

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 29 January 2015 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 Denise Jones, Councillor Khales 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, 27 January 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 28 January 2015**

Contact for further enquiries:

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Web: <http://www.towerhamlets.gov.uk/committee>

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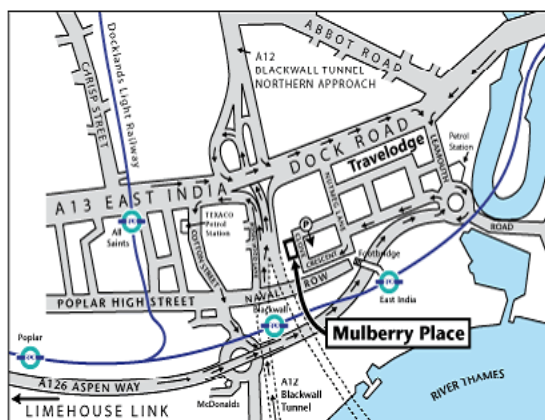
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APOLOGIES FOR ABSENCE

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 - 16)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 6th November 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 17 - 18)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS	19 - 20	
5 .1 100 Whitechapel Road and land rear at Fieldgate Street (PA/13/3049)	21 - 90	Whitechapel
<p>Proposal:</p> <p>Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 185 dwellings (comprising 10 studios; 65 x 1 bed; 71 x 2 bed; 27 x 3 bed; 12 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail, office and restaurant spaces (Class A1, A2 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.</p> <p>Recommendation:</p> <p>To REFUSE the application for the reasons set out in the Committee Report.</p>		
6. PLANNING APPLICATIONS FOR DECISION	91 - 92	
6 .1 Meridian Gate, 199-207 Marsh Wall, London, E14 (PA/14/01428)	93 - 142	Blackwall & Cubitt Town
<p>Proposal:</p> <p>Demolition of all existing structures and the redevelopment of the site to provide a building of ground floor plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 415sqm office (use class B1), 30 basement car parking spaces; the ground floor uses comprises an electricity sub-station, entrances for the office, affordable and private housing, basement access via car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3); public open space; and a single storey enclosure providing a secondary basement access.</p> <p>Recommendation:</p> <p>To GRANT planning permission subject to any direction by The London Mayor, prior completion of a legal agreement to secure planning obligations, conditions and informatives as set out in the Committee report.</p>		

6 .2 South East block Of Goodmans Fields, 74 Alie Street, London (PA/14/2817) 143 - 212 Whitechapel

Proposal:

Development of the South East block comprising a podium block between 6-12 storeys and three towers of 21 storeys, 22 storeys and 23 storeys to provide 415 residential units (use class C3), 3,398sqm (GEA) of flexible commercial space including a health centre (use class A1, A2, A3, B1A and D1), public open space and associated landscaping, surface car parking, cycle parking and related infrastructure and associated works.

Recommendation:

To GRANT planning permission subject to any direction by The London Mayor, prior completion of a legal agreement to secure planning obligations, conditions and informatives as set out in the Committee report.

6 .3 1 Bank Street (Heron Quays West 2) Heron Quay, London, E14 (PA/14/02617) 213 - 278 Canary Wharf

Proposal:

Erection of a 27 storey building comprising offices (Use Class B1) and retail (Use Class A1-A5) including three basement levels, partial infilling of South Dock, ancillary parking and servicing, access and highways works, landscaping and other works incidental to the application.

Recommendation:

To GRANT planning permission subject to any direction by The London Mayor, prior completion of a legal agreement to secure planning obligations, conditions and informatives as set out in the Committee report.

Next Meeting of the Strategic Development Committee

Thursday, 19 February 2015 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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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, 6 NOVEMBER 2014

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

Members Present:

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

Other Councillors Present:

Councillor Andrew Wood

Apologies:

None.

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Jerry Bell	(Applications Team Leader, Development and Renewal)
Fleur Francis	(Acting Team Leader - Planning, Directorate, Law Probity and Governance)
Robert Lancaster	(Principal Planning Officer, Development and Renewal)
Nasser Farooq	(Principal Planning Officer, Development and Renewal)
Graham Harrington	(Planning Officer, Development and Renewal)
Alison Thomas	(Private Sector and Affordable Housing Manager, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillors Sirajul Islam, Md Maium Miah, Danny Hassell, Amina Ali, John Pierce, Helal Uddin, Suluk Ahmed, Muhammad Ansar Mustaqim and Julia Dockerill declared an interest in agenda items 6.1, Quay House, 2 Admirals Way, London E14 (PA/14/00990), 6.2 South Quay Plaza, 183-189 Marsh Wall, London, PA/14/00944 and 6.3 Arrowhead Quay, East of 163 Marsh Wall, E14 (PA/12/03315). This was on the basis that they had received representations from interested parties on the applications.

Councillors Sirajul Islam, Danny Hassell, Amina Ali, John Pierce, Muhammad Ansar Mustaqim and Julia Dockerill declared an interest in agenda item 6.1, Quay House, 2 Admirals Way, London E14 (PA/14/00990). This was because they had attended the formal site visit as agreed at the 25th September 2014 Committee meeting.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 25th September 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

5.1 Quay House, 2 Admirals Way, London E14 (PA/14/00990)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update.

Robert Lancaster (Planning Officer) presented the deferred report. It was reported that the Committee considered the application at its last meeting on 25th September 2014 where Members resolved to defer the consideration of the application for a site visit to better familiarise themselves with the site and surrounds. The Officers recommendation remained to refuse the scheme for the reasons set out in the deferred report.

The Committee were reminded of the site location, the surrounds and the key features of the scheme. They were also informed that Officers had now agreed with the Applicant the Head of Terms of the proposed legal agreement and a draft unilateral undertaking had been submitted. However, it was proposed that the reason for refusal on this matter should remain a reason (reason 2) given that a legal agreement had not been entered into and the need to highlight the importance of such a legal agreement in the event of an appeal.

It was also reported that, since the last meeting, Officers had met with the Applicant to consider the concerns and the Applicant had submitted informal information to address some of the concerns (as referred to in the deferred report). The Applicant had also advised that if these amendments could not be fully assessed in time for this Committee meeting, then the Committee should take the scheme as submitted. Given the lack of time to assess and consult on these amendments before the Committee meeting, the scheme remained as originally submitted. Furthermore it was considered that the proposed amendments would not address all of the reasons for refusal or deal with the overdevelopment aspects of the scheme.

In response to questions, Officers considered that the scheme showed clear and demonstrable signs of overdevelopment due to the density of the scheme in relation to the site constraints. Officers objections were not merely based on the height of the scheme rather the symptoms of overdevelopment. Officers had engaged with the Applicant over a long period of time to express their in principle concerns about the scheme.

The views of Greater London Authority (GLA) remained as in September as detailed in their August letter (that had been circulated again to Committee Members). Officers read out a recent e-mail from the GLA dated November 2014 reiterating their concerns about the scheme.

Councillor John Pierce seconded by Councillor Amina Ali moved a motion that the application be deferred to allow Officers to engage further with the Applicant with a view to amending the scheme. On being put to the vote, this motion was lost.

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

1. That planning permission PA/14/00990 at Quay House, 2 Admirals Way, London E14 be **REFUSED** for the 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 for the following reasons as set out in the Deferred Committee report:

The proposed development exhibits clear and demonstrable signs of overdevelopment which include:

- a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height;
- 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;
- a failure to provide an active and engaging frontage on its southern façade due to its awkward geometry and design at lower levels;
- 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.

Councillors Md. Maium and Muhammad Ansar Mustaqim could not vote on the item having not been present at the previous Committee meeting on 25th September 2014 where the application was considered.

6. PLANNING APPLICATIONS FOR DECISION

6.1 South Quay Plaza, 183-189 Marsh Wall, London (PA/14/00944)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update and the Chair then invited registered speakers to address the Committee.

Sarah Castro, local resident, Richard Horwood, Chair of the Pan Peninsula Leaseholders and Residents Association and Councillor Andrew Wood, ward Councillor spoke in objection to the scheme. The objectors expressed concern about the following matters in relation to the scheme:

- The impact on the DLR from the cumulative impact from this and other schemes in the area. The DLR line was already at a capacity as recognised by TFL and capacity cannot be increased.
- Impact on local schools from the increased population.
- Concerns about the suitability of a tall tower as homes for children and the lack of dedicated child play space (on and off site).
- Lack of consultation with residents. The applicant should engage with residents and come back with a better scheme.
- Concerns about the density of the scheme that was way in excess of the Greater London Authority (GLA) guidance and presented symptoms of overdevelopment.

- Concerns about the height of the scheme contrary to Council policy that stated that developments in this location should step down in height from the tall building cluster in Canary Wharf.
- Lack of social housing.
- That, in absence of the master plan, that this scheme and other similar schemes would have a detrimental impact on the area. Such applications should be deferred pending the adoption of the master plan to properly assess and manage the impact.
- A press release referring to a London Assembly motion calling on the Mayor of London to do more to protect London's skyline.

On behalf of the Applicants, Harry Lewis and Julian Carter addressed the committee expressing the following points in support of the application:

- Current building did not make best use of the site.
- Highlighted the merits of the scheme given the more generous levels of open space (in comparison to the Quay House application).
- Highlighted the plans to provide the pedestrian bridge, to improve the permeability of the site, the proposed community facilities facilitated by the s106 agreement.
- That the scheme would deliver new housing and affordable housing. Many with separate kitchens - all on one site.
- Extent of the consultation compromising a number of public exhibitions that were well attended.
- The scope of the s106 to mitigate the impact on infrastructure.
- Removal of car parking spaces to reduce the impact from the site on traffic and the highway.

In response to Members, the speakers clarified the levels of on site play space that would be provided and how the developer would ensure that this was of high quality. There would also be home working spaces that could be used by older children. Whilst consideration had been to providing a new school on site, it was found that there was not enough capacity to provide a school in the development. The applicant would take steps to prevent anti social behaviour by for example working with the site management company. The viability of the scheme (to provide 25% affordable housing) had been robustly tested. Both English Heritage and the Greater London Authority had no concerns that the scheme would harm the setting of the surrounding heritage assets including the world heritage site at Greenwich. The developer felt that they had complied with the Council's policies in respect of height.

Officers drew attention to the criteria in policy that this scheme should be assessed against in terms of the height amongst other matters. It was necessary to take in account the formal Stage One views of the GLA on the application as set out in the Committee report.

Nasser Farooq (Planning Officer) gave a comprehensive presentation on the application and the update explaining: the site and surrounds, the key

differences between this and the previous scheme in terms of the density and the nature of the site amongst other issues.

He also explained the site designation, the policy support for the scheme, the ground floor plans, the height and design, the scope and outcome of the consultation, the housing proposal, the measures to minimise the impact on amenity, the amenity and open space, the security measures, the child play space and the child yield calculation (that took into account both the LBTH and GLA yields). Whilst there was a shortfall in child play space, it was considered that given the level of open space in the scheme and the contributions, this was acceptable. It was also noted that further play space could be accommodated within the building.

English Heritage and the GLA were of the view that the scheme should not adversely impact on nearby heritage assets. The issues raised by the GLA regarding energy efficiency had now been addressed as set out in the update.

Attention was also drawn to the transport assessment as set out in the committee report and the update report which mentioned that the methodology used by the objector excluded activity from the existing office use. The methodology used within the transport assessment was accepted by the Council's Highway Officer and Transport for London (TfL). The Committee were advised of the expected coming and going from the scheme at peak times on the DLR. Whilst there would be some impact, contributions had been secured in line with policy for transport. Overall the impact was considered to be acceptable. Contribution had also been secured to help provide a second bridge across South Quay that was welcomed by Officers and strongly supported by the GLA and TfL.

Members asked a number of questions that were answered by Officers. It was confirmed that the percentage of affordable housing would be 25% as set out in the committee report. It had been estimated that the scheme would generate 227 children based on the GLA yield and 200 children based on LBTH yield.

It was considered that the density of the scheme was acceptable given the lack of adverse impact. Officers clarified the density per hectare with and without the office building as set out in the Committee report.

In response to further questions, Officers clarified the level of open space and the set back of the buildings.

In relation to the impact on schools, the Council's Education department recognised the need for school places and had a programme of new school buildings. It was recognised that the Isle of Dogs was a priority area and there was particular pressure on school places in that area. Furthermore, Officers were actively encouraging developers to deliver new schools as part of major developments coming forward. In response, Members stressed the need for new school places to accommodate new developments and asked if there was a minimum distance in policy from school to home. Officers sought to

confirm this whilst members of the audience confirmed that the guidance provided that primary schools should be within walking distance.

The cumulative impact of approved schemes was a material consideration and this had been taken into account. Less weight should be given to proposed schemes. It was necessary to consider the application on its planning merits in line with adopted policy.

It was considered that the scheme would successfully mediate between Canary Wharf and the existing/ proposed buildings to the south of Marsh Wall. Attention was drawn to the specific features to ensure this.

In response to further questions, officers clarified the proposals in respect of private amenity space communal areas and advised that the local employment would be secured through the s106 agreement.

Officers also responded to Members questions as to whether a decision could be delayed given the emerging South Quay masterplan, advising that it would not be appropriate here where there are development plans in place and there was no question of there being a policy vacuum. Officers confirmed that the SPD is currently aspirational and the weight to be given to it will increase as it moves through the process.

On a vote of 4 in favour, 2 against and 3 abstentions, the Committee **RESOLVED:**

1. That planning permission PA/14/00944 at South Quay Plaza, 183-189 Marsh Wall, London, be **GRANTED** for the 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 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) 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 subject to:
 2. Any direction by The London Mayor.
 3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
 4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

5. That if, within three months of the date of this committee meeting the legal agreement have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
6. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.

6.2 Arrowhead Quay, East of 163 Marsh Wall, E14 (PA/12/03315)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update and the Chair then invited registered speakers to address the Committee.

Diana Maudslay Cross, Rachael Crellin, local residents and Councillor Andrew Wood, ward Councillor spoke in objection to the scheme expressing the following points:

- That it would be premature to grant the planning permission without the adoption of the South Quay Master plan to properly assess the impact.
- There was an overprovision of small units and not enough family units so it would not encourage mixed and balanced communities.
- Lack of social housing.
- Impact on local schools, doctor surgeries that were already overstretched
- Impact on transport.
- Noise impact.
- Loss of open space, paths and adverse impact on biodiversity and wildlife
- Creation of a barrier between Canary Wharf and the south of the Island.
- That the consultation document of 2012 was out of date in terms of number of children in the area and play space.
- Concerns about the density that was significantly in excess of the Greater London Authority guidance.
- Impact on existing problems with broadband water.
- Height. If granted, it would be one of the tallest buildings in the country.

On behalf of the Applicant, Glen Howell, Julian Carter and Simon Ryan spoke in support of the scheme expressing the following points:

- That the height of the scheme was acceptable taking into account the surrounding buildings site and advice from Officers. The GLA had no major concerns with the height of the scheme.

- Highlighted the merits of the scheme including the landscaping works, the public dockside walkway, the improvements to the permeability of the site. A large part of the site would be open space.
- Lack of demand for the existing the office use. The policy support for this type of scheme in the area.
- High quality housing including affordable housing in excess of size requirements.
- New S106 and CIL contributions in addition to those secured for the previous consent. This included contributions for education and contributions to transport.
- There had been testing to provide a school on site. However, it was found that this could not be achieved so there were contributions for school places.
- Clarified the percentage of new units that could be easily adapted for wheelchair use.
- That the cumulative impact of this scheme and other schemes had been taken into account.
- That the plans had been widely advertised and there had been widespread public engagement on the scheme.
- That the scheme complied with the emerging South Quay Master Plan according to Council Officers.
- Effort had been made to ensure that the affordable and private units were of equal quality.
- Noted the need to provide separate entrances for the private/affordable blocs to ensure that the services charges for the affordable units were affordable.

Graham Harrington (Planning Officer) presented the report and update. He gave a detailed presentation on the scheme covering: the planning history of the site, the site and surrounds, the site designation in policy, the outcome of the consultation and the issues raised.

He also explained the height and design, the layout, the level of amenity space and child play space, the podium, the housing offer, the measures to minimise any noise impact and protect amenity and the transport impact. Contributions had been secured to mitigate the impact of the scheme including contributions for school places. This was in addition to the contributions already secured from the previous consented office scheme on the site. Overall, the scheme generally complied with policy and in view of the merits, Officers were recommending that the scheme be granted planning permission.

Members asked questions that were answered by Officers about the allocation of the previous s106 contributions on projects in the Isle of Dogs Area. They also referred to the level of affordable housing to be provided on site and that the occupants of the affordable housing would have access to the podium. Every effort had been made to ensure that both the entrances to the affordable/private units would be of a high quality and in a prominent location. The feedback from the housing providers was that they would not

want one entrance for both types of housing tenures as it could make the services charges for the social units/affordable unaffordable.

As explained by the speakers, a number of the residential units would be wheelchair adaptable. In addition, there were measures to ensure that the scheme would be fully inclusive and accessible to wheelchair users including changes to the taxi drop off arrangements to ensure this. The benefits of these measures (over a further ramp in the amenity space) were explained.

In relation to the impact on schools, the Council's Education Department recognised the need for school places and had a programme of new school buildings. It was recognised that the Isle of Dogs was suffering particular pressure on school places. Furthermore, Officers were actively encouraging developers to deliver new schools as part of major developments coming forward.

It was emphasised that the Canal and River Trust had no objections to the scheme in principle. It was recommended that conditions be added to manage the issues around the dock wall and water via agreement with the Trust.

On a vote of 5 in favour, 0 against and 4 abstentions, the Committee **RESOLVED:**

1. That planning permission at PA/12/03315 Arrowhead Quay, East of 163 Marsh Wall, E14 be **GRANTED** for the erection of two buildings of 55 and 50 storeys to provide 756 residential units (Use Class C3) (including 90 Affordable Rent and 42 Affordable Shared Ownership) and ancillary uses, plus 614sqm. 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 subject to:
2. Any direction by The London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
4. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement and deed of variation indicated above acting within normal delegated authority.
5. That if, within three months of the date of this committee meeting the legal agreement and/or deed of variation have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
6. That the Corporate Director Development & Renewal use delegated power to impose conditions and informatives on the planning permission for Arrowhead Quay to secure the matters set out in the Committee report.

The meeting ended at 11.05 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/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
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 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>Deadlines. 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. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 5

Committee: Strategic Development	Date: 29 th January 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. CONSIDERATION OF DEFERRED ITEMS

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

- **100 Whitechapel Road and land rear at Fieldgate Street, (PA/13/3049)**

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

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Agenda Item 5.1

Committee: Strategic Development Committee	Date: 29 January 2015	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shay Bugler	Ref No: PA/13/3049 Ward: Whitechapel

1.0 APPLICATION DETAILS

Location: 100 Whitechapel Road and land rear at Fieldgate Street

Existing Use: Car showroom (sui generis), vehicle workshops (Class B2) and associated basement parking/servicing.

Proposal: Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 185 dwellings (comprising 10 studios; 65 x 1 bed; 71 x 2 bed; 27 x 3 bed; 12 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail, office and restaurant spaces (Class A1, A2 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

Drawings: Sk14-03-14/01; P1001 Rev C; p1002; P1002 Rev C; P1007; P200 Rev F; P2001 Rev S; P2002 Rev R; P2003 Rev N; P2004 Rev N; P2005 Rev L; P2007 Rev K; P2008 Rev K; P2009 Rev M; P2010 Rev E; P2023 Rev F; P2021 Rev H; P2050 Rev F; P2051 Rev F; P2020 Rev H, P2300 Rev B; P2302 Rev B

Document:

- Design and Access Statement dated December 2014 rev C by Webb Gray
- Planning Supporting Statement: November 2014 update incorporating amended affordable housing statement, play space assessment, open space assessment by Tyler Parkes dated November 2014
- Travel Plan by David Tucker Associates dated 09 October 2014
- Public realm proposals by Mark Hanton Studio
- Energy Statement dated October 2014 by AJ Energy Consultants Limited dated 28 October 2014
- Transport Assessment by David Tucker Associates dated 09 October 2014
- Daylight and Sunlight Report dated 14 November 2014 by Waldrams consultants
- Play Space Audit & Strategy dated November 2014 by Tyler Parkes
- Viability update report by Montagu Evans dated 26 November 2014
- Wind Microclimate Study
- Delivery and Servicing Plan
- Baseline television and radio signal survey and Reception Impact Assessments
- Construction Environment Management Plan
- Air Quality Assessment
- Ecological Appraisal
- External Lighting Statement
- Ventilation Statement
- Waste Management Strategy
- Noise Assessment
- Wind Microclimate Study

Applicant: Alyjiso and Fieldgate
Ownership: Alyjiso and Fieldgate Ltd
Historic Building: N/A adjoining Tower House
Conservation Area: Directly adjoining Myrdle Street and Whitechapel Market Conservation Areas

2.0 EXECUTIVE SUMMARY

- 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 (2011) and national planning policy and guidance along with all other material considerations and has found that:
- 2.2 The proposed layout would improve permeability through the area and the proposed new public links between Whitechapel Road, Fieldgate Street and Vine Court are supported in principle.
- 2.3 The proposed Mosque prayer hall extension would provide an enlarged community facility which would meet a demonstrable need in the local the area.
- 2.4 Whilst the proposed design changes do largely respond to the GLA's suggested amendments, Council Officers are still of the opinion that the scale and height of the development is unacceptable and should be substantially reduced.
- 2.5 The removal of the upper floor to block B above the link at Whitechapel Road is welcomed as it opens up the link route and makes the site more permeable and reduces the sense of enclosure. The removal of the residential units and inclusion of additional commercial uses at ground floor is welcomed as it will create an active frontage and give the walkway connecting Whitechapel Road and Fieldgate Street more natural surveillance. The proposed setbacks to both buildings reduces the visual impact slightly. Notwithstanding, Officers are of the view that the overall scale, mass, height and appearance is unacceptable for reasons discussed in the committee report (July 2014).
- 2.6 The number of single aspect units across the site has reduced from 48% to 40%. Notwithstanding, Officers consider that the overall level is excessive and therefore the proposal continues to provide sub-standard accommodation.
- 2.7 The dwelling mix has improved as there is less studio and one bedroom units and therefore has been an increase in the proportion of family units proposed. Officers acknowledge that the proposed dwelling and tenure mix would not compromise the viability of the scheme therefore do not recommend a reason for refusal on this ground.
- 2.8 In terms of daylight and sunlight, the revised scheme proposal appears to have no material adverse additional impact on the neighbouring properties, as compared to the previous scheme. It does result in an improvement on light to two of the properties on the north side of Whitechapel Road, but not to the extent that it is considered acceptable in daylight and sunlight terms.

