed from a dedicated ground floor bay on the eastern side of the development accessed across a front portion of the proposed public realm, which would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance. Service vehicles would also reverse out of the bay across this area.
- 16.18 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and compromised public realm.
- 16.19 Given that vehicles accessing and egressing this location are likely to do so at relatively slow speeds and conditions can require further mitigation measures (such as white lines, warning signs and audible warnings), the development may not result in a grave impact on pedestrian safety.

#### **Waste**

- 17.1 A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:
- Waste minimisation, re-use and recycling;
  - Maximising the use of recycled building materials; and,
  - Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.
- 17.2 In terms of construction waste, a Site Waste Management Plan could be required by condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.

- 17.3 In terms of operation waste, the proposed Strategy would ensure that residential waste is separated into three separate streams: non-recyclable, recyclable, and compostable.
- 17.4 In relation to non-residential parts of the proposed development, a different approach is required as collection, handling, treatment and disposal of waste will be contracted out. The Strategy requires the waste to be separated into three streams: non-recyclable, recyclable, and glass.
- 17.5 The Council's Waste Officer has commented that the proposed Strategy is satisfactory and no objections are raised. Were the application to be approved, conditions could ensure the delivery of the Strategy's objectives.

### **Energy & Sustainability**

- 18.1 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.
- 18.2 The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 18.3 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 18.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 18.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.
- 18.6 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the

following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

- 18.7 The submitted Quay House Energy Strategy follows the principles of the Mayor's energy hierarchy as detailed above and seeks to focus on using less energy and supplying the energy as efficiently as possible. Notwithstanding the need to be compliant with London Plan policy 5.6, the current proposals would incorporate measures to reduce CO2 emissions by 41%. The current proposals therefore fall short policy DM29 requirements by 9% which equates to 70.4 tonnes of regulated CO2.
- 18.8 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. For the proposed scheme, 126,720 is sought for carbon offset projects. The applicant has offered this cash-in-lieu contribution.
- 18.9 The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and could be secured by condition and within a s106 agreement.
- 18.10 The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and should the application be approved could be secured by way of condition.
- 18.11 In relation to connecting to the Barkantine District Energy system and were the application to be approved, a condition could ensure the development is capable of being connected (and would connect) if the system became available to this development. This would be in accordance with London Plan policy 5.6.

## **Environmental Considerations**

### Air quality

- 19.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 19.2 In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance

on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.

- 19.3 Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.
- 19.4 It should also be noted that measures to control dust from the site during construction could be addressed through a construction management plan if the application were to be approved.

#### Operational noise, vibration and odour

- 19.5 LBTH Environmental Health advise that were the application to be approved, that the development would not result in undue noise to external receptors (i.e. surrounding residential and community uses). They further advise that conditions could appropriately ensure that the noise and vibration levels within the proposed residential units would be acceptable.
- 19.6 In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an “hours of use” condition and similarly with deliveries and servicing.
- 19.7 However, the noise to balconies and terraces, particularly on the western side of the development adjacent to the DLR are worthy of further discussion and this is addressed in more detail in the Housing section of this Report.

#### Demolition and Construction Noise and Vibration

- 19.8 The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods etc., which would be employed to ensure that the noise levels are acceptable.
- 19.9 If the application were to be approved, a series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice.

### Contaminated Land

- 19.10 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 19.11 The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.

### **Flood Risk and Water Resources**

- 20.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 20.2 The site is located in Flood Zone 3 and proposal involves a *more vulnerable* use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, a further Sequential Test is not required to support this application.
- 20.3 The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity of flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 300mm above the level of a 1 in a 100 year flood event taking account of climate change. The applicant has confirmed that the ground floor finished floor level is above 5m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.
- 20.4 In relation to surface water run-off, SuDs measures could be employed to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance. Were the application to be approved, these measures could be secured by condition. Conditions could also be imposed to ensure that contaminants do not enter ditches and underground aquifers. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.

- 20.5 In summary, were the application to be approved and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### **Biodiversity**

- 21.1 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 21.2 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. Its' principal importance is for overwintering birds.
- 21.3 The proposal would result in some shading of the Dock, but due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 21.4 The proposed landscaping includes "green mounds" around the trees and linear planters. These offer opportunities for biodiversity enhancements. The green mounds could include wild flowers in the grass, and the planters could be filled with nectar-rich flowering plants to benefit bees and other pollinating insects. Were the application to be approved, a condition could require full details of the landscaping, including the species to be planted.
- 21.5 A "brown roof" is also proposed on part of the 4th floor terrace. This should follow the best practice guidance published by "Buglife". Were the application to be approved, a condition could require full details of the living roof, including depth of substrate, details of planting and any other habitat features to be included, such as piles of stones or logs. Two bird boxes and bird feeders are also provided. If the application were to be approved, the landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.
- 21.6 Having regard to the possible conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

### **Television and Radio Service**



- 22.1 The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 22.2 The effects during operational phases once the development is complete are predicted to be:
- Cast a terrestrial television reception shadow over existing properties to the north-east; and,
  - Cast a satellite shadow to the north-west.
- 22.3 However, due to the orientation of satellite dishes and the existing shadows cast by 25 Bank Street and 1 Canada Square there would be negligible effects on both. There is a minor adverse effect on DLR communications but these could be mitigated by way of s106/condition if the application were to be approved.

### **London City Airport Safeguarding Zone**

- 23.1 The application site is located underneath the London City Airport Safeguarding Zone and the proposal includes a tall building. Therefore, an assessment of the proposal on the Zone is necessary. London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

### **Health Considerations**

- 24.1 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.
- 24.2 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.
- 24.3 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.

24.4 The application proposes child play and communal and private amenity space that meets the quantitative requirements of the Development Plan along with approximately 925sqm of open space under the DLR line. These spaces are considered to be somewhat compromised and would not maximise opportunities for healthy and active lifestyles. The applicant has indicated they would be prepared to pay the Health contribution in full. On balance, were the Health contribution to be secured by legal agreement, the proposal would not be inconsistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy to an extent that would justify withholding planning permission.

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

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

25.2 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.

25.3 Regulation 122 of the 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.

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

25.5 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

25.6 The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

25.7 The development is predicted to have a population yield of 956, 127 of whom will be aged between 0-15 and are predicted to generate a demand for 88 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

25.8 In the absence of a legal agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impact on local services, amenities and infrastructure as well as failing to maximise the delivery of affordable housing.

25.9 However, were Members not to follow Officers' recommendation, it is noteworthy that the applicant has offered contributions in relation to:

- Enterprise and Employment Skills and Training;
- Idea Stores;
- Leisure facilities;
- Education;
- Health;
- sustainable transport;
- Public Open Space
- Streetscene and Built Environment;
- Highways
- energy; and,
- a 2% monitoring contribution.

25.10 The applicant has agreed to meet TfL request for contributions towards cycle hire and bus capacity (£70,000 and £200,000 respectively);

25.11 The applicant has also offered 25% affordable housing by habitable room with a tenure split of 69:31 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

25.12 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, 5 apprenticeships a year with no less than 20 apprenticeships across the construction period, a permit-free agreement (other than for those

eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, a car parking management strategy (in respect of the affordability of the 4 reserved spaces for blue badge holders) and mitigation (if necessary) for DLR communications.

25.13 The financial contributions offered by the applicant are summarised below:

| <b>Heads</b>                           | <b>s.106 financial contribution</b> |
|--|-------------------------------------|
| Construction Phase Skills and Training | £145,593                            |
| End User Phase Skills and Training     | £2,212                              |
| Community Facilities                   | £120,793                            |
| Leisure Facilities                     | £485,295                            |
| Education                              | £1,141,827                          |
| Health                                 | £657,288                            |
| Sustainable Transport                  | £14,340                             |
| Public Realm                           | £714,331                            |
| Streetscene and Built Environment      | £35,128.80                          |
| Highways (TfL)                         | £270,000                            |
| Highways (LBTH)                        | £268,043.71                         |
| Carbon offset                          | £126,720                            |
| <b>Sub-Total</b>                       | <b>£3,981,571.51</b>                |
| Monitoring                             | £79,631,45                          |
| <b>Total</b>                           | <b>£4,061,202.94</b>                |

### **Other Financial Considerations**

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

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

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

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

- 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

- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

26.3 In this context “grants” might include New Homes Bonus.

- 26.4 These are material planning considerations when determining planning applications or planning appeals.
- 26.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards to local finance considerations, in the absence of a legal agreement to secure the necessary contributions the development fails to mitigate the impact of the development on local services, infrastructure and amenities.
- 26.6 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution would be £1,450,470. The retail element of the scheme would also be subject to the Crossrail s106 Levy.
- 26.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 26.8 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £711,554 in the first year and a total payment of £,4269,323 over 6 years.

### **Human Rights Considerations**

- 27.1 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:-
- 27.2 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".

27.3 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.

27.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

27.5 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.

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

27.7 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.

27.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

28.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability,

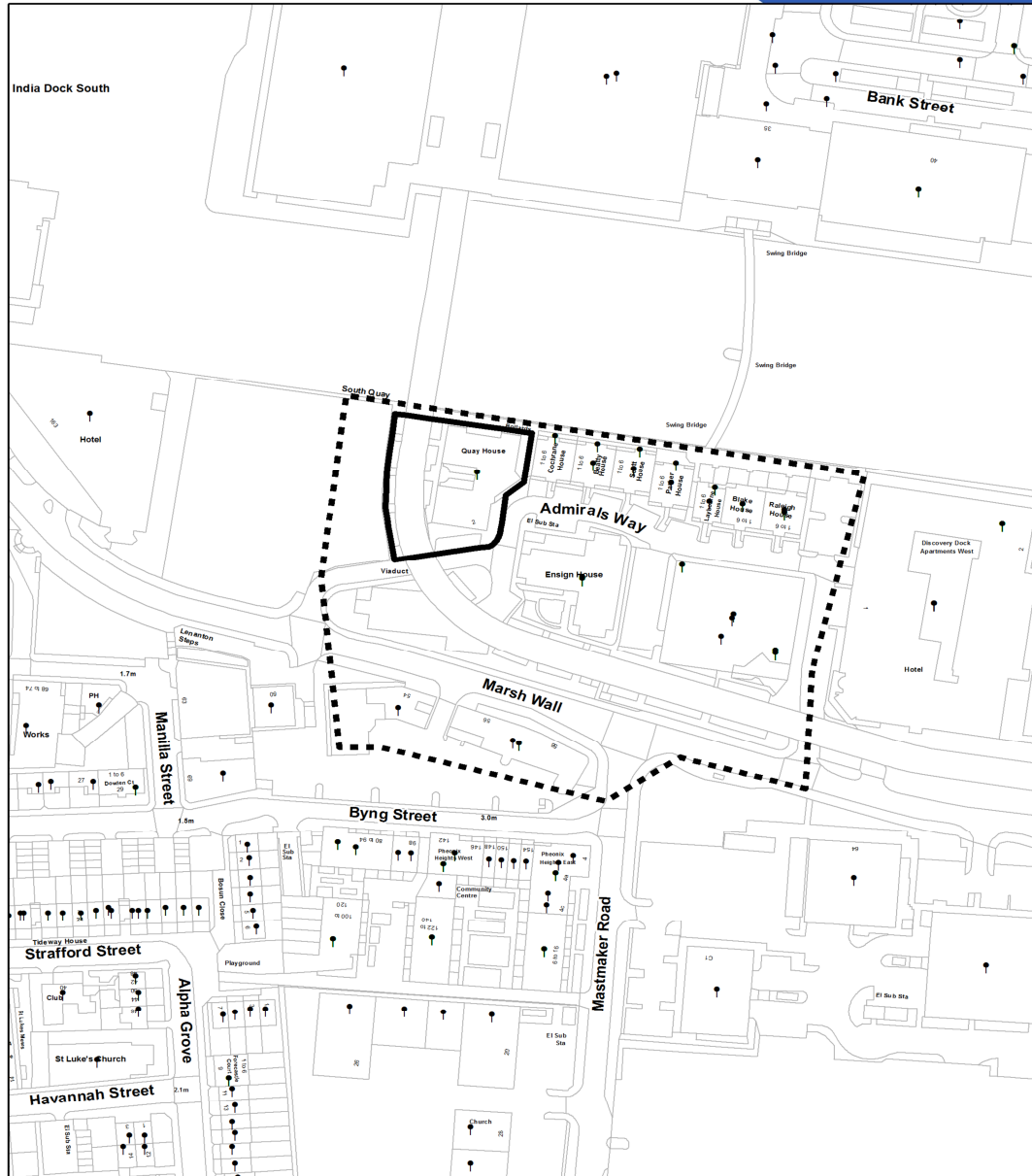
gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment 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.

### **Conclusion**

- 29.1 All other relevant policies and considerations have been taken into account. Planning Permission should be refused for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

**Planning Application Site Map**  
**PA/14/00990**



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- 
- Consultation Area
- Statutory Listed Buildings
- OSLine

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 6.2

|                                |  |  |                            |
|--------------------------------|--|--|----------------------------|
| <b>Committee:</b><br>Strategic | <b>Date:</b><br>25 <sup>th</sup> September<br>2014 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
|--------------------------------|--|--|----------------------------|

|   |   |
|---|---|
| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Applications for Planning Permission  |
| <b>Case Officer:</b><br>Kirsty Flevill                      | <b>Ref No:</b> PA/13/02344 (Outline Planning<br>Application) and PA/13/02366 (Listed Building<br>Consent) |
|   | <b>Ward:</b> Canary Wharf   |

## 1. APPLICATION DETAILS

**Location:** 1 Park Place, Canary Wharf, London

**Existing Use:** Vacant (extant permissions for B1)

**Proposal:** PA/13/02344: Outline application for the demolition of any existing structures, and construction of a building of up to 102,102 sq.m (GIA) comprising office use (use class B1) along with a decked terrace to the Middle Dock, access and highways works, provision for flood storage, landscaping, pedestrian link and other works incidental to the application (all matters reserved).

PA/13/02366: Listed Building Consent for the alterations to grade I listed Quay Wall in connection with the redevelopment of the site under associated outline planning application PA/13/02344.

**Drawing and documents:** Outline Application

- Parameter plans: P\_00\_C645\_030 Rev D, P\_00\_C645\_031 Rev D, P\_00\_C645\_032 Rev E, P\_00\_C645\_033 Rev D, P\_00\_C645\_035 Rev D, P\_B\_C645\_036 Rev D, P\_LG\_C645\_037 Rev D, P\_00\_C645\_038 Rev D, P\_00\_C645\_039 Rev D, E\_N\_C645\_040 Rev D, E\_N\_C645\_041 Rev D, E\_E\_C645\_042 Rev D, E\_W\_C645\_43 Rev D, E\_E\_C645\_044 Rev D.
- PP-OPA.03. Development Specification – prepared by Squire and Partners (dated September 2013)
- PP-OPA.04 Design Guidelines –prepared by Squire and Partners (dated September 2013)
- PP-OPA.05 Design and Access Statement prepared by Squire and Partners (dated September 2013)

- PP-OPA.06a Environmental Statement Volume 1 and PP-OPA.06b Environmental Statement Volume 2 prepared by BDP (dated September 2013)
- PP-OPA.07 ES Non-Technical Summary prepared by BDP
- PP-OPA.08 Planning Statement prepared by DP9 (dated September 2013)
- PP-OPA.09 Statement of Community Involvement prepared by Canary Wharf Group (dated September 2013)
- PP-OPA.10 Energy and Sustainability Strategy prepared by Hoare Lee (dated September 2013)
- PP-OPA.11 Heritage Assessment prepared by CGMS (dated September 2013)
- PP-OPA.12 Flood Risk Assessment prepared by Arup (dated September 2013)
- PP-OPA.13 Radio and Television Signal Interference Assessment prepared by Hoare Lee (dated September 2013)
- PP-OPA.14 Aviation Assessment prepared by Eddowes Aviation (dated September 2013)
- PP-OPA.15 Transport Assessment prepared by Steer Davies Gleave (dated September 2013)
- PP-OPA.16 Travel Plan prepared by Steer Davies Gleave (dated September 2013)
- PP-OPA.17 Waste Strategy prepared by Steer Davies Gleave (dated September 2013)
- SK\_201 Proposed Accessible shower and ambulant wc lower ground floor
- P\_22-29\_C645\_001 Rev B Typical floor plan level 22-29
- Energy and sustainability – response to planning comments from LBTH dated July 2014 (rev C)
- Energy and sustainability –response to planning comments from Canal and River Trust dated July 2014 (rev C)
- Energy and sustainability – response to planning comments from GLA dated July 201 (rev C)
- Ecology Response SINC Issues dated 18<sup>th</sup> December 2013

Listed building application

- P\_AL\_JA12\_003 Rev A site location plan
- P\_B1\_C645\_003 Demolition drawing basement level -1
- S\_DD\_C645\_003 Demolition drawing section through dock extent of dock wall demolition
- Annotated Dock wall photograph

- Photographs of site and surrounds
- Quay wall assessment of significance prepared by Laurie Handcock of CgMs
- Written Scheme for investigation prepared by CgMs dated August 2011
- Quay Wall review document prepared by CgMs dated July 2014

**Applicant:** Canary Wharf Investments Ltd.

**Ownership:** South Quay Properties Ltd.  
The following parties have an interest in the land:  
South Quay Properties, Canary Wharf Limited, Canary Wharf Properties Limited, National Grid Gas. CWCB Investments (WF9), Morgan Stanley UK Group and Tube Lines Limited.

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

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

## 2. EXECUTIVE SUMMARY

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011), the National Planning Policy Framework (2012), and the National Planning Practice Guidance (2014) and have found that:
- 2.2. The site is located within a Preferred Office Location and given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required, in accordance with policy.
- 2.3. The principal of a tall building is considered acceptable in this location given the sites location adjacent to an established tall building cluster and the principle of a tall building has been established by the extant permission for tall buildings on the site. With regard to the proposed layout of the site it is considered acceptable and in keeping with site layouts adjacent. The townscape conclusions of the submitted Environmental Statement suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich World Heritage Site.
- 2.4. The principle of some losses of the dock wall has been granted through previous consents. The principle of the loss of a 28.5 metre section of dock wall under consideration as part of this outline and listed building consent to the northern section of the site would cause less than substantial harm to the listed wall or the setting of the listed wall. Furthermore, it is not considered the proposed development would have an adverse impact on the character and appearance of adjacent conservation areas.

- 2.5. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network; however this impact would be mitigated through financial contributions, secured to enhance the public transport network and improve highway safety. In addition, inclusive access for all around the development, pedestrian link across the dock and open space provision to the north of the Newfoundland development will be secured through the s106 agreement to enhance the public realm. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. On balance, the proposed development subject to mitigation would not have an undue detrimental impact on the safety and capacity of the surrounding highway and public transport network.
- 2.6. With regard to amenity, given the nearest existing residential properties are approximately 310 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. It is noted that when the Newfoundland development comes forward, the VSC of some of the windows in the consented Newfoundland development will fall below the BRE criteria; however, the ADF levels in the affected rooms will exceed the minimum requirements. On balance, taking account of building design and distance from the application site it is not considered that there would be an unduly detrimental impact on the residential amenity of the surrounding developments.
- 2.7. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.
- 2.8. In light of the site constraints and previous extant permissions combined with the biodiversity enhancements, public realm improvements (to be secured through the section 106) and the economic benefits of the scheme, the partial infilling of South Dock would be acceptable in this instance. Officers agree with the overall opinion of the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks. Each application going forwards will need to be judged on its own merits in line with the council's own policies and the wider implications on the dockspace and waterspace.
- 2.9. Contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### 3. RECOMMENDATION

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

Financial Obligations:

- a) A contribution of between **£478,800** and **£1,222,160.94** towards skills and training for the end user phase

- b) A contribution of between **£104,200** and **£265,975.71** towards skills and training for the construction phase.
- c) A contribution of between **£121,866.82** and **£186,352.94** towards Idea Stores, Libraries and Archives.
- d) A contribution of between **£454,329** and **£682,668** towards Leisure Facilities.
- e) A contribution of **£864,540** towards Carbon off-setting
- f) A contribution of between **£464,880.24** and **£1,186,630.06** towards Public Open Space.
- g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£200,000** towards TfL Bus services within the area.
- i) A contribution of between **£7,600,000** (£6,200,000 – figure with CIL credit)\* and **£19,399,388** (£15,825,810 figure with CIL credit)\* towards Crossrail.
- j) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£53,420** and **£91,814**.

\* It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

#### Non-financial contributions

- k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- l) Travel Plan
- m) Code of Construction Practice
- n) Pedestrian link between Park Place and McKenzie Walk - Maintenance of new pedestrian link together with maintenance of public access
- o) Inclusive access for all – providing access for all around the dock edges and over the waterspace in addition to access along the western side of the building from West India Avenue to the dock edges
- p) Publicly accessible open space – open space to be provided to the north of the Newfoundland development (adjacent development site under the same ownership) should the Park Place development come forward first
- q) Install real time public transport screens within the ground floor of the building.
- r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

#### 3.6. **Conditions**

##### Compliance:

- Time limit – three years.
- Time limit for submission of reserved matters.
- Compliance with parameter plans.
- Compliance with maximum parameters – depth, width, height.
- Compliance with total quantum of built floor space.

- Energy – compliance with energy strategy
- Car parking levels
- Accessible parking
- Electric charging points
- Cycle parking should be provided for staff and visitors in line with London Plan standards/Managing Development Document standards
- Development carried out in accordance with FRA and finished floor levels set no lower than 7.00 AOD
- Building Works to be carried out between 8:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays only and no work on Sundays or Bank Holidays.
- Hammer piling to be carried out between 10:00 and 16:00 Monday to Friday only.

Reserved Matters:

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

Prior to commencement of any works

- Construction Logistics Plan and Construction Management Plan.
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction.
- Piling and foundation designs method statement.
- Risk assessment and method statement for works to be carried out adjacent to the water.
- Surface water drainage scheme
- Detailed design and method statements for all foundations, basement and ground floor structures
- Stabilisation study of the Grade I listed Banana Dock Wall to establish if any mitigation is required during construction works and as a result of the proposed building
- Survey for Jersey Cudweed
- Contaminated land
- Access strategy
- Wayfinding strategy
- Water supply impact studies (must also demonstrate sufficient water for Fire Fighting)
- Biodiversity enhancements including vertical aquatic zone, permanent berm/cage structure and 15% of scheme structure with gabion cages
- Lighting and CCTV scheme
- Archaeological recording

Prior to commencement of the use

- Contamination – verification report
- BREEAM – excellent
- Delivery and Service Management Plan

**3.7. Informatives**

- Discharge of surface water into the waterways requires the written permission of the Canal and River Trust
- Applicant to refer to the current “Code of Practice for Works affecting the Canal and River Trust”

- LUL should be contacted in advance of preparation of final design and associated method statements.
- Thames Water will not allow any building within 5 metres of the large water mains adjacent to the proposed development.

#### **CONDITIONS & INFORMATIVES on LISTED BUILDING CONSENT**

- 1) Time limit
  - 2) Compliance with the plans
  - 3) Watching brief
  - 4) Nothing to be fixed to the dock wall
  - 5) All new work to match the existing historic wall.
- 3.8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.9. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1. The proposal is for outline planning permission with all matters associated with details of access, appearance, landscaping, layout and scale reserved for future determination.
- 4.2. The proposal is for the demolition of the existing buildings and structures on site and the erection of a new tall building to provide office floor space (Use Class B1).
- 4.3. The new office building would have a maximum height of 173.2 metres AOD (which is equivalent to a 33 storey building) and would provide a maximum of 102,102 square metres gross internal area (GIA) of office floor space (Use Class B1).
- 4.4. The proposal would have stepped back elements at 69.4m and 93.4m AOD. A portion of the building would be cantilevered over the dock and would be required to start from a minimum of 16.9m AOD. This cut back is included within the maximum development parameters.
- 4.5. A deck is also proposed on top of the flood storage area which would be a pedestrian zone to allow access to the dock edge. The maximum area allowed for a deck is 594sqm.
- 4.6. A bridge linking Park Place to McKenzie Walk is also proposed in addition to other public realm and open space enhancements.

##### *Application Documents:*

- 4.7. With regard to the outline nature of this planning application, the applicant has submitted three control documents, together with a number of supporting documents containing information, analysis and evidence to support the proposal.
- 4.8. The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the maximum and minimum volume of the proposed development, including the maximum depth, width and height of the proposed tall building.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Guidelines – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of the tall building are defined in the parameter plans will need to comply with the design guidelines if they are to be considered acceptable.

### **Site and Surroundings**

- 4.9. The application site is known as 1 Park Place and occupies an area of approximately 0.6 hectares. The site consists of the footprint of a previously demolished building, part of the grade I listed dock wall at the northern extent of the middle dock.
- 4.10. In terms of policy designations the site is located within a preferred office location and within the Canary Wharf Major Centre. It is also in a flood zone 3. The dock which forms part of the development zone is a Site for Importance for Nature Conservation (SINC) and is part of the Blue Ribbon Network. The site is not within a conservation area but part of the grade I listed dock wall runs through the centre of the site.
- 4.11. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land between 15 Westferry Road and 25 Cabot Square. To the north the site is bounded by West India Avenue and Cooks Close which runs beneath West India Avenue. To the south of the site is a development site known as Newfoundland.
- 4.12. The site was previously occupied by a 5-6 storey building constructed in the 1980's. This has since been demolished and only the ground floor slab remains on site.
- 4.13. There are also a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 160m to the south is the recently consented City Pride site which comprises a residential tower 239m AOD containing 822 residential units and 164 serviced apartments.
- 4.14. The site has good access to public transport, with a Public Transport Access Level (PTAL) of 5 (very good). The Underground Jubilee Line tunnel runs east-west 30 metres to the south of the application site, with Canary Wharf DLR Station 270m to the east and the Jubilee line station being 420m from the site. The site is also served by bus routes 135, 277, D3, D7, D8, N550.
- 4.15. The site falls within the view from General Wolfe Statute in Greenwich which forms part of the strategic view from Greenwich as identified within the London View Management Framework.

### **Relevant Planning History**

- 4.16. There are a number of relevant planning applications for this site:



- 4.17. ID/97/00084 - Outline planning permission in respect of redevelopment by the erection of building(s) comprising 26,165 sqm offices or 23,665 sqm offices with 2500 sq m retail. Approved 4/12/1997.
- 4.18. PA/00/1355 Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floorspace, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue (Revised scheme). Approved 10/10/2002.
- 4.19. PA/00/1356 – Listed building consent for complete demolition of the existing building and basement. Reduction in height of existing sub ground listed dock wall at extended basement slab to match existing lowered dock wall under existing basement slab, Erection of new building providing basement, Lower Ground Floor plus 10 storeys of offices. Associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Approved 4/5/01.
- 4.20. PA/07/1322 - Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,643sq. metres of floorspace, associated landscaping, car parking, servicing and plant. Approved 20/06/08.
- 4.21. PA/07/1323 (listed building consent) Works to Grade I Listed dock walls consisting of the partial removal to create a basement and the erection of piles in connection with the erection of new building on site. Approved 6/7/07.
- 4.22. PA/08/601 - Demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside. Approved 28/11/08.
- 4.23. PA/08/602 – Listed building consent for alterations to the dock wall. Approved 22/05/08.
- 4.24. PA/11/559 – Listed building consent for Works to Grade I Listed dock walls consisting of the partial removal to create a basement and erection of piles in connection with the erection of a new building on site. Approved 6/5/11. The partial removal of the wall relates to a 9m section of wall at the northern end of the site.
- 4.25. PA/11/618 - Alterations to Grade I listed dock wall, consisting of:
- Removal of surviving granite coping stones to be preserved and set aside for refixing;
  - Dismantling a section of the original wall, 9 m long, to facilitate the construction of piles and foundations to accommodate a structural node on the new elevation;
  - Restoration of missing granite copings for the entire length of the visible wall;
  - Comprehensive repair of the entire length of the original dock wall within the site boundaries; and
  - Removal of small part of the wall at the extreme north in conjunction with the Limehouse Lock area, presently reconstructed in concrete, and within the

foundation area of the previously consented scheme. Granite copings relayed/restored on this area

(Approved 6/5/2011.)

## **5. POLICY FRAMEWORK**

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

5.2. **Government Planning Policy Guidance/Statements**  
National Planning Practice Guidance (March 2014) (NPPG)  
National Planning Policy Framework (March 2012) (NPPF)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime

- 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.8 Heritage assets and archaeology
  - 7.9 Heritage led regeneration
  - 7.10 World heritage sites
  - 7.11 London view management framework
  - 7.12 Implementing the London view management framework
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.18 Protecting local open space and addressing local deficiency
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 7.24 Blue Ribbon Network (BRN)
  - 7.25 Increasing the use of the BRN for passengers and tourism
  - 7.26 Increasing the use of the BRN for freight transport
  - 7.27 BRN supporting infrastructure and recreational use
  - 7.28 Restoration of the BRN
  - 7.30 London's canals and other river and waterspaces
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering sustainable development
  - DM1 Development within the town centre hierarchy
  - DM8 Community infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing Waste
  - DM15 Local job creation and investment
  - DM16 Office locations
  - DM20 Supporting a Sustainable transport network
  - DM21 Sustainable transportation of freight
  - DM22 Parking
  - DM23 Streets and the public realm
  - DM24 Place sensitive design
  - DM25 Amenity

- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

## 5.6. **Supplementary Planning Documents**

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

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

The following Community Plan objectives relate to the application:

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

## 6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

### **Canal and River Trust**

6.3. The waterspace within West Quay, off Middle Branch Dock, is not owned or controlled by the Canal & River Trust. However, we are concerned at the principle of the loss of more waterspace as part of this proposal, which we would generally resist, and the loss of more of the listed dock wall.

*(OFFICER COMMENT: as detailed in the 'principle of infilling west India Middle Dock' section below, the Park Place proposal constitutes a small percentage of the overall waterspace which is to be lost and given the benefits of the public realm enhancements over the dock, the economic benefits of the proposal and the ecology enhancements to a part of the SINC, it is considered on balance that the infilling of the dock and loss of the waterspace are acceptable, On balance, and would not lead to a significant detrimental loss of the waterspace. Further detail on this is provided in the 'principle of infilling west India Middle Dock' section of this report.*

*In terms of the loss of more of the listed wall, the applicant has also sought to fully justify the loss of additional dock wall above the previously consented applications by providing further supporting documentation which demonstrates that further loss would cause less than substantial harm. Further detail is provided in the 'heritage' section as to how officers have formed this opinion)*

6.4. The waterspace here is not well used, and we would like to see some animation and improvements to it. There will be opportunities to improve the water quality and add some interest to the dock space by including some aquatic habitats within the red line boundary. This should aid biodiversity.

*(OFFICER COMMENT: the applicant has provided further detail in a document titled 'Energy and Sustainability – response to planning comments from Canal and River Trust Rev C' dated July 2014. The response notes that the existing ecological value of the site is of low ecological value. The proposals include improvements to the waterspace and its surroundings in terms of biodiversity, amenities and dock edge animation. The reserved matters application will also provide an ecological zone along the flood storage tank. In order to provide some additional comfort to the Canal and River Trust, a condition will be attached to the decision notice in relation to a large range of biodiversity enhancements which have been agreed with the biodiversity officer).*

- 6.5. Consideration should be given to using dock water to cool the building.

*(OFFICER COMMENT: the applicant has provided further detail in a document titled 'Energy and Sustainability – response to planning comments from Canal and River Trust Rev C' dated July 2014. The applicant confirms that dock water cooling has not been taken in to account as there would be limited available cooling capacity once planned schemes are considered. Therefore this option would not offer significant carbon savings. The alternative proposal is high efficiency chillers with cooling towers. Canal and River Trust have raised no further comments on this matter.)*

- 6.6. A condition relating to details of drainage water into the dock is requested.

*(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report)*

- 6.7. A condition relating to full details of the proposed landscaping including aquatic planting is requested.

*(OFFICER COMMENT: Outline details of the ecological enhancement have been provided. It is noted that landscaping would be dealt with by the landscaping reserved matter which would be discharged in consultation with the Canal and River's Trust.)*

- 6.8. A condition is requested relating to carrying out a feasibility study to assess the potential for moving freight by water during the construction cycle.

*(OFFICER COMMENT: The requested condition has been included within section 3 of this report)*

- 6.9. A condition is requested relating to details of the surface water drainage scheme.

*(OFFICER COMMENT: The requested condition has been included within section 3 of this report)*

- 6.10. In addition, the Canal and River trust has requested informatives should be attached to the decision notice should planning permission be granted.

*(OFFICER COMMENT: The requested informatives have been included within section 3 of this report)*

#### **Dockland Light Railway (DLR)**

- 6.11. To date no comments have been received.

### **English Heritage (EH)**

- 6.12. English Heritage requested further information from the applicant in relation to the Grade I listed wall. This information was supplied by the applicant and provided these documents are included in the approved list of documents, EH had no further comments to make.
- 6.13. EH also recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

*(OFFICER COMMENT: The requested documents have been included in the document list detailed above. Full consideration of the loss of the dock wall is provided in the heritage chapter of this report)*

### **English Heritage Archaeology**

- 6.14. Historic buildings recording of the visible listed dock wall in advance of any consented change is advisable. In view of this, a condition including details of a site investigation and post investigation assessment has been requested. Also provision for analysis, publication and dissemination of results and archive deposition should be made through condition.

*(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report).*

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

- 6.15. Landscaping features that enhance the dock together with the sunken garden, green walls and terraces incorporated into this development is welcomed. All planting should to be of naturally occurring native species and this is encouraged.
- 6.16. The provision of compensatory flood storage for the proposed maximum basement encroachment, marine piles and flood storage structure are requested by condition.

*(Officer comment: this is noted and corresponds with the biodiversity officer's comments and the comments raised by the Canal and River Trust. The requested conditions (including features to enhance the dock) are included in section 3 of this report)*

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

- 6.17. London Plan policies support office floorspace within the CAZ; however, the 2012 London Office Policy Review Report identifies that there could be a potential oversupply of office floorspace within the pipeline for central London as a whole. Despite this, it is noted that schemes within the pipeline is not guaranteed and does not always equate to actual supply. The GLA is of the opinion that the proposal could deliver high quality, flexible workspace that supports London's function as one of the most attractive and competitive business locations. The principle of a tall building for office use on the Isle of Dogs Opportunity Area and within the CAZ is in accordance with strategic and local objectives and is supported.