- 2.9 The internal assessment has shown an improvement and there are fewer rooms, and in particular fewer living rooms, that now have very poor levels of daylight. However, the results are still below the required standard by a significant extent. Many of the apartments in the affordable housing block will not have good levels of light. The first floor and the north east flat in Block 1 (tower block) will be poorly lit and the north east rooms in particular, will not be apartments with a natural perception of good light on floors up to and including the 9th floor.

3.0 BACKGROUND

- 3.1 This application is presented to Members as there have been amendments made to the proposal since Members resolved to grant planning permission in 21 July 2014 which are considered to be minor material amendments in planning terms. The proposal was for the following:

Demolition of existing vehicle workshop and car showroom; erection of residential development comprising a total of 221 dwellings (comprising 46 studios; 92 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works”.

- 3.2 Officers recommendation at this Committee was to refuse the planning application for the following reasons:

- The proposed development would provide a high density residential development that would represent a significant departure from adopted policy in terms of the mix of dwelling sizes, with significant over provision of studios and single bedroom flats, under provision of family accommodation.
- The proposed scale, form, height, appearance and layout of the development would exhibit symptoms of poor quality design and would fail to adequately deal with its context, harming the visual amenities of the area, local townscape on Fieldgate Street and Whitechapel Road and harming the character and appearance of the adjoining Myrdle Street and Whitechapel Market Conservation Areas.
- The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through excessive loss of daylight and sunlight, overbearing impact, sense of enclosure, loss of outlook and loss of privacy.

- The proposed development would provide poor quality residential accommodation including excessive provision of single aspect dwellings, and high proportion of dwellings that would experience poor outlook, poor quality daylight and sunlight, excessive sense of enclosure and loss of privacy, The development would therefore exhibit symptoms of poor quality design and over development.
- 3.3 There was much discussion on the above planning matters at the Committee meeting. Notwithstanding, on a vote of 6 in favour and 2 against Members resolved to grant planning permission for the following reasons:
- The scheme would provide much needed family sized accommodation that would help families on the housing waiting list.
 - The provision of smaller units was welcomed given the smaller families and single people also in need of accommodation in the area.
 - The height, scale and bulk are considered acceptable as the site falls within the Whitechapel Vision Masterplan.
 - The standards required in terms of amenity (daylight, sunlight, privacy) could not reasonably be achieved due to the confined nature of the site. As such, there needed to be some flexibility in assessing the sunlight and daylight impacts and other amenity impacts.
 - The benefits of the scheme outweighed the concerns Officers had on impact on amenity.
- 3.4 Officers are of the opinion that the reasons for refusal presented to Members at the Strategic Development Committee in July 2014 can only be overcome by substantial design changes. Whilst the amendments to the scheme improve some aspects of the original proposal, the changes fail to substantially address the previous reasons for refusal reported to Members in July 2014.
- 3.5 The application was reported back to the GLA for Stage II referral on 28 July. The GLA were not satisfied with the scheme the way it was presented and requested amendments to address their concerns. The applicant was requested to incorporate the following changes into the scheme:
- Reduce the number of dwelling units in the scheme from 241 dwellings to 185 dwellings.
 - Reduce the extent of the building on the Whitechapel Road frontage by the setting back of the frontage building on the west elevation to detach it from the hotel building.
 - The setting in of the eastern building line of the Fieldgate Street tower at ground floor level.
 - The use of the ground floor of the Fieldgate Street block for commercial uses.
- 3.6 The applicant subsequently submitted revised plans and supporting documentation in late November 2014 to respond to the GLA concerns. The following sections of the report examine the amendments of the development and how they attempt to address the following four planning matters.
- Design and heritage impact;
 - Housing (tenure and dwelling mix);

- The impact to surrounding residential amenity;
- The quality of accommodation proposed.

3.7 The report should be read in conjunction with the previous SDC report dated 21 July 2014 attached hereto. This report focuses on the key changes to the application that have been made since SDC's resolution to grant planning permission.

4.0 CONSULTATION RESPONSES

4.1 Following receipt of the amended plans, officer carried up an additional round of consultation. The following comments were made specifically relating to the amendments of the scheme. These comments should be read in conjunction with the statutory comments discussed in paragraphs 7.1-7.94 of the previous Committee report dated 21 July 2014 attached hereto.

LBTH Biodiversity

4.2 The application site has no significant biodiversity value, and the existing buildings have been assessed as having negligible potential for roosting bats. There would therefore be no adverse impacts on biodiversity. Should Members be minded to approve the application, a bio diversity green roof should be incorporated into the scheme.

Greater London Authority

4.3 Following a series of productive discussions with the applicant, the scheme has been revised to provide a much improved and better defined pedestrian link through the site, alleviating concerns raised in relation to a high density development on a spatially constrained site; and the resulting impact this would have on residential quality. This has been achieved through the following key amendments:

Layout

4.4 The proposed layout is considered acceptable.

Residential quality

- The removal of the bridged element at the northern end of the site addresses the issue of north facing units onto Whitechapel Road and introduces the opportunity for family sized dual aspect units which is welcomed;
- The reconfiguration of the entrance to the affordable core provides a more legible and welcoming means of accessing the building, with through views to a communal garden;
- Replacing studio units with larger dual aspect 2-bed units in the north-west section of the Fieldgate Tower is welcomed and contributes to reducing the amount of studio units across the scheme.

Form and massing

4.5 The general massing strategy is broadly supported and the amendments made to the Whitechapel Road frontage provide a more consistent and

sympathetic response to the existing scale and proportions of the existing streetscape.

LBTH Access Officer

- 4.6 The applicant has not demonstrated that the proposed wheelchair units comply with the minimum measures for circulation in accordance with the Wheelchair Housing Design Guide (Stephen Thorpe & Habinteg Housing Association- second addition).

LBTH Housing

- 4.7 The proposed affordable housing offer and tenure mix is acceptable. The affordable rental levels are at Tower Hamlets preferred rental levels.

LBTH Communities, Localities & Culture

- 4.8 The increase in population as a result of the proposed development will increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.

- 4.9 The following contributions should be secured in the S106 Agreement:
- a) Leisure= £141, 597
 - b) Idea & Library = £43,702
 - c) Smart Travel= £6,240
 - d) Public Open Space= £101,317

(Officers comment: The applicant submitted a viability assessment with their submission. It was reviewed by the Councils Independent viability consultant and also considered at the Councils Planning Contributions Overview Panel. The proposal would make contributions towards leisure, library, open space and leisure. The revised Section 106 financial contributions are set out in paragraph 6.32 of this report. It is considered that they would sufficiently mitigate against the development).

Daylight and Sunlight Consultant

- 4.10 The Council commissioned a Daylight and Sunlight consultant to review the revised Daylight and Sunlight Assessment. There has been a minor improvement to the properties on the north side of Whitechapel Road. However, the overall adverse impact to the other neighbouring properties has not changed and continues to be significant.
- 4.11 The internal daylight assessment has shown an improvement and there are fewer rooms, and in particular fewer living rooms, that now have very poor levels of daylight. However the results are still below required standard by a significant extent. Many of the apartments in block 2 (Whitechapel Road) will not have good levels of light.

- 4.12 The first floor and the north east flat in the Tower block will be poorly lit and the north east rooms in particular, will not be apartments with natural light penetration of good light on floors up to and including the ninth floor.

5.0 LOCAL REPRESENTATION

- 5.1 A total of 563 neighbouring properties within the area shown on the map appended to this report were notified about the amended application and invited to comment. Site notices were displayed and the application was advertised in the local press.

- 5.2 Officers have not received any letters of support for the amendments of the application. Three letters of objection were received from nearby properties. Objections raised the following issues:

- a) The scale of development is not in keeping with the previous height on Whitechapel Road which is approximately 5 storeys. It is out of context with the area.
- b) The overall design quality is poor.
- c) The proposal would result in loss of natural daylight to the neighbouring buildings
- d) The proposal would result in loss of natural daylight to neighbours.

(Officers comment: These matters have already been discussed in the previous committee report appended to this document and in relation to the amended scheme these are addressed in the following sections).

6.0 MATERIAL PLANNING MATTERS

The main planning issues raised by the application:

- (a): Design and heritage matters
- (b): Housing
- (c): Impact on surrounding residential amenity
- (d): The quality of residential accommodation

Design and heritage matters

- 6.1 The proposed design changes to the development are as follows:

- Reducing the extent of the building on the Whitechapel Road frontage by the setting back of the frontage building on the west elevation to detach it from the hotel building.
- The setting in of the eastern building of the Fieldgate Street tower at ground floor level.
- The creation of a link/direct route from Fieldgate Street to Whitechapel Road and Vine Court. Setting back the eastern elevation of block 1 at first and second floor to further open up the walkway by approximately 2 metres which would increase the separation distance from approximately 8.6 metres to 10 metres.
- All residential units have been removed at ground floor level and replaced with commercial space.
- The entrance to Block 2 has been increased in size. The playspace for under 5's have been moved from ground floor to level 1.

- 6.2 The removal of the bridged element to the Whitechapel Road frontage and pulling back the ground floor building line at the north end of the link provides a more open and legible access route into the link which is welcomed by Officers.



View of pedestrian link route from Whitechapel Road

- 6.3 The Greater London Authority noted that the north end of the pedestrian link was successfully configured with good active frontage. The south end link was less successful. The applicant was advised to consider relocating some of the ground floor residential units to upper floors and replace with commercial units at ground floor.

- 6.4 The introduction of glazing to the restaurant unit provides a degree of transparency and enables views into the link from Whitechapel Road. In addition, replacing ground floor residential units with commercial units along the full length of the link and rationalising the building lines along its edges will help to encourage pedestrian activity and address previous concerns relating to poor daylight penetration to ground floor units.
- 6.5 It is acknowledged that the proposed setbacks to block 2 fronting Whitechapel Road and the setbacks to the first and second floors of Block 1 on Fieldgate Street would reduce the overall bulk of the development. Notwithstanding, the height, scale and visual appearance broadly remains unaltered.
- 6.6 Whilst there have been improvements to the layout of the design and the massing has been reduced, the alterations have not been substantial enough to address the previous design concerns. Officers are still of the view that the proposed scale and height, elevational treatment and material palette is unacceptable and that the impacts on the nearby heritage assets are significant as set out in paragraphs 9.27-9.47 of the July 2014 Committee

Housing (dwelling mix and tenure)

Dwelling mix

- 6.7 The tables below set out the previous and proposed dwelling and tenure mix against Council policy as set out in policy DM3 of the Managing Development Document (2013).

- 6.8 July 2014

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	0	0	0	0			46	27	
1 bed	12	33	30%	7	50	25%	73	43	50%
2 bed	12	33	25%	7	50	50%	33	19	30%
3 bed	1	3	30%	0	0	25%	19	11	20%
4 bed	11	31	15%	0	0		0	0	
Total	36	100			14	-		171	100

- 6.9 January 2015

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	0			0			10	7	
1 bed	11	32.5	30	7	44	25	47	35	50%
2 bed	11	32.5	25	9	56	50	51	38	30%
3 bed	0	0	30	0	0	25	27	20	20%
4 bed	12	35	15	0	0		0		
Total	34	100			16	100		135	100

- 6.10 Block 1 fronting Fieldgate Street would accommodate 118 units and block 2 across Vine Court and Whitechapel Road would accommodate 67 units. The

revised scheme provides 135 units within the private tenure (a reduction of 36 units); 16 units in the intermediate tenure (reduction of 2 units) and 34 in the social rented tenure (reduction of 2 units).

- 6.12 Previously, 62% of the overall scheme comprised of studio and one bedroom units. In the amended scheme, 40% of the overall proposed dwelling mix will be studios and one bedroom units. As such, the proposed dwelling mix has improved.
- 6.13 The previous scheme made an overall contribution of 15% family sized accommodation. The revised proposal would make provision for 21% family sized accommodation. As such, there has been an increase in the overall quantum of family sized accommodation which is welcomed by Officers. Whilst the scheme does not strictly accord with policy SP02, which seeks to secure 30% family accommodation across the development, Officers acknowledge that the proposed dwelling and tenure mix would not compromise the viability and deliverability of the development. The scheme does provide 12 larger family sized units when the affordable rent tenure and is policy compliant in the private sector. On balance, the proposed dwelling mix is considered acceptable.

Tenure split

- 6.14 The scheme makes provision for 30% affordable housing by habitable rooms. The tenure split continues to be 70/30% split between social rent and intermediate units. In total, this is an improvement on the previous quantum of affordable housing of 29% by habitable rooms. The affordable rent units would be Tower Hamlets preferred rental levels.

Impact on surrounding residential amenity

- 6.15 Paragraphs 9.83-9.86 of the previous Committee report sets out and explains the methods used to calculate daylight levels which include Vertical Sky Component (VSC) test; Average Daylight Factor (ADF) and No Skyline Component). The revised daylight and sunlight report provides a summary table identifying the number of windows and rooms analysed for VSC and ADF and the levels of passes and fails. The overall impact is the same for all the properties apart from 48 Fieldgate Street, Tower House, 151 Whitechapel Road and 153-175 Whitechapel Road.
- 6.16 At 48 Fieldgate Street, the results are largely the same as the previous assessment although 2 more rooms fail the ADF analysis than previously reported.
- 6.17 At Tower House, there are now 55 windows meeting the recommended VSC level where previously 66 windows did. This is therefore a reduction in daylight to Tower House, a building already adversely affected by the Development.
- 6.18 At 151 Whitechapel Road fewer windows have been tested than previously but all pass the VSC analysis and the ADF analysis. In addition, the NSC results for this building are now substantially better than before. This is because the omission of the block across the alleyway has opened up the line of sky visibility to 151 Whitechapel Road and the rooms to this property now comply with the BRE Guidelines.

- 6.19 At 153-175 Whitechapel Road, slightly more windows have been tested, as with no 151, the NSC results are better than previously reported.
- 6.20 The Councils daylight and sunlight consultant noted that “*the changes do not materially change the impact on neighbouring properties with the exception of 151 Whitechapel Road*”. As such, the previous Officer conclusion that the proposal would cause substantial harm to the amenity of existing and future occupiers of adjoining properties remains unchanged.

The quality of proposed residential accommodation

- 6.21 The creation of a new opened link/direct route from Fieldgate Street to Whitechapel Road and Vine Court has meant there is a reduction in the extent of the building on the Whitechapel Road frontage. This has an impact on the northern end of the development as it reduces the sense of enclosure. There has also been a reduction in the number of single aspect units at the northern end of the site.
- 6.22 A total of 72 flats would be single aspect (out of a 185). This represents 40% of all units proposed (previous scheme was 48%). 47 out of 135 private flats would be single aspect, which represents 35% of the total (previously 57%) and 11 out of 34 affordable rented flats would be single aspect representing 31% (figure remains unchanged) of the affordable rented provision. 14 out of 16 intermediate flats would be single aspect, which amounts to 87.5% (previous scheme had 50%) of the intermediate provision.
- 6.23 Of the above, 29 of the total single aspect flats of Blocks 1 and 2 have extremely poor outlook because they face onto either the side elevation of the 10 storey hotel only 7 metres away with hotel bedroom windows opposite, or they would face the west or north elevation of Tower House between 6 and 9 metres away with habitable room windows opposite. Officers appreciate the constraints of the site, but consider that a scheme design that includes such a high proportion of single aspect flats with much compromised outlook would not correspond with the London Plan, the London Plan SPG or local plan policies to ensure good quality accommodation.

Internal daylight/sunlight

- 6.24 The key amendments that will impact on the daylight and sunlight levels are the following two key changes to the scheme:
- a. The removal of the proposed block across the alleyway at Whitechapel Road opening up the alleyway clear to Whitechapel Road itself.
 - b. Amendments to the interior layout of the buildings, particularly the tower development block on Fieldgate Street which has resulted in changes to the location, size and use of rooms and therefore affects the ADF results to those rooms.
- 6.25 With reference to Block 1 fronting Fieldgate Street, the worst levels of daylight to this block are at first floor level where rooms on Fieldgate Street will have ADF results of 0.34% and 0.36% and on the east facing elevation facing tower House where two of the studio apartments will have ADF of 0.01%. This means that these will have effectively no sky visibility and no perception of natural light other than reflected light from other buildings. This is not

considered to be adequate and does not represent good quality residential accommodation.

- 6.26 On the second floor and above, the results are better on the Fieldgate elevation but there are still poor results on the east elevation facing Tower House. However, the design of the block has been altered so that most of the worst affected rooms are now bedrooms. There will however be one apartment in the north east corner of this block that will be very poorly lit. This has a deep living room in each case that has levels of ADF at 0.12% on the second floor; 0.15% on the third floor and 0.23% on the fourth floor. The apartments at this corner do not start to have adequate levels of light until the tenth floor.
- 6.27 Furthermore, , the two studios on the first floor in particular cannot be considered to have adequate light and the north east corner flats up to the ninth floor be a poorly lit flat.
- 6.28 With reference to Block 2, fronting Whitechapel Road, there are key locations where the rooms would have poor levels of daylight. This is on the east elevation facing the alleyway and the south elevation facing Tower House. Results are particularly poor on the south elevation where there is a living room with an ADF of 0.01% and the bedrooms associated with that apartment have also poor levels of daylight, at 0.17% or lower. On the elevation facing east there is a large living room with an ADF of 0.15% and a living room/kitchen/dining room with an ADF of 0.29% on the first floor.
- 6.29 In these particular locations the results continue to be poor and particularly exacerbated by the balconies which significantly cut light where sky visibility is already restricted.
- 6.30 Therefore, the apartments in this block will have poor levels of daylight principally up to the fifth floor level , although on floors above that there are still bedrooms with very low levels of ADF.
- 6.31 Replacing studio units with larger dual aspect 2-bed units in the north-west section of the Fieldgate Tower is welcomed and contributes to reducing the amount of studio units across the scheme. In addition, the removal of the bridged element at the northern end of the site addresses the issue of north facing units onto Whitechapel Road and introduces the opportunity for family sized dual aspect units which is welcomed. Notwithstanding, there would be a large number of units which would be, significantly compromised by a combination of very poor daylight and sunlight to lower levels of the development, an abnormally high proportion of single aspect flats and extremely compromised outlook, sense of enclosure and loss of privacy. The scheme would fail to deliver high quality residential accommodation as required by the NPPF, London Plan and local plan policies.

SECTION 106 and Community Infrastructure Levy (CIL)

- 6.32 The table below sets out the Section 106 contributions against the Council s Supplementary Planning Document on Planning Obligations. The viability of the financial contributions was examined by an independent consultant who It was concluded that the applicants overall contribution of £1,327,725 would be acceptable and that should Members be minded to grant permission, the contribution should be apportioned as per table below.

Planning Obligations (Financial) Heads of Terms	LBTH Requirement In accordance with the Supplementary Planning Document on Planning Obligations	Recommended Contributions (in accordance with the total amount of applicants Section 106 Offer)	Match Between LBTH Requirement and Recommended Allocation (%)
Crossrail SPG Contribution			
Construction Phase Skills and Training	£56,377	£56,377	100%
End-User Phase Skills and Training	£5,284	£5,284	100%
Idea Stores, Libraries and Archives	£49,056	£49,056	100%
Leisure Facilities	£161,633	£161,633	100%
Primary School Facilities	£346,829	£246,829	100%
Secondary School Facilities	£231,269	£231,269	100%
Health Facilities	£246,997	246,997	100%
Smarter Travel	£5,944	£5,744	100%
Public Open Space	£264,538	£96,430	35%
Streetscene and the Built Environment	£67,704	£23,696	35%
CO2 Reduction	£31,464	£31,464	100%
Upgrade to public highway (TfL)	£350,000	£122,500	35%
Delivering cycle hire capacity (TfL)	£70,000	£24,500	35%
Monitoring (2%)	£25,478	£25,946	100%
Total	£1,912,573	£1,327,725	

6.33 Should members be minded to approve the scheme, it is recommended that £1, 327, 873 be secured to mitigate the development. Notwithstanding, it is suggested that the Council secure a Planning Obligations Review mechanism requiring the applicant to submit an Updated Appraisal with all relevant financial information including certified copies of all Residential Unit sales and all Scheme Costs. Should members be minded to resolve to approve this application, it is recommended that the above contributions are secured in a legal agreement with the applicant.

6.34. In addition, non financial contributions should be secured. These include the submission of a Travel Plan; the developer would exercise best endeavours to ensure that 20% of the construction phase workforce would be local

residents of Tower Hamlets. To ensure local businesses benefit from this development, with 20% goods/services procured during the construction phase would be achieved by businesses in Tower Hamlets.

- 6.35 The Mayoral CIL payment requirement will be reduced from £698,810 to £485,485. The previous figures were based on the commercial floorspace proposed and 221 residential units and the new figure of £485,485 is based on the proposed commercial floorspace and 185 residential units.

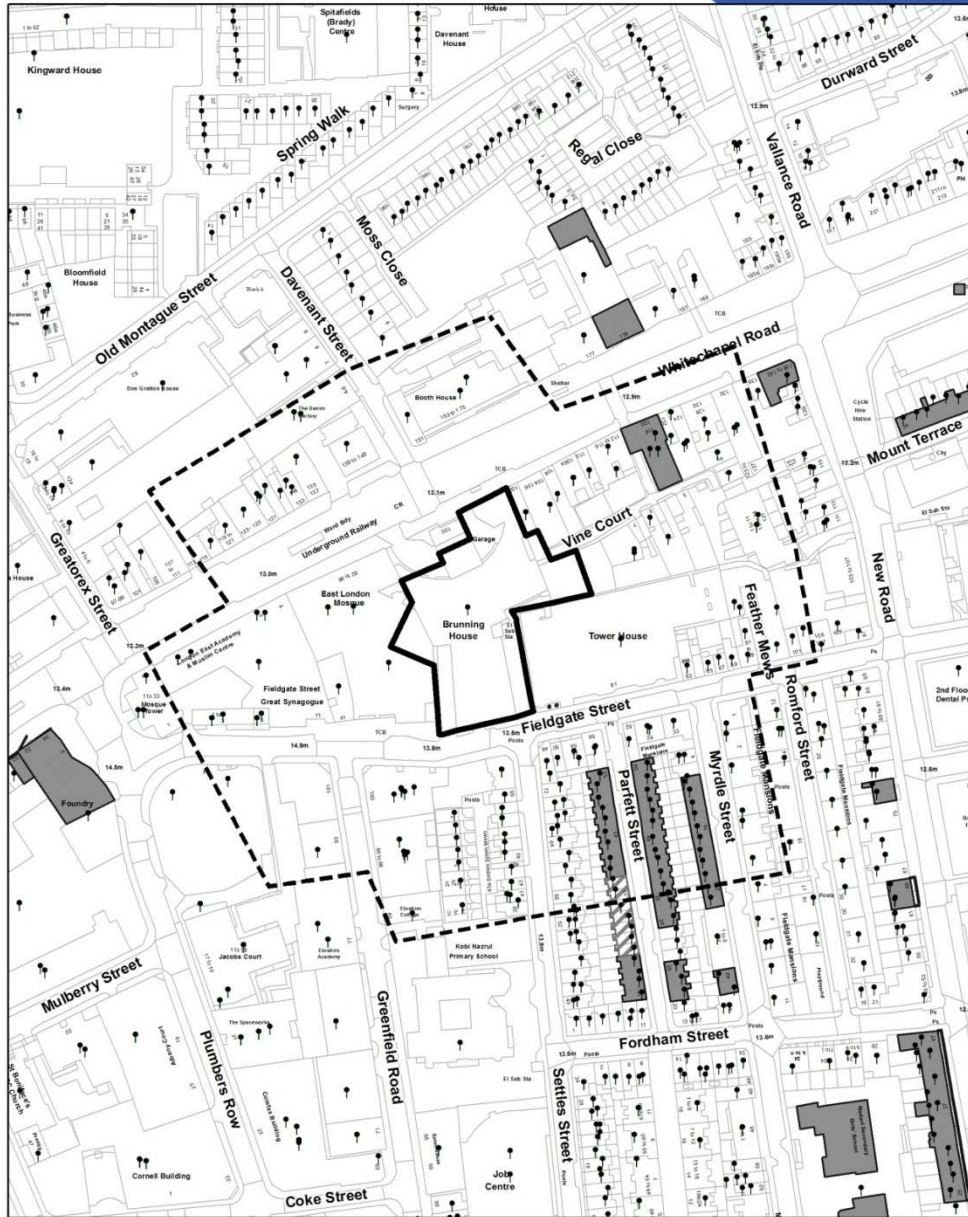
EQUALITY ACT CONSIDERATIONS

- 6.36 Equality Act considerations were set out in the previous Committee report and the previous assessment remains relevant and should be considered by members.

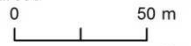
7.0 RECOMMENDATION

- 7.1 Officers continue to recommend that members resolve to refuse the application for the following reasons:
- a) The proposed scale, form, height, appearance and layout of the development would exhibit symptoms of poor quality design and would fail to adequately deal with its context, harming the visual amenities of the area, local townscape on Fieldgate Street and Whitechapel Road and harming the character and appearance of the adjoining Myrdle Street and Whitechapel Market Conservation Areas. The proposed development would be contrary to Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011) with modifications and policies DM4, DM24 and DM25 of the Managing Development Document (2013) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.
 - b) The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through excessive loss of daylight and sunlight, overbearing impact, sense of enclosure, loss of outlook and loss of privacy. The development would be contrary to policies NPPF; BRE Guidelines; SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.
 - c) The proposed development would provide many residential units with poor quality daylight and sunlight; excessive provision of single aspect units; poor outlook and loss of privacy. The development would therefore exhibit symptoms of overdevelopment contrary to policies NPPF; SP02 and SP10 of the Core Strategy (2010) and DM24 & DM25 of the Managing Development Document (2013) which seeks to provide high quality design and places which create sustainable forms of development.

**Planning Application Site Map
PA/13/03049**



- 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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Committee: Strategic Development	Date: 21 July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shay Bugler	Ref No: PA/13/3049
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: 100 Whitechapel road and land rear at Fieldgate Street & Vine Court

Existing Use: Car showroom (sui generis), vehicle workshops (Class B2) and associated basement parking/servicing.

Proposal: Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 221 dwellings (comprising 46 studios; 92 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

Drawing and documents: Sk14-03-14/01; P2000 Rev F; PS001 Rev N; P2002 Rev K; P2003 Rev L; P2004 Rev K; P2005 Rev J; P2007Rev J; P2008 Rev J; P2009 Rev K; P2010 Rev E; P2011; P2012 Rev A; P2013; P2020 Rev G; P2021 Rev F; P2022 Rev F; P2023; P2024; P2050 Rev E; P2051 Rev E; P2053 Rev C; P2300 Rev A; P2301 Rev A; P2302 Rev A

- Planning support statement
- Design and Access Statement
- Secure by Design Statement
- Daylight and sunlight report
- Wind Microclimate Study
- Transport Assessment
- Travel Plan
- Delivery and Servicing Plan
- Baseline television and radio signal survey and Reception Impact Assessments

- Construction Environment Management Plan
- Energy Statement
- Sustainability Statement
- Statement of Community Involvement
- Affordable Housing Viability Assessment
- Heritage Statement by Tyler Parkes
- Regeneration and Socio-Economic Statement
- Air Quality Assessment
- Ecological Appraisal
- External Lighting Statement
- Ventilation Statement
- Waste Management Strategy
- Noise Assessment
- Wind Microclimate Study
- Child Playspace Strategy
- Viability Assessment

Applicant:	Alyjiso and Fieldgate Ltd
Ownership:	Alyjiso and Fieldgate Ltd.
Historic Building:	N/A Adjoining Tower House
Conservation Area:	Directly adjoining Myrdle Street and Whitechapel Market Conservation Areas

2. EXECUTIVE SUMMARY

- 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 (2011) and Government Planning Policy Guidance and has found that:
- 2.2. Redevelopment of the site, within the Tower Hamlets Activity Area, close to the edge of Whitechapel District Centre is considered acceptable in principle and supported by policies in the London Plan (2011), the Councils Core Strategy (2010) and Managing Development Document (2013).
- 2.3. The proposed Mosque prayer hall extension would provide an enlarged community facility which would meet a demonstrable need in the local the area.
- 2.4. The proposed layout would improve permeability through the area and the proposed new public links between Whitechapel Road, Fieldgate Street and Vine Court are supported in principle.
- 2.5. The height, scale and appearance of the proposed buildings, which rise up to 18 storeys and 12 storeys respectively and project forward of the building line on Fieldgate Street, would be an incongruous feature in the local context and would cause substantial harm to visual amenities of the area, local townscape. The proposed development would not preserve or enhance the character and appearance of Myrdle Street Conservation Area and would not create an effective transition in scale, also harming the setting of Whitechapel Market Conservation Area.

- 2.6. The report explains that the proposed development would result in a significant proportion of poor quality residential accommodation severely affected by poor daylight, sunlight and with high proportion of mono-aspect units.
- 2.7. The report also explains that the proposed development would cause harm to the amenities of occupiers of adjoining properties through substantial loss of daylight, sunlight, outlook and causing problems of overlooking; loss of privacy and sense of enclosure.
- 2.8. The development would provide 29% affordable housing which is a reasonable reflection of the maximum level of affordable housing that is viable and deliverable for the proposed development.
- 2.9. The proposed mix of housing types would be skewed towards single bedroom flats and studios with a low overall percentage of family accommodation, resulting in substantial departure from adopted policies.
- 2.10. The scheme would make provision for 10% wheelchair accessible housing across all tenures.
- 2.11. The scheme would make adequate provision for cycle parking and wheelchair accessible car parking. The proposed servicing and refuse collection arrangements would be acceptable in principle.
- 2.12. The proposal would make adequate provision for private and communal amenity space within the site. The proposal also makes adequate provision for child play space onsite for 0-5 year olds. The applicant play space Strategy identifies suitable areas for offsite child play space for 6-11 years olds within appropriate distances from the site.
- 2.13. On balance, the proposal would make adequate provision for planning obligations to mitigate the development.
- 2.14. The applicant has identified benefits of the development which include employment during construction; contribution to the local economy; employment resulting from the commercial unit and creation of a new access road and pedestrian /cycle routes through the site in line with the Whitechapel Vision Masterplan.
- 2.15. The proposal has attracted both significant local support and some objection. The potential benefits of the scheme have been weighed against the harm that would be caused and the conflict with adopted policies. The NPPF sets out a presumption in favour of granting permission in the interests of sustainable development. However in this case the harm arising from the scale, design, impact on surroundings, impact on neighbouring properties and poor quality accommodation would substantially outweigh the benefits. The use of planning conditions or obligations has been considered but the harm and conflict with policy goes to the heart of the proposals.
- 2.16. The proposal makes provision for 360 cycle parking spaces and 20 accessible car parking spaces in accordance with policy.

- 2.17. The proposal is recommended for refusal and the reasons are set out in Section 4 of this report.

3. BACKGROUND

- 3.1. This proposal was presented to the Strategic Development Committee Members on 10 April 2014 with a recommendation for refusal. It was recommended that the application be refused for the following reasons:

- Insufficient information has been submitted to demonstrate that the proposal would provide the maximum amount of affordable housing that could be achieved on site.
- The proposed development would provide a high density residential development that would represent a significant departure from adopted policy in terms of the mix of dwelling sizes, with significant over provision of studios and single bedroom flats, under provision of family accommodation.
- The proposed scale, form, height, appearance and layout of the development would exhibit symptoms of poor quality design and would fail to adequately deal with its context, harming the visual amenities of the area, local townscape on Fieldgate Street and Whitechapel Road and harming the character and appearance of the adjoining Myrdle Street and Whitechapel Market Conservation Areas
- The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through excessive loss of daylight and sunlight, overbearing impact, sense of enclosure, loss of outlook and loss of privacy.
- Insufficient information was submitted to demonstrate that proposal could provide adequate refuse collection arrangements and fire appliance access to serve the needs of the development.
- The proposed development would provide poor quality residential accommodation including excessive provision of single aspect dwellings, and high proportion of dwellings that would experience poor outlook, poor quality daylight and sunlight, excessive sense of enclosure and loss of privacy.
- The proposed development would fail to provide adequate on site amenity space (and child play space to meet the needs of future residents and to offset the issues associated with poor quality residential accommodation.
- Insufficient information was submitted to demonstrate that the proposed residential development would not result in undue noise disturbance to occupiers of the future residential development.
- Insufficient information was submitted to demonstrate that design solutions are incorporated into new developments to minimise exposure to poor air quality.
- Insufficient information was submitted to demonstrate that the proposed development meet the necessary financial contributions, to be secured as planning obligations, necessary to mitigate the impact of the development on social and community infrastructure, transport and the environment.

- 3.2. On a vote of 4 in favour of the Officer recommendation to refuse planning permission and 5 against, the Committee resolved to overturn Officers recommendation and were minded to grant planning permission for the following reasons:
- That the proposal would provide additional affordable and private housing and would meet the requirements in policy regarding inclusive access.
 - That the concerns around the child play space could be mitigated by improving the quality of the amenity space provided elsewhere in the scheme recognising the site constraints.
 - That the impact on daylight and sunlight was marginal recognising the site constraints and the Borough's density level.
- 3.3. In accordance with Development procedure Rules, the application was deferred to enable Officers to prepare a further report to a future meeting of the committee, setting out proposed detailed reasons for approval and conditions on the application. As this is a new committee, Officers are required to represent the scheme again by way of a full committee report and subsequent presentation to Members on 3rd July.
- 3.4. Following the committee, further information has been received to support the application, which seeks to address the previously recommended reasons for refusal. Officers and the applicant, together with various consultees have been working closely to try to resolve some of the previously identified reasons for refusal. The applicant has submitted further information on matters surrounding viability (affordable housing and Section 106 contributions); amenity, child playspace, servicing and refuse details.
- 3.5. Officers have had an opportunity to consider the Committee's previous reasons for approval in light of the additional information provided by the applicant. Officers are now satisfied that, on balance, the proposal makes adequate provision for affordable housing and child playspace for the 0-5 year old cohort. However Officers are still of the opinion that the impact on neighbouring daylight and sunlight levels would be significant and not marginal. These matters are discussed further in Section 9 of the report.
- 3.6. There has been a minor change to the scheme since it was presented to Members in April. Overall the number of units has reduced from 223 to 221. Two private studio units were removed at block 1 (fronting Fieldgate Street) to accommodate a small café space and suitable holding bay for refuse collection. However, there has been no fundamental changes to the overall design of the scheme
- 3.7. Whilst the minor changes and additional information address some of the reasons for refusal, officers continue to recommend that the application be refused. The retained reasons for refusal can only be resolved if significant design changes are made to the scheme.

4. RECOMMENDATION

- 4.1. That subject to any direction by the London Mayor, Planning Permission is REFUSED for the following reasons:

- 4.2. The proposed development would provide a high density residential development that would represent a significant departure from adopted policy in terms of the mix of dwelling sizes, with significant over provision of studios and single bedroom flats, under provision of family accommodation. The development would be contrary to policies 3.4 & 3.5 of the London Plan (2011) and policies SP02 of the Core Strategy (2010) and DM3 & DM4 of the Managing Development Document (2013) which seeks to prevent symptoms of overdevelopment and provide appropriate housing choice in the borough.
- 4.3. The proposed scale, form, height, appearance and layout of the development would exhibit symptoms of poor quality design and would fail to adequately deal with its context, harming the visual amenities of the area, local townscape on Fieldgate Street and Whitechapel Road and harming the character and appearance of the adjoining Myrdle Street and Whitechapel Market Conservation Areas. The proposed development would be contrary to Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011) and policies DM4, DM24 and DM25 of the Managing Development Document (2013) with modifications and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.
- 4.4. The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through excessive loss of daylight and sunlight, overbearing impact, sense of enclosure, loss of outlook and loss of privacy. The development would be contrary to policies NPPF; BRE Guidelines; SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.
- 4.5. The proposed development would provide poor quality residential accommodation including excessive provision of single aspect dwellings, and high proportion of dwellings that would experience poor outlook, poor quality daylight and sunlight, excessive sense of enclosure and loss of privacy, The development would therefore exhibit symptoms of poor quality design and over development and would be contrary to the National Planning Policy Framework (NPPF); SP02 & SP10 of the Core Strategy (2010); policy DM3, DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and places which create sustainable forms of development.

5. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 5.1. The application site is known as 100 Whitechapel Road and land rear at Fieldgate Street and Vine Court and comprises part of an existing two storey car showroom and associated vehicle repair workshop situated beneath and adjacent to a nine storey hotel, immediately to the east. The application site has frontage on to Whitechapel Road and extends through to Fieldgate Street to the south. There is an existing semi-circular vehicular forecourt and drop off area from Whitechapel Road and a ramped vehicle access in the south west corner of the site off Fieldgate Street leading to basement car parking and service areas.

- 5.2. Adjoining the application site to the west is the East London Mosque which is set within a complex of associated buildings fronting Whitechapel Road and Fieldgate Street, including the London Muslim Centre (LMC) and the Maryam Centre, between three and nine storeys in height. To the east, there is a mix of commercial one to four storey buildings facing Whitechapel Road and the rear mews access to Vine Court characterised by a mix of commercial uses.
- 5.3. Tower House, an imposing eight storey red-brick Victorian building a former hostel, converted now to private residential accommodation adjoins the eastern boundary of the site, fronting Fieldgate Street. The area to the south, across Fieldgate Street has a lower rise, finer grain character with a variety of commercial, retail and restaurant uses. Streets lined with three storey Georgian and Victorian terraced houses run southwards off Fieldgate Street.
- 5.4. Myrdle Street Conservation Area is located immediately to the south and east of the site, including Tower House on the north side of Fieldgate Street. Whitechapel Market Conservation Area is immediately east of the site including the adjoining properties in Vine Court and on Whitechapel Road.
- 5.5. The site had a PTAL rating of 6a which means it has excellent public transport accessibility with a bus stop located on Whitechapel Road in front of the site and two underground stations within a short walking distance - Whitechapel and Aldgate East. Shadwell Overground and DLR stations are approximately 900 metres from the site.

Relevant Planning History

- 5.6. Planning permission was granted on 11 November 2013 for extensions and alterations to existing hotel (C1) to provide 119 additional bedrooms, together with extension and change of use of part of existing ground floor car showroom to flexible retail and/or commercial uses (Classes A1, A2, A3). (PA/13/1168).
- 5.7. Planning permission was granted on 22 November 2010 for part change of use of existing office building (Use Class B1 - 4,059sqm) to 169 bedroom hotel (Use Class C1 - 4,181sqm), together with external refurbishment works, single storey side extension and excavation to provide basement lift access, erection of refuse store at first floor level together with refuse chute to ground floor level, erection of roof plant enclosure at first floor level, cycle, disabled and coach parking, and associated ancillary works. (PA/10/1659).
- 5.8. Planning permission was granted on 31 January 2014 for erection of two, four storey homes with rear gardens on land at 11-14 Vine Court, Whitechapel (PA/13/02906).

DETAILS OF PROPOSAL

- 5.9. The proposal involves the demolition of the existing car showroom and vehicle workshop and the erection of a major mixed use, residential-led development comprising the following elements:
- 5.10. Erection of a 300 sqm. extension to the prayer hall at the rear of the East London Mosque. This would sit within space to the rear of the recently permitted extension to the Ibis hotel at 100 Whitechapel Road.

- 5.11. Erection of an 18 storey building fronting onto Fieldgate Street, with the top three storeys set back (proposed block 1). This building would accommodate 134 private residential flats with one small café (Class A3) units of 65 sqm at ground floor fronting Fieldgate Street and one retail unit of 60 sqm fronting Fieldgate Street. The proposal also makes provision for a storage, caretaker accommodation and plant room also at ground floor.
- 5.12. Erection of a building rising from 8 to 12 storeys (proposed Block 2), with the 12 storey element fronting Whitechapel Road and Vine Court and facing onto Tower House situated in the north eastern part of the site between the existing Ibis Hotel, 104 Whitechapel Road, Vine Court and Tower House. This building would provide a large restaurant space (353 sqm) at ground floor and mezzanine level fronting Whitechapel Road and a new north/south pedestrian/cycle link, with a mix of private, intermediate and affordable rented accommodation above.
- 5.13. Block 2 would incorporate a double storey undercroft, providing pedestrian and vehicular access through to Vine Street which connects with a new 4.5m to 7m wide north-south pedestrian route linking Fieldgate Street and Whitechapel Road. A new hard and soft landscaped north south route is proposed, linking Whitechapel Road with Fieldgate Street and connecting into Vine Court. The new public route would be defined by the positioning of the proposed blocks either side, plus the side elevation of Tower House and the Ibis Hotel. The new route would have active ground floor frontages along its length including two commercial units described above, two ground floor duplex residential units and two additional retail units which were part of the permission for extension and reconfiguration the ground and first floors of the adjoining hotel.
- 5.14. The existing ramped vehicle access route from Fieldgate Street would be retained to serve a reconfigured and extended basement with 20 disabled car parking spaces, 360 cycle parking spaces, motorcycle parking and refuse storage. A bin store and holding area is proposed at ground floor of Block 1 where bins would be stored for collection.
- 5.15. A total of 221 residential units are proposed in the development, which would comprise:
- 171 private sale / private rent residential units - 46 studios; 73 x 1 bed; 33 x 2 bed & 19 x 3 bed units)
 - 14 Intermediate (shared ownership) units - 7 x 1 bed & 7 x 2 bed units
 - 36 Affordable rented units - 12 x 1 bed; 12 x 2 bed; 1 x 3 bed & 11 x 4 bed units
 - The proposal makes provision for 29% affordable housing (calculated by habitable rooms) or 22% calculated by units with a tenure split of 72% affordable rent and 28% intermediate (shared ownership) calculated by units.

6. RELEVANT PLANNING POLICIES

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

- 6.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 6.3 The London Plan (2011)
 - 2.1 London in its global, European and United Kingdom context
 - 2.13 Opportunity areas and intensification areas
 - 3.1 Ensuring equal life chances for all
 - 3.2 Improving health and addressing health inequalities
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people's play and informal recreation facilities
 - 3.7 Large residential developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 3.14 Existing housing
 - 3.16 Protection and enhancement of social infrastructure
 - 3.17 Health and social care facilities
 - 3.18 Education facilities
 - 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 networks 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
 - 5.16 Waste self sufficiency
 - 5.17 Waste capacity
 - 5.21 Contaminated land
 - 6.1 Strategic approach
 - 6.2 Providing public transport capacity and safeguarding land for transport
 - 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
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft Further Alterations to the London Plan, 2014 (FALP)

6.4 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.