*(OFFICER COMMENT: Noted)*

- 6.18. In terms of urban design, given the outline nature of the proposals, the proposal is to be delivered in line with the parameter plans, description of development and design

principles. The impact on strategic views (in particular from assessment points 5A.1 and 5A.2 from the General Wolfe Statue in Greenwich Park) is acceptable.

*(OFFICER COMMENT: Noted)*

- 6.19. The impact on the World Heritage site does not cause concerns at a strategic level. It is noted that the proposal includes the loss of the Grade I listed quay wall. Whilst the loss of this wall is regrettable and somewhat contrary to policy, full justification through a Heritage Statement is required. The loss of the dock wall is likely to be acceptable providing adequate provisions are made to preserve the remaining area and subject to comments from English Heritage.

*(OFFICER COMMENT: The applicant has supplied further supporting information including a Quay Wall document, assessment of significance document and annotated photograph to fully justify the loss of the dock wall. English Heritage has raised no comment on the application. Given the benefits of the increased interaction and connectivity with the better quality southern section of the wall, the loss of the northern section of the wall is considered to cause less than substantial harm, The documents submitted in relation to the loss of the dock wall have been included in the document list to provide comfort to English Heritage).*

- 6.20. The inclusive design provisions are welcomed and should be secured by condition.

*(OFFICER COMMENT: noted and an appropriately worded condition is included in section 3 of the report)*

- 6.21. In terms of the Blue Ribbon Network the proposal does not comply with policy relating to the loss of the dock, but may be acceptable provided the biodiversity and infrastructure provisions (including the pedestrian walkway) are secured by condition. The applicant should commit to using the waterway for the sustainable transportation of demolition and construction materials and should be secured through the construction logistics plan.

*(OFFICER COMMENT: the biodiversity provision and construction logistics plan would be secured by planning condition as detailed in section 3 of the report. A condition relating to the moving of construction materials via the waterway would also be secured by planning condition as detailed in section 3 above. The pedestrian walkway will be secured by the s106 agreement as detailed above. In addition, further public realm enhancements will be provided including open space to the north of Newfoundland should Park Place come forwards first and inclusive access for all around the dock space and connections from West India Avenue to the dockspace)*

- 6.22. In terms of climate change, the applicant has broadly followed the energy hierarchy to achieve carbon dioxide emission of 26%. Sufficient information has been provided to understand the proposals as a whole; however, further information is required in relation to the CHP and the energy centre. It is noted that no CHP will be proposed and in this instance, has been accepted. The wider sustainability measures should be secured by way of a condition.

*(OFFICER COMMENT: subsequent to the comments received from the GLA, the applicant has demonstrated that a 31.3% CO2 reduction can be achieved and has agreed to a 50% CO2 reduction and the agreed carbon offsetting obligation has been secured through the section 106).*

- 6.23. In terms of transport, the parking restraint is supported given the office is in a highly accessible location. The provision of an electric vehicle charging point is also supported. The level of cycle parking is in line with the London Plan standards and is acceptable.

*(OFFICER COMMENT: The cycle parking and electric vehicle charging point are included in section 3 as compliance conditions)*

- 6.24. The GLA agrees that pedestrian realm upgrades would not be justified; however, a lack of signage has been identified and TfL encourages some of the s106 streetscene contribution is allocated to wayfinding.

- 6.25. Contributions to bus infrastructure and cycle hire should be secured. Crossrail contributions should be sought in line with the Crossrail SPG

*(OFFICER COMMENT: bus infrastructure, cycle hire and Crossrail contributions have been included in the S106 as detailed above. A condition will be attached in relation to wayfinding and this is detailed in section 3 above).*

### **Transport for London**

- 6.26. The site has very good access to public transport and this will be improved from 2018 with the introduction of Crossrail services.

- 6.27. It is noted that 4 car parking spaces are proposed at basement level, two of which will be wheelchair accessible. It is also noted that one of the spaces will be equipped with an electric vehicles charging point and this is welcomed. The restrained approach to parking is supported.

- 6.28. A minimum of 850 cycle spaces (including visitor spaces) are proposed which is in line with the Revised Early Minor Alterations to the London Plan. Cyclist access to the site from Park Place is also welcomed.

*(OFFICER COMMENT: The above matters are noted. In addition, the cycle parking and car parking will be secured as a compliance condition)*

- 6.29. In terms of mode share and trip generation, TfL notes that the use of data from the latest Isle of Dogs Cordon Survey and Canary Wharf Employee Survey to derive trip rates is accepted in principle. However, TfL queries why 2012 data has not been used. Despite this, the use of census and TRAVL data to derive modal split is welcomed.

*(OFFICER COMMENT: the applicant has supplied a further memo to TfL dated 8<sup>th</sup> January 2014 which states that 2011 datasets have been used from the Isle of Dogs Cordon Survey and the 2011 Canary Wharf Employee Survey data for consistency purposes as opposed to using datasets from two different time periods. This approach is considered appropriate. In addition, given that the application is a further 6 months down the line from receiving these comments, TfL has confirmed that the trip generation exercise carried out is still acceptable for the purposes of this application)*

- 6.30. In terms of employee density, TfL notes that an employee density of 1 person per 20 square metres has been applied to forecast total employee numbers. TfL has queried why a more robust assessment with a density of 1 person to 16 square metres has not been adopted, given the more efficient use of modern office developments.



Should the latter figure be applied, 6681 employees would be forecast as opposed to 5,345 set out in the assessment. Clarification is required on this matter.

*(OFFICER COMMENT: the applicant has supplied a further memo to TfL dated 8<sup>th</sup> January 2014 which states that the density of 1 person per 20sqm has been based on the 2011 Canary Wharf Employee Survey data. The London Plan refers to a density of 12sqm of Net Internal Floor Area (NIA) per employee. If this figure was applied to the Park Place proposal the forecast employees would be 4,926 employees. The ratio adopted is therefore considered to be robust).*

- 6.31. An updated pedestrian (PERS) audit has been submitted which identifies that the only pedestrian links which score poorly are not expected to be well use in connection with this development and therefore TfL agrees that upgrades would not be justified. The PERS audit does however identify a lack of signage in the area and therefore TfL encourages the Council to allocated monies from any s106 towards wayfinding, particularly in relation to the Canary Wharf pier approximately 250m to the west.

*(OFFICER COMMENT: The streetscene contribution would be secured through the s106 as detailed above. As the application is in Outline and the exact level of streetscene contribution has not been determined due to the minimum and maximum parameters of the proposal. The exact figure allocated to TfL will be determined at reserved matters stage. A condition is included in section three of the report in relation to a wayfinding strategy)*

- 6.32. TfL welcomes the provision of a pedestrian link between Park Place and McKenzie Walk.

*(OFFICER COMMENT: noted and the introduction of the pedestrian walkway will be secured by the section 106 agreement. Subsequent to the above comments being provided it should be noted that further public realm enhancements will be secured by the section 106 agreement including providing open space to the north of Newfoundland development site in the event that Park Place comes forward first and inclusive access for all around the dock space and connections from West India Avenue to the dockspace)*

- 6.33. The Westferry Road bus corridor currently operates at capacity and the Railplan modelling of public transport in London predicts a further increase in demand due to planned growth. The Transport Assessment (TA) predicts 75 in bound bus trips in the morning peak which equates to a full double decker bus. As the bus system within the Westferry Road corridor is already operating at capacity it is suggested that £200,000 in total (£40k a year for 5 years) as a contribution towards improved bus capacity.

*(OFFICER COMMENT: the applicant has agreed to the bus contributions and this has been secured through the s106 as detailed above. It should be noted that the applicant has agreed with TfL that the contribution of £200,000 will be provided over a three year period)*

- 6.34. The Transport Assessment refers to the nearest bus stops on West India Avenue; however, there is no indication as to whether the bus stops would be affected during or post construction. TfL would resist the closure of West India Avenue for a prolonged period of time and measures should be included in the Construction Logistics Plan to safeguard the continued operation of the local bus network.

*(OFFICER COMMENT: The Construction Logistics Plan will be secured through condition as detailed in section 3 of the report. The matters requested by TfL can therefore be addressed via a submission of details application)*

- 6.35. In order to accommodate the expected demand from this development, an additional cycle docking station should be provided within the site or in the local vicinity. An uninterrupted area, 25 metres long, would be required per docking station; however, there are options available in relation to splitting docking stations or arranging docking stations back to back. The requested contribution for this is estimated at £187,000 (by TfL).

*(OFFICER COMMENT: further dialogue has been held between the applicant and TfL. TfL has agreed to a contribution of £70,000 towards cycle hire enhancement given that the development will not require the provision of a new docking station (given its proximity to riverbus services and the provision of cycle spaces on site) and the level of contribution has been established at other sites within close proximity to Park Place. Therefore the contribution will go towards the expansion of existing facilities as appropriate. The cycle hire contribution would be secured through the section 106 as detailed above).*

- 6.36. Percentage targets for the DLR needs robust assessment as the TA uses DLR passenger data from 2011 and factors this up to 2013 baseline conditions using a 1% increase per annum. Evidence suggests that the percentage rise in DLR patronage has increased by approximately 8% between 2011 and 2013.

*(OFFICER COMMENT: the applicant has confirmed that the 2011 datasets have been used from the Isle of Dogs Cordon Survey and the 2011 Canary Wharf Employee Survey data which specifically capture the local area rather than using the DLR wide passenger data. The datasets used are considered to be appropriate in terms of reflecting the existing local baseline conditions. More recently, TfL has also commented that they are satisfied with the datasets that have been adopted in the TA are appropriate for this application)*

- 6.37. TfL requests the installation of real-time departure screens in communal areas to enable occupiers to accurately time their walk to the station.

*(OFFICER COMMENT: noted and the installation of real-time departure screens will be secured by the section 106 agreement)*

- 6.38. Conditions are suggested in order to protect the London Underground Tunnels from being damaged during construction. An informative is also requested in relation to protecting the London underground infrastructure.

*(OFFICER COMMENT: noted and appropriately worded condition and informative has been included in section 3 above)*

- 6.39. TfL expects a Framework Travel Plan, a Delivery and Service Plan and a Construction Logistics Plan to be secured by condition.

*(OFFICER COMMENT: as detailed in section three above, appropriately worded conditions will be attached to the decision notice)*

- 6.40. The development would be subject to the Crossrail SPG tariff which is charged at £190 per sqm. If built to the maximum parameters the Crossrail contribution is

£19,399,380. The Mayoral CIL charge would count as a credit towards this contribution.

*(OFFICER COMMENT: the applicant has agreed to the Crossrail contribution and this will be secured via the s106 agreement as detailed above).*

#### **Inland Waterways Association**

6.41. To date no comments have been received.

#### **Royal borough of Greenwich**

6.42. They raise no objections.

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

6.43. They raise no objections.

#### **City of London**

6.44. Do not wish to make any comments

#### **London Borough of Southwark**

6.45. To date no comments have been received.

#### **London City Airport**

6.46. The proposed development has been examined from an aerodrome safeguarding aspect. From the information provided, London City Airport has no safeguarding objection; however, the response applies to the completed structures as specified in the planning application at a maximum height of 173.20m AOD. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to further separate consultation.

6.47. Any changes to the height or exact location of the development must be re-submitted to London City Airport for re-assessment given the proximity to the airfield.

*(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report).*

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

6.48. The brigade is satisfied with the proposals.

*(OFFICER COMMENT: Noted)*

#### **London Legacy Development Corporation**

6.49. They have no comments regarding the proposals.

#### **London Underground Limited (LUL)**

- 6.50. No objections have been raised in principle to the planning application; however, there are a number of potential constraints on the redevelopment of the site which is situated close to underground tunnels and infrastructure. In particular the proposals include for puncture of the dock bed with piled foundations and it must be demonstrated to the satisfaction of LUL engineers that:
- the flood risk to the London Underground Network is mitigated and controlled
  - the development will not have any detrimental effect on our tunnels and structures either in the short or long term
  - the design must be such that the loading imposed on our tunnels or structures is not increased or removed
  - they offer no right of support to the development or land
- 6.51. Should planning permission be granted it is requested that conditions to secure the submission of detailed design and method statements for all foundations, basement and ground floor structures.
- 6.52. LUL also request an informative to advise the applicant that LUL should be contacted in advance of preparation of final design and associated method statements.

*(OFFICER COMMENT: The requested condition and informative would be attached should planning permission be granted as detailed in section 3 of this report).*

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

- 6.53. To date no comments have been received.

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

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

*(OFFICER COMMENT: Noted)*

#### **Natural England**

- 6.55. The development should be considered in light of the standing advice issued by Natural England.

*(OFFICER COMMENT: Natural England provided standing advice which framed the context of the guidance and this has been passed onto the applicant who has noted its contents. Biodiversity enhancements will be secured via condition as detailed in section 3 of this report).*

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

- 6.56. The PLA has raised no objection to the proposed development.
- 6.57. It is noted that the construction logistics plan makes reference to where feasible, as much material as possible being moved by river barge. Such an approach would accord with London Plan policy which seeks for construction and waste materials to be transported by water where practical. It is recommended that a condition placed on the grant of any planning permission requiring the submission and approval of a

report which seeks to maximise the transport of materials to and from the site by water in accordance with the approved report.

*(OFFICER COMMENT: An appropriately worded condition is included within section three of this report)*

- 6.58. Consideration is given by the applicant to the existing river boat service and targets are set for river use and a target for River Boat use. PLA considers the targets initially set to not be robust given that the 'other' mode share targets (which includes riverbus) only indicate an increase from 0.9% as the proposed mode split rising to 1.1% in year 5. The River Action Plan seeks to increase passenger journeys on the Thames to 12 million a year by 2020 and to maximise its potential for river travel. The proposed targets are not considered to be robust enough given the above.

*(OFFICER COMMENT: through further discussion with the applicant these targets have been increased in line with the growth rate anticipated to meet the River Action Plan Target. The 5<sup>th</sup> year target has been increased to 1.4%. In addition, further measures will be incorporated in the Travel Plan in order to support these targets. The Travel Plan will be a live document and will be reviewed and updated. The PLA has confirmed that they are satisfied with the information provided. The Travel Plan will be secured through the S106 and can therefore be further updated and agreed at submission of details stage).*

## **Thames Water**

### *Waste Comments*

- 6.59. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application and as such a condition is recommended for details of drainage works to be submitted for consideration.
- 6.60. A condition regarding impact piling should be included on any approval.
- 6.61. An informative in relation to not building within 5 metres of large water mains has also been requested.

*(OFFICER COMMENT: The requested conditions and informative are included within section 3 of this report).*

## **The Greenwich Society**

- 6.62. To date no comments have been received.

## **LBTH Biodiversity**

- 6.63. The proposal leads to the permanent loss of part of the SINC. The maximum area which could be lost is not stated in the ecology chapter.

*(OFFICER COMMENT: the applicant has clarified in the Ecology Response SINC Issues dated 18<sup>th</sup> December 2013 that the size of the dock space that will be lost as part of the proposal is 660sqm which is a total of 0.2% of the SINC)*

- 6.64. In the case of the Milwall and West India Docks, there are several developments which have taken small parts of this SINC and several current proposals (including this one) which could potentially take more. A thorough assessment needs to be

undertaken of the loss before the combination of impacts could be dismissed as negligible.

*(OFFICER COMMENT: this matter will be further discussed in the biodiversity section of the report. This section of the report discusses the cumulative impacts of the various proposals in terms of the loss of the waterspace and the small proportion which will be lost by the subject proposal. In addition, the applicant has provided further information which has been reviewed by the biodiversity officer. The biodiversity officer has commented that the proposed habitat enhancements should provide sufficient mitigation to offset the loss of part of the dock which is satisfactory. The proposed habitat enhancements (vertical beach/false façade, berm or cage on dock bottom, and at least 15% of the frontage with reeds in gabion baskets) will be secured by condition. These matters are secured by condition as detailed in section 3 of this report.)*

- 6.65. There does not appear to be anywhere suitable for bat roosts on the site, but there is a potential feeding area over the dock.

*(OFFICER COMMENT: the applicant has confirmed that the site has no roosting potential for bats and no significant potential use for foraging or as a commercial route).*

- 6.66. It is not clear whether Jersey Cudweed (which is a protected plant) is present within the site and this should be clarified. Conditions are recommended relating to the need to survey the site for Jersey Cudweed and for a suitable scheme of biodiversity enhancement to be agreed.

*(OFFICER COMMENT: the applicant has clarified that Jersey Cudweed was not present at the site; however, as noted in the ES there is potential for this species to spread from other spaces within the dock. The applicant has stated that as per the ES, an updated survey is conducted prior to the development works commencing on site and if found at that point, a Natural England licence would need to be sought. These matters have been discussed and agreed with the applicant and will be requested by condition as detailed in section 3 above).*

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

- 6.67. CLC requested financial contributions in line with the S106 SPD.

*(OFFICER COMMENT: These will be secured through the s106 agreement)*

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

- 6.68. Consideration should be given to replacing some of the standard cycle stands with adapted cycle parking stands.

*(OFFICER COMMENT: The applicant has confirmed that some of the cycle spaces can be adapted cycle parking stands if required)*

- 6.69. The accessible changing facilities appear to be small and the door should open outwards. A detailed drawing is requested to ensure it complies with Part M standards.

*(OFFICER COMMENT: the applicant has supplied an additional drawing which demonstrates that the doors will open outwards and the detail as requested by the access officer)*

- 6.70. Consideration should be given to automatic entrance doors rather than revolving doors and pass doors as this is more inclusive.

*(OFFICER COMMENT: The applicant has given regard to the access officer's comments and the applicant notes that the pass doors will be automatic. It is not the intention that the automatic opening doors will solely be used by wheelchair users and the proposal is rather seeking to provide options to those accessing the building).*

- 6.71. An accessible turnstile within the building will be required

*(OFFICER COMMENT: The applicant has confirmed that accessible turnstiles have been provided and will be set out in the detailed design phase)*

- 6.72. The accessible changing facilities and ambulant toilets will need to comply with part M of Building Regulations.

*(OFFICER COMMENT: The applicant has confirmed that the changing facilities comply with Part M as detailed above. In addition, the applicant has demonstrated that the ambulant WCs have a width of 900mm and clear space beyond the door of 1060mm which is considered acceptable)*

- 6.73. Accessible toilets with alternate transfer spaces should be included on each floor, rather than one on each floor.

*(OFFICER COMMENT: the applicant has confirmed that they will be providing 2 alternate handed accessible toilets per floor rather than one on each floor).*

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

- 6.74. No comments received.

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

- 6.75. From an urban design perspective, no objections have been raised.

- 6.76. Paragraph 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

- 6.77. The applicants have provided additional material to enable Tower Hamlets and English Heritage to assess the overall impact of the proposal with regard to the grade I listed West India Dock wall.

- 6.78. The application includes restoration works to retained sections of the wall. Whilst the overall area of wall to be removed is greater than with regard to previously consented proposals, the sections to be removed have been subject to more recent alterations.

- 6.79. Protection of the grade I listed banana wall and its immediate setting needs to be ensured by careful condition.

*(OFFICER COMMENT: Conditions to protect the Grade I listed banana dock wall and its immediate setting are included in section 3 of this report)*

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

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

*(OFFICER COMMENT: The applicant has responded to the clarifications sought)*

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

- 6.81. Contributions have been requested in line with the S106 SPD.

*(OFFICER COMMENT: These will be secured through the s106 agreement)*

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

- 6.82. No comments received

*(OFFICER COMMENT: air quality is discussed further in the 'air quality' section of the report).*

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

- 6.83. No comments received

*(OFFICER COMMENT: contaminated land is discussed further in the 'contaminated land' section of the report.)*

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

- 6.84. No comments received

*(OFFICER COMMENT: noise is discussed further in the 'noise' section of the report).*

#### **LBTH Building Control**

- 6.85. To date no comments have been received.

#### **LBTH Planning Policy**

- 6.86. The proposal accords with the vision for Canary Wharf to retain and enhance its global role as a competitive financial district. Consideration should be given to whether the proposal meets Priority number 5 and Principle number 1 in relation to the improving connections to the docksides given the loss of dock space.

*(OFFICER COMMENT: the above point is addressed in the 'biodiversity' section of the report.)*



- 6.87. The proposed office use is appropriate for a Preferred Office Location and Major Town Centre and accords with Spatial Policies 01, 06 and policies DM1 and DM16.

*(OFFICER COMMENT: Noted)*

- 6.88. The proposal results in the loss of a portion of a Site of Importance for Nature Conservation. To ensure compliance with Spatial Policy 04(3) and policy DM11(2)(3), detailed commentary should be sought from the Borough's Biodiversity Officer.

*OFFICER COMMENT: comments have been received from the Biodiversity officer and this point has been addressed in the 'biodiversity' section of the report)*

- 6.89. The proposed built form generally accords with Spatial Policy 10 and policy DM26, however detailed commentary should be sought from the Borough's Urban Design Officer.

*(OFFICER COMMENT: Noted)*

- 6.90. The proposed development generally accords with Local Plan policies. Further consideration should be given to whether the proposal successfully addresses the impact of the loss of dock space in relation to biodiversity.

*(OFFICER COMMENT: as detailed in the 'principle of infilling west India Middle Dock' section below, the subject proposal only constitutes a small percentage of the overall waterspace which is to be lost in comparison to the various consented schemes. In addition, given the benefits of the public realm enhancements over the dock, the economic benefits of the proposal and the ecology enhancements to a part of the SINC, which has been demonstrated through the ES to have little biodiversity value, it is considered on balance that the infilling of the dock and loss of the waterspace are acceptable and would not lead to a significant detrimental loss of the waterspace. Further detail on this is provided in the 'principle of infilling west India Middle Dock' section of this report)*

#### **LBTH Sustainability Officer**

- 6.91. The proposal have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve a >31.3% reduction in CO2. The proposals also include the installation of 200m<sup>2</sup> (44kWp) PV array to further reduce CO2 emissions by <1%. This is supported and follows the London Plan sets out the Mayor's energy hierarchy.

- 6.92. The overall CO2 emission reductions considered achievable for the development are 31.3%.

- 6.93. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

- 6.94. The current proposal fall short of these policy requirements by 18.7% and this equates to 480.3 tonnes of CO2 of regulated CO2.

- 6.95. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:

*“...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”*

- 6.96. It is advised that the shortfall in CO2 emission reductions on this project is offset through cash in lieu payment. The GLA published updated guidance in April 2014 which included a higher carbon offset figure. The new cost per a tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014. The figure has been increased based on central government (zero carbon hub) analysis on the cost of delivering carbon offset projects.
- 6.97. For the proposed scheme it is recommended that a figure of £864,540 is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to local schools in the vicinity or other projects to be agreed with the applicant.
- 6.98. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all developments to achieve a minimum BREEAM Excellent rating. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

*(OFFICER COMMENT: the applicant has agreed to the carbon offsetting financial contribution and this will be secured through the section 106 agreement. In addition, a condition has been included in section 3 in relation to providing BREEAM certificates)*

### **LBTH Transportation and Highways**

- 6.99. The site already benefits from planning permission for commercial use, of a slightly larger floor area than that currently proposed. The Transport Statement provides a 'worst case assessment' because certain elements of the scheme would be delivered proportionally related to the floor area, in accordance with relevant policy standards. I accept this, with the reservation that leaving the detail of cycle parking until post-permission can be problematic when the storage space is found to be too small to properly accommodate stands and manoeuvring space.

*(OFFICER COMMENT: As indicated on the parameter plans, there is space allocated within the parameter plans for cycle storage at both basement and lower ground floor level which is sufficient to accommodate the maximum amount of cycle parking required.)*

- 6.100. A new pedestrian connection will be provided across Middle Dock, which will connect the development with Mackenzie Walk. Both places are privately maintained: the nearest public highway is Westferry Road. Only emergency vehicles will access the site off the latter road, and no alterations to the present access are required. If they were, that would require a s278 agreement.

*(OFFICER COMMENT: No works are proposed to the Westferry Road as part of the subject proposal and therefore a s278 agreement will not be required.)*

6.101. Basement levels one and two accommodate cycle, car parking, servicing plant, and are accessed off Cook's Way, the private service road for Canary Wharf Estate that runs underneath West India Avenue. The quantity and design of the on-site servicing (three bays) is welcomed and the means of access is acceptable; I don't consider there will be impacts on the public highway. Visitor cycle parking is provided in the Council's preferred design, Sheffield stands, and 50% of the staff cycle parking is accessible without lifting.

*(OFFICER COMMENT: Noted.)*

6.102. Four car parking spaces are proposed, of which two are disabled access design, and one is fitted with an electric vehicle charging point. While the need for two regular spaces is not fully supported, as it has not been justified, two spaces for a development of this size, which is not accessed off the public highway, would be acceptable in this instance.

*(OFFICER COMMENT: Noted.)*

6.103. Framework plans for a Construction and Logistics Plan and a Travel Plan are given. It is requested that conditions are attached to the decision notice requiring the retention and maintenance of the cycle storage areas as approved for the lifetime of the development and a condition requesting a Construction & Logistics Plan (same as a CMP) is provided.

*(OFFICER COMMENT: noted and the requested conditions are included within section 3 of the report)*

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

6.104. As this development is entirely for commercial use, a private contract will be in place for collection of waste. As a local authority, there are no objections to the location and collection arrangements for the building.

*(OFFICER COMMENT: Noted)*

### **7. LOCAL REPRESENTATION**

7.1. A total of 22 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. No representations have been received.

### **8. MATERIAL PLANNING CONSIDERATIONS**

8.1. The main planning issues raised by the application that the committee must consider are:

- Land Use
- Urban Design
- Heritage Assets
- Transport, Connectivity and Accessibility
- Amenity
- Energy and Sustainability

- Biodiversity
- Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Water Supply)
- Environmental Statement

## **Land Use**

### Policy Context

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

### Principle of Office Use:

- 8.8. The proposal is for the creation of between a minimum of 40,000sqm and a maximum of 102,102 square metres of office floor space (Use Class B1) in a building reaching up to 173.2m AOD maximum in height.
- 8.9. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with policies 2.10 and 2.11 of the London Plan and strategic policy SP06 of the CS which seek to develop the CAZ, POL and the IoDOA,

in order to foster London's regional, national and international role, and promotes high-density office-based employment uses in this location. Furthermore, the principle of an office use on this site has been established under previous consents.

- 8.10. Further to the above, the proposed office floor space would bring significant economic benefits and would complement existing office provision in the surrounding area. The proposed development would have a capacity to accommodate between 1,550 and 4,925 net additional full-time equivalent jobs. This would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin off employment. The construction phase of the development is also likely to generate between 108 and 216 full time equivalent jobs which will also bring about further socio-economic benefits.

Housing Provision:

- 8.11. Policy 2.11 of the London Plan sets out the strategic functions for the CAZ and part (a) of the policy states that *“new development proposals to increase office floorspace within CAZ and the north of the Isle of Dogs Opportunity Area [should] include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan (see policies 3.4 and 4.3).”*
- 8.12. Policy 3.4 seeks to optimise housing potential taking into account local context and character, design principles, public transport capacity within the relevant density range shown in table 3.2 within the London Plan. Furthermore, policy 4.3 of the London Plan provides guidance with regard to mixed use development and offices. Part (A) of the policy states that within the *“Central Activities Zone and the north of the Isle of Dogs Opportunity Area, increases in office floor space should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.”*
- 8.13. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf *“are not appropriate locations for housing”*. For the reasons set out below it is not considered that housing, or a contribution towards affordable housing would be appropriate in this instance. In addition, the Council's adopted S106 SPD does not require the provision of affordable housing for commercial developments.
- 8.14. It is noted that the site is considered desirable for commercial uses given the site's context within the Canary Wharf Major Centre and Preferred Office Location (POL).
- 8.15. As detailed above, whilst the site is not located within the CAZ, the policy objectives of the London Plan for the CAZ apply. The definition of the CAZ within the London Plan states 'these areas are to promote finance, specialist retail, tourist and cultural uses and activities'. The introduction of residential uses would not be appropriate and would compromise the role of Canary Wharf as an economic centre. This is in accordance with strategic policy SP02 (2a) of the CS.
- 8.16. With regard to the London Plan Policies, it is considered that the provision of housing would conflict with the central aim of these policies which is to encourage developments that meet office demand and rejuvenate office based activities in the CAZ.
- 8.17. This report has identified that the site is appropriate for commercial development, and with the proposed development providing between approximately 1,550 and 4,925 additional jobs, this is considered a significant contribution towards the target

of 100,000 new jobs by 2016 within Isle of Dogs as set out in 2.13 of the London Plan.

- 8.18. It is noted that the GLA in their stage one letter have stated that in the past, practice within the Canary Wharf estate has seen a co-ordinated implementation of London Place mixed-use policy with contributions to mixed use developments being accrued and developed across a range of sites. The GLA are satisfied that the application will contribute towards sustaining an important cluster of business activity in the Isle of Dogs opportunity area and provided the contributions towards infrastructure improvements are secured in this instance, an absence of housing at this site is accepted.
- 8.19. Furthermore, the consented and implemented office development was not required to provide a contribution towards off-site affordable housing, and given that the aforementioned consent has been implemented, a considerable commercial development could be constructed on site.

#### Conclusions:

- 8.20. Given the office-based nature of the proposal and the site's policy designations, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required in accordance with policy.
- 8.21. Whilst this may conflict with the recently approved residential development at Newfoundland, this site was the subject of an independently assessed report which concluded that the supply of office development within Tower Hamlets generally is significantly outstripping demand, between 2011 and 2031 it is anticipated that the demand for office supply within the borough will be 440,123sqm but there is almost 2million sqm in the pipeline (1,959,312sqm). Within the docklands specifically there is 21.5million sqft of office space in the pipeline but only 1.7million sqft of demand. Office. However, office floor space being provided at 1 Park Place was included in the pipeline calculation as it had already benefited from an extant consent.

#### **Urban Design**

##### Policy Context:

- 8.22. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.23. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.24. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

8.25. Specific guidance is given within policy 7.7 in the London Plan and policy DM26 in the MDD in relation to tall buildings. The relevant criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
- Be of a height and scale that is proportionate to its location within the town centre hierarchy.
- Only be considered in areas whose character would not be affected adversely by the scale, mass, or bulk of a tall building.
- Achieve high architectural quality and innovation in the design of the building including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or townscape elements.
- Individually or as a group improve the legibility of an area making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters.
- Should not adversely impact upon heritage assets or strategic and local views.
- Present a human scale at street level including ground floor activities that provide a positive relationship to the street and enhance permeability of the site where possible.
- Make a significant contribution to local regeneration.
- Provide public access to the upper floors where possible.
- Not adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications.

Proposal:

- 8.26. The development would include the demolition of any remaining structures on site and the construction of a tall building fronting West India Avenue. The development will provide office use.
- 8.27. The application proposes a maximum of approximately 102,102 square metres gross internal area (GIA) of office floor space (Use Class B1) in a single building.
- 8.28. The maximum height for the proposed building is set at 173.20 metres above ordnance datum (AOD). This height is the equivalent of a 33 storey building.
- 8.29. As indicated on the parameter plans, set back levels are included at 69.5m AOD and 93.5m AOD.
- 8.30. At ground floor level the building seeks to address both West India Avenue to the north and Park Place to the south, due to the level change entrances are to be provided at different floor levels. Design Guideline 14 will ensure both these frontages are active.
- 8.31. A pedestrian link across the dock to the south of the development is proposed which would link Park Place to McKenzie Walk and the rest of the Canary Wharf to the east. This pedestrian link would also serve the proposed Newfoundland residential development which is a recently consented application for the site to the south of 1 Park Place.

- 8.32. In addition, further public realm enhancements including inclusive access routes around the site and open space to the north of Newfoundland. This will provide a more active use of the dock space and improve interaction with the waterspace. This will aid accessibility and connectivity in and around the site.
- 8.33. There is also the potential to accommodate two basements levels of cycle parking / car parking and plant within the development zone below ground level, at -6.600m AOD. The depths of the basement levels have been defined in consideration of the maximum number of car and cycling facilities required. A maximum of 4 car parking spaces will be provided and a maximum of 850 cycle spaces will be provided. Vehicular access to the lower ground level will be provided by a new access off Cook's Close.
- 8.34. In order to ensure that the public amenity of the Middle Dock is enhanced, a cut back of a minimum 5 metres above ground level (+16.960 m AOD) will be provided along the south elevation of the Building to ensure that a view of the surface water of the dock would be afforded.
- 8.35. A flood water storage tank is required as the building will displace water within the dock. Part of the southern extent of the site will have decking sitting over the dock. The deck area over the dock will provide inclusive access for all and will therefore provide outdoor amenity space. As part of this application, the opportunity has been taken to improve biodiversity measures within this area of the waterspace which had little biodiversity value previously. It would also animate the dock which is a benefit of the scheme. The size of the terrace area would depend on the size of the building footprint.
- 8.36. The development would have a defined ground floor level and includes a canopy structure to be provided to the north of the site on the West India Avenue frontage. The canopy would have a maximum height of 23.70 metres AOD and a minimum height of 4.50 metres AOD above the finished footway level which will be a maximum of 4.00 metres in width.
- 8.37. The Design Guidelines includes a number of guidelines which are for approval as part of the outline planning application and form non-spatial parameters. A number of the most relevant are noted below:
- The building should use an established palette of materials of the existing Canary Wharf Estate and the quality of material and design of the landscaping should match that of the existing Canary Wharf Estate (Guidelines 5 and 26)
  - Frontages should be active up to at least 5.0 metres about ground level; and the north and south frontages should have a minimum of 75% minimum active frontage area. The east elevation should have a minimum of 50% active frontage area and the west elevation should have a minimum of 35% active frontage area (Guidelines 13, 14 and 15).
  - The roof design should hide plant, maintenance equipment and building maintenance unit cradles etc. to achieve an organised roof top elevation (Guideline 18).
  - The existing ventilation is to be maintained to adjacent building 15 Westferry Circus (Guideline 12).
  - The Design Guidelines further state that *"The new footway and balustrade should not add excessive additional loading to the listed banana wall structure"* (Guideline 31); and *"The top and face of the existing dock wall coping will always remain visible"* (Guideline 32).