6.5 Tower Hamlets Core Strategy (adopted 2010)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Address the impact of noise pollution
- SP05 Provide appropriate refuse and recycling facilities
- SP07 Support the growth and expansion of further and higher education facilities
- SP08 Making connected places
- SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
- SP11 Energy and Sustainability
- SP12 Delivering Place making
- SP13 Planning Obligations

6.4 Managing Development Document (2013)

- DM3 Delivering Homes
- DM4 Housing Standards and amenity space
- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM17 Local Industrial Locations
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity

DM26 Building Heights
DM27 Heritage and Historic Environment
DM28 Tall buildings
DM29 Achieving a Zero-Carbon borough and addressing Climate Change
DM30 Contaminated Land & Hazardous Installations

- 6.7 Supplementary planning documents and other guidance
- London Plan Housing SPG (2012)
 - Tower Hamlets Planning Obligations SPD
 - Whitechapel Vision Masterplan adopted December 2013
 - Whitechapel Market Conservation Area Character Appraisal and Management Plan
 - Myrdle Street Conservation Area Character Appraisal and Management Plan
 - Air Quality Action Plan

7. CONSULTATION RESPONSES

External consultees

English Heritage (archaeology)

- 7.1. This application should be determined in accordance with national and local policy guidance and on the basis of advice from your specialist Conservation Officer.

Environment Agency

- 7.2. Environment Agency has reviewed the application and confirm they have no formal comments to make.

Greater London Authority

- 7.3. Stage 1 response confirms the principle of a residential led, mixed use development is acceptable in strategic terms. A number of issues requiring further clarification, additional information or amendments to the proposals are highlighted.
- 7.4. The proposal makes provision for affordable housing which falls below the Council's target, but is considered to be favourable in relation to similar residential schemes in the surrounding area. The applicant has submitted a viability assessment with the application and the results should be independently verified in order to ensure that the maximum level of affordable housing and affordable housing split is achieved.
- 7.5. London Plan Policy 3.11 accords priority to a good amount of family housing to form part of residential proposals. The proposal currently has a relatively high proportion of studio and one bed flats (62% overall) compared with an overall provision of family sized units of 31%. Consideration should be given to increasing the number of family sized units across the scheme.
- 7.6. The scheme's residential density can be supported at a strategic level; however this is subject to overall design quality in terms of architecture,

residential quality and accessibility in order to fully justify the proposed density.

- 7.7. Opportunities to reduce the number of single aspect north facing dwellings should be explored and further information is required on floor to ceiling heights of units to ensure that the highest possible residential quality is achieved on this constrained site.
- 7.8. The proposed pedestrian link from Fieldgate Street to Whitechapel Road is supported in principle. Further details on definition of public and private space and control over vehicular access for servicing and refuse are required. Improvements to natural surveillance at the southern end of the link could be achieved with residential units with front doors on to the link. Further information is required as detailed above in relation to the treatment of proposed shared surfaces along the pedestrian link.
- 7.9. The height of the proposed residential blocks can be supported from a strategic perspective given that the site is located within the City Fringe Opportunity Area where taller buildings are acceptable. This is however subject to the applicant clearly demonstrating a high quality of ground floor public and private spaces, accessibility and an exemplary standard of architecture.
- 7.10. There are significant impacts on daylight and sunlight to proposed dwellings within the scheme and there is an element of overshadowing caused by the positioning of the proposed residential blocks in relation to each other. The collective building massing also impacts on the quality of light within the defined spaces along the new pedestrian link. Consideration should be given to ensuring that the orientation of habitable rooms is optimised.
- 7.11. The visual impact of the 18 storey block and its relation to the existing townscape to the south of the site should be assessed. A simple approach to the materiality and architectural detailing should be applied to the residential facades with the aim of forming a high quality and rational design response that sits well with the surrounding context.
- 7.12. The anticipated child yield of the development is 64 children, of which 21 would be under 5, 24 between 5 and 11 years old and 20 would be 12 years or over. In accordance with the London Plan SPG guidelines and the Council's policies on children's play space provision, the applicant should indicate how the proposal will provide 640 sq. m. of usable play space which should include a range of spaces for each age group and demonstrate how a play space.
- 7.13. The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposal as a whole. However, further revisions and information is needed before the proposals can be considered compliant with the London Plan policies on sustainability, energy efficiency and climate change.

Transport for London (TfL)

- 7.14. There are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. This development is on top of TfL's old station box. Therefore, it would need to be demonstrated to

the satisfaction of TfL engineers that the development will not have any detrimental effect on adjoining 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 and there is no right of support to the development or land.

- 7.15. The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with TfL) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- 7.16. A financial contribution of £350,000 should be secured in the Section 106 Agreement towards upgrading of footways and £70,000 towards delivering cycle hire capacity.

London Fire and Emergency Authority (LFEA)

- 7.17. In the event of a fire emergency, a fire brigade vehicle would access the site via Fieldgate Street and Whitechapel Road. The emergency Fire Brigade vehicles would not be able to enter the site via Vine Court.
- 7.18. The applicant proposes sprinklers to all buildings and horizontal mains for cores which both Building Control and London Fire and Emergency Authority confirmed they do not object against. Following the Committee meeting in April, Officers have further discussions with the LFEA and LBTH Building Control team. The applicant would be required to submit a robust Fire Control Strategy prior to the occupation of the development which addresses Sections 15 & 16 of the Building Control Regulations 2000. LFEA request they be consulted on any future submission. This would be secured by way of condition should Members be minded to grant planning permission.

London Metropolitan Police

- 7.19. With reference to the proposed link route, the Metropolitan Police note that increasing permeability could increase opportunities for crime. In their opinion the “alleyway” created is not wide enough nor it a welcoming access route. There would be no alternative, safe route for future residents to take. There would not be sufficient natural surveillance available in the created space to reduce crime and/or the fear of crime.
- 7.20. Whilst Officers note London Metropolitan Police concern, there is no strong evidence to suggest that permeability onsite would increase opportunities for crime.

Internal consultees

Access officer

- 7.21. The proposal would need to comply fully with the requirements of Lifetime Homes (100%) and 10% of units (or habitable rooms) should be suitable for use by wheelchair user.

- 7.22. All affordable units comply with Lifetime Homes standards which are supported by Officers. The proposal makes provision for 10% affordable units across all tenures in accordance with policy.

Biodiversity

- 7.23. The application site has no significant biodiversity value, and the existing buildings have been assessed as having negligible potential for roosting bats. There would therefore be no adverse impacts on biodiversity.

Daylight and sunlight

- 7.24. The applicant's Daylight and Sunlight report has been independently assessed to determine the impacts the proposal had on surrounding developments and the development itself.

Impact on neighbouring properties

- 7.25. The independent assessment does not agree with applicant's interpretation of daylight and sunlight results and believes that the scheme will have a more material adverse impact on neighbouring properties than the report suggests.
- 7.26. The reductions in vertical sky component (VSC) that are significantly higher than 20% and in some cases up to 50% and substantial impacts on average daylight factor (ADF) and other indicators shows that the proposed development will have a material adverse effect on properties at 46, 48, 50, 52 and 54 Fieldgate Street, 102, 108, 118-120 and 153-175 Whitechapel Road and 49 Settles Street.
- 7.27. The applicant's report argues that Tower House should be considered a bad neighbour because it is located close to the site boundary and takes a disproportionate amount of borrowed light from across the development site. It is a matter of planning judgement as to whether this argument is accepted. Members will need to take into account the fact that the building is a converted hostel that has been in situ for many years and weigh up whether it would have been reasonable for occupiers to have expected the application site to be developed to the scale proposed.
- 7.28. There would be significant reductions in VSC across Tower House (west and north facing windows) of more than 50%, 80% and in some cases 100%. The ADF results cannot be relied upon as mitigation as these are also very low and very few across the building are at BRE compliant levels. The proposals will leave Tower House with substantially inadequate levels of daylight such that this will have a material impact on the occupation of the property.
- 7.29. The applicants' results show that 30 flats in Tower House will have living rooms and bedrooms with levels of ADF below the minimum recommended for the room uses. In addition, there will be 15 flats that have living rooms or bedrooms located on the east elevation of Tower House that will have very poor levels of ADF, substantially below the minimum recommended by the BRE.
- 7.30. The worst affected is the flat located in the centre of the east elevation of Tower House on each floor, which is a one bed flat which has all habitable rooms reduced to levels of ADF substantially below the minimum

recommended and this particular flat on each floor will have substandard levels of light and will require supplementary electric lighting for much of the year. The impact on Tower House cannot be considered to meet planning policy.

Internal daylight and sunlight within the proposed development

- 7.31. The self-test analysis shows that the development would produce residential units with extremely poor levels of daylight and sunlight, far below the standard which should be considered to be acceptable for new accommodation, even in an urban location. The Assessment raises significant concern on this point in relation to quality of accommodation proposed. The worst results are for single aspect studio apartments where the only habitable room performs poorly and also the habitable room windows on the lower floors of Block 1.

Directorate of Communities, Localities and Culture (CLC)

- 7.32. The increase in population as a result of the proposed development will increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.

Economic Development

- 7.33. 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; 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 7.34. If permission is granted a financial contribution should be secured to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of and a contribution should be secured towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the development or jobs or training within employment sectors relating to the final development.

Environmental Health

- 7.35. LBTH Environment Health have raised objection as residential occupiers would be exposed to unacceptable high levels of noise and vibration from local traffic on the Whitechapel Road and structure / ground borne vibration from the London Underground.
- 7.36. Insufficient information and evidence has been submitted to demonstrate that the proposed noise and vibration levels and associated mitigation measures would be acceptable.
- 7.37. Insufficient information was submitted to the Council to demonstrate that the impacts on air quality are acceptable.

- 7.38. Insufficient information has been submitted to determine whether the development would not result in unacceptable wind conditions onsite.

Energy Efficiency and Sustainability

- 7.39. The overall Carbon Dioxide emission reductions considered achievable for the development are approximately 41.8%. The proposed development would fall short of DM29 policy requirements by approximately 8% which equates to 22.8 tonnes of Carbon Dioxide (CO₂) per annum.
- 7.40. The Council's Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states that *'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 cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'*
- 7.41. It is recommended that a contribution of £31,464 is sought for carbon offset projects in the vicinity of the proposed development.
- 7.42. The Sustainability Statement states that the proposal meets the BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas.

Affordable housing programme team

- 7.43. The application is providing 29% affordable housing. This falls below our minimum requirement of 35% affordable housing by habitable rooms. However, this has been fully tested through a viability appraisal and the proposal level of affordable housing is a reasonable reflection of what is viable and deliverable onsite.
- 7.44. The tenure split within the affordable is 77:23 in favour of rented. This split fits broadly with the Council's target of 70:30, compared to the target set by the London Plan of 60:40.
- 7.45. Within the affordable rented units there is a 33% provision of one bed unit against our policy target of 30%, 33% of two bed units, against our policy target of 25%, 3% of three bed units against our policy target of 30% and a 31% of four beds against a policy target of 15%. Overall the Council policy requires 45% of family units; this scheme is providing 33%. In unit terms this represents 14 family sized housing of the 36 rented homes on balance this is deemed acceptable.
- 7.46. Within the intermediate tenure there is a 50% of one bed units against our policy target of 25%, 50% of two bed units against our policy target of 50%.
- 7.47. All units meet the minimum space standards set in the London Housing Design Guide. However 11 of the 36 rented flats would be single aspect which is 31% of the affordable rented provision as are 7 of 14 intermediate flats which is 50%. The Council's Affordable Housing Team initially had reservations concerning space standards however the applicant has revised the proposals to address this issue. A Registered Provider from the Council's

Preferred Partner List has reviewed the current layouts and confirms that they would be keen to acquire these units.

Transportation and Highways

- 7.48. The proposal makes no provision for general parking spaces but includes 20 disabled car parking spaces. According to the Council's data, night time parking occupancy is 91% on Fieldgate Street, 115% on Settles Street and 91% on Greenfield Road. As the night time parking occupancy on streets nearby to the proposed development is above the 80% level Highways regard parking as stressed. Should the Council be minded to grant planning permission, this development should be subject to a legal agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 7.49. Segregated non-residential cycle parking does not appear to have been provided in the basement area.
- 7.50. Transportation and Highways support the pedestrian and cycle link through the site but would not seek to adopt these
- 7.51. The proposed loading bay servicing arrangement off Fieldgate Street is considered acceptable.

Waste Management

- 7.52. Transportation and Highways and the Council's Waste Management team confirm that the proposed waste collection strategy is acceptable in principle provided that the bins are placed for collection within the site but not on any part of the car park access ramp.
- 7.53. The proposal makes provision for a bin store hoist where an onsite care taker would bring bins up to the holding area incrementally as they get full rather than waiting until all full on collection day. It is recommended that a collection Management plan be secured by way of condition.

8. LOCAL REPRESENTATION

- 8.1. A total of 563 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.
- 8.2. The applicants also held a public consultation exhibition prior to submission of the application.

Support for the application

- 8.3. Seven individual letters of support were received from Greaterix Business Centre (business Hub Trade Forum), Islamic Relief shop at 135-137 Whitechapel road; Tower Hamlets Community Housing and occupiers of three addresses in Tower Hamlets and one outside the borough. The letters support the development for the following reasons:

- Built environment will be regenerated;

- Development will create job opportunities, attract more businesses and commercial visitors to the area;
 - Development will provide much needed housing, affordable housing and attract new residents;
 - Development will contribute to the local economy
 - Development will provide additional worship space for a fast growing Muslim population;
 - Proposals will unify a historically displaced section of the original mosque;
- 8.4. In addition to the above, Tower Hamlets Community Housing has confirmed there is a need for more residential units in this area Housing are impressed with the design and the layout of the units, particularly liking that they are all within one building and so are easier to manage. The design of this development is in keeping with schemes that THCH have completed themselves. The overlooking of the units on the link through to Whitechapel Road would be a beneficial space not only to this development but the future development of the Whitechapel area.
- 8.5. One petition received in support with 7292 signatures. Not all signatures are from residents within the Borough.
- The development would provide beneficial community facilities including the mosque extension.
 - The development would provide a new pedestrian link between Whitechapel Road and Fieldgate Street.
 - The proposal would provide additional affordable housing in the Borough.

Objections to the application

- 8.6. Six letters of objection received from local residents in Mears Close, Davenant Street and the owners of 104-106 Whitechapel Road and 7, 11-14 Vine Court. Objections raise the following issues:
- The proposals have not assessed the impact on daylight and sunlight at the proposed development which has planning permission at 11-14 Vine Court;
 - The proposal would result in loss of daylight and sunlight to surrounding properties;
 - Vine court is a very narrow road, carriageway is not capable of coping with increased pedestrian or vehicular traffic;
 - The proposed tower would have a canyon-like effect on Fieldgate Street;
 - The overall scale of development would have an adverse impact on the street scene and character of Fieldgate Street and cause substantial harm to the Myrdle Street Conservation Area.
 - Fieldgate Street already suffers problems from traffic congestion, overcrowding, noise and illegal rubbish dumping.
 - The proposal would cause problems of noise and disturbance to surrounding residents.

- There is little architectural merit on the overall design of the scheme; The site should be developed with a high quality architectural proposal;
- The development could provide much needed high quality green open space within the scheme;
- The quality of the design appears inferior compared with other new developments nearby such as Goodman's Fields;
- The proposal would result in overlooking to surrounding properties through a combination of height, proximity and projecting balconies with little distance separation;
- The impact of the increased number of people attending the Mosque on highway safety has not been addressed;
- Lack of public consultation prior to submission
- The proposal café use would contribute to the overprovision of cafes in the area.
- Given that there will be substantial number of new residents, the proposal would add further pressure to the local sewage system.
- The proposal would disproportionately larger number of single home owners/renters and a lack of provision for family sized accommodation.
- There is a lack of active frontage and subsequent potentially impact on community safety, anti-social behaviour and natural passive surveillance.

8.7. All representations received from internal and external consultees and local residents have been considered and available to view at the committee meeting upon request.

9. MATERIAL PLANNING CONSIDERATIONS

9.1. The main planning issues raised by the application are as follows:

- Land use
- Design
- Housing
- Outdoor open space
- Residential amenity
- Transport and access
- Environmental considerations
- Sustainability and Energy efficiency
- Health considerations
- Planning Obligations
- Local finance considerations
- Equalities considerations

Land use

9.2. The main land use issues to consider are as follows:

Proposed residential and mixed use development

- 9.3. The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 9.4. Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 9.5. The site is located in the City Fringe Opportunity Area. Policy 2.13 of the London Plan (2011) seeks development in opportunity areas to maximise both residential and non-residential development and densities whilst promoting a mix of uses. In particular, development proposals are expected to integrate with the surrounding area to support wider regeneration. Improvements to environmental quality should be delivered in the opportunity areas.
- 9.6. The provision of residential accommodation on this site is supported by London Plan policy 3.3, which seeks to increase London's supply of housing and in doing so sets a London wide housing delivery target of 32,210 additional homes per year up to 2021. Table 3.1 sets borough housing targets, of which Tower Hamlet's is 2, 885 additional homes per year between 2011 and 2021. The draft Further Alterations of the London Plan with revised early minor alterations (January 2014) sets a greater borough housing target, of which Tower Hamlet's is 3,931 additional homes per year up to 2021. Policy 3.4 of the London Plan seeks to ensure that development proposals achieve the optimum intensity of use taking account local context, the design principles of the London Plan and public transport capacity. National, London wide and local plan policies would therefore support the principle of residential development on this site.
- 9.7. The site is adjacent to the Blackwall Local Office Location (LOL) and the surrounding uses are commercial in nature which aligns with the proposal. Although the site lies outside the LOL, the redevelopment of the site for employment uses outside of the spatial policy area and would provide a welcomed supporting role to the Local Office Location. Furthermore, the Core Strategy identifies the proposed development site as a civic and commercial area as part of the vision for Blackwall.

Loss of employment floor space

- 9.8. The site is currently occupied by a car showroom (sui-generis) and associated vehicle repair workshops (Class B2). The application site is located within the City Fringe, close to the Central Activities Zone and within

the Tower Hamlets Activity Area. The location is characterised by excellent transport links and high levels of accessibility including cycling and walking.

- 9.9. The site falls with a Local Office Location (LOL); change in employment floor space is managed in accordance with SP06 of the Core Strategy (2010); which seeks to ensure job opportunities are provided and maintained and part 3a in particular states “the provision of a range and mix of employment uses and spaces will be supported in the borough by designating locations as Local Office Locations to accommodate additional demand for secondary office space”. Detailed policies in DM16 also apply.
- 9.10. DM15 of the Managing Development Document (2013) states that redevelopment of employment sites outside of spatial policy areas would be supported, but should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been activity marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, size and condition. However policy DM15 relating to the loss of employment uses is intended to apply to areas outside specific designations e.g. Local Office Locations.
- 9.11. Given the site does not contain any substantial office accommodation, other than ancillary accommodation to the main car showroom and repair workshops, the redevelopment of the site would not threaten the strategic objectives relating to the Local Office Location. Although the site has good access and the existing site condition is satisfactory for the current car repair workshops this is not considered to be the most efficient use of the land and it is questionable as to whether this location would be attractive to alternative B2 occupiers given that the surrounding site is predominantly residential in character and is located beside a place of worship. The loss of the car showroom element was considered acceptable in a decision to allow an extension to the hotel which included proposals to reconfigure the ground floor of the block to provide small scale retail units (see planning history).
- 9.12. In conclusion, there is no overriding policy reason to justify the retention of employment use in favour of residential development in this particular location and given the London Plan Opportunity Area policies and Tower Hamlets Activity area policies promoting intensification, the proposed loss of the existing car showroom and workshops are considered acceptable.

Extension to the Mosque

- 9.13. The application proposes a 300 sqm extension to the prayer hall at the East London Mosque. This will increase the capacity of the prayer hall by approximately 30%. The London Plan classifies places of worship as social infrastructure. Policy 3.16 states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The policy also confirms that development proposals which provide high quality social infrastructure would be supported in light of local and strategic needs Assessments; that facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Finally, it goes on to say that wherever possible, the multiple users of premises should be encouraged.

- 9.14. Policy SP03 of the Core Strategy (2010) builds upon 3.1 of the London Plan (2011) and supports the provision of high quality social and community facilities. The MDD policy DM8 supports extensions to community facilities in locations outside of town centres only in exceptional circumstances where they would provide for a local need that is not met elsewhere. The East London Mosque is a well-established facility catering for more than a local need. It is situated outside of the nearest town centre (Whitechapel) but is within the City fringe Activity Area, in a highly accessible location. Evidence has been provided to show that the extension is required to increase capacity to meet existing demands.
- 9.15. The Whitechapel Vision Masterplan seeks to provide additional community infrastructure to cater for existing and new residents. The provision for the extension of the Mosque would provide a much needed community facility to the area. The highly accessible location, with good access to public transport and provision of cycle storage facilities on site would assist with safe arrival of worshippers at this facility. No objections have been raised from the Council's Transportation and Highways or Environmental Health Sections with regard to this element of the proposals.

Proposed café and restaurant floor space.

- 9.16. The proposals include provision of small scale café on the corner of Fieldgate Street and the proposed pedestrian link through the site, a second unit further along the Fieldgate Street frontage and a larger restaurant on the northern edge of the site fronting Whitechapel Road. The proposed uses are intended to animate the ground floor of the development and provide activity and natural surveillance, particularly onto the new north south route.
- 9.17. Policy DM1(4a) directs Class A3 uses towards town centres and the Tower Hamlets Activity Area, provided that they do not result in an overconcentration of such uses. There is a significant concentration of restaurants and hot food take aways in the retail frontage east of the site on Whitechapel Road up to the junction with New Road. Whilst there have been no formal objections on this point, officers would be concerned that if permission was granted the additional restaurant floor space on the northern boundary of the site would result in an over concentration of restaurants and hot food uses along this part of Whitechapel Road. However as this matter could be overcome by imposing conditions, subject to discussions with the applicant to restrict the floor space to non-A3, A4 and A5 uses, the proposed restaurant use is not included as a reason for refusal.
- 9.18. The café uses proposed within the ground floor of the residential tower (Block 1) however is relatively small scale and the nearest restaurant on Fieldgate Street is some distance to the east beyond Tower House. Given the location within the THAA and the small scale of the proposed units, this element of the scheme is considered acceptable in policy terms for local shops and retail related uses outside of town centres.

Gym use

- 9.19. The proposal makes provision a private gym (68 sqm) for residents at block 1 only at second floor level. The inclusion of a gym facility of a building of this scale would promote healthy living and be acceptable in policy terms.

Design

- 9.20. The National Planning Policy Framework attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 9.21. Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 9.22. The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally responds to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

- 9.23. The general arrangement of buildings fronting Whitechapel Road and Fieldgate Street and the proposed new north-south link between Whitechapel Road and Fieldgate Street, and additional connectivity to Vine Court, would improve pedestrian permeability in the area and is welcomed in principle.
- 9.24. The northern section of the proposed north-south route would feature good active frontage on either side, provided by ground floor commercial and restaurant units. The middle of the route would be overlooked by ground floor windows to residential accommodation in the northern part of Block 1 and the southern end of Block 2. It suffers from a potentially ambiguous relationship between public and private spaces.
- 9.25. The bottom two floors of Block 1 would be set back from Fieldgate Street, allowing for a better setting for the entrance to the building. Of the amended plans remove the previously proposed single aspect studio apartments from the ground floor facing Fieldgate Street.
- 9.26. In summary the layout of the scheme has some merit but it fails to adequately adhere to principles of good design.

Scale and massing

- 9.27. The application site is located within the City Fringe Activity Area, as identified by the Tower Hamlets Local Plan and as such there is an expectation of a level of intensification on this site which might include an element of taller buildings within the scheme, provided their location, height, detailed design and environmental impacts can be justified in terms of Core Strategy Policy SP10 and Managing Development Document Policy DM26. This includes demonstrating sensitivity to their context and not having an adverse impact on the setting of heritage assets.
- 9.28. The Myrdle Street Conservation Area is located to the immediate south and west of the application site. It is characterised by dense, but low scale development. Taller buildings, such as some of those on New Road and Settles Street are of four and five storeys with basement. Those on secondary residential streets, such as Myrdle Street and Parfett Street are smaller, around two and three storeys. The Whitechapel Market Conservation Area is located to the immediate north-east of the application site and is also characterised by predominantly low scale development. The Conservation Area Appraisals for Myrdle Street and Whitechapel Market state that new development in the City Fringe area must take account of the special architectural and historic interest of the conservation areas.
- 9.29. Outside of the conservation areas, but within the City Fringe Activity Area, there is more variation in building heights with some recent schemes within the vicinity of the application site reaching seven and nine storeys. Further to the west there is even greater variation in building heights, with some permitted schemes in excess of 20 storeys. However these are located within Central Activity Zone and are related to the cluster of tall buildings at the Aldgate Preferred Office Location. To the east, beyond the Myrdle Street Conservation Area, the redeveloped Royal London Hospital features a range of building heights reaching 18 storeys. However, given the special circumstances and civic importance of the hospital development, it should not necessarily be considered as setting a precedent for building heights within this context.
- 9.30. Block 1 is 18 storeys in height and would be substantially taller than the majority of buildings in the surrounding area, particularly those in the adjacent conservation areas and the surrounding parts of the Activity Area. The Greater London Authority has stated in their Stage 1 report that: *“The applicant is requested to supply further visual information that clearly demonstrates how the architecture of the residential blocks will contribute positively to the surrounding context and character of the site”*.
- 9.31. As noted in the previous report to Members in April, the applicant has provided non-verified CGI images to address the visual information requested. However these do not address concerns that this disparity in height would be evident in a range of local views, including views into and out of the conservation areas. For example, the visualisations submitted in support of the application illustrate that views east along Fieldgate Street would be subject to a disturbing contrast in scale between the proposed development and the modestly scaled buildings in the Myrdle Street Conservation Area. The marked difference in height between the proposed development and the adjacent Maryam Centre would also be clearly evident

in these views. The visualisations also show that views west along Fieldgate Street, from within the conservation area, would be harmed by the proposed development with the contrasts in scale being clearly evident.

- 9.32. The impact of the scale of the proposed building in these views is exacerbated by the fact that the upper floors of Block 1 – e.g levels 3 to 15. would project approximately 4 metres forward of the building line established by the Maryam Centre and approximately 6 metres forward of the building line to the east established Tower House. This adds unacceptably to the overall bulk of the building and contributes to it being unduly prominent in the street scene.
- 9.33. Block 2 varies between nine and twelve storeys in height, with the taller element being positioned behind the frontage with Whitechapel Road. To the immediate west of the application site is Brunning House, which is of a similar height to the nine storey element of the application scheme. To the immediate east of the application site is a terrace of buildings within the Whitechapel Market Conservation Area (even numbers 102 to 132). These buildings are typical of the conservation area and vary in height from one to five storeys.
- 9.34. The plans and visualisations submitted in support of the application confirm that both of these elements would be visible in views along Whitechapel Road and that there would be a marked disparity in height and bulk between the proposed development and the buildings in the adjacent conservation area. It is acknowledged that building heights along Whitechapel Road do vary, and that Brunning House is notably taller than the prevailing character of the conservation areas. However, in order to preserve the setting of the conservation area, the redevelopment of the application site needs to create a more effective transition in scale and mass, rather than reinforcing and worsening the stark contrast in built form.
- 9.35. The application site falls within the boundary of the Whitechapel Vision Masterplan Supplementary Planning Document. Whilst the redevelopment of the application site could have a role to play in contributing to the wider objectives of this document, it should be noted that it is not within an area specifically identified by the Vision as being suitable for higher density development. The application site does not fall within an identified gateway space or a location deemed suitable for a landmark building. The Vision does, however, recognise the importance of protecting and enhancing the historic environment and states that new development would be required to sensitively plan to an appropriate scale and mass.
- 9.36. In summary, the overall height and scale of the proposal would be completely out of character with its surroundings and would cause demonstrable harm to the views into and out of Myrdle Street and Whitechapel Market Conservation Areas and to the quality of the townscape along Fieldgate Street including the setting of Tower House, contrary to London Plan, Core Strategy and Managing Development Document.

Elevation treatment and material palette

- 9.37. The elevation treatment and material palette of the proposed development is an important component of its overall standard and quality of architecture and affects the way the development will be experienced within the local

environment. Of particular concern is the need for a place sensitive design that incorporates high quality materials, as required by Managing Development Document Policy DM24. This is especially relevant for the application site, given its immediate relationship to two conservations areas.

- 9.38. The Myrdle Street and Whitechapel Market Conservation Areas feature a range of building materials, but overall there is a predominance of brick – typically yellow stock and red – that gives the townscape a particular tonality and texture, which is an important element of its overall character. The prevalence of masonry construction, and comparatively high solid-to-void ratios, also contributes to a somewhat hard streetscape character. Recent developments, both within the conservation areas and within their setting, have responded positively to this character. For example, the Maryam Centre adjacent to the application site features distinctive brick detailing while the Bio Innovation Centre on New Road utilises a brass mesh cladding which responds to the tonality and texture of the conservation area in a contemporary way.
- 9.39. The application drawings indicate that Block 1 would be finished with white pre-cast concrete panels, powder coated aluminium insulation panels (indicatively shown as grey) and powder coated aluminium curtain walling/windows. Whilst a high proportion of glazing is a necessary and practical feature of the façade design, seeking to allow in as much light as possible, the use of large areas of white concrete panels would fail to adequately respond to the tonality and texture that is an important characteristic of the adjacent conservations areas. The use of this material would reinforce the incongruous nature of the development and would be detrimental to the setting of the Myrdle Street Conservation Area, which it would have a direct visual relationship with.
- 9.40. Block 2 is more successful, incorporating some facing brickwork, which makes some reference to the material character of the adjacent conservation areas. However the dominance of projecting balconies and the lack of any reference to scale, rhythm, solid to void relationships or typical fenestration proportions is such that the elevations and materials would not mitigate the harm caused by the overall scale, height and bulk of the buildings.

Supporting information

- 9.41. Rendered visualisations, illustrating the impact on a number of views, have been submitted in support of the application. However no actual assessment of the visual impact on the heritage assets has been provided and this is an important consideration and this would be expected where there is potential for there to be unacceptable impacts. This would normally be expected to include an assessment of their sensitivity, an assessment of the magnitude of the visual effects and an assessment of the overall significance of the visual effects in accordance with best practice guidance.

Impact on the significance of nearby heritage assets

- 9.42. The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its

preservation, the extent of loss or damage as result of the development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset must be given substantial weight and requires clear and convincing justification.

- 9.43. Policy 7.8 of the London Plan specifies that developments affecting heritage assets and their setting should conserve the assets significance by being sympathetic to their form, scale, materials and architectural detail.
- 9.44. The Council's Core Strategy Strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance the Borough's heritage assets to enable creation of locally distinctive neighbourhoods with individual character and context. Further policy guidance is also provided by policy DM27 of the Managing Development Document.
- 9.45. Further to the aforementioned policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. In accordance with Section 72 of the above act, special attention shall also be paid to the desirability of preserving or enhancing the character and appearance of designated conservation areas. As statutory requirements consideration of the harm to the setting of a listed building and the desirability of preserving or enhancing the character and appearance of a conservation area, are considerations to which a decision maker, in this case the Committee, should give considerable weight.
- 9.46. The Heritage Statement includes a consideration of the impact of the proposed development on a number of nearby Listed Buildings, including the Grade 1 listed Bell Foundry at Whitechapel Road. Whilst this assessment is somewhat limited, officers are satisfied that there is sufficient information to exercise judgement as required by Section 66 of the Act and that the development would preserve the setting of the listed building.
- 9.47. In terms of the effect on the character and appearance of adjacent conservation areas and the requirements of Section 72 of the Act, the detailed assessment set out above is comprehensive and concludes that the proposed development would fail to preserve or enhance the character and appearance of the conservation areas that directly adjoin the site. In light of this identified harm, there is a presumption against the grant of planning permission and Members must give considerable weight to the harm caused.

Housing

- 9.48. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver

a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 9.49. Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 9.50. The London Housing SPG notes the density matrix within the London Plan and Council's Core Strategy is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 9.51. Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.52. The site falls within the range of PTAL 6a. Table 3A.2 of the London Plan (2011) suggests a density of 650-1100 habitable rooms per hectare (hrph) in a Central location for sites with a PTAL range of 6. The scheme is proposing approximately 653.75 habitable rooms per hectare and would therefore fall within the density guidelines.
- 9.53. Notwithstanding the above, typically high density schemes may exhibit symptoms associated with over development and poor quality design where they have unacceptable impacts on the following areas:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of appropriate amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 9.54. The GLA stated in their stage 1 report that "*while the scheme's residential density can be supported at a strategic level, this is subject to the overall design quality in terms of architecture, residential quality and accessibility in order to fully justify the scheme's density*". Later sections of this report explain the scheme would exhibit significant problems in relation to effects on neighbouring amenity, poor quality amenity space and unacceptable levels of internal daylight.

Affordable housing

- 9.55. In line with Section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing,

including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies 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. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 9.56. The Council's Core Strategy (2010) requires a minimum of 35% affordable housing provision. Out of the 221 proposed units, 50 would be provided as affordable (36 as affordable rent and 14 as intermediate) equivalent to 29% affordable housing by habitable rooms, or 22% by units). This would be below the minimum requirement in the Core Strategy.
- 9.57. The applicant has provided a viability assessment that has been subject to an Independent review by the Council's retained consultants (Deloitte's). Following the previous committee in April, there has been further discussion with the applicant's team; Council Officers and the viability consultants working on behalf of the applicant. At the time of the report to SDC in April, the independent consultant identified elements of the applicant's assessment that either could not be agreed or were not reasonably substantiated. The applicant's team have since provided additional information and advice to substantiate their position.
- 9.58. There are three key issues identified by the Council's independent review of development viability. Firstly, the Council's consultants do not agree the applicant's benchmark land value due to the 30% premium above exiting use value, which they consider is excessive. In order to be pragmatic the Council's consultants have assumed the benchmark land value is within a lower range. Secondly they have identified above average costs associated with the internal specification of the accommodation, but note that this may be to off set some of the less desirable aspects of the scheme, for example where there are single aspect flats with poor quality outlook, daylight and privacy. Finally the Council's consultants have not been able to substantiate the estimated cost put forward by the applicant of building the prayer hall extension to the mosque.
- 9.59. However, taking all of the above into account, the Council's independent consultants conclude that it is reasonable for the Council to proceed on the basis of the applicant's affordable housing offer of 29%. In terms of proposed tenure mix within the affordable offer, 77% of the affordable housing would be affordable rent at Tower Hamlets preferred rent (POD) and 23% intermediate (shared ownership). Whilst this is a higher proportion of rented units than the Council's preferred split of 70/30, it would represent a significant contribution to the strategic delivery of affordable rented accommodation.
- 9.60. On the basis of this information and the review that has been taken and advice from the independent consultant, officers are satisfied that the applicants offer of 29% affordable housing (by habitable rooms) is a reasonable reflection of the maximum level of affordable housing that may viably be delivered by the proposed development and would therefore comply with policy 3.13 of the London Plan
- 9.61. Officers recognise that the surrounding area is the focus of a wider regeneration strategy the 'Whitechapel Vision masterplan' and it is

reasonable to assume, in light of the current strong market conditions, that this will further improve local market confidence and activity. The independent viability review notes that there is potential for relatively small fluctuations in costs or values to affect the overall viability position. To that effect, if planning permission were to be granted, officers recommend that a review mechanism is included within any Section 106 agreement to ensure that any improvements to development viability that could help to deliver an increase to the level of affordable housing is appropriately captured. Should members be minded to grant planning permission, it is recommended that this review mechanism be secured in the legal agreement.

Dwelling mix

- 9.62. In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation are shown in the table below.

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	0	0	0	0			46	27	
1 bed	12	33	30%	7	50	25%	73	43	50%
2 bed	12	33	25%	7	50	50%	33	19	30%
3 bed	1	3	30%	0	0	25%	19	11	20%
4 bed	11	31	15%	0	0		0	0	
Total	36	100		14	-		171	100	

- 9.63. Within the affordable rent units the housing mix would be 33% one bed, 33% two-bed 3% three-bed and 31% four-bed. The proposal makes provision for 34% family units within the affordable rented tenure which is below the policy requirement of 45%. Within the intermediate tenure the mix would be 50% one-bed and 50% two-bed.
- 9.64. In the market sale tenure there would be 70% studios and one bedroom flats, 19% two-bed and 11% three-beds. The applicant justifies the shortfall in family units in private sale and intermediate tenures by referring to the lack of demand but this is not supported by the Council's housing needs assessment. However, it is considered that 70% studio and one bed units within the market tenure far exceeds policy requirement and that with such a large amount of smaller market units. The Mayor of London and the GLA have also drawn attention to the generally low provision of family units within the scheme.
- 9.65. Officer's view is that given the scale of development proposed in the application, there is a significant opportunity missed for the scheme to more effectively meet local housing needs by providing a balanced mix of smaller and larger units more closely aligned to the Council's adopted housing mix as set out in policy DM3. Officers are concerned by this aspect of the proposals and do not support the mix of dwellings as currently proposed.

Wheelchair accessible housing and lifetime homes

- 9.66. Policy 3.8 of the London Plan and Policy SP02 of the 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. Information has been submitted to demonstrate that the proposed units would meet lifetime homes standards.
- 9.67. With reference to wheelchair accessible housing; one 3 bed and one 1 bed on the ground floor; one 2 bedroom on the second floor and one x 3 bedroom on the third floor (4 units in total) are proposed within the affordable rented accommodation. A further 19 wheelchair accessible units are proposed within the market housing.
- 9.68. The overall provision for wheelchair accessible accommodation across all tenures would be 23 units which equates to slightly over 10% across all tenures or 11% within the affordable tenure. This provision would meet London Plan and Tower Hamlets Local Plan policy.

Standard of residential accommodation

- 9.69. London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London's Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime." The SPG also requires consideration to be given to the number of single aspect units and the design, environmental and comfort benefits of housing with more than one aspect.
- 9.70. All units within the scheme would meet the minimum unit size and room size standards set out in the London Housing SPG, in particular the proposed family sized units in the affordable tenure would in some cases be more spacious.
- 9.71. The GLA stage 1 report notes that there remain a number of single aspect studio flats fronting onto Whitechapel Road. While it is accepted that there are restrictions in terms of what can be achieved due to spatial constraints, it is considered that further attention should be given to minimising north facing single aspect units, especially as their residential quality would be further affected by the noise levels of Whitechapel Road'.
- 9.72. The GLA have also noted that "*there is an element of overshadowing caused by the positioning of the proposed residential blocks in relation to each other. The collective building massing also impacts on the quality of light within the defined spaces along the new pedestrian link. In response to these constraints, further consideration should be given to ensuring that the orientation of habitable rooms is optimised*". Again, this has not been adequately addressed by the applicant.
- 9.73. A total of 106 flats would be single aspect, although 14 are south facing over Fieldgate Street. This represents 48% of all units proposed. 88 out of 173 private flats would be single aspect, which represents 57% of the total and 11 out of 36 affordable rented flats would be single aspect representing 31% of

the affordable rented provision. 7 out of 14 intermediate flats would be single aspect, which amounts to 50% of the intermediate provision.

- 9.74. Of the above, 47 of the total single aspect flats on the ground floor and first to ninth floors of Blocks 1 and 2 have extremely poor outlook because they face onto either the side elevation of the 10 storey hotel only 6 metres away with hotel bedroom windows opposite, or they would facing the west or north elevation of Tower House between 6.5 and 9 metres away with habitable room windows opposite. Officers appreciate the constraints of the site, but consider that a scheme design that includes such a high proportion of single aspect flats with much compromised outlook would not correspond with the London Plan, the London Plan SPG or local plan policies to ensure good quality accommodation.

Internal daylight and sunlight and outlook

- 9.75. The internal daylight and sunlight results of the development itself were independently assessed by the Council's retained consultants Delva Patman Redler. It is concluded that there are a significant number of rooms would receive below recommended levels of daylight, as measured using Average Daylight Factor (ADF) using the guidelines set out in BRE Planning for Daylight and Sunlight. The recommended standards are 2% for kitchens; 1.5% for living rooms and 1% for bedrooms. Many of these have levels that are extremely low and there are a number of rooms with an ADF of below 0.1% and some bedrooms with no ADF level at all.
- 9.76. A total of 24 studios do not meet the required level of ADF, which means that they would have their only living area with substandard daylight. In addition, there are studio apartments with extremely low levels of ADF, with many below 0.5% and 5 having below 0.1% which means that these cannot be considered in any way to be suitable for habitable rooms.
- 9.77. Following submission of amended plans, the Council's independent consultant concluded that whilst there are improvements in the daylight results to the proposed accommodation, there are too many rooms which will receive inadequate levels of internal daylight, and therefore the development could not be considered to be providing sufficient suitable residential accommodation. The levels of sunlight available are still very poor to a significant number of windows. There are a significant number that would receive no sunlight at all.
- 9.78. In addition to the numerical tests of daylight that would be received by the proposed dwellings, consideration should be given to other environmental factors such as quality of outlook, sense of enclosure and privacy. For units in Block 1 which are facing south over Fieldgate Street or facing other directions above ninth floor, dwellings would have good outlook, daylight and sunlight. Similarly, units in Block 2 facing north over Whitechapel Road would have reasonable outlook, although a number are single aspect and would be exposed to noise from high levels of traffic.
- 9.79. The remainder of the units on the lower floors of both blocks (the majority in Block 2), would have their main windows facing towards the elevations of existing buildings – the 10 storey hotel or 7 storey Tower House. In some cases the distance separations are as low as 6 metres and the most generous distance separation is 9 metres. Single aspect flats on the first to

8th floors of the west elevation of Block 2 would have main windows only 6 metres from the hotel bedroom windows on the east elevation of the 10 storey hotel. Similarly the south facing windows and balconies in Block 2 would be only 9 metres from main windows in the north elevation of Tower House.

- 9.80. There is a close correlation between the single aspect flats, the poor quality outlook and low levels of daylight arising from the close relationships between the buildings. In conclusion, the high numbers of units affected by poor daylight, overlooking, poor outlook and is such that officers are very concerned that these dwellings would not only experience poor quality daylight and sunlight, but would be exposed to high degrees of overlooking and a very oppressive sense of enclosure.

Conclusion

- 9.81. In terms of housing quality, whilst the units would meet minimum internal space standards, they would be significantly compromised by a combination of very poor daylight and sunlight to lower levels of the development, an abnormally high proportion of single aspect flats have an extremely compromised outlook, sense of enclosure and loss of privacy. The scheme would fail to deliver high quality residential accommodation as required by the NPPF, London Plan and local plan policies.

Effects on neighbouring amenity

- 9.82. Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document (2013) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.83. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance indicates that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 9.84. In order to better understand impact on daylighting conditions, if the VSC for a habitable room is reduced materially, the daylight distribution test otherwise known as the no skyline test (NSL) can be used which calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 9.85. A further indicator is average daylight factor (ADF). This should be presented on an absolute scale for testing the adequacy of proposed new dwellings and can also be submitted to supplement, but not in place of VSC and NSL for measuring the impact on neighbouring properties. In calculating the ADF values, the effect of glazing, reflective values and frame correction factors

should be agreed with the local authority prior to the assessment being carried out. This was not the case with this application.