- With regard to the pedestrian link, Guideline 33 states that “a *Pedestrian Link should be provided across West India Middle Dock to allow pedestrian access from the site to the existing promenade along the water frontage*” and Guideline 36 states that “*pedestrian circulation around the building must be provided to make the site publicly accessible. The pedestrian circulation should be part of the landscape design and incorporate the level change between West India Avenue and Middle Dock*”.

Principle of a tall building:

- 8.38. Given the application is in outline with matters of appearance reserved, the detailed design of the building would be controlled through the reserved matters applications and conditions. As such, the assessment of this outline application needs to consider the principle of a tall building in this location and ensure that the control documents (Development Specification, Parameter Plans and Design Guidelines) offer sufficient control to ensure a high quality design is secured through the reserved matters applications.
- 8.39. Having regard to the tall building policies it is considered the proposals accord with these policies because:
- 8.40. The site is located in the CAZ, the IoDOA and within access to good public transport which are areas where tall buildings are considered acceptable.
- 8.41. The height and scale is proportionate to the location of the site within the CAZ and Canary Wharf Major Town Centre which is an established tall building cluster.
- 8.42. The character of the area would not be affected adversely by the scale, mass, or bulk of a tall building given it would be in keeping with the character of the area which is a tall building cluster.
- 8.43. The Design Guidelines sets out the rules, requirements and guidelines that any future reserved matters applications for the development of the building defined in the parameter plans would need to comply with. The Design Guidelines contain 38 guidelines which will ensure a high quality architectural building will be delivered at reserved matters stage. The guidelines provide a control framework within which the final building must comply. Guideline 5 states that “*The building should use the established palette of materials of the existing Canary Wharf Estate.*” This will ensure that the building will be in keeping with the existing buildings within the Canary Wharf Estate which has an established palette of materials which includes natural stone, architectural metal and glass. Finally, it is noted that this document has been reviewed by the Urban Design Officer as part of the assessment of the planning application and during the pre-application discussions and they have not raised any objections.
- 8.44. It is noted that the London View Management Framework supplementary guidance (July 2010) states that the composition of the view from Greenwich Park would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”. Whilst the proposal is located adjacent to the existing cluster, it is considered that the proposed building would contribute and add emphasis to the consolidation of the existing tall building cluster. In fact Guideline 1 within the Design Guidelines states that the Building will be a coherent addition to the existing cluster of tall commercial buildings at Canary Wharf in respect of its form and appearance, it will be a single building and it will match the high standard of architectural detail and external materials of those existing buildings.

- 8.45. To conclude, it is considered that the building would make a positive contribution to the skyline when perceived from all angles during both the day and night and would assist in consolidating existing clusters.
- 8.46. It is not considered that the proposed building would adversely impact upon heritage assets or strategic and local views. This is further discussed at paragraph in the heritage section of this report.
- 8.47. There are several guidelines dealing with canopies, entrances and building lines which will ensure active frontages at ground floor level. Guidelines 14 and 15 specifically states that the north and south facades will be a minimum of 75% active frontage, the eastern façade will be a minimum of 50% active frontage and the western façade would provide a 35% minimum active frontage. This would ensure the building would present a human scale at street level including ground floor activities that provide a positive relationship to the street.
- 8.48. As discussed within the land use section of this report the proposed development would result in the creation of between 1,550 and 4,925 net additional full-time equivalent jobs, which would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin off employment.
- 8.49. It is not considered that the building would adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications and these topics are discussed in detail within the relevant sections of this report.
- 8.50. It is noted that the GLA support the principle of a tall building and have stated that *"The guidelines are supported and reflect the aspirations of the London Plan to design high quality buildings."*
- 8.51. Through the reserved matters applications and conditions full details of the bulk, scale, massing and appearance of the building would be controlled.
- 8.52. In conclusion, the principle of a tall building is considered acceptable in this location given the sites location within an established tall building cluster and the principle of a tall building has been established by the extant permissions for tall buildings on the site. Finally, the proposal accords with the relevant tall building polices listed above.

Layout:

- 8.53. As with the previous consents at the site (most recently under PA/08/601), the proposed main building footprint will extend into the West India Middle Dock. The principle of the loss of the dock is included in the 'Infilling of West India Middle Dock' section of the report.
- 8.54. At ground floor level the footprint envelope of the building allows for public access on all four sides of the building which is welcomed, in particular along the Dockside and the building will include active frontages which is supported. The proposal will also include connectivity with adjacent sites through the provision of the public walkway and provision of public realm including inclusive access for all over the dock space.
- 8.55. To conclude the proposed layout of the site is considered acceptable and in keeping with site layouts adjacent. Inclusive access around the building especially allowing views of the dock is supported.

### Strategic views:

- 8.56. In March 2012 the Mayor of London published the 'London View Management Framework Supplementary Planning Guidance' (LVMF) which is designed to provide further clarity and guidance on London Plan's policies for the management of these views.
- 8.57. The LVMF views 5A.1 and 5A.2 from Greenwich to central London; 15B Waterloo Bridge downstream and 24.A Island Gardens, Isle of Dogs to Royal Naval College are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.58. Assessment point 5A.1 and 5A.2 of the LVMF is the most relevant to the application relating to the view from the General Wolfe Statue in Greenwich Park overlooking the Maritime Greenwich World Heritage Site. The proposal would sit between the twin towers component of the Old Royal Navy College when viewed from this point. The LVMF suggests that this view would benefit from "*further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs ... However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.*"
- 8.59. The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The development would be located adjacent to the existing Canary Wharf cluster in the background of the view. The apparent height of the development in this view would be lower than One Canada Square, the HSBC, Citigroup and recently consented Newfoundland buildings which will be located. Overall, the height, scale and form of the development would fit comfortably within the adjoining cluster.
- 8.60. The townscape assessment also produces a number of views from strategic locations round London, including from Waterloo Bridge.
- 8.61. The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view. The GLA, English Heritage and the Councils Design and Conservation Team do not raise any objections in this respect.

### **Heritage Assets**

#### Policy Context:

- 8.62. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- "*desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.*"

- 8.63. Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.64. Paragraph 137 advises Local Planning Authorities to seek opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.
- 8.65. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.66. Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.67. Further to the above, Section 66 (2) of Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority when making a determination on a Listed Building Consent application to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Impact on heritage assets:

- 8.68. The quay walls, copings and buttresses to the Import Dock and Export Dock now known as West India Middle Dock, to the south of the site, are listed as Grade I. Part of the listed structure lies within the northern boundary of the site which runs on a north-south axis.
- 8.69. The listing description describes the quay walls as being of “*sophisticated brickwork having a profile and counterfort buttresses, on a gravel bed. The ashlar granite copings have been largely renewed or covered by jetties*”. Despite various interventions to the Grade I listed dock wall, it is clearly recognised as having historic significance and retaining some of its historic form and shape.
- 8.70. The Listed Building Consent application provides various drawings and documents including an Assessment of Significance and further detailed annotated drawings (for further information see Listed building documents section of this report) for the loss of 28.5 metres of dock wall. It is noted that there has been previous consents for some losses of the dock wall (referenced above in the planning history section of the report); however, there has not been a specific consent for the loss of a continuous section of dock wall up to the current 28.5metres proposed.
- 8.71. It is apparent from the information submitted that the edges of the docks demonstrate physical evidence of much contact with passing boats. Some of the dock wall has been subject to various re-building using more modern methods that are out of kilter with the original dock wall and gives the northern section, in particular, a mis-match of traditional and more recent additions.

- 8.72. Chapter 12 of the NPPF provides further guidance, in particular Paragraphs 133 and 134, which set out “public benefit” tests to judge whether these are appropriate reasons for approving Listed Building Consent or planning applications where substantial harm or less than substantial harm to the significance of designated heritage assets has been identified.
- 8.73. In relation to the impact on West India Middle Dock and its setting, it is noted that the broad form and alignment of the feature is generally retained. As noted above, the actual physical fabric proposed to be removed has been heavily altered and makes a limited contribution to the significance and special interest of the heritage asset. Whilst demolition is proposed to the northern most section of the wall, the southern section of the wall will be retained. It is therefore considered that these works would not cause anything approaching the complete loss of significance of the heritage asset. Consequently, the development would cause less than substantial harm.
- 8.74. Whilst the detailed design and appearance of the new development is subject to reserved matters applications, it is clear that the Design Guidelines will secure significantly higher quality architecture and landscape than currently exists.
- 8.75. Moreover, the proposal would increase permeability and access to the dock edge and across the water body through providing inclusive access from West India Avenue to the dockspace and introduction of a pedestrian link across the water. This would increase the interaction and visibility of the dock wall which is to be retained (the better quality southern section) through the provision of all inclusive walkways and pedestrian links.
- 8.76. This is reinforced by guideline 32 which states that as a result of these works the top and face of the existing dock wall coping would always remain visible. Conditions would ensure a good standard of repair to the retained dock walls.
- 8.77. On balance, these effects of the listed building’s setting, reaffirms the view that the proposal would cause less than substantial harm to the West India Middle dock.
- 8.78. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 250 metres away to the north and the Narrow Street Conservation Area is 400 metres away to the west. It is not considered the proposed development would adversely affect the character and appearance of these conservation areas largely because of the distance limits the indivisibility with the site from these conservation areas.
- 8.79. Officers, in reaching their conclusions, has assessed the material submitted by the applicant along with relevant representations including from statutory consultees in order to determine the significance to be attached to relevant assets and the likely impact of the scheme on these assets. On balance, it is considered that the proposal would cause less than substantial harm to the listed structures. Furthermore, it is not considered the proposed development would have an unduly detrimental adverse impact on the character and appearance of adjacent conservation areas.

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

#### Policy Context:

- 8.80. 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.

- 8.81. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.82. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal:

- 8.83. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). The underground Jubilee Line tunnel runs east-west 30 metres to the south of the application site, with Canary Wharf DLR Station 270m to the east and the Jubilee line station being 420m from the site. The site is also served by bus routes 135, 277, D3, D7, D8, N550.
- 8.84. It is noted that access is a reserved matter. An illustrative scheme has been prepared for the maximum floor area proposed in order to demonstrate how these elements could be accommodated on site.
- 8.85. The parameter plans includes two basement levels (named basement and lower ground level). Car and cycle parking would be provided within the basement levels with access provided at lower ground level via Cook's Close.

Car Parking and Access:

- 8.86. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.87. A total of 4 car parking spaces have been included in the design. The borough's highway officer has noted that a car free development should be considered; however, given the very limited levels of car parking at the application site (compared to the potential number of employees), 4 car parking spaces is considered to be acceptable.
- 8.88. Of the 4 car parking spaces proposed, 2 spaces will be disabled car spaces. This approach is supported and will be controlled by condition.
- 8.89. In addition, one of the car parking spaces will be equipped as an electric vehicle charging point. This would be controlled via condition.
- 8.90. The supporting Transport Assessment demonstrates in table 5.7 that the development would result in 44 additional two-way trips in the AM peak (08:00-09:00) and 33 additional two-way trips in the PM peak (17:00 – 18:00).
- 8.91. The mode share targets indicate that the majority of the trips to and from the site will be generated by the Jubilee Line. In addition, the DLR and Crossrail will both generate a high proportion of trips to and from the site.

- 8.92. The assessment shows that the development proposals can be accommodated on the surrounding highway network, which has been accepted by both TfL and LBH Highways.

Cycle Parking:

- 8.93. Cycle access to the development would be provided from Park Place. Secure and accessible cycle parking facilities would be provided for employees and visitors to the building in line with council cycle parking standards. And a minimum level of cycle parking would be controlled via condition, based on the final floorspace delivered.

- 8.94. Based on the maximum GIA, a minimum of 850 cycle parking spaces will be provided within the illustrative scheme for the office use. This would be controlled via condition.

8.95. Servicing and Deliveries:

- 8.96. All servicing for the development would take place off the highway in a dedicated service area at basement level 1 with service vehicle access provided directly from Cooks Close. Both TfL and the borough transport officer support this. The reserved matters application for access would finalise the details of how servicing would take place.

- 8.97. A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition.

- 8.98. Transportation and Highways support the principles of a large development providing employment at this location.

Traffic and Highway Assessment:

- 8.99. The Transport Assessment employs a robust approach in considering the outline development proposals and it is appreciated that the Transport Assessment (TA) broadly considers “worst case scenarios.”

- 8.100. As noted above, TfL queried the use of the employee density figures to calculate the number of forecast employees at the development and the datasets used to calculate the mode share of the forecast employees. After further dialogue with the applicant, the methods used in the TA have been considered robust and are acceptable by TfL.

- 8.101. Following on from the above, the PLA requested further increases in future mode share figures over the 5 year period in ‘other’ travel which includes the riverbus. The applicant has agreed to the increases in ‘other’ mode share figures and this will be reflected through the Travel Plan which will be secured via condition as requested by TfL and the borough’s highway officer.

- 8.102. Travel Planning and encouraging the use of modes of transport other than private car use is welcome and would off-set the impact of the development. Furthermore, reducing the maximum parking levels at the reserved matters stage would further reduce the level of impact.

Public Transport Improvements

*Docklands Light Rail*

- 8.103. Transport for London have requested that real time information displays within the reception areas of the proposed development be secured as this will assist the delivery of the travel plan mode share targets. This has been included within the s106 agreement.
- 8.104. No financial contributions have been requested towards increased capacity of the DLR or underground network.

#### *Bus Network*

- 8.105. As demonstrated by the applicants Transport Assessment the development is likely to generate additional demand on the bus network in peak hours, particularly along the Wesferry Road corridor, which currently operates in excess of its planned capacity. Without appropriate mitigation, capacity constraints on this key corridor are expected to increase in the context of the cumulative impact of future development of the Isle of Dogs. In line with London Plan policy 6.1 appropriate financial mitigation has been agreed at £200,000 towards enhancing bus capacity in the local area and this would be secured via the section 106 agreement.

#### *Cycle Hire*

- 8.106. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Fishermans Walk. TfL continues to develop the network where possible, and considers that there is a need for a new docking station in the vicinity of the site. The applicant has been involved in discussions with TfL regarding the creation of a new docking station and it has been agreed that a financial contribution of £70,000 will be provided towards expanding on existing cycle hire docking stations within the vicinity of the site. This would be secured via the section 106 agreement.

#### *Real time information*

- 8.107. TfL have also sought the installation of real-time public transport information screens in the communal areas of the development. This would be secured via the section 106 agreement.

#### *Crossrail*

- 8.108. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £7,600,000 and £19,399,388 towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage. The section 106 agreement would be drafted to reflect the requirement for Crossrail contribution to be paid, on commencement of development based on the methodology outlined in the SPG.
- 8.109. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570 for this development.
- 8.110. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment would be treated as a credit towards the final figure required through the section 106



under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

### Pedestrian Environment

- 8.111. The development will add a significant number of additional pedestrian trips locally, either accessing surrounding public transport modes or walking directly to the site and the wider Canary Wharf area. A Pedestrian Environment Review System (PERS) audit has been carried out of the surrounding area. Generally the surrounding area was found to be good with high quality materials used, crossing were well maintained and clean and there is a good provision of CCTV and lighting.
- 8.112. TfL noted in their comments that the PERS assessment identified that wayfinding could be improved in the vicinity of the site. As detailed in section three of the report, a condition is included in relation to providing a wayfinding strategy
- 8.113. A pedestrian bridge is proposed to link the site to Mackenzie Walk which would improve the pedestrian environment and create easier access to Canary Wharf. The pedestrian bridge will provide access across the dock and allow interaction with the waterfront. For all publicly accessible areas, the s106 agreement will ensure public access is secured and maintained by the developer at all times.
- 8.114. In order to further improve the pedestrian environment and provide active uses with the dock/waterspace, inclusive access for all will be provided around the development along the access route to the west of the proposal and to the south within the dock over the waterspace. In addition, further public realm improvements will be provided which include the provision of open space to the north of the Newfoundland development (on the southern side of the dock to Park Place) which will be built out as part of the Park Place proposal should the Park Place proposal come forward first. The inclusive access around the site and the open space provision to the north of the Newfoundland development will both be secured through the s106 agreement.

### Conclusion:

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

### **Amenity**

- 8.116. Part 4 a and b of policy SP10 of the CS, and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.
- 8.117. The application site is located in a commercial area and the nearest residential properties are approximately 300 metres away.

Daylight, Sunlight and Overshadowing:

- 8.118. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.119. In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.120. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.121. In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.122. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*.
- 8.123. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume Two of the Environmental Statement (ES) – Chapter 11. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.
- 8.124. The daylight and sunlight assessment covers an area of 500 metres from the site. The nearest sensitive receptor to sunlight and daylight effects are at Chandlers Mews 310 metres from the site. Due to this site being of low sensitivity, further assessment was scoped out of the EIA.
- 8.125. The following properties were tested as part of the cumulative effects of the proposed development:
- Columbus Tower
  - Riverside South
  - Arrowhead Quay
  - City Pride Tower
  - Heron Quays West
  - Newfoundland
- 8.126. The EIA identifies that the VSC of some of the windows in the consented Newfoundland development will fall below the BRE criteria; however, the ADF levels in the affected rooms will exceed the minimum requirements.
- 8.127. Therefore, on balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

#### Sunlight:

8.128. The nearest sensitive receptor to sunlight and daylight is Chandlers Mews, 310 metres from the development site. The submitted daylight and sunlight report shows that the sunlight standard is met.

#### Shadow Analysis:

8.129. The BRE guidelines recommend that at least 50% of the area of all amenity spaces should receive at least 2 hours of sunlight on 21st March. If, as a result of a new development an existing amenity area does not meet the above criteria and the area which can receive 2 hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of light to be noticeable.

8.130. The following amenity areas were identified :

- Cabot Square
- Westferry Circus
- The central amenity area to Belgrave Court (located to the north west of the site)

8.131. It is noted that the West Quay area of the West India Middle Dock is also identified as a receptor with sensitivity to overshadowing from the proposed development purely for ecological purposes.

8.132. The analysis shows that more than 50% of the two amenity areas tested for shadow analysis will be left with more than half their areas seeing two hours of sunlight on 21st March.

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

8.133. The nearest residential property to the development would be the Chandlers Mews which are approximately 310 metres from the application site. It is not considered that there would be a detrimental impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 310 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

#### Noise and Vibration:

8.134. Chapter 10, Volume one of the ES contains an assessment of the impact of the proposed development with regard to noise and vibration.

8.135. With regard to the plant equipment, this would need to be designed to meet L90- 10 dB(A) of BS4142 and this would be controlled via condition.

8.136. During the Construction Phase, accordance with the Code of Construction Practice would be required. This would be secured as part of the section 106 agreement.

8.137. Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).

#### Conclusion:

8.138. With regard to amenity, given the nearest residential properties are approximately 310 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. On balance, taking account of building design and distance from the application site it is not considered that there would be an unduly detrimental impact on daylight and sunlight of existing residents adjacent to the site. With regard to noise and vibration any impacts would be controlled via condition.

## **Energy and Sustainability**

### Policy Context:

8.139. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

8.140. 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).

8.141. At the time of submission the London Plan 2011 included the target to achieve a minimum 25% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). As of 1st October 2013 this target has been increased to 40%. In addition to this the MDD policy has increased the CO<sub>2</sub> emissions savings target to 50% above Building Regulations 2010 for the period 2013-2016.

8.142. It is noted that the application was submitted in October 2013; however, the application will be considered in light of the current policy situation. Given the application is being assessed toward the middle/end of 2014, the position of a 50% reduction in line with current policies is considered to be somewhat stronger than it would have been toward the end of 2013. It is considered reasonable to relate the 50% target to this development.

8.143. From the comments below it is also clear that the development can achieve a 31.3% reduction but would be subject to a cash-in lieu carbon off-set payment to meet the 50% target.

8.144. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

8.145. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.

### Energy:

- 8.146. The proposals for Park Place have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve at least a 31.3% reduction in CO2. The proposals also include the installation of 200m2 (44kWp) of Photo Voltaic (PV) array to further reduce CO2 emissions by 1%. This is supported and follows the London Plan sets out the Mayor's energy hierarchy.
- 8.147. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.148. The current proposal fall short of these policy requirements by 18.7% and this equates to 480.3 tonnes of CO2 of regulated CO2.
- 8.149. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:
- "...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."*
- 8.150. The shortfall in CO2 emission reductions on this project will be offset through cash in lieu payment. The current identified cost per tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014.
- 8.151. For the proposed scheme the figure of £864,540 is sought for carbon offset projects in the vicinity of the proposed development. The financial contribution will be ring fenced for energy and sustainability measure to local schools located nearby or other projects to be agreed with the applicant.
- 8.152. A condition would be attached to the permission to ensure 31.3% CO2 reductions would be achieved.
- 8.153. The application is in outline and at the reserved matters stage further CO2 savings may be incorporated into the design of the scheme. As such, it is considered that in this instance energy would be assessed at the point of assessment of the main application. Any further reduction in CO2 emissions attained at reserved matters stage would be welcomed and would result in the applicant exceeding the CO2 target set by the compliance condition.

Sustainability:

- 8.154. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all developments to achieve a minimum BREEAM Excellent rating.
- 8.155. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

### Conclusions:

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

### **Biodiversity**

#### Policy Context:

- 8.157. In terms of policy designations within the CS and MDD, the docks from part of the blue grid and the docks are designated as a Site of Importance for Nature Conservation (SINC). The site also forms part of the Blue Ribbon Network as designated by the London Plan.
- 8.158. Chapter 12 (Ecology) Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on the ecological and nature conservation resources on and in proximity of the site.
- 8.159. The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.160. Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.161. Policy 7.24 of the London Plan sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network. Policy 7.28A specifically states that "*Development proposals should restore and enhance the Blue Ribbon Network by ... c) preventing development and structures into the water space unless it serves a water related purpose.*"
- 8.162. Policy 7.30 of the London Plan makes specific reference to development alongside London's docks, and requires such development to protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by amongst other aims preventing their partial or complete filling.
- 8.163. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.164. Policy DM10 of the MDD provides advice on delivering open space. It states that development 'on areas of open space will only be allowed in exceptional circumstances where:
- a) it provides essential facilities to ensure the function, use and enjoyment of the open space; or

b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved’.

Open space is defined as Metropolitan Open Land; major and local parks as well as squares; playgrounds; ecological spaces; housing amenity land; outdoor sports facilities; allotments; and burial grounds. It does not include private amenity space and areas of communal residential amenity space which are not publicly accessible.

8.165. Policy DM12 of the MDD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.

Principle of infilling West India Middle Dock:

8.166. The proposed development involves the partial infilling of West India Middle Dock and as such raises potential conflicts with a number of London Plan polices relating to the Blue Ribbon Network, the Council’s policies regarding the blue grid, delivering open space and biodiversity.

8.167. As detailed in the planning history section of the report, the previous permissions on this site have demonstrated similar infilling approaches; however, it is noted that the consented encroachment over the waterspace has been too much more of an extent than the application currently under consideration. This section of the report will discuss the above topics in further detail and will provide a considered conclusion in relation to the loss of the waterspace.

8.168. As noted above, the effect of infilling West India Middle Dock would have an impact on biodiversity within the area given water will be permanently displaced.

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

8.170. The following biodiversity enhancements would be required:

- Enhancements to the habitats of Middle Dock
- Biodiverse green roofs (designed in accordance with Buglife’s best practice guidance)
- Nest boxes for appropriate bird species
- Use of native plants and other plants beneficial to wildlife in the landscaping scheme including 15% of the scheme frontage to feature gabion cages with reeds
- Marginal aquatic vegetation either in coir rolls or gabion baskets attached to the vertical beach/false façade
- Berm or cage to be permanently attached to bottom dock

8.171. The above enhancements would be secured via condition should planning permission be granted. This approach is supported by the Borough Biodiversity Officer as providing sufficient mitigation to compensate for the loss of the dock space. The biodiversity officer has also requested conditions in relation to carrying

out of Jersey Cudweed surveys prior to works. This has been included in the conditions section.

- 8.172. The biodiversity officer has also raised concerns regarding cumulative losses of the SINC. The proposal would involve the loss of 660sqm which is a total of 0.2% of the SINC.
- 8.173. In order to address the biodiversity officer's concerns and to provide context to the amount of waterspace to be lost, the council has undertaken a cumulative assessment which includes the following consented and future schemes within its assessment:
- PA/08/01666 – Crossrail
  - PA/13/02966 – Wood Wharf
  - PA/13/02344 and PA/13/02366 – Park Place
  - PA/13/00203 and PA/13/01150 – Heron Quays West 1 and 2
  - Churchill Place and other extant schemes
- 8.174. Many of these schemes involve large losses to the waterspace. The cumulative impacts of the developments (including extant schemes) involve the loss of 25% of the overall waterspace (approximately 169,000sqm of waterspace will be lost in total including the Park Place development).
- 8.175. Whilst on initial consideration it appears that a large proportion of the waterspace will be lost as a result of the Park place development (660sqm), in comparison to the overall cumulative amount of waterspace that will be lost, the 660 sqm as part of the Park Place development is minimal.
- 8.176. Following on from this, officers have also given full regard to DM10 'delivering open space' due to the encroachment of the proposal over the water space. The policy states that only in exceptional circumstances can open space be lost. The exceptional circumstances includes providing essential facilities to ensure the function, use and enjoyment of the open space or as part of a wider development proposal where there is an increase of open space and a higher quality open space outcome is achieved. Open spaces can include ecological spaces.
- 8.177. It is noted that through granting of the development on the subject site (PA/08/00601) the loss of the waterspace and encroachment over the dock has been accepted and the principal of building over part of the dock space has been established. In addition, it is considered that given the site's unusual plot shape and building constraints due to being sandwiched between large buildings, it would not be possible to develop this site to provide a meaningful large plate office floorspace without building on to the dock.
- 8.178. In order to develop active dock edges and improve interaction with the waterfront, active uses have been sought in and around the site. This consists of inclusive access for all to be provided around the development along the access route to the west of the proposal and to the south within the dock over the waterspace.
- 8.179. In addition, further opportunities for interaction with the dock space have been sought which include the provision of open space to the north of the Newfoundland development (on the southern side of the dock to Park Place) which will be built out as part of the Park Place proposal should the Park Place proposal come forward first.



The inclusive access around the site and the open space provision to the north of the Newfoundland development will both be secured through the s106 agreement.

- 8.180. The GLA support the principles of an office tower in this location as long as appropriate mitigation is provided for the loss of the waterspace. This includes the provision of the public walkway and ecological enhancements to the dock space. These matters will be secured by condition and will form part of the s106. Furthermore, the development would provide a significant (financial) contribution to maintaining and enhancing Canary Wharf's role as a leading centre of international finance and commerce and in turn, London's world city status.

#### Conclusion

- 8.181. In conclusion, in light of the site constraints and previous extant permissions combined with the biodiversity enhancements, and public realm improvements (to be secured through the section 106 agreement), the partial infilling of South Dock would be acceptable in this instance. Officers agree with the overall opinion of the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks. Each application going forwards will need to be judged on its own merits in line with the council's own policies and the wider implications on the dockspace and waterspace.

#### Landscaping:

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

#### **Environmental Considerations**

##### Air quality:

- 8.183. Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures which would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 8.184. Chapter 14, Volume two of the submitted ES presents an assessment of the likely significant air quality effects of the development. In particular, consideration is given in the assessment to the construction works as well as air quality effects arising from operational traffic on local road network as a result of the proposed development.
- 8.185. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management.
- 8.186. The ES notes that the construction phase of the development has the potential to impact upon air quality through the creation of construction dust and from construction vehicles emissions. The environmental statement indicates mitigation measures can be implemented to ensure these impacts are minimised. A construction and environmental management plan is to be requested by condition which would include details of all the measures required to reduce the impact during construction.

- 8.187. In terms of the completed development, the proposal has the potential to impact upon air quality through the traffic emissions from vehicles and other operational emissions. The ES demonstrates that the completed development will have a negligible impact on air quality. It is noted that the proposal includes minimal parking and therefore employees and visitors are expected to travel to and from the site by more sustainable forms of transport. In addition, the proposal also includes landscaping around the site and ecological improvements within the dock which will assist with urban greening.
- 8.188. In conclusion, the ES identifies that there will be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.189. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.190. Chapter 13, Volume Two of the submitted ES assess the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.191. Five assessments have been carried out for comparison purposes including existing site conditions; construction stage scenario (using a qualitative assessment); the proposed development with existing surrounding site conditions; the development with cumulative schemes and the development with any necessary mitigation. The figures arrived at have been done so without taking account of any landscaping within the site so are 'worst-case scenarios'.
- 8.192. In general, the site is generally calm even during the worst case season with locations suitable for both sitting or standing. The assessment groups the areas around the site into four different categories including entrances; thoroughfares; outdoor amenity and the open terraces at the upper levels. These are discussed in the section below:
- Entrances - suitable for standing / entrance use. As such no mitigation measures are required in order to make the conditions around the entrances acceptable.
  - Pedestrian thoroughfares – Of the receptors tested, eight receptors show that the wind conditions would be suitable for sitting during the windiest season conditions. The majority of the receptors show that the wind conditions would be suitable for standing or leisure walking. Two of the receptors on McKenzie Walk are only suitable for car park / roadway during the worst case scenario and would be uncomfortable for people using the bridge. The applicant states that this is a secondary commuter route and during the cumulative scenario, this area is sheltered. There are no proposed measures to mitigate the impact of the wind on this route. Further detailed design of the proposal at reserved matters stage would allow an opportunity to improve the wind conditions where required. This

could include detailed landscape planting within the site and the implementation of possible wind screens.

- Ground floor level amenity space – the amenity spaces are located on the southern decking area and along Park Place. The results indicate that wind microclimate is suitable for sitting in the summer when this area is most likely to be used. Therefore no mitigation measures are required.
- Open terraces – wind speeds were measured at four locations which represent the open terraces at level 10 and 16 on the south elevation of the proposed development. Of the four receptors, two receptors located at the eastern side of level 16 and the western side of level 10 of the proposed terraces are suitable for standing or sitting during the worst case scenario. However, the receptor to the western side of the terrace at level 16 is suitable for standing only throughout the year and the receptor at the eastern side of level 10 is suitable for leisure walking and standing during the worst case scenario (winter). No mitigation is demonstrated for the two locations which will experience the windiest conditions and this was noted in the IRR. The applicant states that it is anticipated that the terraces are most likely to be used during the summer months. However, the open terraces have the potential to be used during any time of the year and therefore mitigation is required to offset the wind conditions in the worst case scenario. It is considered that as the application is currently at outline stage and the actual use of the terrace is unclear at this stage, the condition should be attached to the reserved matters application if deemed appropriate when further details of the design are provided.

#### Contaminated Land:

- 8.193. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site within Chapter 15 (Ground Conditions and Contamination), Volume Two.
- 8.194. The Council's records show that the site and surrounding area have been subject to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed, contaminants may exist and will need further characterisation to determine associated impacts. Therefore further exploratory works and remediation will be conditioned.

#### Flood Risk and Water Supply:

- 8.195. 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.
- 8.196. The development falls within Flood Risk Zone 3. Chapter 16 (Water Resources), Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on surface water drainage, ground water levels and flows and flood risk. The chapter also consider the likely significant effects on capacity of foul and surface water discharge and potable water supply infrastructure. The chapter is supported by a Flood Risk Assessment (FRA) prepared by Arup.

#### *Flood Risk:*

- 8.197. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.

- 8.198. The proposed development has a flood vulnerability classification of 'less vulnerable' and is 'appropriate development' under the sequential test carried out by officers in line with the NPPF.
- 8.199. The submitted FRA demonstrates that consultation has been carried out with the EA prior to submitting the application. In addition, the past experience with adjacent proposals has informed the FRA.
- 8.200. The ground level of the building is set at 11m AOD and the lower ground floor level of the building is set at 7m AOD.
- 8.201. Water levels may potentially rise within the Thames Estuary by 5.83m by the year 2065 due to climate change. As the building is 7m AOD at present this should be sufficient to prevent flooding of the building until at least 2065.
- 8.202. The 2008 extant consent included a basement which had a 'dock take' of 383sqm. The current proposal, if built to the maximum development zone would involve a dock take of an additional 325sqm (708sqm) overall. The piles for the pedestrian bridge and the cantilevered section of the building would also displace up to 91sqm of flood water.
- 8.203. The 2008 scheme did not include an floor water storage area, however as this development proposes to take up more of the dock water space it does have the potential to increase flood risk to the building and the wider Canary Wharf estate. As a result of this, a flood storage area has been included within the parameter plans. This floor storage area would be positioned underneath the southern edge of the building, adjacent to the basement level and underneath the lower ground floor. The floor storage zone would have capacity for 425cubic metres of flood water storage which is what the current proposal displaces over and above the extant consent. This would be revised at the detailed design scheme depending on the proposed scale of the building as the flood storage area may change.
- 8.204. Groundwater levels should not impact or be significantly impacted on by the proposed development.
- 8.205. Surface and foul water would be conveyed away from the site in an appropriate manner. The majority of surface water would be discharged to the docks, as occurs at the existing site which is the most sustainable solution for the site. Thames Water have requested conditions are attached should planning permission be granted in relation to the proposed drainage scheme.
- 8.206. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.207. Flood risk has been assessed by the Environment Agency (EA) who have not raised any objection to the scheme. A condition has been recommended requiring the development to be carried out in accordance with the submitted flood risk assessment which includes the provision of the flood water storage area.
- 8.208. Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy accords with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

## **Environmental Impact Assessment**

- 8.209. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.210. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.211. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarifications were sought in respect of a number of issues.
- 8.212. This additional information will provide further clarity on the EIA; however, even without it the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.213. As the application is in Outline, for the purposes of the assessment of environmental effects and to comply with the requirements of the EIA Regulations, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to additional significant environmental effects and/ or change the finding of the ES. Should the applicant then bring forward proposals which alter the parameters identified and assessed in the ES, they may need to be reassessed and/ or a new planning application submitted.
- 8.214. The ES assesses the potential impacts from a proposed development, the likely significant effects and any required mitigation to reduce adverse effects and enhancement measures to increase the benefits. The various environmental effects are dealt with in relevant sections of this report with conclusions given, proposals for mitigation by way of conditions, and/ or planning obligations as appropriate.
- 8.215. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/ obligations providing for appropriate mitigation measures.