9.86. The applicant submitted a Daylight and Sunlight report to determine the impact the proposed development has on surrounding residential amenity. This report has been subject to an independent assessment by the Council's retained consultant. In terms of the impact on neighbours, the independent advice explains that the development would have significant adverse effects in terms of the key indicators described above, notably the reduction in Vertical Sky Component (VSC) and Average Daylight Factor (ADF). The most severely affected properties would be:

- 48 Fieldgate Street - The daylight results show reductions of over 20% for all windows tested, and with three rooms experiencing a reduction of over 45% from existing.
- 153/175 Whitechapel Road - The results for most of the windows are acceptable in daylight term, but there are substantial numbers of failures of winter sunlight. Reductions on ground, first and second floors are substantially between 40% and 65% reduction from existing in winter months.
- 102 Whitechapel road - there will be significant reductions in VSC to this property and the rooms affected would be left with ADF levels of 0.51 & 0.71. Therefore the levels of daylight available to this building would be substandard and cannot be considered to meet planning policy.
- 108 Whitechapel Road – windows at this property would lose between 29% to 65% of their VSC from the existing condition. The ADF results are very low. At present, all rooms have a level of ADF which is below the minimum recommended level and all of these will be reduced further by between 21% and 43%. This property would therefore experience a reduction in daylight which is clearly noticeable and will be left with substandard levels of light.
- 50, 52 & 54 Fieldgate Street - windows in these properties would lose between 27% and 51% of VSC from the existing situation. As well as this, the rooms would be left with levels of ADF far below the recommended standard.
- 49 Settles Street - This property would experience a reduction in VSC of between 23.8% and 27%. It would also experience reductions in ADF that would take all the rooms to below the minimum recommended level for the relevant room uses.

Tower House

9.87. Tower House requires further consideration as it is the building with the largest number of flats directly affected by the proposed development, due to its location adjacent to the site boundary.

9.88. The results show reductions in VSC are significant across the building, with a substantial number of rooms experiencing reductions of more than 50% from existing and many reductions of more than 80% up to 100% in some cases.

The Council's consultant has advised that it is not possible to use the ADF results as mitigation measures for this property, as the ADF results are extremely low. There are a number of rooms which have an ADF result of 0% and very low levels of ADF level 0.2% and below, with very few across the whole building at compliant level.

- 9.89. Tower House would experience substantially inadequate levels of daylight, such that this would have an adverse impact on the occupation of the property, and would leave the building with levels of daylight to most of the rooms substantially below a level which should be considered to be adequate. The applicants' assessment shows that 30 flats would have living rooms and bedrooms with levels of ADF below the minimum recommended for the room uses. In addition, there will be 15 flats that have living rooms or bedrooms located on the west elevation of Tower House that will have very poor levels of ADF, substantially below the minimum recommended by the BRE. The worst affected is the flat located in the centre of the west elevation of Tower House on each floor, which is a one bed flat which has all habitable rooms reduced to levels of ADF substantially below the minimum recommended and this particular flat on each floor will have substandard levels of light and would require supplementary electric lighting for much of the year.
- 9.90. Furthermore, the windows affected at Tower House would either be north or west facing and between 6.5 and 9 metres away from the 12 storey rear elevation of Block 2 or the 15 to 18 storey elevation of Block 1 all with habitable room windows or projecting balconies facing the main windows of habitable rooms in Tower House. Hence the substantial impacts in terms of daylight and sunlight are combined with a major effect on outlook, sense of enclosure and loss of privacy.
- 9.91. Members contended at the previous Committee in April that the impact's on daylight and sunlight was 'marginal'. Officers do not consider that this is a reasonable reading of the results and Officers advice is that the impacts are 'significant' for both the surrounding properties and the development itself. Given the number of properties directly affected and the fact that the effects are not marginal, these impacts are not considered acceptable. In conclusion, the scheme would cause substantial harm to the amenity of existing and future occupiers of adjoining properties and would conflict with NPPF; BRE Guidelines; SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.

Outdoor open space and child play space

- 9.92. London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.

Private amenity space

- 9.93. The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. The majority of the proposed dwellings would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. Some of the ground floor affordable units have access to private courtyards or gardens. The

private amenity space required by policy would be 1188 sqm. In total the scheme would provide approximately 2367 sqm.

- 9.94. In terms of private amenity space for the market housing, 2 studios and 2 x 2 bed private units have no private amenity space. These units would also have poor internal poor Daylight and Sunlight levels. Furthermore, 11 affordable one bed units have no private amenity space onsite in Block 2.

Communal amenity space

- 9.95. For all developments of 10 units or more, 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a minimum of 261 sqm is required for a development of 221 flats.
- 9.96. The proposal makes provision for approximately 80 sqm of communal amenity space on the 15th floor at block 1 (Fieldgate Street) and approximately 70 sqm of communal amenity space for residents on the 11th floor at block 2 (Whitechapel road).
- 9.97. Whilst there is a shortfall of communal space in numerical terms, the proposed designed communal amenity spaces have been located to be accessible to occupiers of each of the two blocks and subject to detailed design have the potential to provide good quality outdoor space. The site is irregularly shaped and constrained by the relationship to surrounding buildings. It is also situated in a highly built up, urban location where it is not always possible to provide policy compliant levels of amenity space. The scheme includes an overprovision of private amenity spaces in the forms of balconies, terraces or small gardens, taking into account the above factors into account, the overall provision for communal amenity space would be acceptable.

Child play space

- 9.98. In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document (2013) require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 9.99. Policy 3.6 'children and Young people's play and informal recreation facilities' of the London Plan specifically identifies the requirement for the provision of play and informal recreation within London as well as the need for London boroughs to undertake audits of existing play and informal recreation and assessment of needs in their areas. All children and young people should have access to places for play within reasonable and safe walking distance of new residential developments.
- 9.100. Paragraph 3.40 of the London Plan states in new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for child to play,

careful consideration should be given to these options, including the need for supervision any restrictions that this might put on the use of the facilities. Indoor space can also provide a role in providing sufficient play space for 0-5 year olds.

- 9.101. The London Plan also advises that in areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision. The local context needs to be considered in establishing how deficiencies are identified and states that existing places for play and areas of deficiency should be identified for the three age bands in the play strategy within the identified walking distances. Furthermore, the London Plan states that in assessing the needs arising from new development, it will be important to identify existing play facilities within the identified distance bands. This will determine whether there will be potential for enhancing existing provision to accommodate the additional needs arising from the proposed development as an alternative to new provision.
- 9.102. The GLA's 'Play and Informal Recreation SPG' confirms the benchmark standards are recommended in respect of different age bands in determining whether there is accessibility to existing play provision to serve the needs of the existing population and new residents in the area. Table 4.4 sets out 'Accessibility to Play Space' and confirms that the maximum walking distance from residential units for play space for under 5s is 100m, for 5-11 year olds 400m and for 12+ 800m.
- 9.103. The SPG also refers to the provision of play space to meet the need of new development and confirms that where there is existing provision in an area, which is, in the case of 5-11 year olds is within 100-400m of a development site and in the case of 12+ is within 400-800m, off-site contributions towards improvements to play space can be made in lieu of on-site provision.
- 9.104. Using the LBTH Child yield calculations, the development is anticipated to yield 54 children. (26 under 5's; 17 between 6-10 years and 11 between 11-15 years). Accordingly a total of 540 sqm of child playspace should be provided to meet London Plan policies. With specific reference to 0-5 year olds, the overall provision onsite should be 290 sqm. The proposal makes provision for approximately 270 sqm which is broadly in accordance with policy. Taking the expected child yield arising from the housing mix in the two proposed blocks, the policy requirement for children would be 90 sqm for 0-5 year olds; 36 sqm for 6-10 year olds and 14 sqm for 11-15 year olds.
- 9.105. The proposal makes provision for approximately 90 sqm of child playspace to the rear of Block 1 (beneath an overhang; close to the back of the hotel (including refuse area). Whilst the surrounding context of this playspace is not considered of high quality amenity, in numerical terms, it makes appropriate provision for children within the 0-5 year cohort. 80 sqm of playspace is also proposed at 2nd floor level which is accessed off a central core area.
- 9.106. With specific reference to block 2, the policy requirement for child playspace would be 200 sqm for 0-5 year olds; 150 sqm for 6-10 year olds and 100 sqm for 11-15 year olds.

- 9.107. The proposal would make provision for approximately 100 sqm of external playspace on the 11th floor for under 5's in block 2. Children at this block also have access to the 190 sqm of child playspace to the rear of block 1. Moreover, there are opportunities for children's play in the 70 sqm communal garden on the 11th floor.
- 9.108. Whilst the spaces provided may be compromised by the constrained nature of the site, they do represent appropriate use of the available outdoor space to meet this policy requirement. Further consideration of the detailed design of these spaces will be required to ensure they are safe, attractive places to play given the challenging environment (particularly the space adjacent to the hotel refuse area) in which they are located. Overall a total of 270 sqm is proposed. It is therefore concluded that the proposal adequately makes provision for sufficient playspace for the 0-5 year old age cohort across the site.
- 9.109. With reference to 6-15 year olds, the proposal does not make provision for child playspace for this cohort onsite. However, there are a number of open spaces near the application site where off site play space can be accommodated. The applicant has provided a detailed Playspace Strategy to evidence existing playspace facilities within the vicinity of the site for the 6-15 year olds as requested by both Council Officers and the GLA.
- 9.110. Valance road gardens are located approximately 241 metres from the site, and have a site area of approximately 0.55ha and provide a children's play area for mixed ages.
- 9.111. There is also an opportunity for child playspace at Rope Walk Gardens, approximately 500/600 metres away which contains a children's play area (mixed ages), with a hard surface pitch which has a children's play area and a multi use games area. Gosling Gardens is located approximately 612 metres away from the site which has children's play area and multi-use games area.
- 9.112. As such, it is considered that surrounding parks do make provision for appropriate existing child playspace facilities for children aged between 6-15 years. Notwithstanding officers recommendation that planning permission should be refused for other defendable reasons,
- 9.113. On balance, the quantity and quality of outdoor housing amenity space, communal amenity space, child playspace and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011); policy SP02 of the adopted Core Strategy (2010) & DM4 of the Managing Development Document (2013) which seeks to ensure that adequate amenity space is provided.

Open space

- 9.114. Officers acknowledge that the proposal makes provision for of public open space provided within the north/south public route and on the corner of the new route with Fieldgate Street, in front of the proposed café. This would space would provide a benefit to the scheme and the surrounding area. Further details of the treatment of this open space and the pedestrian linked walkway would be required should Members be minded to grant planning permission.

Transport, Access and Highways

- 9.115. The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 9.116. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: *“Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.”* Policy SP09 provides detail on how the objective is to be met.
- 9.117. Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 9.118. There are two underground stations within a short walking distance Whitechapel and Aldgate East. Shadwell rail station is approximately 900 metres from the site. There are excellent pedestrian facilities in the vicinity of the application site and a comprehensive range of cycle routes in the area. The site has a PTAL rating of 6.

Additional trip generation as a result of extension to Mosque

- 9.119. LBTH Highways have considered this matter in detail and conclude that the proposal would generate approximately an additional 300 worshippers. The applicant has noted that the addition capacity will relieve existing internal congestion within the mosque rather than cater for an expanded congregation. Officers consider that additional pressure would be placed on the footways adjoining the site on Whitechapel Road and Fieldgate St. TfL have not raised any concerns over this matter and as the footway immediately adjoining the Mosque on Fieldgate Street is reasonably expansive, Officers are content that this, along with the capability to distribute impacts via having two access/exit points, should not result in unacceptable levels of footway congestion. Should members be minded to grant planning permission, a Mosque travel plan would be required to ensure these impacts are effectively managed. This would be secured by way of condition.

Car parking

- 9.120. Policy DM22 sets out the Council’s parking standards in new developments. The application site falls mainly within PTAL 6. The application proposes a

total of 20 accessible car parking spaces which would be shared by the proposed development and the adjacent hotel. No general needs parking is proposed. The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme. Additionally, long term impacts would be managed through a Travel Plan.

- 9.121. In accordance with London Plan and the Council's parking standards, developments should provide 20% electric vehicle charging points (10% on site provision and 10% passive provision for future installation). The amended plans include adequate provision for electric vehicle charging.

Cycle parking

- 9.122. The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 360 secure, covered spaces for residents at basement level 2. LBTH Highways note that further information is required on the 'racks, stands and lockers' to be installed in the basement and the anticipated split between the three types.
- 9.123. The applicant proposes that 4 additional spaces to be located on Whitechapel Road on the basis that cycling mode share to the mosque is around 1%. LBTH have sought to require cycle parking to accommodate a 2% share to be provided as part of the development. This is equivalent to six new spaces. This should be linked to the Mosque Travel Plan.

Servicing and refuse collection

- 9.124. The servicing strategy for the site relies on an existing inset loading bay on Whitechapel Road and a proposed on-site loading/service bay accessed from Fieldgate Street, in front of Block 1 (the tower).
- 9.125. The Council's Highways Service has raised no objection to the use of the existing bay on Whitechapel Road for servicing. The proposed bay on Fieldgate Street would provide enough space for goods vehicles to enter and exit in a forward gear within the space designated for vehicle movements. LBTH Highways have confirmed that the proposed servicing bay is sufficient for waste vehicles to adequately access the site. Fieldgate Street is one-way east-west and it is considered that the proposal would provide sufficient inter-visibility between vehicles leaving the service bay, and vehicles/cyclists exiting the basement car park.
- 9.126. The main refuse store would be at basement level, but on collection day's provision would be made for the bins to be transferred to an area on the ground floor and placed in an area within the site in front of the retail unit at the Fieldgate Street end of the site. This would allow our refuse collection teams to collect the waste from Fieldgate St and would be acceptable in Highways terms.

Environmental considerations

Noise

- 9.127. Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 9.128. The noise assessment submitted was reviewed by the Councils Environment Health team who have raised concerns that the development would be exposed to a high degree of noise and vibration and any future occupants would be significantly affected. The proposed mitigation measures suggested by the applicant are not considered robust enough for this location. The design of the development is an important factor at this location as many of the bedrooms would overlook Whitechapel Road and in some cases these units are single aspect. The development would also require a high level of acoustic ventilation and noise insulation incorporated within it to meet the required standards. The development is also likely to be affected by structure-borne noise from the London Underground system in close proximity. If the site is to be developed with high density residential accommodation, a high degree of noise insulation would be required to meet the “good standard” of BS8233 with a high degree of sound insulation between residential and commercial areas.
- 9.129. There has been substantial correspondence between the applicant and the Council’s Environmental Health team on the matter of noise and vibration. However the final comments from Environmental Health remain concerned and would not recommend granting permission on the basis of information currently available. Given the local context and other major developments that have been approved in Aldgate and Whitechapel nearby, with habitable rooms facing busy main roads, if permission were to be granted then issues of noise and vibration could be addressed by mitigation measures secured through a condition. However it is important to take into account the effect of noise and vibration combined with other concerns about the generally poor quality of residential accommodation proposed.
- 9.130. Should members be minded to approve the application, it is recommended that a condition be attached which requires the applicant to submit further details of the noise and vibration details to ensure that development proposals reduce noise minimising the existing potential adverse impact and separate sensitive development from major noise sources and the NPPF.

Wind

- 9.131. Wind microclimate is an important factor in achieving high quality developments, where tall buildings are proposed, with appropriate levels of comfort relative to the area being assessed. The applicants submitted a Wind Assessment which was Independently assessed and it was concluded that insufficient information was submitted to provide assurance that the proposal would not have an adverse impact on the wind microclimate within and adjacent to the development. However given the scale of development proposed and the relatively built up nature of the surrounding area, it is likely that with further analysis, any wind microclimate effects could be mitigated through use of appropriate design, landscaping and secured through conditions.

Air Quality

- 9.132. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Policy SP02 and SP10 of the Core Strategy and Policy DM9 of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.133. LBTH Environment Health team have raised concerns and recommend refusing the application in its current form, based on the information available, on air quality grounds. The Air Quality Assessment submitted with the application does not appear to account for emissions from the energy strategy either. The air quality assessment would need to account for any emissions from the energy strategy to the atmosphere. The energy strategy proposes a gas CHP but does not account for emissions to air from this.
- 9.134. Should members be minded to grant planning permission, a robust Air Quality Management Plan which adequately details mitigation measures would need to be submitted and approved in writing to demonstrate that the future residents would not be exposed to undue poor air quality.

Energy and Sustainability

- 9.135. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.136. The GLA Stage 1 report notes that a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development.
- 9.137. The overall CO₂ emission reductions considered achievable for the development are approximately 41.8%. 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. The submitted energy strategy does not include details of the proposed CHP plant rooms or pipework between the buildings. The current proposals therefore fall short of this policy requirement by approximately 8% which equates to 22.8 tonnes of CO₂.
- 9.138. If permission were to be granted the shortfall in CO₂ emission reductions could be offset through a cash in lieu payment as set out in the Council's Planning Obligations SPD. The current identified cost for a tonne of CO₂ is £1,380 per tonne of CO₂. This figure is recommended by in the GLA Sustainable Design and Construction SPG 2013 and the GLA Planning Energy Assessment Guidance) and is also based on the London Legacy Development Corporation's figure for carbon offsetting.

- 9.139. For the proposed scheme it is recommended that a figure of £31,464 is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to local school in the vicinity or other projects to be agreed with the applicant.
- 9.140. Policy 29 of the Development Management Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code level 4 and non-residential developments to achieve a BREEAM excellent rating.
- 9.141. The Sustainability Statement identifies that BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas. However, no pre-assessments have been submitted to demonstrate how this would be achieved. The submission of pre-assessments to demonstrate that the requirements of Policy DM29 are deliverable should be conditioned from prior to commencement. The submissions of the final Code / BREEAM certificates should also be conditioned post completion.

Health considerations

- 9.142. 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. Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbours that promote active and healthy lifestyles, and enhance people's wider health and well-being. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 9.143. If permission were to be granted it would be a policy requirement to secure a contribution to primary health care provision within the borough. In terms of healthy and active lifestyles, the proposed development would provide residential accommodation with good transport access and close to amenities such as local open space in Aldgate and Whitechapel and to indoor leisure provision in Whitechapel.
- 9.144. However officers remain concerned about the quality of residential accommodation proposed in terms of poor quality daylight and sunlight, sense of enclosure and loss of privacy to many of the proposed flats. Combined with concerns expressed by the Council's environmental Health Service around exposure to noise, vibration and poor air quality, it is doubtful that the scheme in totality would contribute towards health and active lifestyles.

Planning obligations

- 9.145. Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. 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) Fairly and reasonably related in scale and kind to the development.
- 9.146. Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.147. Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.
- 9.148. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13. The SPG also sets out the Borough's key priorities:
- Affordable Housing;
 - Employment,
 - Skills, Training and Enterprise;
 - Community Facilities;
 - Education;
 - Health;
 - Sustainable Transport Environmental Sustainability
- 9.149. The overall financial contribution the Planning Obligations SPD would seek to secure would be £1,947,125. The overall contribution the applicant considers to be an appropriate and viable option would be £1,323,272. As such, there is a shortfall of £619,252 between the Planning Obligations SPD (2012) requirement and the applicants offer
- 9.150. The Councils independent viability assessment considered the overall financial contribution offered by the applicant. Considering the overall deliverability of affordable housing, the independent viability review confirmed that it was a reasonable reflection of what can be considered viable and deliverable onsite. As such, should Members seek to secure the full financial contribution, this could reduce the overall percentage of affordable housing due to scheme viability.
- 9.151. It is recommended that a viability review' mechanism should to be included in the s106 agreement in the event Members resolve to approve the application. This viability review mechanism would be designed to be similar to an overage clause whereby the Council captures any additional value up to the equivalent of 35% affordable housing provision and full planning contributions, in the scheme once

the scheme costs and sales values are fully known. Such a clause would require the scheme costs to be subject to an independent review by a quantity Surveyor (Cost Consultant).

- 9.152. The proposal was discussed by the Councils Planning Contributions Overview Panel (PCOP). It was concluded that the applicants overall contribution of £1,323,272 would be acceptable and that should members be minded to grant permission, the contribution should be apportioned as per table below.

Planning Obligations (Financial) Heads of Terms	LBTH Requirement In accordance with the Supplementary Planning Document on Planning Obligations	PCOP's recommended Contributions (in accordance with the total amount of applicants Section 106 Offer)	Match Between LBTH Requirement and Recommended Allocation (%)
Crossrail SPG Contribution	0	0	0
Construction Phase Skills and Training	£55,851	£46,077	82.5%
End-User Phase Skills and Training	£3,606	£2,975	82.5%
Idea Stores, Libraries and Archives	£52,972	43,702	82.5%
Leisure Facilities	£171,633	£141,597	82.5%
Primary School Facilities	£318,622	£318,622	100%
Secondary School Facilities	£219,112	£219,122	100%
Health Facilities	£263,099	217,056	82.5%
Smarter Travel	£6,240	£6,240	100%
Public Open Space	£289,477	£101,317	35%
Streetscene and the Built Environment	£76,870	£26,904	35%
CO2 Reduction	£31,464	25,958	82.5%
Upgrade to public highway (TfL)	£350,000	£122,500	35%
Delivering cycle hire capacity (TfL)	£70,000	£24,500	100%
Monitoring (2%)	£38,179	£25,946	68%
Total	£1,947,125	£1,323,272	

9.153. Should members be minded to approve the scheme, it is recommended that £1,323,873 be secured to mitigate the development. Notwithstanding, it is suggested that the Council secure a Planning Obligations Review mechanism requiring the applicant to submit an Updated Appraisal with all relevant financial information including certified copies of all Residential Unit sales and all Scheme Costs. Should members be minded to resolve to approve this application, it is recommended that the above contributions are secured in a legal agreement with the applicant. In addition, non financial contributions would be secured. These include the submission of a Travel Plan; the developer would exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets. To ensure local businesses benefit from this development, with 20% goods/services procured during the construction phase would be achieved by businesses in Tower Hamlets.

Local Finance Considerations

9.154. Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:

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

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

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

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

9.156. In this context “grants” 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.;

9.157. Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. The estimated Community Infrastructure Levy for this development would be approximately £698,810.

9.158. 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. Assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £333,270 in the first year and a total payment approximately £1,999,619 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions.

Human Rights Considerations

- 9.159. 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:
- 9.160. 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".
- 9.161. 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.
- 9.162. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights are legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interests.
- 9.163. 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.
- 9.164. The balance to be struck between individual rights and the wider public interest has been carefully considered and it is not considered that the adverse amenity impacts are acceptable or that the potential interference with the rights of surrounding property owners is necessary or proportionate in this instance.

Equalities Act Considerations

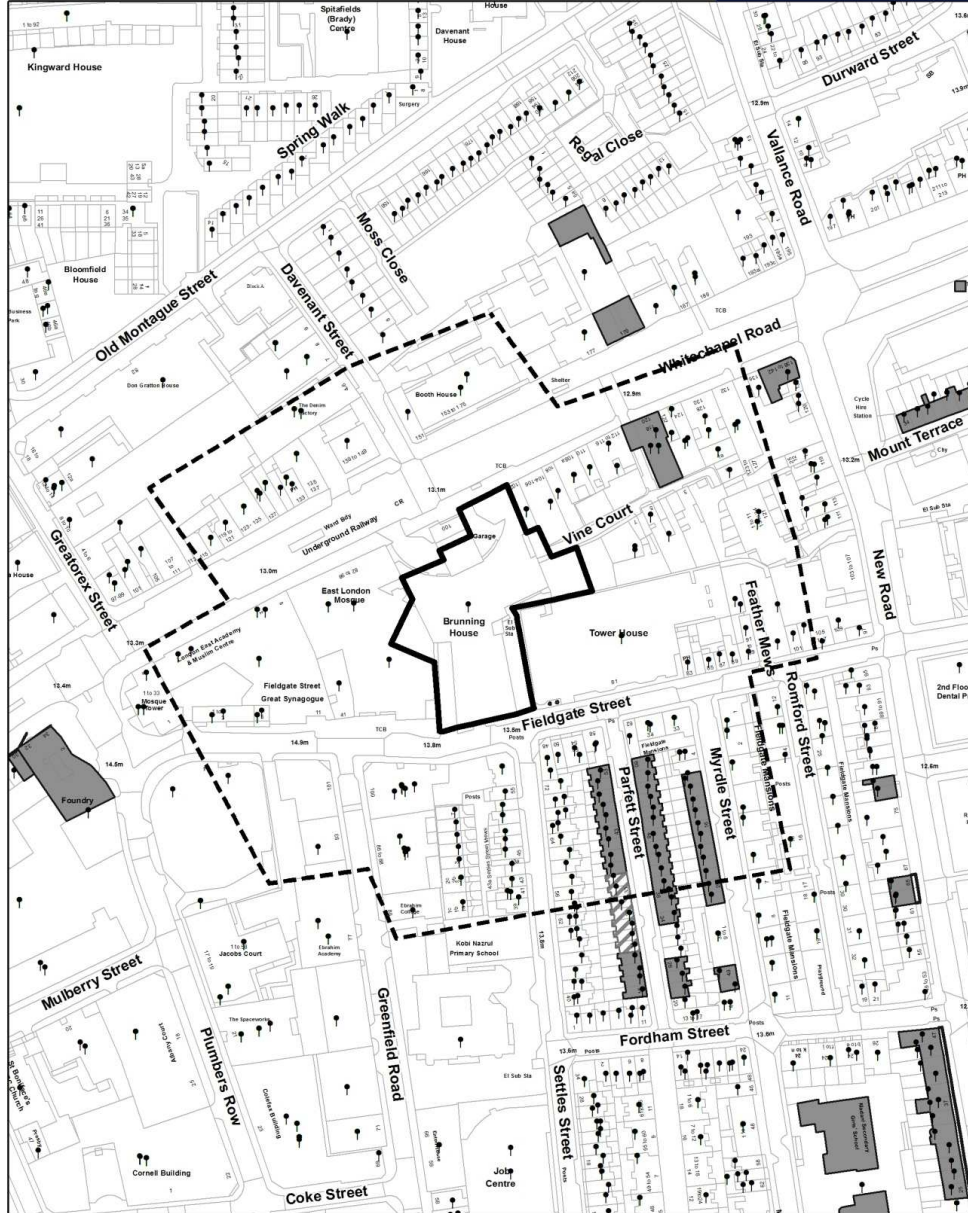
- 9.165. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due 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
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.166. The proposed development includes a 300 sqm extension to the prayer hall at East London Mosque. Hence the equalities impacts associated with the development are material. If permission is granted and the development implemented it will provide additional social infrastructure aimed at meeting the needs of a particular faith group, but not exclusively so. As the application is recommended for refusal, the impact on social infrastructure needs to be carefully considered. Many of the reasons for refusal are linked to the residential blocks within the scheme and as a proportion of overall floor space within the scheme the Mosque extension is relatively small, There is no compelling evidence that the proposed extension to the east London Mosque could not be achieved through a standalone planning application.
- 9.167. A detailed Equalities Assessment has been carried out by Council Officers with regard to the potential effects of the proposed development on each of the protected diversity characteristics. The assessment concludes that the proposed development would have a neutral effect in terms of race, gender, gender reassignment, sexual orientation, age, marriage and civil partnership, pregnancy and maternity.
- 9.168. In terms of faith, given the proposed extension to a prayer hall at the adjoining mosque, the assessment recognises that the Muslim faith is well established in the area and that 34% of people in Tower Hamlets identify themselves as Muslim. The proposed development would have beneficial effect on the Muslim faith, but would not have any beneficial or adverse effect on other faiths. Hence the assessment concludes the proposal would have a neutral effect in terms of faith.
- 9.169. The assessment also concludes that the proposed development would have a positive effect in terms of disability and other socio-economic indicators. No negative equalities impacts have been identified.
- 9.170. The contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space,

commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

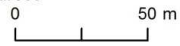
10. CONCLUSION

- 10.1. The merits of the proposed development have been carefully considered and assessed against relevant development plan policies, taking into account other material considerations and evidence provided from statutory consultees, internal consultees and retained independent consultants. The level of support and objection in terms of letters and petitions received from local residents and businesses has also been taken into account.
- 10.2. The applicant has identified benefits of the development which include employment during construction; contribution to the local economy; employment resulting from the commercial unit and creation of a new access road and pedestrian /cycle routes through the site in line with the Whitechapel Vision Masterplan.
- 10.3. However, Officers have found that the scheme exhibits significant harmful impacts in terms of poor quality residential accommodation, symptoms of over development, harm to the amenities of adjoining occupiers, poor quality design causing harm to local townscape and heritage assets and that these would conflict with development plan policies and outweigh the benefits of the scheme.
- 10.4. All other relevant policies and considerations have been taken into account. It is recommended that planning permission should be REFUSED for the reasons set out in section 4 of the report.

Planning Application Site Map
PA/13/03049



- | | | |
|------------------------------------|----------------------------|---------------------|
| 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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1:2,000

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

21st July 2014

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda Item no	Reference no	Location	Proposal / Title
8.1	PA/13/03049	100 Whitechapel road and land rear at Fieldgate Street & Vine Court	Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 221 dwellings (comprising 46 studios; 92 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) In an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.
8.2	PA/13/02966 & 2967	Wood Wharf, Preston's Road	Comprehensive mixed-use redevelopment of site and works to listed structures.
8.3	PA/13/03068	28 Ensign Street	Demolition of existing building and erection of a new part 4, 6 and 14 storey building (ground plus 13 storeys) to provide 65 residential units (Use Class C3); flexible commercial use of part of the ground floor for either Class A1/A2/B1 use; and other landscaping and highways works incidental to the application.

Agenda Item number:	8.1
Reference number:	PA/13/03049
Location:	100 Whitechapel road and land rear at Fieldgate Street & Vine Court
Proposal:	Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 221 dwellings (comprising 46 studios; 92 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

1. CLARIFICATIONS

- 1.1 In paragraph 9.17 of the committee report, the last sentence suggests that a Class A3 use would be unacceptable. To clarify, a restaurant (Class A3 use only) would be considered acceptable in terms of planning policy, subject to an appropriate worded condition relating to hours of operation.
- 1.2 Paragraph 9.105 of the committee report notes that the child playspace at ground floor is located close to an open refuse area which relates to an adjoining retail and hotel development. A non-material amendment to the adjacent scheme has recently been approved to reposition the bin store internally to the rear of the retail units with direct internal refuse access (planning ref: PA/14/1702). The amendment to enclose the refuse area is a positive and welcomed amendment and it would mean the child playspace would not be fronting onto open refuse storage.

2. ADDITIONAL INFORMATION

- 2.1 Following publication of the committee report, the applicant has submitted indicative public realm proposals for the development. The public realm document includes plans illustrating public/private/semi-public spaces, feature walls, child play-space equipment, benches, paving, hard and soft landscaping including trees.
- 2.2 The Council's Urban Design Officer has reviewed the submission and notes that the landscaping details are shown in isolation of the proposed buildings. This makes it difficult to assess the new public spaces as part of the overall scheme.
- 2.3 The Council's Urban Design Officer is also of the view that the proposed tree planting along Fieldgate Street could not be implemented as it would conflict with the overhanging elements of the building above, which are not shown in the visualisations. The suitability of planting trees along the new north-south link is questioned as this is already likely to be a somewhat cramped and overshadowed space. The image shown in the document is misleading as it shows street trees in a much more spacious setting.
- 2.4 The council's Urban Design Officer has raised questions and concerns with regard to boundary treatment, fretwork screens, up-lighting and planting.
- 2.5 Whilst the submission of the Public Realm Proposals is helpful in demonstrating the intent to provide high quality public realm within the scheme, this does not change the

Officer recommendation. If the Committee is minded to grant planning permission, it is recommended that a planning condition is attached requiring details of hard and soft landscaping should all be submitted for approval by the planning authority prior to the commencement of development.

2.6 Councillor Hassell requested clarification regarding the following matters:

2.7 An explanation of the Vertical Sky Component

2.8 *(OFFICER COMMENT: Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. 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. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).*

2.9 *British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are: 2% for kitchens; 1.5% for living rooms; and 1% for bedrooms)*

2.10 Advice as to why the application was able to progress following objection from LBTH Environmental Health for insufficient information

2.11 *(OFFICER COMMENT: LBTH Environmental Health raised objection with relation to noise and vibration, air quality and wind conditions. In the case of the application submitted, the application itself could not be made invalid based on the insufficient information. However, officers consider that the areas of deficiency could be dealt with by way of planning condition to require further details regarding the areas of concern.*

2.12 *For example, details of noise and vibration mitigation measures, including internal noise testing post completion, further air quality information – in particular through a construction management plan which specifies requirements for reducing dust during construction, and further microclimate mitigation measures)*

2.13 Explanation as to why dwelling mix is considered acceptable

2.14 *(OFFICER COMMENT: For the avoidance of doubt, the proposed housing mix is considered unacceptable, as outlined within paragraphs 9.62 to 9.65 of the report (Page 50 of the agenda), as well as the reason for refusal at paragraph 4.2 of the report (Page 26 of the agenda).*

2.15 Query as to whether the impact of the Permit Transfer Scheme (PTS) had been assessed.

2.16 *(OFFICER COMMENT: There are 12 affordable family sized units proposed within the scheme. The permit transfer scheme means that occupants of those*

units who already live within the Borough and have a parking permit can take their permit with them to the new development.

2.17 *The PTS is a Council Initiative not enshrined in planning policy and whilst it is a material consideration we are unable to give it significant weight in assessing any application.*

2.18 *Nevertheless, given the small number of family sized units which would actually be eligible for the PTS, it is not considered that the proposal would result in detrimental impact to the safe and freeflow of traffic, or a substantial increase in demand for on-street parking spaces)*

3. RECOMMENDATION

3.1 The Officer' recommendation remains as set out in paragraphs 4.1- 4.5 of the Committee report.

Agenda Item 6

Committee: Strategic Development	Date: 29 th January 2015	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF 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.

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

Committee: Strategic Development	Date: 29 th of January 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Tim Ross	Ref No: PA/14/01428
	Ward: Blackwall and Cubitt Town

1. APPLICATION DETAILS

Location: Meridian Gate, 199-207 Marsh Wall, London, E14.
Existing Use: B1(a)
Proposal: Demolition of all existing structures and the redevelopment of the site to provide a building of ground floor plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 415sqm office (use class B1), 30 basement car parking spaces; the ground floor uses comprises an electricity sub-station, entrances for the office, affordable and private housing, basement access via car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3); public open space; and a single storey enclosure providing a secondary basement access.

Drawing Nos/Documents:

980_100_Rev B	Ground Floor Plan
980_100M_Rev B	Ground Floor Mezzanine Plan
980_101_Rev A	Social Floors 01-05
980_106_Rev B	Social Levels 06-09
980_110_Rev B	Intermediate Floors 10-11
980_112_Rev A	Intermediate Floors 12-15
980_116	Amenity Floor 16
980_117_Rev A	Private Floors 17-29
980_126_Rev A	Private Floors 31-43 & 45-51
980_130_Rev A	Private Floors 30 & 44
980_152	Duplex (Lower) 52
980_153_Rev A	Duplex (Upper) 53
980_154_Rev A	Roof Access Level
980_155_Rev A	Roof Plan
980_170_Rev B	Pavilion Building Plan
980_200_Rev B	Section A-A
980_201_Rev A	Section B-B
980_203_Rev B	Pavilion Building Sections
980_300_Rev A	Context Elevation
980_301_Rev B	Northern Elevation
980_302_Rev A	Eastern Elevation
980_303_Rev B	Southern Elevation
980_304_Rev B	Western Elevation
980_310_Rev B	Pavilion Building Elevations
980_099_Rev A	Upper Basement Plan B1
980_098_Rev A	Lower Basement Plan B2
980_320	Detailed Elevations
980_321	Detailed Elevations

980_350	Existing North & East Elevation
980_351	Existing South & West Elevation
005_500_Rev B	Proposed Site Plan

980_007_250	Existing Building GEA
980_001_1250	Location Plan
980_006_500	Existing Site Plan
980_010_200	Site Survey
980_015_200	Demolition Plan

- Design and Access Statement (prepared by Make)
- Planning Statement (prepared by DP9) dated May 2014
- Environmental Statement (prepared by Watermans)
- Environmental Statement Clarifications Volume 1 & 2 (prepared by Watermans) dated August 2014
- Aviation Report (prepared by Donald Butler Associated Ltd) dated June 2014
- Arboricultural Survey (prepared by Watermans) dated May 2014
- Energy Strategy (prepared by Hoare Lee)
- Radio and TV interference Assessment (prepared by Hoare Lee) dated May 2014
- Sustainability Statement (prepared by Hoare Lee) dated April 2014
- Waste Management Strategy (prepared by WSP) dated May 2014
- Statement of Community Involvement dated May 2014

Applicant:	Meridian Gate Holdings Limited
Ownership:	Various
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document 2013 as well as the London Plan (2011) and the National Planning Policy Framework all and other material considerations, and has found that:
- 2.2 The proposed uses are considered acceptable and in line with the Local Plan site allocation for Marsh Wall East. The proposed land uses help the borough achieve ambitious housing targets while providing active frontages at ground floor level. The proposal will result in the loss of office floorspace but much of the existing office floorspace is vacant and the proposed development will provide new office space suitable for small and medium enterprises.
- 2.3 In design terms the height, massing, siting and layout is considered to be an appropriate design response to accommodate a high density residential led scheme required if the Council is to meet its housing aspirations in the Local Plan site allocation for Marsh Wall East. Approximately 70% of the site is an open area which can be accessed by all and

improves local permeability. The provision of a large open area, coupled with the siting of the tower which acts as a 'book end' for Limeharbour, allows the proposed tall building space to 'breathe'. It also allows for neighbouring sites to come forward for redevelopment more easily, and due to its slender form mitigates an undue sense of enclosure. The provision of approx. 70% of the site to the public domain allows for the provision of publicly accessible gardens and children's playground. In terms of urban design, layout, building height, scale and bulk and detailed design of the development are considered acceptable to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

- 2.4 Local and strategic views reveal that the height of the tower is such that it reads as part of the Canary Wharf cluster and is in keeping with the emerging context of the South Quay area. Furthermore the elevational treatment and materials provide for an elegant tower which is considered to make a positive contribution to the skyline.
- 2.5 The development would provide a suitable mix of housing types and tenure including an acceptable provision of 30% (by habitable room) on-site affordable housing which meets the needs of the local population.
- 2.6 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment, and, on balance, does not have an adverse impact on neighbouring amenity. Any loss of light, overshadowing, loss of privacy or increased sense of enclosure is not considered to be unduly detrimental given the urban nature of the site.
- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site.
- 2.8 Transport matters, including parking, access and servicing are acceptable to ensure developments minimise parking and promote sustainable transport options. The scheme will be contributing to the delivery of a new pedestrian and cycle bridge across South Dock as well as towards local bus improvements.
- 2.9 Carbon reduction and sustainability measures are acceptable to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate planning contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, infrastructure and services required to facilitate the proposed development.

3. RECOMMENDATION

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

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

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

3.2 Financial Obligations

- a) A contribution of £116,361 towards enterprise & employment.
- b) A contribution of £412,928 towards leisure and community facilities.
- c) A contribution of £91,015 towards library facilities.
- d) A contribution of £916,441 towards educational facilities.

- e) A contribution of £497,870 towards health facilities.
- f) A contribution of £504,345 towards public open space.
- g) A contribution of £11,633 towards sustainable transport.
- h) A contribution of £89,554 towards streetscene and built environment, including highways improvements.
- i) A contribution of £111,660 towards reducing carbon emissions.
- j) A contribution of £228,593 towards improvements to local connectivity pursuant of an additional bridge crossing over South Dock.
- k) A contribution of £200,000 towards a local bus improvements
- l) A contribution of £63,607 towards S106 monitoring fee (2%)

Total: £3,244,001

3.3 Non-Financial Obligations

- a) 30% affordable housing as a minimum, by habitable room
 - 61% Affordable Rent at Borough Framework rent levels
 - 39% Intermediate Housing
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) Relocation strategy/process for existing business tenants
- e) On Street Parking Permit-free development
- f) Electric Vehicle Charging Points – 20% active and 20% passive provision
- g) Travel Plan
- h) Code of Construction Practice
- i) Public access maintained to the public square for the life of scheme
- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

CONDITIONS & INFORMATIVES

3.6 Prior to Demolition Conditions:

1. Construction Management Plan
2. Noise and Vibration details
3. DLR radio survey and mitigation
4. Existing TV, satellite, radio reception survey

3.7 Prior to Commencement of Works (other than demolition) Conditions

5. Surface water drainage scheme
6. Impact studies of existing water supply
7. Contaminated Land – Investigation and Remediation
8. Piling
9. Accessibility Statement

3.8 Prior to works above ground level conditions:

10. External materials
11. Noise and vibration details
12. Landscaping – including planting of biodiversity value
13. Micro-climate mitigation details
14. Crane heights /aircraft obstacle lighting
15. Details of external lighting

3.9 Prior to Occupation Conditions:

16. Contaminated land – Verification report
17. Car parking management plan
18. Delivery and servicing plan
19. Code for sustainable homes
20. CCTV and lighting plan
21. Real time information displays
22. TV, satellite, radio reception survey and mitigation
23. Noise and vibration survey, and mitigation if where necessary – post construction

3.10 Compliance Conditions

24. Permission valid for 3yrs
25. Development in accordance with approved plans
26. Energy Strategy
27. Electric vehicle charging points
28. Cycle parking
29. Parking bays
30. Lifetime homes
31. 10% Wheelchair housing
32. Hours of construction
33. Hours of construction for piling operation

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

3.12 Informatives:

- S106 planning obligation provided
- Advertisement consent required for signage

- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 agreement
- CIL
- National Grid apparatus

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

3.14 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 0.38ha site is located at 199-207 Marsh Wall, south of Canary Wharf. The site comprises five inter-connected office buildings (total 4140 sqm GIA) of up to five storeys with a small ancillary retail provision (approx. 75sqm). The site also contains 60 car parking spaces at the rear.

4.2 The site is bound to the north by Meridian Place (a 7 storey residential block), to the west by Thames Quay (a large office development, and University of Sunderland in London campus), and Angel House to the east (a 4 storey office building). The buildings on site and the surrounding buildings typically date from the late 1980's and early/ mid 1990s.

4.3 The site lies within Flood Zone 3; the River Thames is approximately 100m to the east, and South Dock 80 metres to the north. There are no listed buildings on the site and the nearest conservation area is Coldharbour Conservation Area, approximately 200 metres from the subject site.

4.4 The site has a Public Transport Accessibility Level of 4 which is 'good'. It is approximately 2-3 minutes walk to South Quay DLR station and 10-15 minutes walk to Canary Wharf. Five bus routes can be accessed within approximately 500 metres of the site (Routes 135, D3, D6, D7 and D8). It is likely that the PTAL level will improve over the next few years as Crossrail comes on line and public transport improves alongside the implementation of future development proposals, and improved pedestrian routes.

Proposal

4.5 The application proposes the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising:

- 423 residential apartments (use class C3);
- circa 415sqm office (use class B1);
- 30 basement car parking spaces;
- the ground floor of the tower comprises an electricity sub-station, entrances for the affordable and private housing, basement access via a car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3)
- circa 703sqm of residents gym and associated health facilities;
- public realm improvements; and
- erection of a single storey enclosure providing secondary basement access.