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

- 8.216. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Are fairly and reasonably related in scale and kind to the development.
- 8.217. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.218. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.
- 8.219. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education
- 8.220. The Borough's other priorities include:
- Health
  - Sustainable Transport
  - Environmental Sustainability
  - Public Realm
- 8.221. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.222. The application is in outline and the minimum and maximum commercial floor space proposed ranges from 40,000sqm and 102,102 square metres. Given, the level of floor space is not fixed at this stage it is not possible to confirm the final level of financial contributions in lines with the SPD.
- 8.223. In considering how to deal with the section 106, in light of the fact this is an outline scheme and the scale of development is not fixed at this stage, officers have calculated the level of contributions taking account of the minimum and maximum level of commercial floor space provision. The minimum and maximum range of planning contributions required to mitigate the impact of development dependent on the final level of commercial floor space provided are listed below.
- 8.224. The section 106 agreement would include the formulas contained within the section 106 SPD and the final level of the contribution would be agreed as part of the reserved matters applications once the fixed amount of commercial floor space is agreed.
- 8.225. This approach ensures that the level of financial mitigation is proportionate to the scale of development and accords with the CIL regulations.
- 8.226. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.

- 8.227. An affordable housing contribution is not required for this application. Furthermore, health and education contributions are not required for commercial development in line with the section 106 SPD and have not been secured in this instance.
- 8.228. As discussed in the 'Crossrail' section of this report, in line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £7,600,000 (£6,200,000 – figure with CIL credit) and £19,399,388 (£15,825,810 figure with CIL credit) towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage similar to LBTH financial contributions as requested by the GLA and TfL.
- 8.229. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570.
- 8.230. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.
- 8.231. TfL have also requested contributions towards bus improvements, improvements and a contribution towards a new cycle hire docking station. Following negotiations between the applicant and TfL the financial contributions were agreed as fixed amounts regardless of the scale of development which would be built. This was because, the amount agreed does not reflect the upper amount requested by TfL to mitigate the impacts of the development.
- 8.232. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.233. To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be between £7,600,000 (£6,200,000 – figure with CIL credit)\* and £19,399,388 (£15,825,810 figure with CIL credit)\* towards Crossrail.
- 8.234. The proposed heads of terms are:

Financial Obligations:

- a) A contribution of between **£478,800** and **£1,222,160.94** towards skills and training for the end user phase
- b) A contribution of between **£104,200** and **£265,975.71** towards skills and training for the construction phase.
- c) A contribution of between **£121,866.82** and **£186,352.94** towards Idea Stores, Libraries and Archives.
- d) A contribution of between **£454,329** and **£682,668** towards Leisure Facilities.
- e) A contribution of **£864,540** towards Carbon off-setting
- f) A contribution of between **£464,880.24** and **£1,186,630.06** towards Public Open Space.
- g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£200,000** towards TfL Bus services within the area.

- i) A contribution of between **£7,600,000** (£6,200,000 – figure with CIL credit)\* and **£19,399,388** (£15,825,810 figure with CIL credit)\* towards Crossrail.
- j) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£53,420** and **£91,814**.

\* It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

Non-financial contributions

- k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- l) Travel Plan
- m) Code of Construction Practice
- n) Pedestrian link between Park Place and McKenzie Walk - Maintenance of new pedestrian link together with maintenance of public access
- o) Inclusive access for all – providing access for all around the dock edges and over the waterspace in addition to access along the western side of the building from West India Avenue to the dock edges
- p) Open space – open space to be provided to the north of the Newfoundland development should the Park Place development come forward first
- q) Install real time public transport screens within the ground floor of the building.
- r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

**Local Finance Considerations**

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

8.237. 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.

8.238. 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.

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



- 8.240. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.241. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 8.242. As regards to 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 between £1,400,000 and £3,573,570.

### **Human Rights**

- 8.243. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.244. 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".
- 8.245. 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.
- 8.246. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.247. 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.

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

8.249. 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.

8.250. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

### **Equalities**

8.251. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

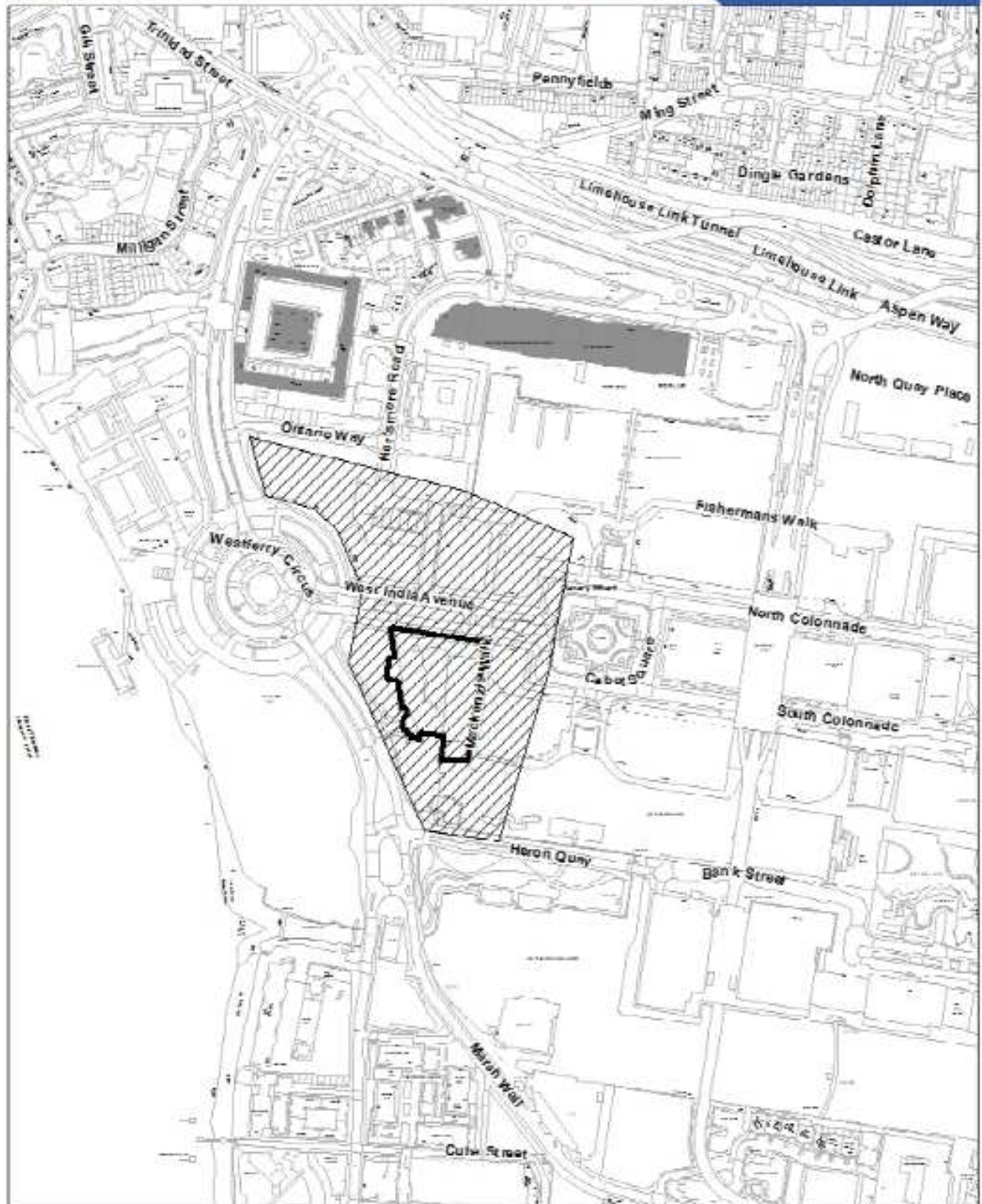
8.252. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably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

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

## **9. CONCLUSION**

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

Planning Application Site Map  
PA/13/02344



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

0 20 m  
|||



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 6.3

|  |  |  |                            |
|--|--|--|----------------------------|
| <b>Committee:</b><br>Strategic<br>Development<br>Committee | <b>Date:</b><br>25 <sup>th</sup> September<br>2014 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
|--|--|--|----------------------------|

|   |   |
|---|---|
| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Town Planning Application |
| <b>Case Officer:</b><br>Iyabo Johnson                       | <b>Ref No:</b> PA/13/02722              |
|   | <b>Ward:</b> St. Peters                 |

## 1. APPLICATION DETAILS

|                           |   |
|---------------------------|---|
| <b>Location:</b>          | Peterley Business Centre, 472 Hackney Road London   |
| <b>Existing Use:</b>      | Retail (A1, A3), Business (B1)  |
| <b>Proposal:</b>          | Demolition of existing building and phased redevelopment of the site to provide a residential led mixed use development, comprising the facade retention and extension to the former Duke of Cambridge public house, erection of part 7 to 10 storey building on Clare Street and erection of part 4 to 12 storey building on Hackney Road/ Clare Street, all to provide 217 dwellings and 1521 sqm of commercial space falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus disabled car parking spaces, cycles parking, refuse/recycling facilities and access together with landscaping including public realm, communal and private amenity space. |
| <b>Drawing No:</b>        | See Appendix 1  |
| <b>Documents:</b>         | See Appendix 1  |
| <b>Applicant:</b>         | Heath Holdings Limited  |
| <b>Ownership:</b>         | Multiple owners (see Appendix 2)  |
| <b>Historic Building:</b> | Duke of Cambridge Public House (non-designated)   |
| <b>Conservation Area:</b> | Hackney Road Conservation Area (Duke of Cambridge PH and surrounds)   |

## 2. EXECUTIVESUMMARY

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:

2.2 The proposal is for the demolition of the existing Peterley Business Centre and the

residential led mixed use redevelopment of the site to provide 217 new homes and 1521sqm of commercial floorspace. The site also includes the Duke of Cambridge Public House. The application proposes a two storey rear and roof extension to the Public House and its conversion from use class A4 to C3 (residential).

- 2.3 It is considered that the proposed mix of uses, including active commercial uses at ground level and residential uses on the upper floors accords with adopted policy and the proposals are therefore considered acceptable in land use terms. The proposed development has a high residential density of 1104hr/ha, which exceeds the 650 – 1100hr/ha density range set out in the London Plan. However, officers consider that the proposals do not exhibit the adverse symptoms of overdevelopment and that the proposed density level is acceptable in this instance.
- 2.4 The proposed development would provide 32.4% affordable housing by habitable room, including intermediate units and affordable rented units that are to come forward at the Council's preferred blended rent targets for the E2 postcode area. Whilst this provision falls short of the Council's minimum requirements, independent viability testing has demonstrated that the scheme has maximised the amount of affordable housing it can viably provide. In addition, the scheme will deliver an appropriate mix of unit sizes across the tenures and provides a high standard of residential accommodation in terms of unit sizes, layouts, provision of private and communal amenity space and the delivery of 10% wheelchair accessible homes, in accordance with adopted policy.
- 2.5 In terms of building heights, it is considered that the proposed 12 storey element of the building is appropriate in terms of the site's local context, located within a neighbourhood centre and adjacent to Cambridge Heath Railway station. In addition, the proposed building would be of high architectural quality, including a curved building with tapering roofs, a high quality material palette and have high quality landscaping and public realm. In addition, the scheme will secure the refurbishment and retention of the historic façade of the Duke of Cambridge Public House and a sensitive, well designed glazed and brick extension.
- 2.6 In terms of impacts on surrounding amenity, it is noted that the proposal would result in a noticeable reduction in daylight and sunlight to some neighbouring properties. The submitted Daylight and Sunlight Assessment has been independently reviewed and officers consider that on balance, these impacts are not so severe so as to warrant a reason for refusal in this instance, given the residual light levels and the central urban context of the site and its surroundings. In addition, whilst the daylight levels in some of the proposed habitable rooms on the lower floors of the building will be below guideline levels, overall it is considered that the proposals are acceptable in daylight and sunlight terms.
- 2.7 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 6. Accordingly, if planning permission were to be granted it is recommended that the development be secured as 'car free', save for the provision of 22 disabled parking spaces which will be provided on site. In addition, a policy compliant quantum and layout of cycle parking facilities would be provided, which is supported. Adequate segregated waste storage facilities would also be provided on-site.
- 2.8 The associated legal agreement would secure an appropriate package of Section 106 obligations, in accordance with the Council's Planning Obligations SPD (2012), and includes financial contributions. The proposal has been subject to independent viability testing which has confirmed that the scheme has maximised its viable

potential in terms of its provision of affordable housing and Section 106 contributions.

### 3. RECOMMENDATION

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

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

#### 3.2 Financial Contributions

- (a). Construction phase skills and training: £25,807
- (b). End phase skills and training: £1,136
- (c). Ideas stores: £17,100
- (d). Leisure facilities: £56,346
- (e). Health: £88,841.42
- (f). Smart travel: £2,019
- (g). Public open space: £108,528
- (h). Streetscene and the built environment: £127,836
- (i). Primary and Secondary schools: £203,364
- (j). Monitoring fee: £13,073.60

#### 3.3 Non- Financial Contributions

- (k). A commitment to provide 32.4% affordable housing by habitable room within the development comprised of 1 x studio, 4 x 1-bed, 12 x 3-bed intermediate (shared ownership) units and 1 x 1-bed, 7 x 2-bed and 24 x 3-bed and 1 x 4-bed affordable rented units at Tower Hamlets preferred blended rents.
- (l). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- (m). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- (n). 11 NVQ Level 2 Apprenticeships during construction phase
- (o). Code of Construction Practice
- (p). Travel Plan
- (q). Public access to new public realm between Block B and Block A2
- (r). Viability review mechanism
- (s). Any other obligation(s) considered necessary by the Corporate Director Development and Renewal

3.4 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete 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:

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

### **3.7 Conditions**

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials
4. Full details of Landscaping
5. Details of the Combined Heat and Power (CHP) Systems
6. Development to comply with Lifetime Homes standards
7. Details of 10% wheelchair accessible units
8. Compliance with Energy Strategy
9. Submission of Code for Sustainable Homes certificates to demonstrate that the new build elements of the development achieve a minimum "Level 4" rating and that the units within the converted public house achieve "Level 3".
10. Submission of contamination remediation strategy
11. Construction Management Plan
12. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.
13. Details of residential glazing to meeting 'good' standard of BS 8233
14. Details of noise insulation between residential and commercial areas
15. Details of plant machinery to meet LA90 – 10dB(A) noise requirement
16. All private forecourt/areas to be drained within the site and not into the Public Highway
17. Scheme of highway improvement works to be submitted to the relevant highways authorities including TfL.
18. Details of cycle parking
19. Delivery and Servicing Management Plan
20. Waste and recycling storage to be retained
21. Full details of the extent, design, construction and planting of the living roof
22. Post-completion noise testing
23. Secured by design accreditation
24. Details of NOx filters and mechanical ventilation



25. Details of bat survey
26. Details of bat and bird nesting boxes
27. Prevention of commencement of Block B (Phase 2) until Hazardous Substances Consent for Bethnal Green Gas Holder Station is revoked  
Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **3.8 Informatives**

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application proposes the demolition of the existing buildings within the Peterley Business Centre and the provision of a residential-led mixed use development comprising of the former Duke of Cambridge public house and two new blocks. A total of 217 new residential units would be provided together with 1521sqm of commercial space on the ground floor.
- 4.2 The application proposes the retention of the façade to the former Duke of Cambridge public house and the addition of a two storey rear and roof extension and the provision of six new flats (Block A1) all within the market sale tenure.
- 4.3 A new build block rising to between seven and nine storeys in height is proposed at the southern end of the site to the east of the converted public house (Block A1) and will provide 58 units in total (Block A2). All of units on the ground and first floors are within the affordable rent tenure (nine units in total). Wheelchair accessible parking together with refuse stores and cycle parking are located at basement level. The parking is accessed via a stair lift.
- 4.4 The third block (Block B) is the largest and has its main frontage on Hackney Road. The block encircles a podium level central communal open space and rises to 12 storeys at Hackney Road's junction with Clare Street and tapers down around the perimeter of the open space to 4 storeys at the Hackney Road frontage. Block B provides 154 residential units across a range of tenures and contains all of the schemes the commercial floor space which is to be provided across a flexible range of use classes. Parking and servicing is provided in an undercroft beneath the podium.
- 4.5 The residential element of Block B is accessed from a main entrance on the corner of Hackney Road and Clare Street. This entrance also provides access to the podium level open space. A secondary entrance into Block B is accessed via Cambridge

Crescent where some units are accessed via individual front doors. Block A2 is accessed via two entrances on the east and west elevations. Block A1 (the former public house) is accessed via an entrance at the south eastern corner of the building.

- 4.6 A pedestrian link road runs through the site connecting Clare Street to the Duke of Cambridge public house. This link road is adopted highway and will be stopped up to facilitate the delivery of this scheme with the ownership reverting to the developer.
- 4.7 The application site contains a second area of adopted highway that will also be stopped up. This lies adjacent to the Duke of Cambridge Public House and currently acts as a storage area. A dedicated children's play space would be provided here.

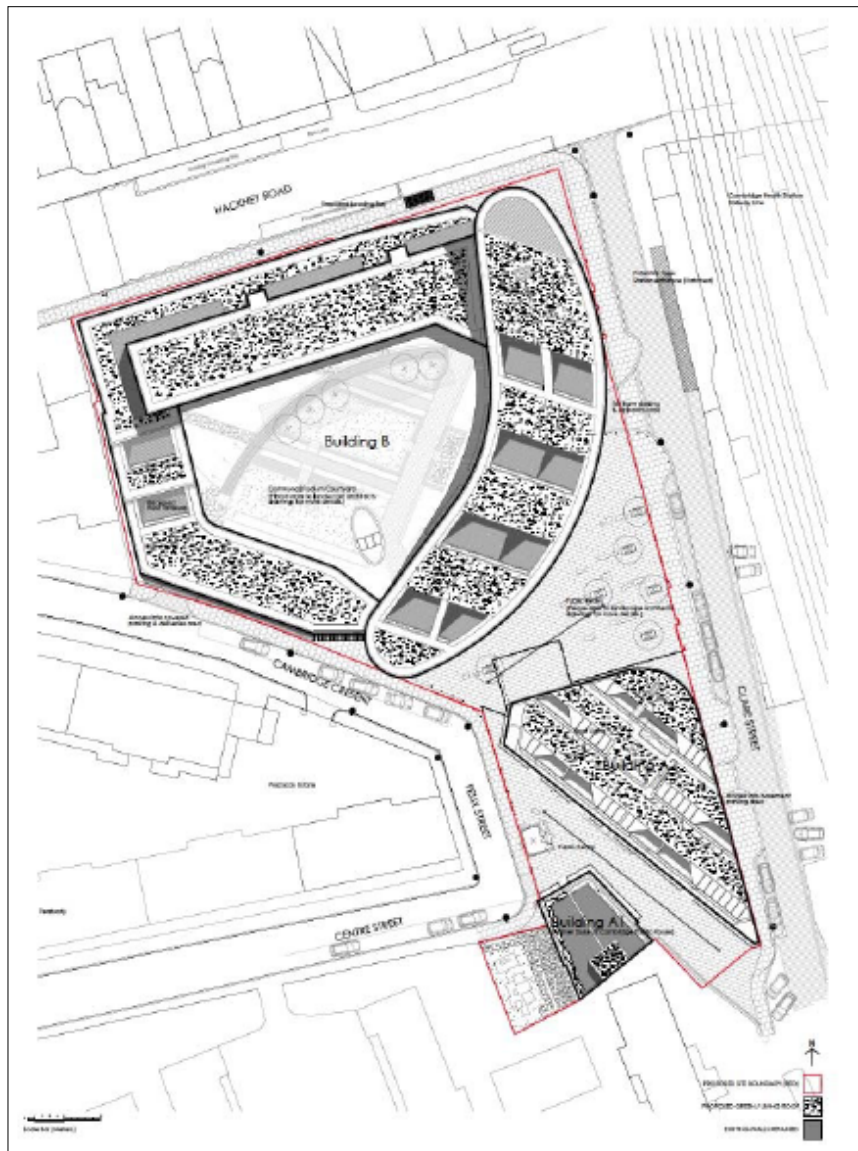


Figure 1: Proposed Masterplan layout

### Site and Surroundings

- 4.8 The site is located at the junction of Hackney Road and Clare Street. The site is

bound to the east by Clare Street and to the south west by Cambridge Crescent. Cambridge Heath Station lies to the immediate east with the railway viaduct running parallel to Clare Street.

- 4.9 The site currently comprises the Peterley Business Centre, a low rise, low density Business Park built in the 1980s. The units are of red brick construction and are lacking in any architectural merit.
- 4.10 The Business Centre is formed of two main elements. The first part fronts Hackney Road and comprises nine, two storey retail units, with first floor ancillary storage. The retail units are terraced but separated by a gated vehicular entrance. The second element is accessed from the gated entrance on Hackney Road but comprises of 11 single storey light industrial units located in the southern part of the complex. These units are occupied by either light industrial/garment manufacturing businesses, studio type uses and motor repairs.
- 4.11 The units are arranged around a central shared yard/car park. This area also provides access to the shops fronting Hackney Road.
- 4.12 The Hackney Road Conservation Area abuts the site to the north along Hackney Road and to the south west along Cambridge Crescent. The Conservation Area is characterised by Victorian and Regency terraces of 2, 3 and 4 storeys on the northern and southern sides of Hackney Road.
- 4.13 To the south west of the site, the Conservation Area includes the Peabody Estate and the Duke of Cambridge public house. The Peabody estate comprises of seven blocks rising to 5 and 6 storeys set out in a triangular arrangement around the perimeter of a central courtyard
- 4.14 The site lies within the Health and Safety Executive's Consultation Zone owing to its proximity to the Bethnal Green Gas Holders which lie approximately 110m to the north-west of the site.

### **Planning History**

- 4.15 The following planning decisions are relevant to the application:

#### **472 Hackney Road**

- 4.16 **PA/84/00069 and PA/84/00203**  
Erection of 20 light industrial units

This application was approved 12 October 1984

#### **Duke of Cambridge Public House, 25 Felix Street**

- 4.17 **PA/98/01406**  
Three storey extension to existing building, and conversion into three flats.

A resolution to grant planning permission was made at the Council's development committee on 28 January 1999. However, the Section 106 legal agreement was never completed and the application was removed from the statutory register on 5 June 2004.

- 4.18 **PA/00/00177**

Change of use to a single dwelling

This application was approved on 13 March 2000.

**4.19 PA/01/00744**

Redevelopment to provide part three, part four storey building comprising 11 flats, including stopping up of part of the public highway.

A resolution to grant planning permission was made at the Council's development committee on 6 February 2002. However, the Section 106 legal agreement never completed and the application was removed from the statutory register on 15 May 2007.

**4.20 PA/00/01615**

Change of use and conversion of the building into a 12 bedroom hotel and the erection of the two storey rear extension and cycle rack provision for 12 bicycles.

This application was approved on 28<sup>th</sup> February 2001.

**4.21 PA/06/00217**

Renewal of Planning Permission ref. PA/00/01615 dated 28<sup>th</sup> February 2001 for change of use from public house to a 12 bedroom hotel along with the erection of a two storey rear extension and cycle rack provision for 12 bicycles.

This application was approved on 17<sup>th</sup> February 2006

**5. POLICY FRAMEWORK**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of a planning application must be made in accordance with the plan unless material considerations indicate otherwise.

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

**Government Planning Policy Guidance/Statements**

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework (2012)

National Planning Policy Guidance

**Spatial Development Strategy for Greater London (London Plan) (2013)**

- 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 and mixed use schemes

- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

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

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP06 Delivering successful employment hubs
- SP05 Dealing with waste
- SP08 Making connected places
- SP09 Creating attractive and safe streets
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering placemaking and Implementation

## **Managing Development Document (April 2013) (MDD)**

|      |   |
|------|---|
| DM0  | Delivering Sustainable Development                            |
| DM1  | Development within the Town centre hierarchy                  |
| DM3  | Delivery homes  |
| DM4  | Housing standards and amenity space                           |
| 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 transportation of freight                         |
| DM22 | Parking   |
| DM23 | Streets and the public realm                                  |
| DM24 | Place-sensitive design  |
| DM25 | Amenity   |
| DM26 | Building heights  |
| DM27 | Heritage and the built environment                            |
| DM29 | Achieving a zero carbon borough and addressing climate change |

## **Supplementary Planning Guidance/Documents**

Planning Obligations Supplementary Planning Document, LBTH (2012)  
Housing Supplementary Planning Guidance, Mayor of London (2012)  
Hackney Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)  
London View Management Framework Supplementary Planning Guidance, Mayor of London (2012)  
Greater London Authority Sustainable Design and Construction SPG (2014)  
Greater London Authority Planning Energy Assessment Guidance (2014)

## **6. CONSULTATION RESPONSE**

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

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

- 6.3 No objections raised subject to conditions to prevent noise disturbance to residents from ground floor commercial uses.

*(Officer comment: The relevant conditions would be placed on any permission)*

### **LBTH Environmental Health Officer – Contaminated Land**

- 6.4 No objections raised subject to conditions securing submission of contamination risk assessment and verification report prior to commencement.

*(Officer comment: The relevant conditions would be placed on any permission)*

### **LBTH Environmental Health (Air Quality)**

- 6.5 No objections raised subject to conditions to secure mitigation measures and compliance with Clean Air Act (Chimney Heights Memorandum).

*(Officer comment: The relevant conditions would be placed on any permission)*

### **LBTH Transportation & Highways**

- 6.7 No objections were raised about the proposed parking and servicing arrangements. Similarly, no objections to the principle of stopping up areas of public highway running between Clare Street and Cambridge Crescent and adjacent to the Duke of Cambridge Public House were raised.

Conditions to secure details of cycle storage, the retention of the disabled parking bays in perpetuity and a Construction Management Plan.

*(Officer Comment: The relevant conditions would be placed on any permission)*

### **LBTH Crime Prevention Officer**

- 6.8 No comments received. However, the applicant has provided pre-application correspondence between the applicant and the Crime Prevention Officer. The Crime Prevention Officer made a number of suggestions and these have been incorporated into the final design.

*(Officer Comment: A condition requiring the submission of evidence of Secure by Design accreditation would be placed on any permission).*

### **LBTH Communities, Localities & Culture**

- 6.9 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. In accordance with the Planning Obligations SPD, financial contributions should be secured for:

- Idea Stores, Libraries and Archives.
- Leisure Facilities.
- Public Open Space.
- Smarter Travel.
- Public Realm Improvements.

*(Officer comment: Section 106 contributions have been secured for these areas. These have been subject to viability testing).*

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

- 6.10 No objections raised.

### **Transport for London**

- 6.11 To ensure that the proposed development complies with the transport policies in the London plan, the following matters should be addressed:

- An obligation for the applicant to enter into a section 278 agreement with TfL to improve the public realm
- Contributions towards the installation of wayfinding, 'Legible London' signs

- are required [£15,000]
- Provision of a Travel Plan to be secured
- Provision of a Delivery and Servicing Plan to be secured
- Provision of a Construction Logistics Plan to be secured
- Contributions towards the Mayoral CIL are required

These items should be secured via the appropriate planning conditions and obligations.

*(Officer comment: The relevant conditions would be placed on any permission. Section 106 financial contributions have been subject to viability testing. A contribution towards wayfinding signage has not been secured in this instance).*

### **London Fire & Civil Defence Authority**

- 6.12 Requirement for compliance with AD B5 with regard to Fire Brigade access and water supplies.

*(Officer comment: This has been noted and the information passed onto the applicant. Additionally, an informative to this effect would be placed on any permission.)*

### **Greater London Authority**

- 6.13
- The GLA does not have an objection to the principle of the residential-led mixed-use development of the site.
  - The re-provision of 71% of modern employment floorspace is supported and considered to be consistent with the emerging draft City Fringe Opportunity Area Planning Framework
  - Information relating to commercial rental assumptions should be provided to ensure marketability to SME sector
  - Information relating to accessibility of podium open space to residents of Block A2 should be provided
  - High densities are acceptable in principle given the location of the site within an Opportunity Area and adjacent to Cambridge Heath Station.
  - Affordable housing provision acceptable in principle subject to viability
  - Child play space acceptable in principle given large communal amenity space
  - Masterplan layout, massing and height broadly acceptable

*(Officer Comment: Noted. The above points of clarification will be addressed by conditions and secured through the S106 agreement).*

- 6.14 **London Borough of Hackney**

No objections raised.



## 7. LOCAL REPRESENTATION

- 7.1 A total of 367 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: 58            Objecting: 58            Supporting: 0  
No of petitions received: 0

- 7.2 The following issues were raised in representations in objection to the scheme and are addressed in the 'Design' 'Amenity' and 'Land Use' sections of the Material Planning Considerations section of this report:

- Displacement of existing businesses  
*[Officer Comment: Officers consider that the loss of the existing business space is mitigated by the re-provision of commercial floorspace, the level of supply of existing commercial properties within a 1 mile radius of the site, the increased employment densities and the overall regenerative benefits of the scheme. This is addressed in further detail in paragraphs 8.2 to 8.7 of this report].*
- Residential densities  
*[Officer Comment: The proposed high densities are considered to be appropriate given the site's high public transport accessibility rating and its central urban context. The scheme does not present any unduly detrimental symptoms of overdevelopment which demonstrates that the proposed densities are acceptable. This is addressed in further detail in paragraphs 8.65 to 8.76 of this report].*
- Building heights and massing
- Proposed material palette
- Quality of the design and impact on the conservation area
- Conversion of and extension to the Duke of Cambridge Public House  
*[Officer Comment: The proposed height, massing and detailed design is considered to be of a high quality and commensurate with the site's location within a neighbourhood centre, adjacent to a railway station and adjacent to the Hackney Road Conservation Area. The refurbishment of and extension to the Duke of Cambridge Public House has been sensitively designed and will ensure the retention of its historic façade. The loss of the public house use (A4) is justified in view of the buildings lengthy vacancy, its poor condition and the provision of public houses within the vicinity. These matters are discussed in further detail in paragraphs 8.62 and 8.91 of this report].*
- Impact on local infrastructure  
*[Officer Comment: A package of S106 obligations to mitigate the impacts of this development has been secured in line with the Council's Planning Obligations SPD (2012). This is discussed in further detail in paragraphs 8.184 to 8.194 of this report].*
- Impact on local parking stress  
*[Officer Comment: The proposed development will be car free, save for 22 wheelchair accessible parking spaces. This is discussed in further detail in*

*paragraphs 8.146 to 8.158 of this report].*

- Loss of daylight and sunlight to residents of neighbouring buildings  
*[Officer Comment: The level of impact on surrounding residential units is considered to be acceptable on balance given the underdeveloped state of the existing business park and the urban context of the surrounding area. This is addressed in further detail in paragraphs 8.192 to 8.122 of this report].*
- Quality of proposed amenity spaces  
*[Officer Comment: The scheme proposes a policy compliant provision of private and communal amenity. The communal spaces are considered to be of a high quality design].*
- Provision of affordable housing and family sized units  
*[Officer Comment: The applicant's viability toolkit has been subject to an independent review. Officers agree that the scheme has maximised the provision of affordable housing. The scheme includes an over-provision of family sized units which is supported. This is addressed in further detail in paragraphs 8.45 to 8.61 of this report.*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
  - (b). Housing
  - (c). Design and Conservation
  - (d). Amenity
  - (e). Highways
  - (f). Waste and Recyclables Storage
  - (g). Biodiversity
  - (h). Energy & Sustainability
  - (i). Planning Obligations
  - (j). Human Rights Considerations
  - (k). Equalities Act Considerations
  - (l). Section 70(2) of the TCPA 1990

### **Land Use**

- 8.2 In terms of land use, the proposed development comprises both flexible commercial and residential uses. The site is located within the City Fringe Opportunity Area as designated in the London Plan (2013). The site's Hackney Road frontage forms part of the Hackney Road Neighbourhood Centre as defined by the Council's Managing Development Document (2013).
- 8.3 The proposal is consistent with Policy 2.13 of the London Plan which seeks to maximise residential and non-residential output and densities and supports the integration of development proposals into wider regeneration initiatives. Similarly, through the re-provision of the retail units along the Hackney Road frontage, the scheme accords with policy DM1 of the Managing Development Document (2013) which seeks to protect A1 uses in neighbourhood centres.
- 8.4 Policy DM15 of the Managing Development Document (2013) seeks to prevent the loss of active and viable employment uses across the borough. Through the

demolition of the existing business centre, the proposal will result in the loss of 2150sqm commercial floorspace. The scheme will re-provide 71% of this lost space (1521sqm) across a range of A, B and D use classes. Whilst the scheme will produce a deficit of employment floorspace, the new space will be constructed to modern specification and capable of accommodating more intensive employment densities. Using the English Partnerships employment densities, it could be estimated that the existing commercial units have the potential to employ 63 people (based on a 'general industry' ratio of 1 employee per 34sqm of employment floorspace). Using the same methodology, the new space could accommodate 76 employees which represents an increase of 21%. The loss of 29% of the existing floorspace is therefore considered to be acceptable on balance.

- 8.5 A number of representations cite concerns about the impact of the proposal on existing businesses within the business centre as grounds for objection to the application. In response to these concerns, the applicant has submitted a Business Relocation Strategy. The Strategy demonstrates that there is a sufficient supply of business space within the vicinity of the site and within the new development to accommodate displaced businesses. Additionally, the applicant has committed to supporting existing businesses through a relocation programme. Officers therefore consider that through a combination of the surplus business space in the vicinity, the re-provided businesses space on site and the business relocation support strategy, that any adverse impact on existing businesses will be suitably mitigate in accordance with part (2) of policy DM15 of the Managing Development Document (2013).
- 8.6 A range of unit sizes are proposed at ground floor ensuring that provision will be made for Small and Medium Enterprises (SMEs) in accordance with part (3) of policy DM15 of the Managing Development Document (2013). The provision of these units also accords with City Fringe Opportunity Area Framework.
- 8.7 The application proposes a flexible range of non-residential uses at ground floor within the A, B and D use classes. Retail and business uses are already established on site and are consistent with the site's frontage in the Hackney Road neighbourhood centre. The introduction of D1 and D2 uses accords with policy DM8 of the Managing Development Document (2013) which states that new health, leisure and social and community facilities should be located in or at the edge of town centres.

#### Loss of Public House

- 8.8 The application proposes the conversion to residential (use class C3) of the Duke of Cambridge public house (use class A4).
- 8.9 Policy DM8 of the Managing Development Document (2013) seeks to prevent the loss of community facilities in the borough unless it can be demonstrated that the building is no longer suitable or that the facility is being adequately provided elsewhere in the borough.
- 8.10 The public house is currently disused and boarded up on the ground floor. The applicant has stated that the building has been vacant since 2002; this is corroborated by a previous planning application. In seeking to comply with part (3) of policy DM8 of the Managing Development Document (2013) the applicant has submitted a Structural Survey Report. The survey of the building has revealed that it has been subject to water ingress, attack by wood rotting fungi and fungal decay. The survey concludes that the costs associated with reinstating the building to a

useable standard may render such a project unviable.

- 8.11 The application site is located within a neighbourhood centre where there is a relatively high provision of public houses. There are at least ten open and active public houses within a half a mile walking distance of the site, within the borough boundary.
- 8.12 On the basis of the building's state of disrepair, the length of the vacancy period and the provision of public houses within the vicinity, the loss of the A4 use of the Duke of Cambridge public house is considered acceptable on balance in line with policy DM8 of the Managing Development Document (2013).

#### Proposal Residential Use

- 8.12 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. Government guidance set out in paragraph 51 of the NPPF (2012) supports proposals for change of use of commercial buildings to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 8.13 The regeneration of sites such as this within East London is a strategic target of the London Plan (2013) as outlined within Policy 1.1 which 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".
- 8.14 Policy 3.3 of the London Plan (2013) seeks to ensure that the identified housing need in London is met through the provision of new homes, requiring Boroughs to exceed their housing targets.
- 8.15 Policy SP02(1) of the Council's adopted Core Strategy (2010) seeks the delivery of 43,275 new homes over the plan period (equating to 2,885 new homes per year) in line with the housing targets set out in the London Plan.
- 8.16 The proposed development would deliver a total of 217 new residential dwellings on the site. The site is not designated for any specific use and is not included in the site allocations in the adopted Managing Development Document (2013). Given the strong policy support for the delivery of new homes in the Borough and given that the surrounding area is predominantly residential in character, it is considered that the site will provide a suitable environment for future residents and that the proposed residential use is acceptable in principle in land use terms.

#### Density

- 8.17 Policy 3.4 of the London Plan (2013) seeks to optimise housing output for different types of location within the relevant density range shown in Table 3.2 (in the London Plan) taking into account local context and character, the design principles and public transport capacity.
- 8.18 The NPPF (2012) stresses the importance of development making the most efficient use of land and maximising the delivery of housing. This guidance is echoed in the requirements Policy 3.5 of the London Plan (2013), which details design principles for a compact city. Policies S07 and SP02 of the adopted Core Strategy (2010) also

seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.

- 8.19 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 6, on a scale from 1a to 6b where 6b is excellent. The site and surrounding area has a largely 'central' character in terms of the scale of surrounding built form and its city fringe context. Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of between 650 to 1,100 habitable rooms per hectare (hr/ha) and 140 to 405 units per hectare (u/h). The scheme proposes a density of 1104 habitable rooms per hectare/408 dwellings per hectare. The proposed densities marginally exceed the London Plan density ranges.
- 8.20 A high residential density (particularly one that exceeds the indicative density range in the London Plan) can be an indicator of overdevelopment. However, a high residential density is not, in and of itself, a reason for refusal. For residential density to be a reason for refusal, a proposed high density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:
- Inadequate access to sunlight and daylight for proposed or neighbouring homes;
  - Sub-standard dwellings (size);
  - Insufficient open space (private, communal and/or publicly accessible);
  - Unacceptable housing mix;
  - Unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
  - Unacceptable increase in traffic generation;
  - Detrimental impacts on local social and physical infrastructure; and
  - Detrimental impacts on visual amenity, views, character of surrounding area.
- 8.23 Officers consider that the scheme will provide good quality homes, including larger family-sized units, which are of an appropriate mix and include a policy compliant quantum of on-site affordable housing. Officers also consider that the proposed buildings would be of high architectural quality and would positively respond to the local context in terms of the surrounding built form and public realm in both local and longer distance views. It is considered that the proposals do not exhibit the adverse symptoms of overdevelopment that would provide justification for refusal on density grounds. Further assessment of the above indicators is carried out in the relevant sections of this report.
- 8.24 Taking into account the above, officers consider that the scheme would optimise the residential density of the site and help to create a sustainable place, in accordance with the objectives of Policy 3.4 of the London Plan (2013) and Policies SP02 and SP10 of the Council's adopted Core Strategy (2010).
- Health and Safety Executive Consultation Zones*
- 8.25 The Sevesco II Directive requires Member States (of the European Union) to introduce controls on establishments where dangerous substances are present above certain quantities. The aim of the directive is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment.
- 8.26 Within England and Wales, the enforcement regulations of the Sevesco II directive is the Control of Major Accident Hazards Regulations (1999)

- 8.27 Within Planning this is covered by the Planning (Hazardous Substances) Act 1990. This Act provides the mechanism for creating and revoking Hazardous Substance Consent (HSC) which are issued to sites which contain dangerous substances.
- 8.28 The application site straddles the middle and outer zones of the Health and Safety Consultation Zones on account of the sites proximity to the Bethnal Green Gas Holder Station. At its closest point, the site lies 110m away from the Gas Holder Station which lies to the north of the site
- 8.29 Planning Circular 04/2000 was cancelled in March 2014 and replaced by the Hazardous Substances section (HS) of the Planning Practice Guidance (PPG) web-based resource. Generally the planning guidance on development in the vicinity of major accident hazards is similar that contained in Planning Circular 04/2000 (eg HS PPG paragraphs 01 - 03 and 065 - 078). However, the guidance now includes the local authority's responsibility (as Hazardous Substances Authority) to monitor the status of sites with hazardous substances consent to identify any consents that may have become redundant (e.g. paragraphs 066, 067, 073 and 074). Specifically (paragraph 074) guides that 'Hazardous Substances Authorities should be proactive about revoking consents that no are no longer required.'
- 8.30 The PPG (paragraph 71) advises that the *'HSE's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where HSE advises that there are health and safety grounds for refusing, or imposing conditions on, an application, it will, on request, explain to the local planning or hazardous substances authority the reasons for their advice. Where that advice is material to any subsequent appeal, it is prepared to provide expert evidence at any local inquiry.'*
- 8.31 More importantly, the PPG (paragraph 71) advises that *'In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation or pipeline, or that hazardous substances consent should be refused, should not be overridden without the most careful consideration.'*
- 8.33 In relation to the Councils development plan, policy 5.22 of the London Plan and policy DM30 of the Management Development Document are relevant.
- 8.34 Policy 5.22 of the London Plan requires site specific circumstances and proposed mitigation measures be taken into account when applying the Health and Safety Executive's Planning Advice Developments near Hazardous Installations (PADHI) methodology. Furthermore, the policy states the risks should be balanced with the benefits of development and should take account of existing patterns of development.
- 8.35 Policy DM30(2) of the Managing Development Document (2014) states that development will not be supported which involves the storage or use of hazardous substances or new developments in close proximity to hazardous installations where it would cause a significant hazard to health and the environment.
- 8.36 The accompanying text at paragraph 30.4 states, *'In combination with advice provided by the Health and Safety Executive, consideration will also be given to site specific circumstances and any proposed mitigation measures. If the HSE advise against development, planning permission will only be granted in circumstances*

where it can be demonstrated that the benefits that would be brought by the proposed development would significantly outweigh the potential risks to health and the local environment’.

- 8.37 Whilst the Bethnal Green Gas Holders are currently in a decommissioned state, the site still holds its Hazardous Substances Consent. Essentially, this means that they could potentially be used to store gas again in the future.
- 8.38 Applications close to gasholder sites are run through a computer programme called PADHI+ (Planning Advice for Developments near Hazardous Installations) developed by the Health and Safety Executive. PADHI+ is able to give local planning authorities advice on proposed developments near hazardous installations.
- 8.39 PADHI+ uses two inputs to a decision matrix to generate the response, the zone in which the development is located out of three zones and the ‘sensitivity level’ of the proposed development. The matrix will generate either an ‘Advise Against’ or ‘Do not Advise Against’ response.
- 8.40 The following plan shows the application site (orange boundary to the south east). The site is located predominantly within the outer zone with part of the site within the middle zone.



Figure 2: HSE Consultation Zones

- 8.37 Owing to the sites location within both the middle and outer zones, the PADHI+ matrix has generated a response ‘Advise Against’, which confirms there are sufficient

health and safety grounds for the HSE to advise against the granting of planning permission.

- 8.38 However after further consideration, the HSE has advised that it would be prepared to withdraw its Advise Against the granting of planning permission if a condition is attached to the permission preventing occupation of the parts of the development falling within the Middle Zone until the Hazardous Substances Consent has been removed.
- 8.39 On this basis, the HSE has suggested that construction of Blocks A1 and A2 would be able to proceed prior to revocation of the Hazardous Substances consents and in view of the lower residential densities in this element of the scheme which fall within the Outer Zone.
- 8.40 In order to prevent the developer from commencing the elements of the scheme falling within the Middle Zone, a Grampian condition would be attached to the planning permission. Officers consider that rather than preventing occupation of the Middle Zone elements, the condition should go further and prevent commencement of works in order to avoid the possibility of a large building lying vacant on site for a protracted length of time. The applicant has agreed to the principle of this approach and has provided a phasing diagram. Through the accommodation mix and provision of open space, the application demonstrates that Phase 1 of the scheme is viable and acceptable as a scheme in its own right.
- 8.41 In considering these matters, officers have had regard to the likelihood of the Gas Holders being reactivated in the future.
- 8.42 The number of gas holders has fallen significantly since the advent of North Sea Gas and gas holders throughout the UK are being phased out. A National Grid consultation on their proposed Business Plan for 2013-2021 indicates that they will seek to decommission all their gasholders by 2021.
- 8.43 In including the Bethnal Green Gas Holders site in a site allocation within the Managing Development Document (2013), the Council has acknowledged the decommissioned state of the gas holders, the high probability of the Hazardous Substances Consent being revoked and the consequent low probability of the Gas Holders being reactivated. Officers therefore consider that the presence of the hazard and increased risk arising from additional population can be considered to be "time limited".
- 8.44 To conclude, taking into account the likely time limited presence of the Hazardous Substances Consent and the lower degree of risk within the Outer Zone it is considered that subject to a condition preventing commencement of Phase 1 (Block B), the proposed development is considered to mitigate the hazard to the health and environment, in accordance with Policy DM30(2) of the MDD (2013), which states development will not be supported which cause a significant hazard to health and the environment.

#### **Housing**

- 8.45 The proposed development will deliver a total of 217 residential units, of which 167 units are market sale, 33 units are affordable rented and 17 units are intermediate (shared ownership).
- 8.46 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and



provision of wheelchair units.

#### Affordable Housing

- 8.47 Policies 3.8, 3.9 and 3.11 of the London Plan (2013) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council's adopted Core Strategy (2010) requires a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development Document (2013) reiterates the Council's 35-50% affordable housing target and states that affordable housing provision should be calculated using habitable rooms as the primary measure.
- 8.48 The proposed scheme will provide 32.5% affordable housing by habitable room. A viability assessment was submitted with the application which has been independently tested by the Council's appointed consultants, Deloitte Jonas Drivers. The independent testing has confirmed that 32.5% (by habitable room) is a reasonable reflection of maximum level of affordable housing that the scheme can deliver.

#### Mix of Dwelling Sizes

- 8.49 Policy SP02(5) of the Council's adopted Core Strategy (2010), and Policy 3.8 if the London Plan (2011) require developments to provide a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.50 Policy DM3(7) of the Council's adopted Managing Development Document (2013) sets out the Council's targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Figure 3 below.

| <b>Market Sale Units</b>                     |                  |                   |                      |
|--|------------------|-------------------|----------------------|
| <b>Unit Size</b>                             | <b>No. Units</b> | <b>Proposed %</b> | <b>LBTH Target %</b> |
| Studio                                       | 14               | 8%                | -                    |
| 1 bed  | 82               | 49%               | 50%                  |
| 2 bed  | 63               | 38%               | 30%                  |
| 3 bed  | 8                | 5%                | 20%                  |
| 4 bed  | -                | -                 |                      |
| <b>TOTAL</b>                                 | <b>167</b>       | <b>100%</b>       | <b>100%</b>          |
| <b>Intermediate (Shared Ownership) Units</b> |                  |                   |                      |
| Studio                                       | 1                | 6%                | -                    |
| 1 bed  | 4                | 23%               | 25%                  |
| 2 bed  | -                | -                 | 50%                  |
| 3 bed  | 12               | 71%               | 25%                  |
| 4 bed  | -                | -                 | 0%                   |
| <b>TOTAL</b>                                 | <b>17</b>        | <b>100%</b>       | <b>100%</b>          |
| <b>Affordable Rented Units</b>               |                  |                   |                      |
| Studio                                       | -                | -                 | -                    |
| 1 bed  | 1                | 3%                | 30%                  |
| 2 bed  | 7                | 21%               | 25%                  |
| 3 bed  | 24               | 73%               | 30%                  |
| 4 bed  | 1                | 3%                | 15%                  |

|       |    |      |      |
|-------|----|------|------|
| TOTAL | 33 | 100% | 100% |
|-------|----|------|------|

Table 1: Dwelling Mix

- 8.51 The mix for 'Affordable Rented' units includes an under provision of 1 and 2 beds, and an above target provision of 3 bed units. However, officers consider that the 'Affordable Rented' mix is acceptable in this instance as it helps to maximise the delivery of larger family sized rented units, for which there is an identified need in the Borough. Additionally, the scheme's communal amenity space and child play space provision takes account of the scheme's comparatively high child yield. Also, it is noted that 50% of the family sized units within the affordable rent tenure are provided with separate kitchens and officers are satisfied that the provision of separate kitchens has been feasibly maximised.
- 8.52 With regard to the proposed mix for 'Intermediate' units, the scheme provides no 2 beds and an overprovision of three beds (12 units). By virtue of the layout of the 12 3beds within the same core, the design has ensured that all of these units benefit from dual aspect, south facing amenity spaces and exceed the Council's minimum space requirements. In view of the schemes provision of a high number of family sized units within the affordable rent tenure and the high residential quality of the intermediate units, officers consider that the departure from the Council's preferred tenure is justified in this instance. On balance, it is not considered that departure from the Council's preferred tenure mix is serious enough to warrant a refusal of the application especially in view of the schemes overall benefits.
- 8.53 Overall, it is considered that the proposed development provides a suitable mix of unit sizes, including a good overall range of units, as well as a high proportion of family sized (3 bed+) affordable rented units. Whilst it is noted there is a high proportion of 3bed units within the 'Intermediate' tenure, it is considered that the overall mix, including a high proportion of family sized units, is acceptable.
- 8.54 Taking into account the above, it is considered that the proposed residential mix is, on balance, acceptable in this instance, in accordance with the objectives of Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (April 2013) and Policy 3.8 of the London Plan (2013).

#### Tenure Split

- 8.55 Policy 3.11(A) of the London Plan (2013) seeks a tenure split for affordable homes from new development of 60% rented and 40% intermediate. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an overall strategic tenure split for affordable homes from new development of 70% rented and 30% intermediate.
- 8.56 The tenure split for the proposed affordable homes is 66% affordable rented and 34% intermediate as measured in unit numbers. The applicant has confirmed that the rented units will come forward at Affordable Rents in line with the Council's preferred blended rent targets for the E2 postcode area.
- 8.57 Whilst the scheme falls outside of the Council's preferred tenure split, given that the scheme provides a high proportion of family sized homes within the affordable tenure and that the overall residential quality is high, the tenure split is considered to be acceptable on balance in this instance.

#### Residential Space Standards

- 8.58 Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Managing Development Document (2013) require all housing developments to include adequate provision of internal space in order to provide an appropriate living environment for future residential occupants, meeting the minimum space standards for new development in the London Plan.
- 8.59 The submitted drawings and details of the units show that the overall standard of accommodation is high with all units meeting or exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts accord with the standards set out in the Mayor of London's Housing SPG (2012). As such, it is considered that the proposed residential dwellings include adequate internal space so as to provide an appropriate living environment for future residents, in accordance with the requirements of Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

#### Wheelchair Housing and Lifetime Homes

- 8.60 Of the 217 proposed units, 20 units are wheelchair adaptable, which are located on levels 1, 2 and 3. There are 13 accessible affordable units and 7 accessible market units. The LBTH Accessibility Officer has assessed the wheelchair adaptable units and in doing so has emphasised the need for family sized wheelchair accessible units in Tower Hamlets. The scheme will provide 11 family sized wheelchair accessible units; 55% of the overall total.
- 8.61 Details provided at application stage indicate that all of the proposed residential units (with the exception of those in the converted public house) comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010). It is recommended that a condition is included to ensure that these standards are met during construction.

#### Design and Conservation

- 8.62 The NPPF (2012) promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.63 Chapter 7 of the London Plan (2013) places an emphasis on robust design in new development and Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 of the London Plan (2013) seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.64 Policy SP10 of the adopted Core Strategy (2010) and Policy DM24 of the Managing Development Document (2013) 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.

#### Building Heights/Massing

- 8.65 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and/or having a significant impact on the skyline. Policy 7.7 of the London Plan (2013) deals with tall and large buildings, setting out criteria, including appropriate locations such as areas of intensification or town centres, and provides that such buildings should not affect the surrounding area in terms of its scale, mass or bulk; should relate to the urban grain of the surrounding area; improve the legibility of the area; incorporate the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and make a significant contribution to local regeneration.
- 8.66 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.
- 8.67 Policy SP10 of the Council's adopted Core Strategy (2010) also provides guidance on the appropriate location for tall buildings, requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Council's adopted Managing Development Document (2013) 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.
- 8.68 The application proposes the construction of two new blocks rising from 7 to 10 storeys (Block A2) on Clare Street and 4 to 12 storeys on Hackney Road (Block B). In addition, the application proposes the retention of the façade to the former Duke of Cambridge public house and the addition of a rear and upper level extension.
- 8.69 The tallest element of Block B rises to 12 storeys at the north eastern corner of the site at the Hackney Road/Clare Street junction. The height of the building then tapers down as it curves around the Clare Street frontage, around the perimeter of the site before meeting the longer frontage along Hackney Road where the height is 4 storeys. The lower rise elements of Block B are generally commensurate prevailing heights along Hackney Road. The tallest element would mark a departure from prevailing heights but given the corner location, the proximity to Cambridge Heath Station and the elevated railway line and the overall design quality, this height is considered to be acceptable on balance. The curvature of Block B serves to reduce the visual impact of the mass as perceived from Hackney Road. The treatment to the low rise Hackney Road elevation in terms of the fenestration rhythm relates well to the modern development to the west of the site at Hackney Road's junction with Minerva Street and helps to uplift the appearance of this portion of the southern side of Hackney Road.
- 8.70 Block A2 is a stand-alone tower located in the south eastern portion of the site. The building rises to 10 storeys tapering down to 7 and follows the design principles established in Block B.
- 8.71 The provision of three separate buildings serves to break down the overall mass of the proposal and ensures that the proposal integrates into the existing urban grain and allows for the provision of areas of communal open space and new public realm.



Figure 3: View south from Clare Street

- 8.72 The scheme proposes a palette of high quality materials including “Hit and Miss” bricks and Reglit glass bricks on the upper most level. The use of the glass bricks also assist in breaking up the appearance of mass. The proposed material palette will ensure that the scheme is finished to a high quality and relate well to the existing vernacular in the vicinity of the site.

*Impact on local views*

- 8.73 A townscape assessment including a number of fully rendered and Wireline views of the scheme have been submitted in support of the application. Having examined these, officers are satisfied that the proposal while providing an addition to the skyline will integrate well into the local townscape.
- 8.74 The proposal partly falls within the background assessment area for Linear View 8A LVMF Westminster Pier to St Paul’s Cathedral. The scheme would have to have a maximum height of 120m above datum to appear within the view corridor. The proposed building is less than 54m above datum and as such falls significantly below the viewing corridor.



Figure 4: Duke of Cambridge Public House

8.75

*Duke of Cambridge Public House*

Block A1 comprises the Duke of Cambridge public house. The application proposes the retention of the façade and the addition a rear and roof top extension to facilitate a residential conversion and the provision of six flats. The building forms part of a group with the Peabody Estate blocks and is referenced in the Hackney Road Conservation Area Appraisal (2009) as a “characterful Victorian public house, the public of use of which should be “encouraged”.

8.76

The roof top element of the extension rises to two storeys with a projecting stair core towards the front elevation. Private roof terraces for the duplex apartments over the second and third floors. The roof extension is clad in a translucent glass plank cladding system and includes large aluminium window frames. Owing to the height of the parapet wall on the front elevation, only one storey plus the stair core would be visible from the front. The use of the glazing system serves to give the roof extension a lightweight appearance and affords the traditional elements of the building more prominence in the street scene. The cladding also establishes and architectural relationship with the new blocks within the development.

8.81

To the rear, the building is to be extended by way of the addition of a two storey extension that would project approximately 5.5m from the rear elevation of the existing building. This element of the extension would be faced in new brick work to match the existing. This follows discussions with the applicant following officer’s concerns about the initial proposal which proposed that both the roof and rear extensions be clad in the glazed panels. The use of brick to the rear enables the building to integrate more effectively into the surrounds. In addition, it ensures that an appropriate brick to cladding ratio is achieved.

8.82

In assessing the merits of the works to the public house and their impact on the Hackney Road Conservation Area, regard has been given to both national and local planning policy.

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states “with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Paragraph 131 specifically requires that in determining planning applications, local planning authorities should take account of:

- “desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

8.83 Parts 1-3 of Policy SP10 of the Council’s adopted Core Strategy (2010) provide guidance regarding the historic environment and states at Part 2 of the policy that the Council will protect and enhance heritage assets and their setting. The policy further requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.

8.84 Policy DM27 (2) of the Council’s adopted Managing Development Document (2013) provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

8.85 The proposed works to the public house will significantly alter its appearance and function within the Conservation Area by virtue of the change of use. The acceptability of the alterations has been assessed in the context of the building’s derelict state and the opportunity to restore it and return it to an active use.

8.86 Additionally, in accordance with the NPPF (2012), regard has been given to the role the public house conversion and alterations in enabling the wider regeneration of the site and the delivery of affordable homes.

8.87 While the alterations to the public house will substantially alter its appearance, officers consider that these have been sensitively designed and will help secure an optimum use for the building which has been vacant since the 1990s. The refurbishment works to the existing facades will serve to better reveal the building’s historic character and its setting within and contribution to the conservation area.

#### *Landscaping*

8.88 The scheme proposes a podium level communal courtyard within Block B. The courtyard is overlooked on all four sides by units within Block B and provides a combination of open green space, formal and informal seating areas and play space for children. The courtyard surmounts an undercroft car park and servicing yard and is accessed by a series of ramps, lifts and escalators.

8.89 The application proposes the retention of the existing cobbles along the Clare Street boundary and works to make them good and create a flush surface with enhanced pedestrian accessibility.

- 8.90 A new area of public realm is proposed between blocks B and A2. This would be overlooked on the northern edge by the commercial units within block B and would be surfaced in granite setts to complement those on Clare Street. Provision for benches, public art together with planting of mature trees is also proposed.
- 8.91 Officers consider the proposed landscaping treatment to be of a high quality design. The proposals also incorporate principles of inclusive design and will improve the permeability and legibility of the site and surrounds, particularly through the creation of a new pedestrian route from Clare Street through to Cambridge Crescent/Felix Street.
- 8.92 Taking into account the above, it is considered that the proposed scheme has been sensitively designed within the context of the prevailing built form. The new buildings together with the public realm and the restoration, conversion and extension to the Duke of Cambridge public house would preserve and enhance setting of the nearby Hackney Road Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policies DM23, DM24 and DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

#### **Amenity**

- 8.93 Policy SP10(4) of the adopted Core Strategy (2010) and Policy DM25 of the adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.

#### **Daylight / Sunlight**

- 8.94 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.95 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.96 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window



receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.

8.97 Objections have been received from neighbouring residents within properties to the north and east of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions of habitable rooms within their properties. The application is accompanied by a Daylight & Sunlight Report, prepared by Anstey Horne, dated 21<sup>st</sup> October 2013.

8.98 The submitted Daylight and Sunlight reports have been independently assessed by Delva Patman Redler (DPR) and details of the assessment and officers' recommendations are provided below.

*509-519 Hackney Road*

8.99 The buildings at 509-519 Hackney Road lie opposite the site on the northern side of Hackney Road. The buildings are three storeys in height with commercial uses at ground floor and residential uses on the upper floors.

8.100 In terms of daylight, of a total of 18 residential windows, 7 windows (39% of total) would see VSC reductions greater than BRE guideline levels, of which 5 windows would be subject to VSC reductions of 20-29.9% and 2 windows would be subject to VSC reductions of 30-39.9%. The two most affected rooms are on the first and second floors of 509 Hackney Road where there is 30% and 32% reduction in VSC.

8.101 However, DPR note that the NSL results show that all of the rooms within this group of buildings would still be left with very good levels of internal sky visibility and that the loss of VSC will be a minor adverse impact.

8.102 In terms of sunlight, all of the windows within this group are left with annual sunlight hours of more than 25% which meets the BRE standards.

*499-507 Hackney Road*

8.103 The buildings at 499-507 Hackney Road lie opposite the site on the northern side of Hackney Road. The buildings are 3 and part 4 storeys in height with commercial uses and an access road to a car park at ground floor and residential uses on the upper floors. There are two buildings; 499-505 Hackney Road and 507 Hackney Road.

8.104 All of the windows in these buildings bar one will experience VSC reductions greater than the BRE guidelines. At 507 Hackney Road, the reductions range from 30% to 40% which DPR consider to be a moderate adverse impact. However, DPR note that these impacts would be mitigated by the NSL results which show that all of the rooms with the exception of a first floor room experiencing a NSL reduction of 34% from the existing value.

8.105 At 499-505 Hackney Road, the reductions range between 40% and 43% on the first floor and 29% and 37% on the second floor. These results if considered in isolation would be classified as major adverse impacts. However, the NSL results show that with the exception of a first floor living room which experiences an NSL reduction of 41%, all of the rooms will be left with acceptable levels of internal sky visibility.

8.106 In terms of sunlight, the applicant's assessment shows that windows within both 507 and 499-505 Hackney Road will experience significant reductions in winter

sunlight with 4 ground floor windows on the ground floor losing all winter sunlight entirely. However, DPR advise that this is an inevitable consequence of taller buildings being constructed to the immediate south and thus obstructing the low angle of the sun during the winter months. Additionally, DPR note that the existing levels of sunlight received are very high meaning that the reductions result in a moderate adverse impact.

- 8.107 Officers acknowledge that rooms within 499-505 Hackney Road will experience a discernible reduction in daylighting and sunlighting conditions, particularly rooms on the ground and first floor. However, given that these rooms benefit from a dual aspect and an aspect onto an under developed site, this level of impact is considered to be acceptable on balance and not serious enough to warrant a refusal of the application.

*485-497 Hackney Road*

- 8.108 The buildings at 485-497 Hackney Road lie to the immediate north of the application site on the northern side of Hackney Road. Commercial uses are situated at ground floor with residential uses on the floors above. Of the 30 windows (15 rooms) tested, 19 show VSC reductions greater than the BRE guidelines with the reductions ranging from 27% and 39%. The most affected windows are on the first floor of 497 and 495 Hackney Road.

- 8.109 DPR note that the NSL results show that three out of the 15 rooms tested will experience a reduction in NSL of more than 20% from existing but that the rooms would still be left with good levels of NSL meaning that they will retain the appearance of being adequately lit.

- 8.110 In terms of sunlight, all of the windows within this group are left with annual sunlight hours of more than 25% which meets the BRE standards.

- 8.111 Taking the results of the NSL testing into account, the impacts on the daylighting conditions on 19 out of the 30 windows are considered to be acceptable on balance and unlikely to produce an unduly detrimental level of harm on the amenity of residents of these properties.

*456 Hackney Road*

- 8.112 456 Hackney Road is a Grade II listed house two storey house to the west of the application site on the southern side of Hackney Road.

- 8.113 Of the 4 windows tested, 3 will experience a reduction in VSC of more than 30%, however two windows on the first floor would be left with a VSC of over 23% which is good for an urban area.

- 8.114 In terms of NSL testing, one of the first floor rooms would experience a reduction in visible sky to 38% from existing. Coupled with the VSC reduction, DPR conclude that the impact will be major adverse.

- 8.115 Officers acknowledge that occupants of 456 Hackney Road would be subject to a noticeable reduction in their daylighting and sunlighting conditions. However, while the internal layout of the property is unknown, officers would note that the property benefits from a triple aspect with windows on the front, side and rear elevations. Additionally, the property benefits from a private garden to the rear. On balance, therefore the reduction in daylight and sunlight to this property is considered to be acceptable in the context of the site's urban context and the scheme's overall regenerative benefits.

*Peabody Estate – Block A*

- 8.116 The Peabody lies to the south west of the development site.
- 8.117 Within Block A, of the 50 windows assessed, 20 do meet the BRE guidelines for VSC. These windows are located on the ground, first, second and to a lesser degree on the third floor. The failures range from between 21% and 47% with the greatest reductions on the ground and first floors.
- 8.118 In terms of NSL, all rooms at first floor and above meet the BRE requirements. Three rooms on the ground floor experience an NSL reduction to less than 0.8 factor of the existing value. However, DPR note that these rooms would still be left with good levels of NSL, substantially over half the room area.
- 8.119 On balance therefore, this level of impact is considered to be acceptable given the site's urban context and the good residual levels of NSL meaning that there will be no undue harm on the amenity of these residents.

*Peabody Estate - Block B*

- 8.120 Of the 26 windows assessed 2 on the ground floor present minor transgressions; recording a factor of the former VSC value of 0.76 and 0.77 respectively. In terms of NSL, all of the windows tested are compliant with the BRE standards and as such will experience good levels of internal daylight.

*Peabody Estate – Block G*

- 8.121 Of the 23 windows assessed, 9 record VSC reductions greater than the BRE recommended amounts. The windows most affect are located on the ground floor of Block G where there are rooms that will experience a 43% and 48% loss of light.
- 8.122 In terms of NSL, all of the rooms on the ground floor fail to comply with the BRE guidelines and there are 2 failures on the first floor. The VSC and NSL results in combination result in there being one flat on the ground floor that will experience a noticeable reduction in their internal levels of daylight.
- 8.123 Officers acknowledge that the impact on the most affected unit will be noticeable to its occupants, However, on balance, given the range of benefits that would be brought by the scheme, including the delivery new homes, affordable housing and a S106 package, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance.

**Daylight and Sunlight levels within the proposed development**

- 8.124 The submitted assessment shows that within the converted public house, a number of rooms will have ADF values below BS8206 recommended minimum levels. Rooms closest to Block A2 are the most affected. However, given that the internal layouts of this building are constrained by the existing fabric and the retention of the existing windows, these ADF failures are considered to be acceptable on balance.
- 8.125 Within Block A2, a kitchen on the ground records a low ADF level (0.78%). This is a result from the elevation being set back from the road frontage and the overhanging canopy that results. A scenario with non-recessed windows was modelled within the submitted assessment. The results of this showed that if the windows were to sit flush within the elevation that the rooms would present ADF levels in line with the BRE guidelines. However, during pre-application discussions, officers requested that ground floor windows fronting on to Clare Street be recessed

in order to provide those rooms with defensible space. Officers consider that the level of amenity afforded by the set back from the street overrides the need for higher ADF levels. In addition, the unit benefits from private outdoor amenity space (south facing) is dual aspect and exceeds the Council's minimum space requirement for a 3bed unit for 5 persons. On balance therefore, the quality of residential amenity within this unit is considered to be acceptable on balance.

- 8.126 On the eastern elevation of Block A2, the bedrooms present below standard levels of ADF. It is noted that bedrooms have a lesser minimum daylight requirement than other type of habitable room, such as living rooms, given the nature of their use and the hours of the day in which they are typically used.
- 8.127 Within both Blocks A2 and B, there are living rooms that do not meet the required standard for ADF as a result of being set back behind recessed balconies which restrict the levels of light reaching the rooms. However, taking into account the site's context within a central urban area and in light of the design of the scheme, including the provision of good levels of private amenity space for each unit, officers consider that the daylighting conditions within the development are not so poor so as to warrant a reason for refusal in this instance.

#### Noise and Vibration

- 8.128 Section 11 of the NPPF (2012) provides guidance for assessing the effect of noise. The document states that planning decisions should avoid noise giving rise to adverse effects on health and quality of life; mitigate and reduce effects arising from noise through 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.
- 8.129 Policy 7.15 of the London Plan (2013), Policies SP03(2) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse effects and separate noise sensitive development from major noise sources.
- 8.130 The application has been supplemented by a Noise and Vibration Assessment Report by Environ. The report concludes that the development will comply with the relevant British Standards and the relevant elements of WHO guidance with respect to the scheme's acoustic performance. The Council's Environmental Health Officer has reviewed this information and has raised no objections to the granting of planning permission.
- 8.131 Subject to conditions to control the acoustic performance of extraction systems connected to the ground floor commercial uses above, it is considered that the proposed development would adequately protect future residential occupiers from undue noise disturbance, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

#### Sense of Enclosure / Outlook and Loss of Privacy

- 8.132 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances involved between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.133 Design guidance documents usually recommend a visual separation distance of 18

metres between facing habitable room windows or balconies in order to preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing SPG (2012) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.

8.134 The buildings most likely to be affected in terms of an increased sense of enclosure and loss of outlook are located within the Peabody Estate to the south and south west of the site. At their shortest, separation distances between the site and these buildings are approximately 12m. Whilst this figure falls short of the ideal separation distance of 18m, it is considered to be acceptable on balance given the central urban character of the site where high density development is deemed to be appropriate.

8.135 Given the urban location and specific context of the site and its surroundings, together with the separation distances between facing habitable room windows and amenity spaces it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents. The proposal therefore accords with Policy SP10 (4) of the Council's adopted Core Strategy (2010) and PolicyDM25 of the Council's adopted Managing Development Document (2013).

#### Private Amenity Space

8.136 Policy SP02 (6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every residential development.

8.137 Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5sqm of private outdoor space for 1-2 person dwellings, with an additional 1sqm to be provided for each additional occupant, whilst specifying that balconies and private external spaces would have a minimum width of 1,500mm.

8.138 Each of the proposed residential units includes a recessed balcony, which have been assessed by officers have been found to meet or exceed the Council's and Mayor of London's minimum space and design standards for amenity space. As such, it is considered that the proposals include adequate provision of private amenity space, in accordance with the objectives of Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

#### Communal Amenity Space

8.139 Policy DM4 Managing Development Document (2013) requires the provision of communal amenity space within developments that include 10 or more residential dwellings. This policy requires the provision of 50sqm of community amenity space for the first 10 dwellings and a further 1sqm per additional dwelling. As such, the policy requirement for the current scheme, which would provide 217 new residential units, is for provision of no less 257sqm of communal amenity space.

8.140 The scheme proposes a communal amenity space within the central podium of Block B for all residents. The space measures 1008sqm in total which exceeds the minimum requirement by a significant margin. Some of this space is to be given over to children's play space (140sqm) but the residual amount would still exceed the Council's requirement.

8.141 In addition to this space, the scheme proposes 1975sqm of new public realm between Blocks A2 and B.

8.142 Taking into account the above, it is considered that the proposal includes adequate provision of communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

#### Children's Play Space

8.143 Policy 3.6 of the London Plan (2011) states that development proposals that include housing should make provision for play and informal recreation, based on the expected child yield population generated by the scheme and an assessment of future needs. Using methodology within the Mayor of London's "Providing for Children and Young People's Play and Informal Recreation" SPG the proposed development is estimated to generate a child yield of approximately 71 (all ages). The guidance sets a benchmark of 10sqm of useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 710sqm with 280sqm provided on site.

8.144 The application proposes an area of dedicated play space within the large communal garden measuring 140sqm. The application also proposes to provide a publically accessibly play area on former highway land to the west of the Duke of Cambridge public house. This space would measure 85sqm meaning that the schemes total on-site play space provision totals 225sqm. This figure falls short of the required amount by 55sqm. However, officers consider that the remaining space within the communal garden and the public realm is "genuinely playable" and worthy of being counted towards the overall quantum. This view has been endorsed by the GLA.

8.145 In terms of provision for older children, the Mayor of London's "Providing for Children and Young People's Play and Informal Recreation" SPG states that the maximum walking distance for 5 to 11 year olds is 400m (i.e. a 5 minute walk) and for 12 to 16 year olds is 800m (i.e. a 10 minute walk). In view of this, the applicant has sought to establish that larger play provision for older children can be accommodated within existing facilities within a short walking distance of the site. These facilities include Middleton Green to the south of the site on Bethnal Green Road where a multi-use games pitch and play equipment is provided. Additionally, there is a small play area located to the west of the site on Treadway Street which also provides play equipment and a multi-use games pitch.

8.146 Overall, it is considered that the proposal would provide a good play environment. The lack of on-site provision for older children and teenagers is mitigated by the options for play, sport and recreation within a short walking distance of the site. As such, the proposals meet the requirements of Policy 3.6 of the London Plan (2011), Policy SP02 of the adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013) which seek to ensure that new developments make sufficient provision for children's play space.

#### **Highways**

8.147 The NPPF (2012) and Policy 6.1 of the London Plan (2013) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan (2013) also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 8.148 Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.
- 8.149 The application has been supplemented by a Transport Assessment, which has been reviewed by LBTH Transportation & Highways and Transport for London (TfL), with TfL confirming that the correct method has been used to calculate the trip rate and modal split for the proposed development and that the projected impact on the Transport for London Road Network (TLRN) is considered to be acceptable, in accordance with Policy 6.3 of the London Plan (2013).

#### Car Parking

- 8.150 Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (2013) also promotes 'car free' development in areas with good access to public transport.
- 8.151 The proposal has been assessed by LBTH Transportation & Highways, who note that the site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 6, on a scale from 1a to 6b where 6b is excellent. LBTH Transportation & Highways consider this site to be suitable for a car and permit free agreement, which would be secured through a legal agreement.
- 8.152 In accordance with Policy requirements, the proposals include provision of 22 disabled parking spaces within the site. A suitably worded condition would be attached to the planning permission to ensure the provision of these spaces for households with a disabled person in perpetuity.
- 8.153 Subject to the completion of the associated S106 agreement, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2013). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

#### Cycle Parking

- 8.154 The Council's cycle parking standards, as set out in Appendix 2(1) of the adopted Managing Development Document (2013), require the provision of 1 cycle parking space per 1 and 2 bed residential unit and 2 cycle parking spaces per 3+ bed residential unit. The cycle parking standards also require a minimum provision of 2 cycle parking spaces for commercial (A1/A2/B1) uses, with 1 space to be provided per 125sqm of floor area for A1 use.
- 8.155 The proposed development, which would provide 172 x 1 and 2 bed units and 45 x 3+ bed units would therefore require the provision of at least 262 cycle parking spaces, in line with the Council's adopted standards.
- 8.156 The scheme proposes the provision of 263 spaces within the undercroft parking and servicing area of Block B, the basement of Block A2 (accessed via a car lift) and within the ground floor boundary to Block A1(former public house). The bike stores are located close to the cores within the new blocks.

- 8.157 The ground commercial units are to be provided across a flexible range of use classes. The use with the most onerous cycle parking requirement is B1 where 1 space is required per 120sqm of floorspace. This would equate to 13 cycle parking spaces. As the scheme proposes 16 spaces for the commercial units, this requirement has been exceeded.
- 8.158 The Council's Highways Officer has recommended that a condition be imposed to secure details of the cycle stores in order to ensure that they are fully accessible, secure and convenient to use in line with Policy DM22 of the Managing Development Document (2013).
- 8.159 Subject to condition, it is considered that the proposals accord with Policy DM22(4) of the Council's adopted Managing Development Document (2013), and Policy 6.9 of the London Plan (2013). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of safe, secure and usable cycle parking facilities.

### **Waste and Recycling**

- 8.160 The proposal includes the provision of refuse and recyclables storage areas within the podium level servicing area within Block A and the basement with Block A2. The proposals have been reviewed by the Council's Waste Policy and Development Officer who has raised no objections. Notwithstanding, a suitably worded condition requiring the submission of further details will be attached to the planning permission. These details will need to demonstrate that the stores have sufficient capacity to accommodate waste from each of the cores and that the wheeling distance does not exceed 10m.
- 8.161 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

### **Biodiversity**

- 8.162 Policy 7.19 of the London Plan (2013), Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.163 The application site is not located within a SINC. The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the former public house has low to medium potential to support bat roosts. Additionally, there are small areas of ephemeral and short perennials on site which support a fairly diverse plant community and invertebrates. By virtue of the proposals for the landscape design which includes planting beds, lawns and new trees it is considered that the ecological value of the site will be enhanced significantly.



- 8.164 The Biodiversity Officer has recommended that a number of conditions be imposed to secure the maximum ecological value from the development proposals. These conditions would require the submission of details of a bat survey, details of the biodiverse roofs and details of the bat and bird nesting boxes.
- 8.165 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of buildings, including the use of biodiverse green roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

## **Energy & Sustainability**

### Energy Efficiency

- 8.166 At a national level, the NPPF (2012) 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.
- 8.167 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.168 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).
- 8.169 The current application is accompanied by an Energy Statement and addendum note by DSSR Consulting Engineers. The strategy which shows that the proposed development follows the energy hierarchy and seeks to minimise CO<sub>2</sub> emission through energy efficiency via two energy centres incorporating gas powered mini-CHP systems with back-up boilers to provide an overall reduction in CO<sub>2</sub> emissions by 44.7% from a building regulation 2010 baseline.
- 8.170 The LBTH Sustainability Officer initially noted that the scheme should seek to provide a single energy centre instead of two. The applicant has explained that the a twin centre strategy is preferred due to the uncertainty around delivery of the second phase of scheme due to constraints relating to the HSE consultation zones and the Hazardous Substances Consent connected to the Bethnal Green Gasholder station. Additionally, the applicant has stated that owing to the disabled parking and cycle and waste storage, there is insufficient space with Phase 1 of the scheme to incorporate a plant room large enough to service a development of this size.
- 8.171 Policy 5.2(E) of the London Plan (2013) states "carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."

- 8.172 The LBTH Sustainability Officer advises that in this instance the shortfall in CO2 emission reductions should be offset through a cash in lieu payment, with the current identified cost being £1,800 per tonne of CO2, as set out in the GLA Sustainable Design and Construction SPG (2014) and the GLA Planning Energy Assessment Guidance (2014).
- 8.173 The identified shortfall in CO2 emission reductions is 16.2 tonnes of CO2, would therefore require a payment of £29,160 which will be secured through the S106 agreement. As the Section 106 financial obligations have been subject to viability testing, a pro-rata amount is to be secured through the agreement.

#### Sustainability

- 8.174 In terms of sustainability, the London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction are achieved, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.175 All of the new build residential units within Blocks A2 and B have been designed to meet the requirements of Code for Sustainable Homes Level 4. The exceptions are the six units with Block A1, the former public house. Here, it is proposed that the units achieve Level 3. This falls short of the Council's policy requirement but is considered to be acceptable in view of the historic nature of the building and the conservation led approach to its conversion. In order to ensure that Code Level 4 for the new build units and Code Level 3 for the converted units are achieved it is recommended that conditions be included to require the submission for approval of the final Code for Sustainable Homes certificates showing that 'Level 4' and 'Level 3' ratings have been achieved within 3 months of first residential occupation of the relevant parts of the development.
- 8.176 Subject to condition, it is considered that the proposed development will incorporate an appropriately high standard of sustainable design and construction, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).

#### **Contaminated Land**

- 8.177 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.178 The current application is accompanied by a Desktop Contaminated Land Assessment Report, prepared by Environ, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections to the proposals subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

## **Air Quality**

- 8.179 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.180 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.
- 8.181 The applicant has provided an Air Quality Impact Assessment Report (AQA), prepared by Environ, dated November 2013, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 8.182 The Air Quality Assessment submitted with the application identifies that the proposal would introduce residential receptors into a location where air quality is expected to exceed the annual mean objective. However, the report concludes that sufficient mitigation has been provided through the design of the development to avoid siting residential properties where pollutant concentrations would be highest in order to protect future residential occupants from significant adverse air quality effects.
- 8.183 The Council's Air Quality Officer has reviewed the AQA and has recommended that that conditions be imposed to ensure the inclusion of mitigation measures in the detailed designs of the facades and also to ensure that the stacks from the energy centres comply with the Clean Air Act.
- 8.184 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

## **Planning Obligations**

- 8.185 Regulation 122 of the CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Are fairly and reasonably related in scale and kind to the development.
- 8.186 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.187 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 (2013).

8.188 The document also sets out the Borough's key priorities as being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.189 The Borough's other priorities include:

- Health
- Sustainable transport
- Environmental sustainability
- Public realm

8.190 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development are secured.

8.191 In order to ensure that the proposed development is deliverable and viable, a financial appraisal has been submitted by the applicant. This appraisal has been independently assessed by an independent assessor appointed by the Council. The appraisal concludes that using universally recognised viability assessment methods, the development stands to make a loss of approximately £7m. Notwithstanding, in order to secure a planning permission, the applicant has recognised that planning obligations will need to be secured and as such is proposing 32.4% affordable housing and £653,680 worth of financial contributions. The applicant has based this figure on the approximate contribution towards education that the scheme would generate.

8.192 Having had regard to the viability of the scheme and the Council's priorities, offered amount has been allocated across the Council's priority areas as set out in the Planning Obligations SPD. This allocation has been discussed and agreed by the Planning Contribution Overview Panel.

8.193 The obligations agreed can be summarised as follows:

#### Financial Obligations

- (a). Construction phase skills and training: £25,807
- (b). End phase skills and training: £1,136
- (c). Ideas stores: £17,100
- (d). Leisure facilities: £56,346
- (e). Health: £88,841
- (f). Smart travel: £2,019
- (g). Public open space: £108,528
- (h). Streetscene and the built environment: £127,836
- (i). Primary and Secondary schools: £203,364

- (j). Energy: £9,630
- (k). Monitoring fee: £13,074
- TOTAL: £653,680

#### Non-Financial Obligations

- (n). 32.4% affordable housing by habitable room.
- (o). Car permit free agreement
- (p). 20% local employment/procurement during construction/end user phases
- (q). 11 NVG Level 2 apprenticeships during construction phase
- (r). Code of Construction Practice
- (s). Travel Plan
- (t). Public access to new public realm area between blocks A2 and B
- (u). Viability reassessment

The above contributions represent 32% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document (2012) and officers consider that these obligations meet the tests set out in Regulation 122 of the CIL Regulations 2010.

- 8.194 Officers acknowledge that the obligations proposed would fail to fully mitigate the impacts of the proposal. However, having taken into account the merits of the scheme, the amount proportion of family sized affordable units and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to mitigation of all of the infrastructure impacts of the development.
- 8.195 Notwithstanding, following a recommendation from independent assessors acting on behalf of the Council, an interim viability review mechanism will be secured through the Section 106. This will ensure that any financial benefits derived through market changes or changes to the scheme's design are captured by the Council through an additional financial contribution if conditions are met in order to plug the short fall in the proposed planning obligation.

## 9.0 Human Rights Considerations

- 9.1 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:-
- 9.2 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"*.

- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 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.
- 9.8 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.

## **10.0 Equalities Act Considerations**

- 10.1 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.
- 10.2 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.

- 10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.4 The community related contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 10.5 The contributions to affordable housing support community wellbeing and social cohesion and appropriate levels of wheelchair housing and disabled car parking are to be provided, helping to provide equality of opportunity in housing.

## **11.0 Section 70(2) of the Town and Country Planning Act 1990**

11.1 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:

11.2 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.

11.3 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.

11.4 In this context "grants" will include the New Homes Bonus, which for the proposed development that is the subject of this planning application is estimated to total approximately £1,493,190 over six years.

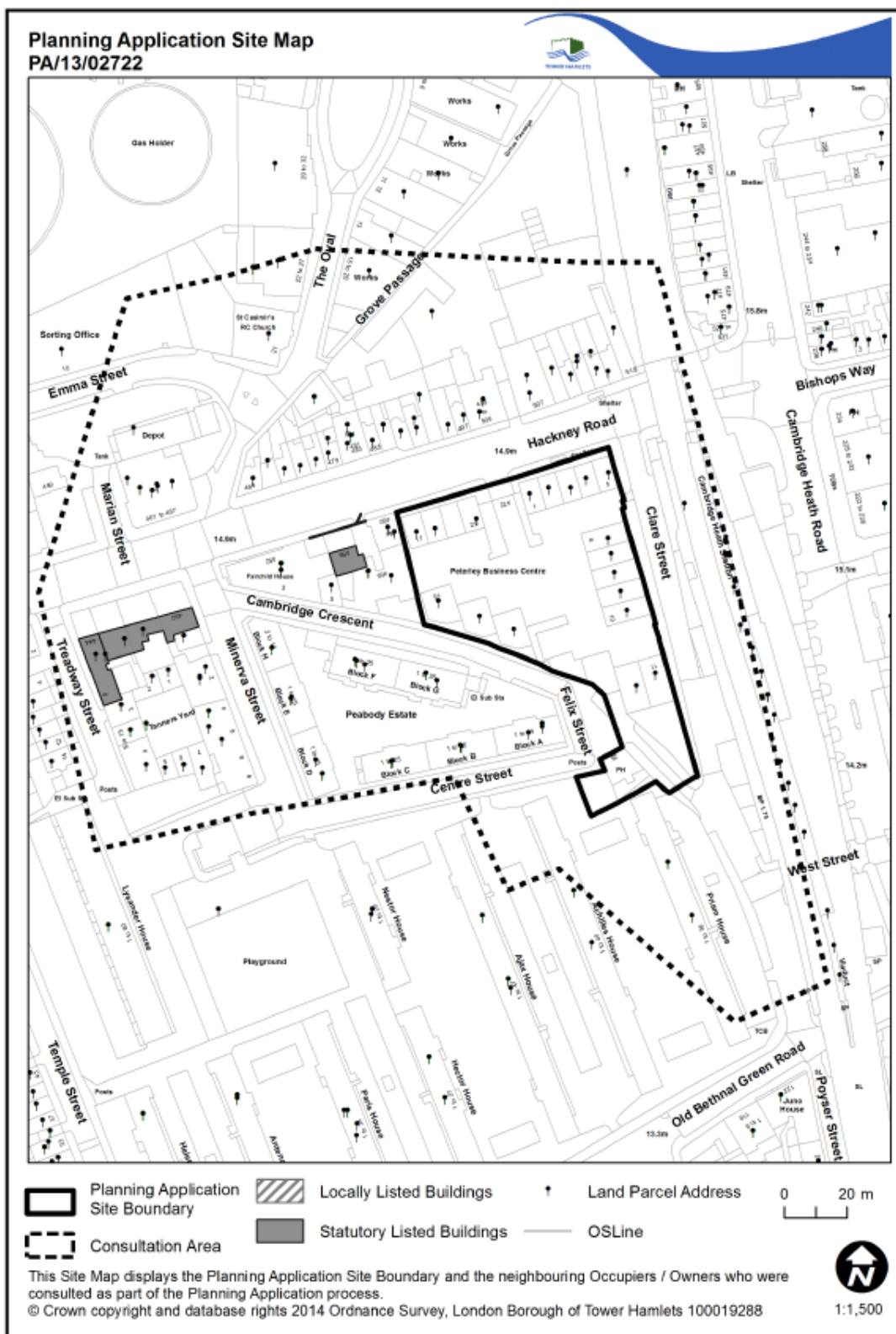
11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.

11.6 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. It is estimated that the Mayoral CIL charge for the proposed development would total approximately £311,000.

## **12.0 CONCLUSIONS**

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

### 13.0 SITE MAP WITH CONSULTATION BOUNDARY





## Appendix 1

### Schedule of plans

#### Drawings

12.65.01 Rev A; 12.65.02; 12.65.03; 12.65.04; 12.65.05; 12.65.06; 12.65.07; 12.65.08; 12.65.09; 12.65.10; 12.65.11; 12.65.12; 12.65.13; 12.65.14; 12.65.15; 12.65.16; 12.65.17; 12.65.18; 12.65.19; 12.65.20 Rev F; 12.65.21 Rev G; 12.65.22 Rev G; 12.65.23 Rev G; 12.65.24 Rev G; 12.65.25 Rev G; 12.65.26 Rev F; 12.65.27 Rev F; 12.65.28 Rev G; 12.65.29 Rev E; 12.65.30; 12.65.31; 12.65.31; 12.65.32; 12.65.33; 12.65.34; 12.65.35; 12.65.36, 12.65.37, 12.65.38, 12.65.39; 12.65.39; 12.65.40 Rev E; 12.65.41 Rev E; 12.65.42 Rev E; 12.65.43; 12.65.44; 12.65.45; 12.65.46; 12.45.47; 12.45.48; 12.45.49; 12.45.50 Rev E; 12.45.51 Rev E; 12.45.52 Rev E; 12.65.53; 12.65.54; 12.65.55; 12.65.56; 12.65.57; 12.65.58; 12.65.59; 12.65.60 Rev H; 12.65.61 Rev F; 12.65.62 Rev G; 12.65.63 Rev G; 12.65.64 Rev F; 12.65.65 Rev F; 12.65.66 Rev F; 12.65.67 Rev F; 12.65.68 Rev F; 12.65.69 Rev F; 12.65.70 Rev F; 12.65.71 Rev F; 12.65.72 Rev F; 12.65.73; 12.65.74; 12.65.75; 12.65.76; 12.65.77; 12.65.77; 12.65.77; 12.65.78; 12.65.79; 12.65.80 Rev E; 12.65.81 Rev E; 12.65.82 Rev E; 12.65.83 Rev E; 12.65.84 Rev E; 12.65.85 Rev E; 12.65.86 Rev E; 12.65.87 Rev E; 12.65.88; 12.65.89; 12.65.90 Rev E; 12.65.91 Rev E; 12.65.92 Rev E; 12.65.93; 12.65.94; 12.65.94; 12.65.95; 12.65.96; 12.65.97; 12.65.98; 12.65.100 Rev F; 12.65.101 Rev F; 12.65.102 Rev F.

#### Documents

Design and Access Statement prepared by Guy Hollaway Architects. Dated November 2013  
3-D Computer Generated Images prepared by CityScape and Guy Hollaway Architects. Dated November 2013  
Daylight and Sunlight Report for Proposed Development prepared by Anstey Horne. Dated 21 October 2013  
Report on Daylight and Sunlight within the Proposed Development prepared by Anstey Horne. Dated 31 October 2013  
Transport Statement prepared by PTP. Dated 30 October 2013  
Interim Travel Plan prepared by PTP. Dated 30 October 2013  
Planning Statement prepared by CMA Planning. Dated November 2013  
Heritage, Townscape and Visual Impact Assessment prepared by Montagu Evans  
Air Quality Impact Assessment Report prepared by Environ. Dated November 2013  
Commercial Property Market Report prepared by Strettons. Dated October 2013  
Framework Construction Environmental Management Plan prepared by Environ dated November 2013  
Drainage Assessment Report prepared by Environ. Dated November 2013  
Preliminary Ecological Appraisal prepared by Environ. Dated November 2013  
Energy Statement prepared by DSSR Consulting Engineers. Dated 1 November 2013  
Energy and Sustainable Design Statement prepared by Environ. Dated November 2013  
Desktop Contaminated Land Assessment Report prepared by Environ. Dated July 2013  
Public Realm Precedent Studies prepared by Mark Hanton Studio. Dated 18 November 2013  
Noise and Vibration Assessment Report prepared by Environ. Dated November 2013  
Statement of Community Views prepared by Planning for Real Unit  
Wind Assessment Report prepared by Environ. Dated November 2013

## **Appendix 2**

### **Site Ownership**

Hornbuckle Mitchell Trustees Limited  
Christopher Lester Turner  
Grahame Richard Turner  
Barry William Turner  
Downey & Co (Specialised Printing) Limited  
Bullet 69 Limited  
Mark Peter Bossick  
Alfred Bossick  
Dorinda Kissi  
Vijay Kumar Gupta  
Rajshree Gupta  
Hall & Brown Limited  
Maury Sewing Machine Company Limited  
Sharon Anne Selzer  
Datalect Corporate Serviced Limited  
William S. Fattal  
Acolorproof Limited  
Geoff Niblet  
Gary Monksfield  
Linda Anderson  
John George Houghton  
Stella Maureen Houghton  
The Hanover Trustee Company Limited  
Martin William Cressey  
Matthew Wing Leung Kong  
Suet Ping Pong  
IPE-Sond Projects Limited  
London Borough of Tower Hamlets

# Agenda Item 6.4

|   |                                |   |                            |
|---|--------------------------------|---|----------------------------|
| <b>Committee:</b><br>Strategic Development<br>Committee       | <b>Date:</b> 25 September 2014 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item<br/>No:</b> |
| <b>Report of:</b><br>Corporate Director Development & Renewal |                                | <b>Title:</b> Planning Application for Decision |                            |
| <b>Case Officer:</b><br>Gareth Gwynne                         |                                | <b>Ref No:</b> PA/14/00293                      |                            |
|   |                                | <b>Ward(s):</b> Blackwall and Cubitt Town       |                            |

## 1. APPLICATION DETAILS

**Location:** 7 Limeharbour, E14 9NQ  
**Existing Use:** Vacant Office Space (B1 (a) Use Class))

**Proposal:** Demolition of the existing building and the construction of a new residential building ranging from 6 to 23 storeys (with additional lower ground level) and comprising 134 residential units, private leisure facilities, a new urban square (including new pedestrian links and hard and soft landscaping), revised vehicle access arrangements, and basement car parking and servicing.

**Applicant:** Telford Homes plc  
**Owners:** Telford Homes plc  
**Historic Building:** N/A  
**Conservation Area:** N/A

### Drawings

D0001 Rev. P2, D0099 Rev. P2, D0100 Rev. P3, D0101 Rev. P2, D0102 Rev. P2, D0103 Rev. P2, D0104 Rev. P2, D0105 Rev. P2, D0106 Rev. P2, D0107 Rev. P 2, D0108 Rev. P2, D0109 Rev. P2, D0110 Rev. P2, D0111 Rev P2, D0112 Rev. P2, D0113 Rev 2, D0114 Rev. P2, D0115 Rev. P2, D0116 Rev. P2, D0117 Rev. P2, D0118 Rev. P2, D0119 Rev. P2, D0120 Rev. P2, D0121 Rev. P2, D0122 Rev. P2, D0123 Rev. P2, D0200 Rev. P2, D0201 Rev. P3, D0202 Rev. P2, D0203 Rev. P2, D0204 Rev. P2, D0205 Rev. P2, D0206 Rev. P2, D0207 Rev. P2, D0300 Rev. P2, D0301 Rev. P2, D0300 Rev. P2, D0400 Rev. P2, D0500 Rev. P2, D0501 Rev. P2, D0502 Rev.P2, SLD/UD-LM1

### Submission Documents

Environmental Statement, February 2014, Employment Report – November 2013, Energy Statement – February 2014, Sustainability Statement – February 2014, Planning Statement Addendum – June 2014, Addendum to Design and Access Statement – June 2014, Updated Landscape Design Document – June 2014, Environmental Statement Regulation 22 Addendum, Energy Statement Addendum – June 2014, Parking & Highways Response Note – June 2014

## 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 adopted London Borough of Tower Hamlets Core Strategy (September 2010), Managing Development Document (April 2013) as well as the London Plan (2011) and the National

Planning Policy Framework and other material planning considerations, and has found that:

- 2.2 The scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment consistent with adopted and emerging national and local planning policy. The site is not located in a Preferred Office Location (POL) or Local Industrial Location (LIL) and does not form part of a site allocation. The surrounding area is predominantly residential in character and with adequate evidence provided of a lack of demand for the existing office space (that is vacant) the principle of redeveloping the site to provide a residential development is considered acceptable in land use terms and consistent with the London Plan objectives for the Isle of Dog's Opportunity Area and the vision strategy set out for Cubitt Town in the Core Strategy of LBTH's Local Plan.
- 2.3 The urban design, layout, building height, scale and bulk of the tower is considered acceptable and consistent with adopted policy which seeks to ensure buildings and places are of high quality design, suitably located and sensitive to the locality and without detriment to local or strategic views. The height of the 'slipped' tower mediates between the taller buildings focussed around the edge of Millwall Dock, on the west side of Limeharbour and the lower more suburban residential building form to the east. The scheme respects the established building height hierarchy set for Crossharbour Town Centre and specifically the consented comprehensive district centre development scheme for the ASDA site that includes a tower element of 23 storeys in height.
- 2.4 The height of the development is in accordance with London Plan and LBTH Local Plan policies which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views
- 2.5 The density of the scheme would not result in unduly detrimental adverse impacts typically associated with overdevelopment and therefore is acceptable assessed against planning policies which seek to ensure development acknowledges site capacity and does not have an adverse impact on neighbouring amenity.
- 2.6 The internal layouts are well considered and consistent with London Plan and Local Plan policies and the detailed design guidance set out in the Mayor of London's Housing Supplementary Planning Guidance document. Whilst 28% of the units are single aspect, none of these units are north facing and none are within the rented affordable housing tenure.
- 2.7 All the units benefit from 1 or more individual private balconies or roof terraces. The arrangement of the external communal space and child play spaces are well considered and benefit from good levels of natural surveillance and effectively meet the needs of the development, in accordance with policies which seek to improve amenity and liveability for residents.
- 2.8 The landscaped south facing plaza, that will be open to the public and residents alike, is considered a welcome addition to the public realm of this part of Cubit Town and will provide an improved link for pedestrians walking to/from Limeharbour and Crossharbour DLR to the south west and respectively to East Ferry Road to the east of the site.
- 2.9 On balance the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site.

- 2.10 Sustainability matters, including energy, are acceptable and accord with policies 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 and in line with the Council's Planning Obligations SPD, which seeks to secure contributions towards infrastructure and services required to facilitate proposed development.

### **3 RECOMMENDATION**

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

A Any direction by **The London Mayor**

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

#### 3.2 Financial Obligations

- a) A contribution of £44,598 towards enterprise & employment.
- b) A contribution of £143,210 towards leisure and community facilities.
- c) A contribution of £35,698 towards libraries and Idea Store facilities.
- d) A contribution of £378,296 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £123,645 towards public open space.
- f) A contribution of £177,284 towards health facilities.
- g) A contribution of £64,800 towards carbon off-setting contributions.
- h) A contribution of £4,896 towards smarter travel
- i) A contribution of £80,000 to Transport for London towards station improvements at Crossharbour DLR station
- j) A s106 monitoring fee (set at 2%) £25,648

Total: £1,308,075 (including £230,000 associated with Highway Works noted at g and h; non financial contribution)

#### Non-Financial Obligations

- a) 34.3% affordable housing, as a minimum, by habitable room with 60% as social/affordable rent and 40% as intermediate (shared ownership):-
  - with 1 in number 5 bedroom units, 2 in number 4 bedroom units and 8 in number 3 bedroom unit all with social rents;
  - 5 in number one bedroom units with affordable rents and 4 in number two bedroom units;

- with 21 intermediate units, with 12 in number 1 bedroom intermediate units, 6 in number two bedroom units and 3 in number three bedroom units.
  - With 3 in number of the three bedroom affordable rented units to be completed as fully wheelchair accessible or designed to be easily adaptable (with the applicant undertaking the full adaptation when required).
- b) Employment and Training Strategy including the provision of a minimum 8 NVQ level 2 apprenticeships during the construction phase.
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction).
- d) On Street Parking Permits removed for future occupants.
- e) Travel Plan.
- f) Permanent uninhibited public access to the plaza located within the development site located to the south of the residential tower.
- g) Shared surface works at junction of East Ferry Road/Limeharbour (Estimated at £200,000)
- h) Installation of a new pedestrian crossing and the associated feasibility study and re-provision of two on street car parking bays (Estimated at £30,000)
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.3 That the Corporate Director Development & Renewal is delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

#### **CONDITION AND INFORMATIVES**

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

#### **Prior to Commencement Conditions:**

1. Construction and environmental logistics management plan
2. Contaminated land scheme of investigation
3. Archaeological investigations
4. Thames Water (water infrastructure capacity)
5. Piling method statement
6. SUDS (drainage)
7. Crane height maximum during construction

#### **Prior to works above ground level conditions:**

8. External materials
9. Landscaping scheme (including public art)

10. Energy Strategy
11. Details of Combined Heat and Power
12. Biodiversity measures including details of green roofs
13. Noise Mitigation Strategy (for end user and construction phase)
14. Wind Mitigation Strategy

**Prior to Occupation Conditions:**

9. Waste Management Plan
10. Delivery and Servicing Plan
11. Code for Sustainable Homes achieving 'Level 4'
12. Car Parking Management Plan
13. Secure by Design Certificate
16. 10% Electric vehicle and motor scooter charging points
14. Lifetime Homes and details inclusive design of leisure facility

**Compliance Conditions:**

15. Permission valid for 3yrs
16. Development in accordance with approved plans
17. Energy Strategy
18. Cycle parking
19. 10% Wheelchair housing

**3.6 Informatives:**

- Consultation with Building Control
- Thames Water Advice
- S278 agreement required

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

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

**4. PROPOSAL AND LOCATION DETAILS**

**Site and Surroundings**

4.1 The application site is an irregularly shaped piece of land approximately 0.29 hectares located on the east side of Limeharbour set approximately 100 metres north of Crossharbour DLR Station.

4.2 The 7 storey office block on site was built in the early 1980's and provides just under 3,000sq.m of B1 (a) employment space. The office block has been vacant for the last 12 months. There is a significant change in levels across the site with the ground level set above the surrounding pavements and carriageways to the west, south and east. The site benefits from some thick unmanaged vegetation and mature trees.

4.3 The site is bounded by a similar style office building to the north at 5 Limeharbour, beyond that lies a stepped residential building rising to 17 storeys at 3 Limeharbour (known as City Tower). A four storey residential development

lies at Peninsular Court to the south across a small street linking Limeharbour to East Ferry Road. The area to the east, extending from the opposite side of East Ferry Road is an established neighbourhood of low rise two and four storey houses and maisonettes. Baltimore Wharf, a large scale residential led development lies immediately to the west on the opposite side of Limeharbour. Vehicle access to the site is from the north of the site, off Limeharbour and is shared with the office building at No 5 Limeharbour.

- 4.4 The site has a Public Transport Level Accessibility Level (PTAL) rating of 4.

### **Proposal**

- 4.5 The proposed scheme involves the demolition of all the existing buildings and the erection of a new building containing 134 residential units and a significant re-leveling of the ground level towards the southern end of the site, to create a publically accessible plaza space. The new development comprises of four architecturally distinct elements rising to 6 storeys, 18 storey, 21 storeys and 23 storeys, plus a lower ground level. The principal orientation of the four elements of the block would be to the south and north with each tower element 'slipped' on plan in relation to each other. The scheme would be finished in brick predominantly.
- 4.6 The ground and lower ground floors would contain two entrance lobbies (one for market and shared ownership units and the 2<sup>nd</sup> lobby for the rented affordable housing units), an ancillary gym for the benefit of markets sale units, cycle storage areas, space for plant equipment, 14 car parking spaces with 8 bays allocated for disabled parking). The entrance to the basement car park would be off East Ferry Road, with general servicing of the residential blocks taking place off street (including waste collection) from Limeharbour, utilising the existing vehicle crossover shared with No 5 Limeharbour.
- 4.7 The affordable rented and intermediate housing units would be contained in the bottom 7 storeys of the development. All 20 affordable rented units would benefit from either dual or triple aspect.
- 4.8 Aside from the individual private balconies and roof terraces to each flat, all the open space provision is contained at ground level with a private communal amenity space to the rear (north of the tower) for use only by residents of the scheme (both affordable and private housing) containing a dedicated children's play area and two public realm spaces to the west and south of the building block.
- 4.9 The public plaza space in front of the block would be south facing and contain a mix of hard and soft landscaping areas and seating areas to encourage people to linger. Play equipment will also be provided within these public realm spaces.
- 4.10 The on-site public realm improvements would be supplemented by the necessary provision of a shared surface treatment to the highway on the link road between East Ferry Road and Limeharbour and would include traffic calming design features. This would be secured by s106 legal agreement as would a new pedestrian crossing across Limeharbour, which are both necessary to facilitate the development.
- 4.11 The scheme has been revised since it was submitted to reduce the maximum storey height from 29 upper storeys to 23 upper storeys with a commensurate



reduction in the number of residential units from 167 units to 134 units but a retained proportion of affordable housing (34.3%) and comparable mix across all tenures. The footprint of the tower occupies approximately 27% of the development plot.

## **5 Relevant Planning History**

### Application Site

- 5.1 The site has not been subject to any substantive planning applications in the last 15 years.

### Neighbouring Sites

- 5.2 At No 3 Limeharbour, planning permission was granted on 10 March 2008 (PA/02/001895) for “Demolition of the existing two-storey Jaguar showroom. Erection of a part two to part six storey L-shaped building fronting Roffey Street and adjacent 98-110 East Ferry Road; and erection of a part five to part seventeen storey building fronting Limeharbour providing 213 residential units and 4 commercial units.”

## **6 POLICY FRAMEWORK**

'Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains the most relevant policies to the application:-

### **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP02 Delivering Homes
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with Waste
- SP08 Making Connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

### **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM3 Delivering Homes
- DM4 Housing Standards and Amenity Space
- 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
- DM18 Delivering Schools and Early Learning
- DM20 Supporting a Sustainable Transport Network
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place-sensitive Design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage
- DM28 World Heritage Centres
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

### **Supplementary Planning Documents (SPD)**

LBTH Planning Obligations SPD (adopted January 2012)

### **Spatial Development Strategy for Greater London - London Plan 2011 (LP) including alterations**

- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Improving 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 recreational facilities
- 3.7 Large residential development
- 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 in individual private and mixed use schemes
- 4.2 Offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity

- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.13 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
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure

### **Draft Further Alterations to the London Plan, 2014 (FALP)**

- 6.1 On 15 January 2014, the London Mayor published the draft GLA *Further Alterations to the London Plan* (FALP) for a 12 week period of public consultation. Examination in public is scheduled for autumn 2014, with adoption anticipated by spring 2015. The main changes material to this scheme are greater densification of the Opportunity Areas to promote greater growth to housing need and jobs with a draft target set to deliver 560,000 additional jobs and 300,000 new homes. The Borough's new minimum housing target, as set by the London May would be 3,931 per year.
- 6.2 In addition the FALP Policy 7.5 (Public Realm) gives a recognition the quality of the public realm is particularly important in high density development and that public realm benefits especially for pedestrians are key to the urban fabric, and these spaces should be secured through the planning system where appropriate.
- 6.3 The further alterations are not adopted so carry limited weight however they are a material planning consideration in the determination of this planning application

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

Housing Supplementary Planning Guidance (November 2012)  
 Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

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

National Planning Policy Framework and National Planning Policy Guidance

## **7 CONSULTATION RESPONSE**

- 7.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 7.2 The following were consulted and made comments regarding the application. These comments have been taken into account in the MATERIAL PLANNING CONSIDERATIONS section below:-

### **LBTH Heritage & Urban Design Officer**

- 7.3 The publicly accessible open space to the south of the site, at the junction of Limeharbour and East Ferry Road is welcome. However, the detail of the treatment of the proposed shared surface with the open space will be critical in making the space usable and attractive. This public space should be clearly demarcated for the purpose of monitoring of increase in public open space in the AMR.
- 7.4 The proposed height of the tower ranges from a maximum 23 floors (reduced from an original submission of 29 floors) to 6 floors and is considered acceptable as it relates appropriately to the scale of surrounding buildings.
- 7.5 The proportions of the width of the blocks works well for the dual aspect for the majority of the apartments and good penetration of daylight and sunlight.
- 7.6 The ground floor treatment - activated by the gym, entrance lobbies, cycle parking will ensure that the space is safe and well used. The brick as the chosen finish material is welcome as is the design of the windows reveals and use of different shades of brick within each elevational treatment .  
(Officer response: Noted)

### **LBTH Affordable Housing**

- 7.7 The scheme provides a welcome 34.3% affordable housing (by habitable rooms) which is close to according with Council policy target. It should be noted that the scheme delivers 55% of the rented affordable housing provision at social rent levels which is welcomed, with 8 x 3 bedroom units and 2 x 4 bedroom units and 1 x5 bedroom units. All the smaller rented affordable units (the one and two bedroom units) shall be provided at a LBTH agreed Affordable Rent levels for this part of the Borough.
- 7.8 The scheme delivers the affordable units from the ground to the 6th floors which is welcomed. All of the larger family rented units provide a separate kitchen.
- 7.9 The scheme will provide a minimum 10% wheelchair provision across all tenure types including the opportunity to easily adapt 3 three bedrooms units as fully wheelchair accessible units at social rent.  
(Officer response: noted)

### **LBTH Access Officer**

- 7.10 The public realm created should be fully accessible and inclusive with hard surfacing (including shared surface treatments) provided with colour contrast to ensure that it provides enough visual information for people with visual impairments. Play space should be designed to be inclusive in design.
- 7.11 10 wheelchair accessible units provided but only 8 parking bays serving these units. Provision should be made for electric car charging and storage areas for electric scooters
- 7.12 The private leisure facility should be accessible and inclusive and LBTH will need to see the detail of this before occupation.

- 7.13 Further details should be provided, secured by planning condition, to demonstrate the units will achieve Lifetime Homes Standards

*(Officer response: Comments are noted, conditions will be imposed to secure Lifetime Home Standards, the inclusive design of external spaces, details of the location of electric scooter charging points and storage areas in the basement. With regard to the level of disabled car parking provision the applicant contends from their experience and that of the preferred registered social housing provider for the scheme (Notting Hill Housing Association) that the take-up of disabled spaces on a 1:1 basis is very rare. On this basis it has been considered that the provision of 8 disabled spaces is sufficient to meet the needs of the wheelchair accessible units within the scheme)*

#### **LBTH Land Contamination Officer**

- 7.14 No objection, subject to imposition of a standard condition that investigates potential land contamination and a mitigation strategy.  
*(Officer response: Noted and the necessary planning condition would be imposed on any permission granted)*

#### **LBTH Environmental Health Officer – Heath & Housing Unit**

- 7.15 No objection, the scheme must comply with statutory requirements including the Housing Act 2004, and comply with relevant Building Regulations.  
*(Officer response: Comments noted, no specific planning conditions or informative arise from these observations)*

#### **LBTH Environmental Health Officer – Noise and Vibration Unit**

- 7.16 The Noise and Vibration Study has been reviewed and considered acceptable. No objection to the scheme, subject to a condition to provide further details of noise mitigation measures during construction phase and to adequately address ambient noise for the new residential units.  
*(Officer Response: The recommended noise mitigation condition would be imposed on any permission granted)*

#### **LBTH Biodiversity Officer**

- 7.17 The application site is not a Site of Importance for Nature Conservation (SINC), nor is it directly adjacent to one. The loss of the small area woodland on site would not be significant at anything but a very local level.
- 7.18 A condition is required to maximise the biodiversity benefits gained from the landscaping scheme through use of native species, berry-bearing species, nectar-rich flowers, and areas of dense shrub cover to provide nest sites for birds.
- 7.19 A condition should be imposed to maximise the bio diverse benefits of the green roofs provided. Boxes for swifts would be particularly appropriate on the proposed tall building, and would contribute to targets in the Local Biodiversity Action Plan.
- 7.20 Clearance of this vegetation should take place outside the bird nesting season (i.e. not during March to August inclusive) if at all possible.

*(Officer Response: Noted, Conditions would be imposed in respect of landscaping, and supporting biodiversity on any permission.)*

### **LBTH Energy Efficiency/ Sustainability Officer**

- 7.22 The scheme follows the energy hierarchy as set out on the London Plan and LBTH's Local Plan targeted to minimise CO2 emission, through energy efficiency (7.1%) and energy supply (CHP ~40kWe; 18.9%). The proposals also include the installation of 65m<sup>2</sup> (10kWp; 3.8%) and PV array to further reduce CO2 emissions by 2%.
- 7.23 The overall CO2 emission reductions considered achievable for the development are 47 tonnes/CO2/yr. (27.5%) from a building regulation 2010 baseline. This represents a shortfall against policy requirements by 22.5%, which equates to 36 tonnes of CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be addressed, accordingly £64,800 is sought for carbon offset projects in the vicinity of the proposed development.
- 7.25 It is recommended that the proposals are secured through appropriate Conditions to deliver:
- CO2 emission reductions of 27.5% in accordance with the approved energy strategy including CHP system.
  - Submission of details demonstrating the scheme has been designed to link to a district heating system in the future (including plant room layout plan and pipe routing proposals).
  - CO2 emission reduction shortfall to offset through S106 contribution of £64,800
  - Achievement of Code for Sustainable Homes level 4 rating and certificates submitted within 3 months of occupation
  - Delivery of a minimum 65m<sup>2</sup> PV array generating a minimum 10kWp
- (Officer Response: Noted, and the full carbon off set figure of carbon offsetting figure of £64,800 would be secured by s106 to ensure policy compliance and all the other recommended conditions would be applied should permission be granted.)*

### **LBTH Highways & Transportation Team**

#### Parking provision

- 7.26 The scheme involves the loss of 2 on street car parking bays in East Ferry Road to make an entrance to the basement car park. The replacement of these 2 parking bays is considered necessary.
- 7.27 Aside from wheelchair unit car parking provision the Council are disappointed parking bays are being provided. The car bays provided should be allocated on a needs basis not on a market drive approach, namely for households where car ownership is a necessity which is likely to be the larger units.

- 7.28 Three motor cycle parking spaces are proposed which is welcomed

#### Cycle Provision

- 7.29 The level of cycle provision is consistent with London Plan standards.

- 7.30 In summary

The Highways and Transportation Team have no objection in principle to residential use at this location. We would support the provision of a new pedestrian crossing on Limeharbour and shared surface treatment on the link road to the south of the site. We would wish to see a reduction in the proposed provision of private car parking spaces. Should permission be granted we would wish to see:

- A 'Permit Free' agreement restricting all future residents from applying for on street permits secured via the S106
- Provision of A Pedestrian Crossing on Limeharbour secured via the S106
- Full details provided of the shared surface treatment that shall be secured by S106
- A Full Travel Plan, which is ATTrBute compatible supplied by the applicant and agreed by the LPA, prior to occupation.
- A Service Management Plan detailing how the development will be adequately serviced avoiding any negative impact on the public highway network supplied by the applicant and agreed by the LPA, prior to occupation.
- A Car Parking Management Plan
- A Construction Management Plan showing how the construction of the site will take place avoiding any negative impact on the public highway network supplied by the applicant and agreed by the LPA, prior to any works taking place.
- All car parking spaces and cycle parking spaces are to be kept for their intended use and maintained for the life of the development.
- The applicant will be expected to enter into a S278 Agreement with the local Highways Authority to cover works which affect the public highway including traffic management orders for the provision of two replacement on street resident's permit parking bays.

*(Officer response: Noted. The above list of measures would be secured by either planning condition or through the legal agreement if permission is granted).*

#### **LBTH Employment & Enterprise Team**

- 7.31 We are keen to secure apprenticeships during the construction phase. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Council should secure a financial contribution of £44,598 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.

*(Officer response: Noted and the planning contributions requested would be secured by s106, if permission is granted including securing an undertaking already given by the applicant to provide at minimum 8 level 2 NVQ apprenticeships at construction stage)*

#### **LBTH Waste Team**

- 7.32 No objections to the refuse and recycling capacity of the scheme and the associated servicing strategy.  
*(Officer Response: Noted)*

#### **LBTH Communities, Localities & Culture – Strategy Team**

- 7.33 The 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.
- 7.34 The comments and requests for s106 financial contributions [as set out in Section 3.2 this Report] are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.  
*(Officer response: The scheme will meet in full all the LBTH planning obligations as set out and derived from the formula set out in Planning Obligations SPD)*

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

- 7.35 The GLA have provided a stage I response and the main points are summarised below:-

#### Principle of development

- 7.36 The applicant has provided an employment market report for the Docklands area, which concludes that there is no market or economic justification for continued office use and that the loss of this space would not have an adverse effect on employment opportunities in the Borough. The loss of a relatively small amount of office space in this location does not raise any strategic planning concerns.
- 7.39 The proposal for a residential led development would contribute towards the Borough's and London's housing need and is therefore supported in strategic planning terms.

#### Tall buildings, urban design, strategic views, and historic environment:

- 7.40 The proposals would not harm the settings of the listed buildings within Maritime Greenwich World Heritage Site. The height of the building appears as significantly lower than the existing buildings to the rear [the office towers of Canary Wharf to the north] and does not raise any strategic concerns in terms of strategic views of the World Heritage Site.
- 7.41 The provision of a new public space to the south of the building, at the junction of Limeharbour and East Ferry Road, is particularly welcomed. The residential quality of the scheme appears to be high.
- 7.42 The appearance of the building is characterised by the articulation of its four separate volumes. This expression, combined with the depth of the balconies, creates an elegant and attractive building when viewed from the south.

#### GLA Stage I Overview:

- 7.43 In summary the GLA advised that the proposal would comply with the London Plan subject to clarification/ remedies to the following points as grouped below.
- 7.44 Housing: The Council should confirm that the provision of affordable family sized units meets local need. The Council should confirm if off-site provisions for children's play space is appropriate and any contributions to off-site provision will need to be secured in the Section 106 agreement; and details of Section 106 social infrastructure contributions should be provided.  
*(Office Response: The scheme provides 55% of the rented units as larger family sized units which is above the 45% LBTH policy compliance target figure and delivered at social rent and therefore will meet local housing need which is*



*greatest for larger family sized units at social target rent levels. The units comply with Mayor of London's Housing SPG baseline standards. The external amenity and children's play space provision exceeds the London Plan area standards, and is of a good quality. S106 obligations will be secured for social infrastructure and provision of public open space.)*

- 7.45 Urban Design: Further information is required on how the use of the 'cycle gym' will be secured; and further consideration should be given to more window openings in the north elevation, the use of the different shades of brick, and the depth of window reveals.  
*(Officer comment: Since issuing the GLA Stage 1 response the scheme has been revised to provide additional openings in the north elevation and the introduction of recessed tone brick panels to help give a greater layered appearance The applicant has also provided further detail of the management of the cycle gym and form part of the Travel Plan secured by s106).*
- 7.46 Inclusive access: Confirmation is required that the wheelchair accessible units are spread across different tenures; the provision of blue badge parking bays should be reconsidered, and a parking management plan should be secured by condition.  
*(Officer Comment: Wheelchair units will be provided across all tenures. A car parking management plan will be secured as part of Travel Plan to ensure the use of blue badge bays are regularly monitored, to ensure that provision equates to the demand from disabled residents and visitors, and that the blue badge bays are effectively enforced.)*
- 7.47 Climate change: The scheme should be designed to allow future connection to a district heating network, should one become available; confirmation that all uses will be connected to the site heat network; provide details of the location of the energy centre; of the PV installation.. The inclusion of green roofs should be considered.  
*(Officer Comment: The energy provision will be secured by planning conditions including a capability to connect the scheme to a district heating network and provision of green roofs. Details have been received of the location of the PV panels on roof spaces and of the bio diverse green roofs.)*
- 7.48 Transport: TfL recommends that the applicant undertakes a stage one safety audit for the proposed new access points; the applicant should confirm that electric vehicle charging points will be provided, a car parking management plan and 'permit free agreement' should be secured. TfL seeks a contribution of £150,000 toward improving the overall quality, safety and ease of access and egress at Crossharbour station and £40,000 for future expansion of the cycle hire scheme. The Council should secure improvements identified by the PERS audit by legal agreements, together with the finalised travel plan, along with monitoring and funding through the s106 agreement; and a delivery and servicing plan (DSP), construction management plan (CMP), and construction logistics plan (CLP) should be secured by planning condition.  
*(Officer Response: The planning conditions sought by TfL will be imposed and the travel plan and permit free agreement by s106, if permission is granted. The applicant's willingness (subsequent to the issuing of the GLA's Stage 1 response) to provide a new pedestrian crossing on Limeharbour is considered sufficient to negate the need to undertake a separate PERS audit for the scheme. A Stage 1 Safety Audit has been provided subsequent to receipt of the GLA Stage 1 response. Due to viability and the fact that the extension of the cycle hire station is not required to directly mitigate the impact of this development alone it is not*

*proposed to seek this contribution of £40,000 as requested by TfL. In regards the sought financial contribution towards works to Crossharbour DLR Station it is considered these works have not been set out in sufficient detail to justify that they are related in scale and kind in terms of mitigating the impacts of the development. Upon this basis, set alongside scheme viability considerations, and recognition the installation of a new pedestrian crossing will improve safety, access and egress to Crossharbour it is proposed to seek a reduced contribution for these works of £80,000 (53% of the requested amount.)*

*To conclude: LBTH officers are of the view that with the clarifications provided by the applicant, set alongside the revisions made to the scheme since the Stage 1 referral and with the commitments secured by the Council (by planning obligations and planning condition) the outstanding concerns raised by the GLA have been adequately addressed to address the concerns raised by the GLA.)*

### **Environment Agency**

- 7.49 We have no objection to the proposal. Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defence from any a 1 in 1000 chance in any year flood event, and most recent data indicates the site is unlikely flood during a breach event(0.1%). If piling is proposed a piling risk assessment will be required to demonstrate that the piling method does not increase the risk of near surface pollutants migrating into aquifers.  
*(Officer response: Noted and planning condition in respect of piling would be attached to any permission issued.)*

### **Thames Water**

- 7.50 No objection subject to conditions that address capacity surrounding water supply infrastructure and impact of any piling including a piling method statement. Mains water runs adjacent to the proposed development and an informative is requesting stating Thames Water will not allow any building within 5 metres of the mains water supply and will require 24 hours access for maintenance purposes. Thames Water also state a preferred option would be for all surface water to be disposed of on-site using SUDs as per Policy 5.13 of the London Plan.  
*(Office response: Noted, the recommended conditions and informative would be attached to ant permission and a condition in respect of further details of SUD system.)*

### **National Air Traffic Services**

- 7.51 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria  
*(Officer Response: Noted)*

### **London City Airport**

- 7.52 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given the LCY has no safeguarding objection.  
*(Officer Response: Noted)*

### **Canal & River Trust**

- 7.53 I can confirm that we have no comments to make on this application.

### **Metropolitan Police Designing Out Crime Officer**

- 7.54 The scheme has been reviewed. Following site specific comments are made
- All external lighting should be suitably designed and balanced between security, personal safety, visual amenity, light pollution and sustainability.
  - All dwelling entrance door-sets should be certified/tested to BS.PAS.24: 2012 or equivalent methodology.
  - Laminated glass is recommended for all external glazing up to and including the 11th Floor.
  - The communal entrance doors to the flats should be certified/tested to LPS 1175 SR2 standard.
  - The communal entrance to the flats should include a remote electronic locking system linked to each dwelling, with an audio/visual intercom.
  - All utility meters should, where possible, be located outside of the individual flats, preferably on the ground floor.
- 7.55 Our recommendation is prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated  
*(Officer Response: Noted. A Secure by Design condition would be applied as recommended to any permission issued.)*

### **Natural England**

- 7.45 No objection. Opportunities for bio-diversity and landscape enhancement opportunities should be secured if the local planning authority are minded to approve the scheme to enhance the bio-diversity, character and local distinctiveness of surrounding natural and built environment.  
*(Officer Response: Noted and biodiversity enhancement measures would be secured by planning condition to any permission granted.)*

### **Greater London Archaeological Advisory Service (GLAAS)**

- 7.46 No objection, subject to a condition requiring a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.  
*(Officer response: A condition and informative would be added to any permission granted. The condition and informative will follow the wording suggested by GLAAS)*

### **English Heritage**

- 7.47 No comments to make, determine the application in accordance with National and Local Policy and the advice received from your own urban design & heritage team.

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

- 7.48 No comment can be provided by The Brigade in absence of information on this matter within the planning application in respect to access and water supplies covered by Approved Document B [of Building Regulations] and British Standard 9990

*(Officer Response: The matter of access and supply of water for the fire brigade can be appropriately dealt with by Building Regulations, should the scheme be approved.)*

**London Borough of Greenwich**

7.49 No objection

**London Borough of Southwark**

7.50 No comments received

**EDF Energy**

7.51 No comments received

**Association of Island Gardens**

7.52 No comments received

**National Grid**

7.53 No comments received

**LOCAL REPRESENTATIONS**

7.54 A total of 1066 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 by two site notices. This consultation was undertaken twice, in March 2014 and again in June 2014, following a number of scheme amendments.

7.55 21 letters of objection were received. 1 letter of support was received but this letter expressed no particular reasons for its support of the scheme

7.56 The reasons of objection can be grouped into four main areas of concern plus a fifth set of other various grounds of objection. These concerns are grouped and set out below:-

**Transport Infrastructure and Highway Safety:-**

- Existing capacity issues at Crossharbour DLR (especially at morning peak hour). Concerns over cumulative impact of the development alongside other developments (e.g. Baltimore Tower and 850 residential units at ASDA)
- The submitted transport assessment does not consider cumulative impacts
- Scheme makes no s106 demands to expand Crossharbour station capacity.
- The scheme will add to parking pressures in the area if not managed on-site.
- The local road network is inadequate; the scheme will add to these issues during construction phase and post-occupation from servicing & deliveries
- No car club provision on-site as an alternative to car ownership
- Site hoarding will make the East Ferry Road/ Limeharbour junction dangerous

- The pelican crossing at Crossharbour DLR is too far away, as a result people cross 'diagonally' at Glengall Grove junction

*(Officer Response:*

- *The full implications of the scheme on transport infrastructure are dealt with under Transportation & Highways in section 8 of this report. The scheme will be required to provide a financial contribution towards station improvements.*
- *The design of the scheme means there is no opportunity to provide car club spaces at surface level and car club providers are resistant to operating from basements. Two existing car club spaces exist within 30m of the site.*
- *New residents will not be entitled to an on-street parking permit.*
- *Waste Collection and general servicing of the residential units will be off-street.*
- *A Construction Management Plan condition will be imposed to access impact of hoardings on sightlines*
- *The scheme will provide s106 funds for a new pedestrian crossing on Limeharbour )*

#### **Social infrastructure and overdevelopment of the area:-**

- Local public services are already over-subscribed. How will they cope with the cumulative impacts arising from the scale of new residential development arriving
- No mention of community benefits to the scheme (e.g.- green spaces, cafes, road improvements). The scheme will overburden the local parks.  
*(Officer Response: The scheme will be meeting in full the financial obligations prescribed for a scheme of this scale as set out in LBTH's Planning Obligations SPD to help meet the additional demands the development will impose on local health facilities, school places, parks, leisure and library facilities. The scheme will provide a new publically accessible plaza.)*

#### **Urban design and amenity impacts to neighbours:-**

- The scheme compromises privacy, daylight/sunlight to local residents and impose light pollution
- The height, massing and scale of development is too great for a small site in such close proximity to neighbouring properties. It will be overbearing when considered alongside other high density developments.
- The form and articulation is interesting but it should just be used on a much lower scale.
- The building is of insufficient quality. The materials are not in keeping with the character of surrounding brick buildings
- The active frontages at ground floor are very disappointing and will not add real value to the street scene, they look like tokenism in the design.
- We have extremely strong wind around the island. A concentration of high rise building will definitely worsen the situation.
- The scheme will cause noise, dust and disturbance to residents during construction. Amplification of sound has already increased with completion of Baltimore Wharf Phase 1 and this scheme alongside completion of the 2nd phase of Baltimore Wharf will further reflect and amplify the road and rail noise.  
*(Officer Response:*
- *The townscape and urban design matters are addressed later in the detail of this report. The minimum distance the building will be from any neighbouring*

residential property is 25m. As discussed within the Amenity section of this report, the separation distances would ensure that neither existing neighbouring occupiers nor future residents would be unacceptably overlooked or suffer from undue light pollution, or 'major adverse' impacts in terms of loss of daylight/sunlight).

- *The re-contouring of the site to enable pedestrians to walk through an attractively landscaped public realm is a tangible benefit the scheme*
- *The brick finish complements the use of brick used on other buildings (old & new) in the area. The detailing of the elevations has been adjusted since submission to provide visual interest across all four elevations.*
- *A microclimate wind assessment was submitted with the application and reviewed as part of the EIA and the scheme was not found to have a significant adverse impact on neighbouring streets or properties.*
- *A noise and vibration assessment accompanied the application to consider the scheme's impact at end phase and construction phase. Based upon a review of the submitted assessment and the imposition of both a noise mitigation strategy condition and a construction management plan condition, if planning permission is granted, officers are satisfied the acoustic impacts can be adequately mitigated.*

#### **Loss of trees and wildlife habitat:-**

- The beautiful, mature trees, on site are a notable feature of the whole area, are situated on the periphery of the site and could surely be retained and incorporated into the scheme. Any landscaping scheme can never replace the visual impact of the current site. New trees take years to mature. The existing vegetation has provided an opportunity for wildlife of all kinds to thrive and develop in a unique manner.
- *(Officer Response: The existing trees on site have been assessed and are not of particular note or high quality and the loss of wildlife habitat is considered to be of limited local significance. The recontouring of the site to make for an inclusive design prohibited the retention of the existing trees. However the scheme will be required to mitigate against loss of habitats and provide green roofs that encourages wildlife and this requirement will also be sought in the soft landscaping including native species tree and planting.)*

#### **Other grounds for objection:-**

- The motivation is greed, the scheme is basically the same as the previous scheme approved by the council.  
*(Officer Comment: There is no previous scheme that was submitted and approved for the site)*
- The scheme is not an appropriate response to the housing crisis. There is no community in high rises we would wish to see construction of houses not flats.
- *(Officer Comment: The scheme will be providing high quality accommodation that meets London Plan and Local Plan housing amenity standards. Planning policy in general land use terms does not differentiate between provision of houses from flats)*
- A scheme of 167 units should be generating an affordable housing offer closer to policy compliance than indicated. There seems to be inadequate % of family sized units, there is a clear need for this in the local affordable housing sector.

*(Officer Response: Despite the reduction in height of the scheme since submission the scheme is continuing to provide close to 35% affordable housing in line with Council policy with 55% of the units larger family sized units, exceeding the policy target for such provision)*

- On-site energy strategy does not comply with GLA standards  
*(Officer Response. The scheme will be required to meet Code for Sustainable Homes Level 4 in line with London Plan standards. The scheme's shortfall in on-site reduction of CO2 will be addressed through a financial contribution for local carbon offsetting projects to comply with London Plan policy)*
- The scheme involves loss of employment space that should be maintained  
*(Officer Response is detailed in Principle of Development and Land Use section of Chapter 8 of this report).*
- There is oversupply of housing on the Isle of Dogs with no demand for them making it difficult for home owners to move home. Large numbers of empty flats pose the risk of squatters or drug addicts moving into buildings. The scheme will lead to a reduction in property prices thereby force property owners into negative equity..  
*(Officer Response: Impact of a scheme on property prices is not a material planning consideration. Based on the high sales and high value achieved on other new developments in the area there is no underlying evidence of lack of demand)*
- Residents should be compensated for noise and traffic disturbance in the area during construction.  
*(Officer Response: The request cannot be considered as a material planning consideration. Impacts will be mitigated by conditions so far as is reasonably practical.)*

## **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 Use  
Housing  
Design and Townscape  
Housing (including density)  
Amenity  
Microclimate  
Noise  
Microclimate  
Secure by Design  
Transportation and Highways  
Energy and Sustainability  
Biodiversity  
Flood Risk  
Environmental Impact Assessment  
Planning Obligations  
Equalities  
Human Rights

### **Principle of Development and Land Use**

- 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 site lies within the Isle of Dogs Opportunity Area as defined in London Plan Policy 2.13 and Table A1.1, which states that the Opportunity Area is capable of accommodating at least 10,000 homes up to 2031, with “scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors”.
- 8.4 The proposal will result in the loss of 2,972sq.m. of office space. The applicant has provided an employment market report for the Docklands area, which concludes that there is no market or economic justification for continued office use and that the loss of this space would not have an adverse effect on employment opportunities in the Borough. The site does not lie within a LBTH designated Preferred Office Location or Local Office Location and based on the marketing evidence provided and the strategic quantum of housing the scheme would deliver the loss of office space in this location in Cubitt Town is considered consistent with London Plan Policy 4.2 and DM15 of the LBTH MDD.
- 8.5 London Plan Policy 3.3 ‘Increasing Housing Supply’ recognises the pressing need for new homes in London and Table 3.1 of the Further Alterations to the draft London Plan (FALP) sets an even more ambitious target for the Borough of delivering approximately 4,000 new homes per year.
- 8.6 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Council’s Core Strategy 2010 identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development would contribute towards the Borough’s and London’s housing need and is therefore supported in strategic land use strategic planning terms, according with Policy 3.3 London Plan, Local Plan SP02 and (FALP).

### **Design and Townscape considerations**

- 8.11 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.12 National Planning Practice Guidance (2014) sets out seven qualities a well-designed new or changing places should exhibit:-
- *be functional;*
  - *support mixed uses and tenures;*
  - *include successful public spaces;*
  - *be adaptable and resilient;*
  - *have a distinctive character;*
  - *be attractive; and*
  - *encourage ease of movement*
- 8.13 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and 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 spaces and urban design that optimises the potential of the site.

- 8.14 Policy SP10 and Policies DM23 and DM24 of the Local Plan 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.

#### Building Heights and Tall Buildings

- 8.15 With regard to appropriateness of the site 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;
  - present a human scale at street level and draw people in to enjoy the public realm spaces and linger;
  - not adversely impact upon heritage assets or strategic and local views;
  - not adversely affect microclimates.
- 8.16 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.
- 8.17 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 MDD 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 policy also states that development will need to provide a transition between taller buildings in Canary Wharf and the lower heights of the surrounding areas.



**Figure 1- CGI of south elevation**

- 8.18 The site sits south of the tall buildings cluster on the Isle of Dogs of Canary Wharf and South Quay, with the height and stepped massing of the building designed to respond to both the taller buildings to the north and west of the site and the lower rise established residential communities to the south and east. Of particular note in this respect is the 43 storey tower on the edge of the Millwall Dock and the associated lower rise blocks on the former London Arena site, now known as 'Baltimore Wharf' and the consented (but yet to be built out) mixed use scheme for the Asda supermarket site, located to the south in the Crossharbour Town Centre, where the tallest consented element of that scheme is 23 storeys. The northern edge of the designated Crossharbour Town Centre lies 50 metres to the south of the site.
- 8.19 Following a reduction in the height of the development since submission of the planning application, the scheme is considered to take appropriate account of the design approach set out in Policy DM26 for tall buildings in regard to respecting the town centre hierarchy with the scheme height not exceeding the maximum building height consented within the Crossharbour Town Centre. The design approach taken with the tower block consisting of four building block components of differing heights breaks up the massing and helps mediate the transition of the established taller building height to the west of the site to the lower heights found to the east. On the basis of this policy assessment the scale and massing of the development is considered acceptable.

## Local Views and Strategic Views

- 8.20 In terms of local views and strategic views, the application is accompanied by a number of verified views and a full townscape analysis in the Environmental Statement (ES) which concludes the scheme will have a negligible or minor beneficial effect on the townscape for the majority of local and wider views including those from the General Wolfe Statue in the Greenwich Maritime World Heritage Site
- 8.21 English Heritage and the GLA raise no objection to the height of the scheme and it is considered by officers that the proposed development would not have any significant adverse impact on local or strategic views.

### **Detailed Design:**

- 8.22 The scheme has benefited from pre-application advice from both Tower Hamlets and the Greater London Authority. In addition to the reduction in height the scheme has been subject to further design revisions since submission following receipt of further comments on the design from officers of the Council and the GLA.
- 8.23 Policy DM24 (Place-sensitive design) of the DMM sets out that *“Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:*
- i. scale, height, mass, bulk and form of development;*
  - ii. building plot sizes, plot coverage and street patterns;*
  - ii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;*
  - iv. design details and elements; and*
  - v. natural environment.*
- Ensure the use of high quality building materials and finishes.”*
- 8.24 Paragraph 1 of Policy DM23 (Streets and the public realm) of the MMD sets out that new *“development should be well-connected with the surrounding area and should be easily accessible for all people by:*
- a. improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities;*
  - b. ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm;*
  - c. ensuring development and the public realm are designed at a human scale;*
  - d. providing clear definitions and an appropriate degree of enclosure of the public realm;*
  - e. incorporating the principles of inclusive design; and*
  - f. ensuring development and the public realm are comfortable and useable.”*
- 8.25 Paragraph 3 of DM23 requires new *“development to improve safety and security without compromising good design and inclusive environments by:*
- a. locating entrances in visible, safe and accessible locations;*
  - b. creating opportunities for natural surveillance;*
  - c. avoiding the creation of concealment points;*
  - d. making clear distinctions between public, semi-public and private spaces; and*
  - e. creating clear sightlines and improving legibility of the surrounding area.”*

### Ground floor/public realm

8.26 The scheme provides a private communal area with dedicated play space to the north of the stepped tower block, this space benefits from a secure boundary treatment (gate and fence) that lends itself for play by younger children. Elsewhere the scheme benefits from three public street frontages and the design has maximised the opportunities to blend the public realm spaces with the residential communal amenity/play spaces. At ground floor level the tower benefits from a good degree of interaction with the external spaces with generous glazed expanses to the resident's gym, the two entrance lobbies and concierge area. This arrangement will help provide an active backdrop to the public realm spaces and help ensure that the plaza open space will feel safe and secure.

8.27 A distinct feature of the scheme is the lack of any continuous boundary wall, fence or railing on the site's three street edges: this will enable the plaza to become a genuine public realm space with ample scope for pedestrians to walk through it by a variety of routes and for people to stop and enjoy the planting, the water jet fountain features, the public art and public seating area.



**Figure 2: CGI showing plaza in foreground**

### Materials and treatment of elevation

8.28 The external finish of the building is brick, a material shared by other residential buildings in the immediate vicinity. Brick is robust, will weather well (without risk of uneven discolouration) and withstands the test of time.



**Figure 3: Detailing of the brick treatment of elevations**

- 8.29 The appearance of the building is characterised by the articulation of its four separate volumes. This expression, combined with the depth of the balconies and the modulation achieved within the brick treatment of the elevation in each of these volumes should create an elegant and attractive building, notably when viewed from the south that serves as the principal 'elevation' to the scheme. The south facing elevation and plaza space before it successfully orientate themselves with Crossharbour DLR Station, which helps improve the legibility of the scheme and the local townscape more generally serving as a landmark for those arriving at Crossharbour DLR Station. The south facing plaza also has the benefit of maximising the opportunities for daylight/sunlight to enter this new public realm space.
- 8.30 The massing of the development and the detailing of the design is considered to relate positively to the surrounding site context with the architects and landscape architects providing a thoughtful and well considered response to the tower as it 'hits' the ground. The fully publically accessible plaza space will open up the pedestrian connections between East Ferry Road and Limeharbour and enhance the local townscape more generally. The open spaces surrounding the scheme relate successfully to the ground floor building cores and to the surrounding three street frontages the scheme opens onto.
- 8.31 Officers consider the scheme to be of good quality in general architectural and urban design terms and as such accord with Chapter 7 of the London Plan (2011), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MDD which seek to ensure buildings and places are of a high quality of design and suitably located.

### **Housing**

- 8.32 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to meet and exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

The 134 residential units will all be flats, in the following mix 93 market units (private sale), 11 social rented, 9 affordable rented and 21 intermediate housing (shared ownership). In external appearance the scheme will be tenure blind.

The external communal amenity and play space would be readily accessible for residents of all tenures.

#### Affordable Housing

- 8.34 The scheme will deliver 34.3% of the housing provision (by habitable rooms) as affordable housing and the remaining 65.7% as private units. Within the affordable housing provision the scheme would provide 60% as rented (by habitable rooms) and 40% as intermediate (shared ownership).
- 8.36 Policies 3.10, 3.11 and 3.12 of the London Plan define affordable housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to a viability assessment of the proposed development.
- 8.37 Policy SPO2 of Core Strategy seek to maximise all opportunities for affordable housing on each site with a minimum 35% on-site affordable housing provision being sought, subject to viability. Within the affordable provision policy provides for 70% to be provided (by habitable rooms) as rented and 30% as intermediate (shared ownership).
- 8.38 The Council appointed an independent assessor to review this viability appraisal. The independent assessment accepted the conclusions on the level of affordable housing provision the scheme could be expected to deliver as set out by the Viability Appraisal when set within the context of delivering the other s106 financial planning obligations required by policy. Upon that basis the provision of 34.3% affordable housing by habitable room is considered acceptable and accords with policy. Whilst the 60/40 split between rented and intermediate housing represent a shortfall in rented tenure provision against Policy SPO2 and DM4 of the Local Plan this 60/40 mix is considered acceptable in view of the analysis of the scheme's viability provided and independently assessed.
- 8.39 It should be noted that the scheme delivers a welcome 55% of the affordable rented tenure homes at social rent levels with 8x three bedroom units and 2x four bedroom units and 1x five bedroom units. Those smaller rented units not provided at social rent shall be provided at LBTH Affordable Rent levels for this part of the Borough.

## Housing Mix

- 8.40 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:

|              |             | Affordable Housing          |      |              |              |      |              | Private Housing |      |              |
|--------------|-------------|-----------------------------|------|--------------|--------------|------|--------------|-----------------|------|--------------|
|              |             | Social Rent/Affordable Rent |      |              | Intermediate |      |              | Market Sale     |      |              |
| Unit size    | Total Units | Units                       | %    | LBTH target% | Units        | %    | LBTH target% | Unit            | %    | LBTH target% |
| 1 bed        | 53          | 5                           | 25%  | 30%          | 12           | 57%  | 25%          | 36              | 39%  | 50%          |
| 2 beds       | 51          | 4                           | 20%  | 25%          | 6            | 29%  | 50%          | 41              | 44%  | 30%          |
| 3 beds       | 37          | 8                           | 40%  | 30%          | 3            | 14%  | 25%          | 16              | 17%  | 20%          |
| 4 beds       | 2           | 2                           | 15%  | 15%          | 0            |      |              | 0               |      |              |
| 5 beds       | 1           | 1                           |      |              | 0            |      |              | 0               |      |              |
| <b>Total</b> | 134         | <b>20</b>                   | 100% | 100          | <b>21</b>    | 100% | 100          | <b>93</b>       | 100% | 100          |

**Table 1: Proposed housing mix compared to current policy requirements**

- 8.41 Strategic policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.42 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 8.43 Within the market sector the scheme over provides 2 bedroom units (44% as opposed to the Local Plan policy target 30%), under provides against the Council target 1 bedroom units (39% as opposed to 50% target). For larger family sized units the market provision is broadly in line with Council's policy target providing 17% as 3 bedroom units, against the 20% target for larger family sized units as set out in LBTH policy.
- 8.44 Within the intermediate tenure (shared ownership) the scheme provide 3 in number three bedroom units (14%) where policy seeks 25% provision and also under provides two bedroom units with over provision (57%) in one bedroom units against policy target of 25%.
- 8.45 Within the rented tenure the scheme provides a generous 55% larger family sized units (3, 4 and 5 bedrooms), all for social rent, which is markedly above the 45% target. As reflected in the comments from the Affordable Housing team rented family units are the affordable provision for which there is the greatest need.

- 8.46 In the context of the overall financial viability, the share of affordable and intermediate housing, the mix of rented tenures and the emphasis on a large proportion of the rented units to be larger family sized units, all delivered at social rent the mix of unit sizes is considered acceptable mix and consistent with Policy 3.8 of the London Plan (2011), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seeks to ensure developments provide an appropriate housing mix to meet the needs of the Borough

Housing Layout and Private Amenity Space:

- 8.47 London Plan Policy 3.5 seeks quality in new housing provision. London Plan Policy 3.5, the Mayor's Housing Supplementary Planning Guidance (November 2012) and Policy DM4 in the Local Plan requires new development to make adequate provision of internal residential space.
- 8.48 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the Mayor of London's Housing SPG, recommending that a minimum of 5sq.m of private outdoor space is provided for 1-2 person dwellings and an extra 1sq. m is provided for each additional occupant.
- 8.49 The proposed development is designed to the Mayor of London's Housing SPG design guidance standards and therefore is acceptable in terms of internal space standards. Each residential unit within the proposed development is provided with its individual outdoor amenity space (either a balcony or roof top terrace). In total the scheme provide 1,555sq.m of private amenity space, against the aggregate minimum 785sq.m required by London Plan and Local Plan policies.
- 8.50 All the units will have a minimal internal floor to ceiling height of 2.5m in compliance with the London Plan space standards.
- 8.51 28% of the market sale units will be single aspect units, but none of these single aspects units will be north facing units. The scheme's units generally benefit from relatively wide external frontages, reasonable sized balconies and all the units having a set of floor to ceiling windows/balcony doors. These combined set of attributes will secure more than adequate daylight amenity levels to the single aspect units. None of the rented affordable housing units will be single aspect, all of these units being either dual or triple aspect.

Daylight/Sunlight level for the new residential accommodation

- 8.52 Policy DM25 requires adequate levels of daylight/sunlight to be provided to new residential development and refers to Building Research Establishment (BRE) guidance on site layout planning for daylight/sunlight. All living rooms within the scheme would meet ADF minimum standards as set out in the BRE guidance, with the exception of 5 living rooms serving 5 three bedroom flats located on the lower storeys facing out to the north-west. The BRE target level could be achieved to these living rooms by reducing the depth of the balconies to these units but that would result in a short fall against London Plan standards for private outdoor amenity space to these units. On balance this was not considered an appropriate means to address the daylight issue. Instead the internal layouts to these 5 units have been amended to enlarge the kitchens to make them kitchen/dining rooms and to provide an external window to these kitchens. This is considered on balance an acceptable resolution of the daylight/amenity issues associated with these units.



### Communal Amenity Space and child play space

- 8.53 Policy 3.6 of the London Plan and Policy SP02 of the Core Strategy and Policy DM4 of the MDD requires the provision of new appropriate play space within new residential development. 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.
- 8.54 The scheme will provide 1,924sq.m of outdoor space (excluding from this calculation the flats individual private balconies/roof terraces) delivered in the form of outdoor communal amenity space (exclusively for use by residents), public realm space and areas allocated children's play space. All the communal amenity space is provided at ground level.
- 8.55 Good levels of natural surveillance are provided to the secure play space located to the rear (north) of the tower gained from the windows and balconies of the rented affordable housing units located on the 7 lowest storeys set above ground floor. The scheme provides 161sq.m of defined private communal outdoor amenity space. The scheme provides a further 1,327 sq.m of public realm open space which residents will also be able to enjoy. The landscape strategy adopted for the public realm space is designed to offer a high degree of fluidity in how this space is used by residents and visitors alike. Two allotted child play spaces are set within the plaza however the informal layout of the plaza will mean there are no rigid delineation between play space, general areas for seating, soft landscaping and walking routes through the site. The BRE criterion for garden or amenity areas is that adequate sunlight shall be provided throughout the year with at least half of amenity space able to receive at least two hours of sunlight on 21 March. All the play spaces meet this BRE guidance including the one to the north of the tower. Over 50% of the open space to the south of the tower will benefit from being able to receive approximately 7.5 to 10.5 hours of sunlight during summertime, with the play space to rear benefiting from approximately 5 hours during the summer.
- 8.56 Using the Borough's Planning Obligations SPD (2012) and the child yield data sets contained within it (derived from LBTH's *Planning for Population Change and Growth Assessment 2009*) the overall development is anticipated to accommodate 40 children up to 15 years of age. In accordance with Policy DM4 of MDD, LBTH Planning Obligations SPD and Mayor of London's *Shaping Neighbourhoods: Play and Informal Recreation SPD* the development should provide a minimum 10sq.m per child and therefore a minimum of 400sq.m of defined play space for all ages (ages 0-15). The scheme provides 436sq.m of the dedicated child play space. As such the scheme provides a quantum of on-site play space that complies with Policy DM4 of the MDD
- 8.57 With regard to the provision of appropriate and accessible facilities for older children the London Plan considers existing park and play facilities within 800m to be appropriate for children over 12 years in age and 400sq.m for children aged between 5 and 11. The scheme is located less than 200m walking distance from St. John's Park and less 400m walking distance away from Mudchute Park with its sports playing fields. As such the scheme complies with London Plan and Local Plan policies.

### Wheelchair Housing and Lifetime Homes

- 8.58 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.
- 8.59 The scheme has well in excess of 10% of units that are capable of easy adaption to provide fully wheelchair accessible units, with a minimum 10% provision across all three tenures (market, intermediate and affordable). Given demand within the Borough is greatest for larger family sized rented wheelchair units the scheme through planning obligations and planning conditions shall provide at minimum 3 x three bedroom wheelchair units at social rent.
- 8.60 All the units will be constructed in line with Lifetimes Homes Standards. A condition will be included to ensure that these standards are indeed secured.
- 8.61 The units will comply with Lifetimes Homes Standards and more than 10% of units across all tenures are readily adaptable for wheelchair housing provision. The scheme is considered in accordance with the requirement of London Plan Policy 3.8 and Policy SPO2 of the Core Strategy.

### **Density**

- 8.62 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.63 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4.
- 8.64 As set out in the GLA's stage 1 response, given the characteristics of the site, the London Plan density matrix (Table 3.2 in support of London Plan Policy 3.4 'Optimising Housing Potential') would suggest a residential density of between 650 and 1,100 habitable rooms per hectare for this development. The scheme provides 1320 habitable rooms (462 units per hectare) and therefore exceeds the guidance density matrix. However as the London Plan makes clear and it is reiterated in the GLA Stage I response received that these density ranges should not be applied mechanistically and a density above the stated range may be acceptable; where the scheme is exemplary in all other respects and provide a high quality living environment for occupiers, including amenity and play space, affordable housing, a mix of unit sizes, and high quality design
- 8.65 The development does not exhibit any 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 optimises the use of 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.

### **Impacts to Neighbours**

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

#### Daylight/Sunlight

- 8.67 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). With regard to Policy DM25 and assessing the daylight/sunlight impacts of a development on neighbouring residential properties the above BRE guidance is used.
- 8.68 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. Average daylight factor (ADF) is also calculated and the latter is often considered to be a more useful method since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.69 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain a 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20% reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance

#### Daylight

- 8.70 A daylight/sunlight study was submitted as part of the application following the methodology set out in the BRE guidance and this study included a detailed assessment of the potential impact of the scheme upon the following neighbouring properties Peninsular Court, City Tower (No 3 Limeharbour), John MacDonald House, 1-11 Hickin Street, 7 Roffey Street, 21-25 Roffey Street, The George PH, 1-27 Skeggs House, 42-54 Galbraith Street, Kimberley House, 7-12 Bernard Street, Crossharbour Phase I and Phase II (under construction). In addition an addendum report was issued in respect of the impact to the office building at No 5 Limeharbour.
- 8.71 The Council appointed an independent specialist consultant to review the study and drew the following conclusions. The scheme was found to have negligible impact on 87% of the rooms by the VSC level criteria. Excluding impacts that are considered to be negligible, the impacts are limited to Peninsula Court, City Tower, 2 properties in John Macdonald House and Phase II Crossharbour (part of the Baltimore Wharf development) to the west of the DLR and in all these instances the impact is considered no greater than minor adverse and the daylight/sunlight impacts upon No 5 Limeharbour were not a cause for concern. In total to surrounding completed residential properties 45 habitable rooms would experience what is considered a 'minor adverse' impact as described below.

- 8.72 Within Peninsula Court no rooms would fail both the VSC and NSL standards set by BRE although 26 rooms experience a reduction in VSC of more than 20% from existing. All these rooms affected are bedrooms, and in all cases the reduction of VSC is 26% or less from existing. Using the NSL assessment the impacts are shown as minor and fully in accord with BRE guidelines.
- 8.73 Within City Tower (3 Limeharbour) 16 rooms would experience a reduction in VSC of more than 20% from existing levels. The great majority of these windows are to bedrooms to relatively large flats where other rooms have adequate levels of daylight. Some living rooms experience a reduction of up to 25% from existing, however to these rooms there is almost no change in NSL and the ADF results are very good. Using the no sky limit (NSL) assessment all rooms will receive good daylight. The impact to this residential building is considered as with Peninsula Court 'minor adverse'.
- 8.74 At 1-20 John Macdonald House 3 rooms would not meet the VSC standard with two rooms in No. 11 and one in No. 12. In these cases, the reduction is of 22% or 21% from existing. There is almost no change in the NSL results and on that basis the impact is considered minor adverse to these two flats.
- 8.75 As Crossharbour Phase II scheme is still under construction the assessment was limited to ADF. All except two rooms within the development will be left with ADF above the recommended minimum levels of ADF. The two rooms that fail are bedrooms. Given the ADF impacts are limited to these two bedrooms, the overall impact is not considered unacceptable.
- 8.76 Overall these impacts are limited in number and primarily effect bedrooms, and units that have more than one bedrooms and the impacts in terms of daylight are considered acceptable against Policy MD25 and could not provide a sustainable reason for refusal.

#### Sunlight and shadowing assessments

- 8.77 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south. The submitted daylight/sunlight study shows all the living rooms to neighbouring residential properties that face within 90° due south the development will maintain BRE target values. The shadowing impact to neighbouring properties are also considered acceptable by the appropriate BRE criteria.
- 8.78 Taken overall and informed by results of the daylight/sunlight study that has been independently reviewed the scheme is considered to comply with the daylight/sunlight policies as set out in Policy SP10 and Policy DM25 of the Council's Local Plan.

#### Sense of Enclosure, Outlook and Privacy

- 8.79 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, result in unreasonable overlooking, or an unacceptable increase in sense of the enclosure, or loss of outlook. To ensure privacy is maintained Policy DM25 set out a minimum 18 metres distance should usually be maintained between directly facing habitable rooms windows.

8.80 The nearest residential properties to the scheme are to the north at No 3 Limeharbour (also known as City Tower). The minimum distance between the proposed tower and No 3 Limeharbour would be 25 metres. To the west the nearest residential properties are over 50 metres away. To the east the nearest residential property is No 1 Launch Street, an end of terrace property, which would be set over 30 metres away from the new building. To the south west the nearest dwellings are in John Macdonald House that at minimum distance would be 33 metres away from the proposed tower. To the south of the development lies Peninsula Court where the minimum distance for existing habitable room window facing the development would be over 32 metres. In light of these maintained separation distances the scheme is considered to safeguard privacy and outlook.



**Figure 4: CGI of west elevation with No 3 (City Tower) to the left**

8.81 With respect to a sense of enclosure to neighbouring residential properties and consideration of potential overbearing impact in respect of No 3 Limeharbour (City Tower) a 17 storey residential block, located to the north of the application site the impact is to a considerable degree mitigated by the manner in which the two developments are angled away from each other thereby minimising the impact on the south west facing main elevation of No. 3 Limeharbour. In respect to the properties to the west the impact is reduced by the DLR rail line that falls between the properties. With regard to the lower rise residential development to the south and west the scheme seeks to limit the impact of the scheme by setting the lowest architectural component of the tower on the western fringe of the site. There is an existing marked juxtaposition of building heights in the locality and this scheme is

considered to successfully mediate the transition in building heights that is already found from the west of the application to those to the south and east of the site.

### **Noise**

- 8.82 A noise assessment report accompanied the application. The acoustic report provides information of construction details to curb impacts of ambient noise from the sourced mainly from the DLR railway and vehicular traffic and in respect of noise impacts during construction to neighbouring properties and appropriate mitigation measures during the demolition and construction phase. The Council's Noise Team have reviewed the report and accept its conclusions, subject to appropriate conditions.

### **Microclimate**

- 8.83 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.84 The environmental statement accompanying the planning application includes a wind environment assessment study that involved modelling of the effect of the scheme on the application site and surrounding area. The localised wind impacts are assessed in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.85 The assessment indicates there are no areas exceeding the pedestrian safety criteria within close proximity of the application site. A localised area of wind acceleration exceeding criteria is observed in the Baltimore Wharf development including at the base of the Baltimore Tower, however as these areas are also observed in the baseline scenario it is concluded these effects are unlikely caused by the proposed development.
- 8.86 On the development site the ground level external spaces are comfortable for standing and leisurely pedestrian walking and serving the two pedestrian entrances to the building. The assessment found the proposed development would have a negligible impact on the comfort for people seeking to sit outside compared to the existing situation, except to an area to the north of the tower. The assessment concludes the existing wind conditions do not lend themselves for extended period of sitting and this would remain unchanged, without appropriate mitigation measures put in place. The assessment was made without regard to landscaping and other mitigation measures and without any weight given to the degree of comfort people gain from sitting outside in spaces that benefit from many hours of access to direct sunlight, which will be case for a substantial area of the south plaza area.
- 8.87 The Council's independent review of the environmental statement noted the wind assessment was a high level study but did not challenge the assessment's finding that the wind conditions within and around the development would be appropriate given the use proposed. Subject to the appropriate mitigation measures, secure by planning condition, in the form of suitable landscaping features that can provide benefit to the localised wind conditions within play space, roof terraces and other public amenity spaces it is considered on balance the resultant microclimate condition of the scheme are acceptable for its residential purpose.

### **Secured by Design**

- 8.88 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism its materials and the scheme benefits from a high degree of natural surveillance to the external spaces and to the entrances lobbies. Robust materials will deter vandalism and graffiti. Access to the parking will be controlled.
- 8.89 The Crime Prevention Design Advisor has reviewed the proposal and raises no objections subject to the scheme achieving Secure by Design accreditation, secured by planning condition.

### **Highways and Transportation**

- 8.90 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 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network
- 8.91 Core Strategy policies SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.92 The scheme provides 14 car parking spaces located at lower ground/basement level with the entrance from East Ferry Road, that will involve the loss of 3 on-street residents' permit holders car parking bays. If permission is granted, these parking bays will be re-provided by way of a contribution provided for in a legal agreement. 8 of the on-site car parking spaces will be provided for disabled users. A stage one safety audit was submitted for the new access of East Ferry Road. A Transport Assessment accompanied the planning application.

### Car Parking Provision and Impact on local highway network

- 8.93 Policies 6.13 of the London Plan and policies SP09 and DM22 of the Local Plan seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.94 The site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site lies 100 metres to the Crossharbour DLR station and also benefits from bus stops in close proximity.
- 8.95 The existing office benefits from 31 car parking space. Given the modest level of parking and the net loss of 17 parking spaces on-site the applicant concludes the scheme would not have an adverse impact on vehicle movements on the local highway network or impact upon the passing flow of buses. Transport for London and Council accept these conclusions. The re-provision of 3 displaced on street car parking places will ensure the scheme imposes no added stress upon on street parking to adjoining residents.
- 8.96 The level of car parking provision is considered consistent with London Plan Policy 6.13 The development would be secured as a permit free development, meaning

that none of the residents would be able to apply for a parking permit for the surrounding streets, save for those eligible for the Council's permit transfer scheme.

- 8.97 The level of disabled car parking provision is in accordance with London Plan standards and considered adequate to meet the parking needs for the occupants of the disabled units.

#### Cycle Parking Provision

- 8.98 168 secure cycle spaces will be provided in accordance with London Plan standards.

#### Public Transport Impact

- 8.99 The Transport Assessment predicts approximately 70 two-way trips from Crossharbour station per day, assuming that all underground and rail trips start on the DLR. In light of that and the cumulative impact of other residential developments in the vicinity Transport for London seeks a contribution of financial contribution toward improving the overall quality, safety and ease of access and egress at this station in line with London Plan Policy 6.2. It is noted that a number of objections to the scheme comment upon the pressure on the DLR station at commuter rush hours, most particularly in the morning. The applicant has agreed to meet £80,000 (of the £150,000 sought by TfL for Crossharbour) as part of the s106 agreement and to thereby help address this issue.

#### Servicing and Deliveries

- 8.100 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes
- 8.101 The servicing of the residential units including refuse and recycling collection will be on site and utilise the existing vehicle crossover from Limeharbour shared with No 5. The Council's Highways & Transportation Team raise no objection to this arrangement and the arrangement complies with London Plan Policy 6.13 subject to a delivery and servicing plan and a waste management plan being secured by planning condition.

#### **Pedestrian Safety**

- 8.102 This section of Limeharbour serves as a 'natural desire line' for pedestrian seeking to cross this road coming to/from residential neighbourhoods to the north and east of East Ferry Road. With the scheme's tower serving as a local orientation marker for pedestrians heading to/from Crossharbour DLR Station and improved pedestrian connectivity the scheme will provide between East Ferry Road and Limeharbour it is considered necessary for the scheme to provide a new pedestrian crossing to ensure pedestrian safety in Limeharbour, especially at peak travel time and at start/close of the school day.
- 8.103 To supplement the pedestrian crossing, in respect of safeguarding pedestrian safety as well as providing wider public realm benefits, it is considered necessary the scheme development (following discussions with Council Officers) to provide for a shared surface treatment to link between East Ferry Road and Glengall Grove to the east and Limeharbour to the west. The off-site works described above will be



secured by legal agreement, if permission is granted. The shared surface treatment will retain a mini kerb, will involve contrasting colour materials and be generally detailed to ensure it is of inclusive design including for wheelchairs and individuals with visual impairments. The shared surface works will also be designed to provide traffic calming benefits.

### **Energy and Sustainability**

- 8.104 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency. 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)
- The London Plan 2011 also includes the target to achieve a minimum 40% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.105 The information provided in the submitted energy strategy is broadly in accordance with the adopted Local Plan 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. Policy DM29 includes the target to achieve a minimum 50% 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.
- 8.106 The Energy Statement follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The total anticipated CO2 savings from the development are 27% through a combination of energy efficiency measures, a CHP power system (with capability for future connection to a district heating system) thermal performance standard of the construction and PV arrays on the roof.
- 8.107 The proposed energy strategy therefore falls short of both London Plan and Policy DM29 which seeks a 50% reduction in CO2 emissions. Therefore a planning obligation will be required to address this deficit with a financial contribution for carbon off setting to make up this shortfall and ensure the scheme is policy compliant in respect to London Plan and DM29 of MDD.
- 8.108 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4. This will be secured by planning condition along with details of the other energy and heating measures 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 MDD.

### **Biodiversity**

- 8.109 The London Plan Policy 7.19, Policy SP04 of the Core Strategy and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 8.110 The application site is not a Site of Importance for Nature Conservation Area, nor is it adjacent to one, although the site does contain a small woodland habitat area. A habitat survey and tree survey accompanied the application. The Council's Biodiversity Officer has reviewed the above documentation and the proposed landscape scheme and initial biodiversity strategy. The Biodiversity Officer accepts the habitat survey findings that the existing woodland habitat is not of high quality and any birds breeding on the site will be common, but nevertheless the site is considered of some local biodiversity significance. The Council's Biodiversity Officer seeks the final implemented biodiversity strategy and landscaping scheme for the development to deliver biodiversity benefits to compensate adequately for the loss of existing habitat vegetation: including the planting of native species, berry-bearing species, nectar-rich flowers, with areas of the site to provide nest sites for birds and provision of species rich green roofs. The applicant has agreed to these aforementioned approaches, as set out by the Biodiversity Officer and their delivery would be secured by planning conditions, if planning permission is granted. Upon that basis the scheme is considered to have adequate regard for enhancing biodiversity on and surrounding the site and accordingly complies with London Plan Policy 7.1 and policies SPO4 and DM11 of LBTH Local Plan.

### **Flood Risk**

- 8.111 The NPPF, Policy 5.12 of the London Plan, and Policy SP04 of Core Strategy relates to the need to consider flood risk at all stages in the planning process.
- 8.112 Although the application site lies within Flood Zone 3a as shown on the Environment Agency Flood Map it is protected by the Thames Tidal Floor Level from a 1:1000 chance in any year of flooding. Furthermore the Environment Agency have confirmed that most recent data indicated the site is unlikely to flood in event of a breach event. The flood risk assessment submitted sets out a series of mitigation measures including the non-vulnerable uses located at lower ground/part basement level with the more vulnerable uses i.e. residential located above. The submitted flood risk assessment has demonstrated that the Exception Test is passed and that the proposed development does not increase the risk of flooding elsewhere.
- 8.113 With the scheme's flood mitigation measures and details of a Sustainable Drainage Strategy secured by planning condition, as suggested by Thames Water the proposed development would comply with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the Core Strategy.

### **Environmental Impact Assessment**

- 8.114 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.115 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning

permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following a request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

8.116 The ES addresses the following areas of impact (in the order they appear in the ES):

- Effects on townscape and views
- Economic and social effects
- Archaeology and built heritage
- Transport
- Noise and vibration
- Air Quality
- Water resources and flood risk
- Soil conditions and ground contamination
- Ecology and nature conservation
- Interference to TV and radio reception
- Daylight, sunlight and overshadowing
- Microclimate – Wind
- Energy use and carbon dioxide emission
- Health and Well Being
- Cumulative Effect

8.117 The Council appointed independent consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and accordingly the ES has adequately addressed all the requirements of the EIA regulations.

8.118 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given and proposals for mitigation of impacts by way of conditions, and/or planning obligations recommended in this report as appropriate.

8.119 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

#### **Planning Obligations and CIL**

8.120 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012) and by the site specific requirements to ensure the scheme is acceptable and policy compliant.

8.121 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
- 8.122 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
- 8.123 Securing appropriate planning contributions is further supported by 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.
- 8.124 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:
- o Affordable Housing
  - o Employment, Skills, Training and Enterprise
  - o Community Facilities
  - o Education
- The Borough's other priorities include:
- o Public Realm
  - o Health
  - o Sustainable Transport
  - o Environmental Sustainability
- 8.125 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. The Viability Assessment considers the scheme will achieve a profit margin below the applicant's target figure based on construction and all other associated development costs based in current benchmark sale prices for comparable residential units in the area. The Viability Assessment has been independently assessed on behalf of the Council and this assessment accepts these conclusions. It also accepts the judgement of the applicant that notwithstanding this profit shortfall (set against current benchmark sales values) the scheme can be delivered, based on a reasonable commercial decision that the market will improve to offset the current shortfall on the developer's 'usual' target profit figure.
- 8.126 The proportion of affordable housing has been secured at 34.3% affordable housing (by habitable rooms) based on 55% of the affordable secured with a social rent tenure. The rented to intermediate split is 60% rented and 40% intermediate. Whilst this shortfall represent a shortfall against the Council's target 70:30 split it is considered the maximum share that can be delivered whilst maximising the number of larger sized units delivered at social rent.
- 8.127 The financial contributions are focussed around Tower Hamlets corporate priorities, as set out in the Councils Local Plan and the adopted Planning Obligation SPD and as such recommend planning obligations centred upon:
- Seeking to maximise the delivery of affordable housing on the site;
  - Securing site specific highway and public transport improvement necessary to make the scheme acceptable in planning policy terms
  - Meeting the other three key Corporate priorities of Education, Community Facilities and the delivery of Employment, Skills Training and Enterprise opportunities for local residents and the other priority of health facilities.

- 8.128 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 and Planning Obligations SPD (2012).
- 8.129 Factored into this was a maximum financial contribution secured through planning obligations (s106) of £1,308,075 and in addition to this the application would be liable for the Mayor of London's CIL charge estimated at approximately £229,460 (following deductions).
- 8.130 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions and non-financial contributions as set out below: and these are considered to meet the statutory tests for planning obligations
- a) A contribution of £44,598 towards enterprise & employment.
  - b) A contribution of £143,210 towards leisure and community facilities.
  - c) A contribution of £35,698 towards libraries and Idea Store facilities.
  - d) A contribution of £378,296 to mitigate against the demand of the additional population on educational facilities.
  - e) A contribution of £123,645 towards public open space.
  - f) A contribution of £177,284 towards heath facilities.
  - g) A contribution of £64,800 towards carbon off-setting contributions.
  - h) A contribution of £4,896 towards smarter travel
  - i) A contribution of £80,000 to Transport for London towards station improvements at Crossharbour DLR station
  - j) A s106 monitoring fee (set at 2%) £25,648

Total: £1,308,075 (including £230,000 associated with Highway Works noted at (g) and (h); non-financial contributions)

#### Non-Financial Obligations

- a) 34.3% affordable housing, as a minimum, by habitable room with 60% as social/affordable rent and 40% as intermediate (shared ownership):-
  - with 1 in number 5 bedroom units, 2 in number 4 bedroom units and 8 in number 3 bedroom unit all with social rents;
  - 5 in number one bedroom units with affordable rents and 4 in number two bedroom units;
  - with 21 intermediate units, with 12 in number 1 bedroom intermediate units, 6 in number two bedroom units and 3 in number three bedroom units.
- With 3 in number of the three bedroom affordable rented units to be completed as fully wheelchair accessible or designed to be easily adaptable (with the applicant undertaking the full adaption when required).

- b) Employment and Training Strategy including the provision of a minimum 8 NVQ level 2 apprenticeships during the construction phase.
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction).
- d) On Street Parking Permits removed for future occupants.
- e) Travel Plan.
- f) Permanent uninhibited public access to the plaza located within the development site located to the south of the residential tower.
- g) Shared surface works at junction of East Ferry Road/Limeharbour (Estimated at £200,000)
- h) Installation of a new pedestrian crossing and the associated feasibility study and re-provision of two on street car parking bays (Estimated at £30,000)
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

**Localism Act (amendments to S70(2) of the TCPA 1990)**

8.131 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:

8.132 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;
- c) Any other material consideration.

8.133 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.

8.134 In this context “grants” might include:

- a) New Homes Bonus;
- a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- b. 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.

### **New Home Bonus**

- 8.135 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.136 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 £205,810 in the first year and a total payment £1,234,874 over 6 years.

### **Community Infrastructure Levy**

- 8.137 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 £229,460 payment (following deductions for affordable housing relief and 6 months continuous active lawful use in last 36 months) to the Mayor of London's Community Infrastructure Levy (CIL).

### **Human Rights Considerations**

- 8.138 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:-
- 8.139 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"

- 8.140 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
- 8.141 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
- 8.142 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.
- 8.143 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.144 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.
- 8.145 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**

- 8.146 The Equality Act 2010 provides protection from discrimination in respect of certain 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.
- 8.147 The contributions towards affordable housing on-site and 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



- 8.148 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities
- 8.149 The provision of affordable housing, wheelchair units and other infrastructure including a publically accessible plaza of inclusive design, a pedestrian crossing and improved street environment, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion and wellbeing.

### **Conclusion**

- 8.150 The proposed development is consistent with the 'vision' the Core Strategy set out for Cubitt Town with the delivery of housing, including the provision of much needed family sized affordable housing units in a high quality, well designed scheme that successfully manages the transition in building heights that are found from west to east of the site. As well the scheme will bring positive effects in townscape terms improving the legibility of the area by serving as a local landmark for those arriving from Crossharbour DLR. The scheme will provide substantive public realm improvements at street level with its public plaza that shall provide improved and safer pedestrian connectivity between East Ferry Road and Limeharbour.
- 8.151 Subject to conditions and obligations the proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 8.152 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.

SITE MAP WITH CONSULTATION BOUNDARY