4.6 30 car parking spaces are provided within the basement (3 of which are disabled spaces). These are located within the upper basement and are accessed through a car lift, the entrance to which is to be from the estate road to the north. Cycle spaces are also

provided within the upper basement along with a space for plant equipment. The lower basement houses the resident's spa.

- 4.7 At ground level the main tower covers the western portion of the site which is described as a simple 'pencil' shape. The remainder of the site comprises various public open space provision with access around the building as well as a small pavilion building at the northeast corner containing two car lifts, a small café/shop, entrance to the residents gym, and an electricity sub-station.
- 4.8 The proposed office provision caters for small and medium enterprises and is contained on the mezzanine floor. Above that is the residential accommodation, with affordable housing provided in the lower floors, and the private sector housing on the upper floors.

5 Relevant Planning History

Isle of Dogs Enterprise Zone Scheme, London Docklands Development Corporation (LDDC), dated 26 April 1982 (and subsequently amended 30 May 1984) pursuant of the Isle of Dogs Enterprise Zone Designation Order 1982.

Enterprise Zone Approval dated 29.11.84 (LDDC) – "Site 4 - mixed uses"

Conditional Permission dated 2.6.95 (LDDC) – Phase 3 (Meridian Place) redevelopment of a building comprising 112 residential units, two shop units, health club, bar and swimming pool with associated landscaping and car parking.

6. POLICY FRAMEWORK

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

Core Strategy Development Plan Document 2010 (CS)

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

Annexe 9: Cubitt Town Vision, Priorities and Principles

Managing Development Document (2013)

Allocations:		Marsh Wall East
Proposals:		Flood risk area
		Activity Area
Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes

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

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Draft South Quay Masterplan (Consultation Draft January 2015)

Spatial Development Strategy for Greater London (London Plan 2011 incorporating Further Alterations to the London Plan, 2014 (FALP))

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

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

London Plan Supplementary Planning Guidance/Documents

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

Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance(NPPG)

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

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

7. CONSULTATION RESPONSE

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

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

LBTH Affordable Housing

7.3 Broadly supportive of this application subject to the scheme viability being independently assessed to ensure that scheme achieves the maximum viable quantum of affordable housing.

7.4 The tenure split within the affordable is 61:39 in favour of rented. This is not in line with the Council's 70:30 target, however is broadly in line with the London Plan target of 60:40. All of the affordable units are dual aspect which is welcome.

7.5 Affordable Rents should be in line with the Borough Framework between the GLA and LBTH which for the E14 postcode, inclusive of service charges, are:

1 bed £224
2 bed £253
3 bed £276
4 bed £292

7.6 Should viability allow it, the family sized units (3 bed plus) should come forward at Social Rent.

7.7 (OFFICER COMMENT: the viability of the scheme has been independently reviewed and the scheme cannot afford any additional affordable housing. Affordable rent units have been secured at Borough Framework rents)

LBTH Access Officer

7.8 No objections. The applicant has addressed queries raised by the Access Officer.

LBTH Environmental Health

Contaminated Land

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

Noise

7.4 The development will be exposed to a high degree of noise from Marsh Wall traffic, London City Aircraft noise; as such the development will fall into a Significant Observed Adverse Effect level (SOAEL) as defined in the Noise Policy Statement for England (NPSE).

7.5 Environmental Health is of the opinion that suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels. Full details will be required of the acoustic noise insulation and ventilation.

7.6 (OFFICER COMMENT: Glazing would meet the BS8233 criteria and relevant conditions would be placed on any approval granted)

LBTH Communities Leisure and Culture

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

- Leisure.
- Open Space
- Library/Idea stores

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

LBTH Employment and Enterprise

7.9 Seek contributions towards the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development, and towards the training and development of unemployed residents.

7.10 Seek best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets, and 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. This development should provide 1 apprenticeship year to be delivered over the first 3 years of full occupation.

7.11 (OFFICER COMMENT: Full planning obligations have been agreed in response to these requests in line with the Planning Obligations SPD)

LBTH Energy Efficiency

Energy

7.12 The proposals for Meridian Gate have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency measures and the use of a CHP (~152kWe) to reduce CO2 emissions by 38% (201 tonnes CO2) from a building regulation 2010 baseline. Shortfall to meet DM29 (i.e. 50% reduction from building regulation 2010 baseline) requirements = 62 tonnes/CO2 x £1,800 = £111,660 offset payment to meet current policy requirements.

7.13 Secure by condition, Code for Sustainable Homes Level 4 for the final certificates to be submitted within 3 months of occupation. Secure BREEAM pre-assessment to demonstrate that the scheme has sought to achieve an Excellent rating.

7.14 (OFFICER COMMENT: A financial contribution towards offsetting 62 tonnes of CO2 has been agreed to ensure the proposal meets the Managing Development DM29 policy. Relevant conditions would be placed on any approval granted as per the requests above)

LBTH Highways

7.15 No Objections subject to non-financial planning contributions (s106), conditions and informatives relating to the following, which are to be submitted by the applicant and approved by the LPA and Highway Authority:

- Construction Management Plan;
- Service Management Plan;
- Parking Management Plan;
- full Travel Plan;
- All parking bays - accessible, standard and cycle to be kept and maintained for their agreed purpose for the life of the development;
- 'Permit Free' agreement, secured via the S106 agreement, restricting all future residents from applying for parking permits in the surrounding controlled parking zones; and

- S278 Agreement with the Highway Authority to deal with the necessary works/agreed highway improvements to the public highway as a result of the development.

7.16 (OFFICER COMMENT: The conditions/informatives requested above are all included with the recommendation and the non-financial contributions have been agreed).

LBTH Biodiversity

7.17 The application site is of no significant biodiversity value, and the existing buildings are not suitable for roosting bats. Ecology was correctly scoped out of the EIA, and there will be no significant adverse impacts on biodiversity. The detail of the landscaping will be dealt with by condition. The condition should state that the landscaping is expected to include features and plants of value to biodiversity.

7.18 (OFFICER COMMENT: A landscaping condition would be attached to any permission granted and will include reference to biodiversity features)

Canal and River Trust (CRT)

7.19 Meridian Place, to the north of the site, does not have a very interactive relationship with the dockside, and its high wall and raised landscaping serves as a barrier to the docks, with public access through the site discouraged. CRT would like to see future developments, including Meridian Place, help reconnect Marsh Wall to the docks, with legible pedestrian links through to help animate the dockside and provide better amenity for existing and future residents and visitors. We would like this to include high quality open space, and dockside landscaping, to draw people to the waterside. Financial contributions could be sought for dockside walkway uplift.

7.20 (OFFICER COMMENT: The proposals provide improved access to the dockside from Marsh Wall. The large area of publicly accessible greenspace provides a physical and visual connection to the dock. Given the in-kind improvements proposed a financial contribution has not been sought)

English Heritage (EH)

7.21 EH have no significant concerns with this proposal, however the proposal should be considered in the wider context of the Council's emerging South Quay SPD. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment Agency

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

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

7.24 (Officer response: The requested condition would be attached to any permission granted as detailed above in section 3 of this report)

Greater London Authority (GLA)

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

- 7.26 A number of design matters were raised in the Stage 1 report, summarised as follows:
- Density and scale of development in relation to the physical and social infrastructure requirements;
 - The appearance of the building in the strategic views;
 - The Pavilion Building and open space and child playspace provision;
 - The western elevation and the route between Meridian Gate and Thames Quay; and
 - Unit sizes and the quality of the residential accommodation.

7.27 Contributions should be secured towards a new pedestrian/ cycle connection in South Dock.

(OFFICER COMMENT: Revised comments from the Mayor of London are anticipated to be received prior to Committee and will be reported by way of Update Report. The applicant, borough, and GLA have been working to resolve these issues during the course of this application).

London City Airport

7.28 No objections. London City Airport issued a holding objection while further aerodrome safeguarding analysis was undertaken. This objection was subsequently withdrawn.

National Air Traffic Services Ltd (NATS)

7.29 No safeguarding objections.

Natural England

7.30 No objections

Transport for London (TfL)

Car parking

7.31 The car parking level is acceptable at 0.07 spaces per dwelling. 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and should be conditioned.

Cycle parking

The level of residential cycle parking is acceptable. Contributions should be sought for pooled contributions towards improved cycle hire facilities

Walking

The open space provides improved walking and cycling permeability. Contributions should be secured towards a new pedestrian/ cycle bridge across South Dock £15,000 should be sought for new legible London signage.

7.34 (OFFICER COMMENT: £228k has been secured towards an new pedestrian/ cycle bridge. Scheme viability is such that the other financial requests cannot be met.)

Bus contributions

Due to cumulative development in South Quay area a £200,000 contribution towards improving bus capacity is requested.

7.36 (OFFICER COMMENT: This financial contribution has been secured)

DLR

Future residents should be protected from noise and vibration from DLR. Require a radio survey to be carried out and mitigation agreed with DLR prior to construction

7.38 (OFFICER COMMENT: A condition would be attached to any permission granted with relation to a noise and vibration and radio survey)

7.39 Travel plan, servicing and construction.
It is expected that the Travel Plan is secured within the s106 agreement with the Delivery and Servicing Plan and Construction Logistics Plan secured by condition.

7.40 Crossrail/CIL
Contributions are applicable.

7.41 (OFFICER COMMENT: There is a reduction in office space resulting from this application therefore the additional Crossrail levy under the Mayor of London's SPG does not apply. CIL is still payable at £35 per square metre of additional floorspace)

British Broadcasting Corporation (BBC)

7.42 No comments received.

London Borough of Greenwich

7.43 No objection.

Metropolitan Police

7.44 No objection subject to a condition requiring submission of details of measures to reduce crime in line with Secured by Design principles.

7.45 A meeting was held in March 2014 with the applicant and the Police in connection with the proposals and achieving Secured by Design standards.

7.46 (OFFICER COMMENT: The applicant has agreed to this, which can be secured by condition)

National Grid

7.47 The National Grid apparatus that has been identified as being in the vicinity of the proposed works is Low or Medium pressure (below 2 bar) gas pipes and associated equipment.

7.48 (OFFICER COMMENT: An informative would be added to this effect if planning permission is granted)

Thames Water

7.50 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be imposed requesting an impact study of the existing water supply infrastructure which would determine the magnitude of any new additional capacity required and a suitable connection point.

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

7.52 (OFFICER COMMENT: The requested conditions would be attached to any permission granted as well as an informative relating to the drainage strategy)

- 7.53 **Alpha Grove Community Centre**
No comments received
- 7.54 **Barkantine Estate Leaseholders Association**
No comments received
- 7.55 **Association of Island Communities**
No comments received
- 7.56 **Barkantine Management Team**
No comments received
- 7.57 **Barkantine Tower Blocks Residents Steering Group**
No comments received
- 7.58 **Barkantine Tenants and Residents Association.**
No comments received
- 7.59 **St. Johns T.A.**
No comments received
- 7.60 **Canary Wharf Group Plc**
No comments received
- 7.61 **Docklands Light Railway**
No comments received
- 7.62 **Transco plc**
No comments received
- 7.63 **The Greenwich Society**
No comments received.
- 7.64 **South Quay Residents Association**
No comments received
- 7.65 **Historic Royal Palaces**
No comments received
- 7.66 **Isle of Dogs Community Foundation**
No comments received

8. LOCAL REPRESENTATION

8.1 A total of 1,043 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. This was done twice, in June 2014 and October 2014, following a number of scheme amendments.

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

No of individual responses: 25 Objecting: 24 Supporting: 0 Neither: 1
No of petitions received: None

8.3 The objections raised can be summarised as follows:

8.4 Loss of daylight and sunlight to Meridian Place.

8.5 (OFFICER COMMENT: The daylight and sunlight report has been assessed by an independent consultant who has found that four bedrooms suffer a reduction in NSL and VSC, and will experience a noticeable change to the existing levels of daylight, and one room that will perceive very low levels of sunlight. Some rooms in Meridian Place will experience improvements to the level of daylight/ sunlight received. Further details of this can be found within the 'Amenity' section of the report)

8.6 Decrease property values in Meridian Place.

8.7 (OFFICER COMMENT: Effect on property and land values is not a material planning consideration)

8.8 The building is too tall and out of context with the surrounding area.

8.9 (OFFICER COMMENT: A thorough consideration of the height of the building within the context of the surrounding developments is provided within 'Design' section of this report. It is considered that the scale of the building is acceptable and would form part of the Canary Wharf tall building cluster, and reflects the emerging context for the area. It would be in keeping with the height of other recently consented developments at Wood Wharf, and Dollar Bay)

8.10 Design approach should be masterplan led.

8.11 (OFFICER COMMENT: The South Quay Masterplan Supplementary Planning Document is currently being prepared by the Council. The first draft was published on 5th January and the borough Urban Designer, and Council's Plan Making team do not consider that the proposed development prejudices the delivery of the emerging masterplan objectives. The applicant has met with the Council's Plan Making team during the pre-application and post submission stage to ensure the proposal is in line with the aspirations of the emerging Masterplan).

8.12 Adverse visual impact of the proposed tower, overbearing design, and abstract height justification.

8.13 (OFFICER COMMENT: The design is considered to be acceptable, as it is in keeping with the architectural language of the emerging context of the surrounding area and the Canary Wharf tall building cluster. Further consideration is given to the design within the 'Design' section of this report.)

- 8.14 Need to ensure landscaping high quality
- 8.15 (OFFICER COMMENT: The ground floor plan shows the extent of the landscaping and details of the landscaping will be conditioned to ensure the materials used are subject to further approval to ensure it is high quality)
- 8.16 Separate entrances for affordable housing should be removed
- 8.17 (OFFICER COMMENT: Sharing entrances would likely result in higher service charges for affordable residents which they may not be able to afford. Registered Providers typically prefer separate entrances as this is easy to manage. Officers have sought to ensure that the affordable entrance is high quality, and the development is 'tenure blind' in this respect)
- 8.18 Concerns over the noise, dust, dirt, congestion, air quality and disruption during the construction period.
- 8.19 (OFFICER COMMENT:A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period)
- 8.20 Access (including emergency vehicles) problems likely during construction
- (OFFICER COMMENT: A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period)
- 8.21 Additional new homes is not needed in this area
- 8.22 (OFFICER COMMENT:There is a strategic need for new homes in London. The adopted local plan site allocation for Marsh Wall East seeks the delivery of approx. 3,000 new homes in this area)
- 8.23 The proposed development will increase pressure on local infrastructure which cannot support the amount of new homes coming forward in the area.
- 8.24 (OFFICER COMMENT: The development is providing a s106 package which is in full accordance with the planning obligations SPD. This will go towards improving the infrastructure in the area including additional buses, improved public realm, funding for schools and health centres and improvements to leisure facilities and libraries /idea stores. This is considered sufficient to mitigate the impacts of the development)
- 8.25 The development would lead to a loss of privacy to the occupants of Meridian Place.
- 8.26 (OFFICER COMMENT: Policy seeks a minimum separation distance of 18 metres between directly facing habitable room windows, in order to ensure that development does not result in poor levels of privacy for both existing and new residential occupants. There is over 19 metres between the proposed development and Meridian Place, and accordingly it is not considered the proposal would result in an unduly detrimental loss of amenity for residents of Meridian Place).
- 8.27 Due to the new population and views towards Meridian Place, gardens will attract non-residents which compromises existing levels of privacy, security, and peaceful character.
- 8.28 (OFFICER COMMENT: There is an existing route allowing public access through

Meridian Place into these gardens although few people appear to use it currently. The site allocation in the adopted local plan seeks to improve connections to the dock from Marsh Wall, and the proposed development accords with these objectives)

- 8.29 The development would cause increased traffic congestion.
- 8.30 (OFFICER COMMENT: There is a reduction in car parking from 60 spaces to 30 spaces which is a relatively small amount of parking proposed, the remainder of the development would be car free. As such it is not considered that there would be a significant amount of congestion caused by the development. A specific lay-by for the development has been proposed on the private road between Meridian Gate and Meridian Place and the subject site which would enable off-street servicing which would further reduce congestion on the surrounding streets. The Council's highways team and Transport for London have not objected to the scheme)
- 8.31 The development would significantly reduce views from the flats within Meridian Place.
- 8.32 (OFFICER COMMENT: Private views are not protected, and therefore are not a material planning consideration. Nevertheless, a large proportion of units will have an improved outlook due to the development, as approximately 70% of the site will be given over to open space)
- 8.33 Adverse impact on TV, internet, satellite and radio reception affecting Meridian Place.
- 8.34 (OFFICER COMMENT: Conditions will be added requiring a detailed assessment pre and post construction survey of to mitigate any impacts on TV, satellite and radio reception)
- 8.35 Increased noise and disturbance – loss of noise barrier between Marsh Wall and Meridian Place (i.e. the existing building) and concerns about noise from cooling systems.
- 8.36 (OFFICER COMMENT: Conditions are proposed requiring the development to achieve noise levels below acceptable levels so as not to cause disturbance. Prior to occupation testing could be conditioned to ensure Meridian Place residents are not affected by noise levels above BS 4142 and the planning requirements when measured 1m from a sensitive façade, and where acceptable levels are exceeded mitigation will be required)
- 8.37 Proposals will reduce security locally
- 8.38 (OFFICER COMMENT: The Metropolitan Police have met with the applicant, and conditions are proposed requiring the development to achieve Secured by Design Accreditation, as well as a management and CCTV strategy covering the areas open to the public)
- 8.39 Solar glare could be dangerous to drivers travelling along Limeharbour.
- 8.40 (OFFICER COMMENT: A solar glare assessment was submitted with the application, and the methodology found to be sound. The instances of solar glare have been assessed for those travelling on the local highway and rail (DLR) network around the Site. Mitigation has already been incorporated into the design of the Development by way of fins that break up the façade)
- 8.41 Seek commitment to work with leaseholders in Meridian Place to overcome potential issues/disturbance during construction.
- 8.42 (OFFICER COMMENT: Conditions are proposed requiring the submission of a Construction Management Plan. If requested by Members, a requirement could be placed on the developer/ local planning authority to consult residents of Meridian Place regarding

its content, and/ or make available to residents the contact details of the site manager. The applicant met with the Meridian Place Management group during the application setting out the consultation that will be undertaken).

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

8.44 (OFFICER COMMENT: Council policy seeks to reduce parking provision in areas of high Public Transport Accessibility in order to reduce congestion and improve air quality. This site has a PTAL of 4 which is 'good' and as such is suitable for a low car/car free development)

9. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Density
- Housing
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability
- Environmental Considerations
- Health Considerations
- Planning Obligations/ CIL
- Localism Finance Considerations
- Human Rights Considerations
- Equalities Considerations

Land Use

9.2 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.

9.3 The site lies within the Isle of Dogs Opportunity Area as defined in London Plan Policy 2.13 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". Local Plan Site Allocation 20 identifies Marsh Wall East as an area suitable for comprehensive high-density mixed use development with the capacity for significant housing delivery in excess of 3,000 new homes.

9.4 The current commercial floorspace totals 4,140sq.m GIA of which approximately half (circa 2,010sq.m) is vacant. A retail unit is located at ground floor level at Cairngorm and represents 75sq.m of the above occupied floorspace.

Loss of Office floorspace

9.5 The proposal will result in the loss of 3,715sq.m of office space which is considered acceptable given that the Marsh Wall East site allocation seeks a mix of uses, and there is evidence that existing office floorspace is unviable. Furthermore the site does not lie within an LBTH designated Preferred Office Location or Local Office Location, which seek to promote and protect office floorspace.

9.6 The net loss of existing office floor space has been considered within the submitted Environmental Statement, which draws upon a survey by DE&J Levy (chartered surveyors and property consultants). This assessment found that based on existing occupation and capacity, and a marketing campaign, the level of demand for the existing commercial space is low. The continued provision of the existing amount and type of office floor space is therefore considered to be unsustainable. Re-provision of the existing amount of office accommodation will worsen the overall viability of the proposal which will impact on the amount of affordable housing provided. To protect existing jobs on site it is proposed to secure a relocation strategy/process for existing business tenants as part of s106 agreement.

SME office units

9.7 Three office units measuring 425sqm in total are proposed within the mezzanine floor of the tower, served by its own entrance located at the north-west corner of the development site. These units provide accommodation for small and medium enterprises (SME) which meet an aspiration of the Marsh Wall East site allocation. SME's are important in this location to support the function of Canary Wharf as a global financial centre. The provision of these units is considered to meet local need better than the existing office accommodation.

9.8 In light of the above, the site allocation and the strategic benefit of the proposed housing, the loss of office floorspace in this location within Cubitt Town is considered consistent with London Plan Policy 4.2 and the Local Plan.

Residential use

9.9 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.

9.10 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 toward the Borough and London's housing need, and is therefore supported in strategic land use planning terms, according with Policy 3.3 London Plan, Local Plan SP02 and site allocation 20.

9.11 It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'pressing need' (i.e. at least an annual average of 42,000 net additional homes across London (policy 3.3 of the London Plan)).

9.12 The proposed development is a high density residential led-scheme, it would provide a large number of market housing and a proportion of affordable rent (including Borough Framework rent levels) and shared ownership accommodation. The quantum of residential development along with the affordable housing offer is discussed in detail in the housing section of this report. However, in terms of general principles, it is considered that this is a suitable location for a high density residential development, given the good levels of public transport accessibility (including the anticipated Crossrail station), the existence of surrounding constructed, consented and proposed high-rise developments, and the Marsh Wall East Local Plan designation.

Retail/cafe unit

- 9.13 A unit measuring 43sqm is located at ground floor of the tower fronting Marsh Wall, which is proposed as either a retail (A1) or café (A3). It is considered that a flexible use is acceptable in this location as it would add activity to the ground floor frontage and potentially provide a useful ancillary function for the residents of the block. The inclusion of this assists with the provision of a mixed use development which is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.
- 9.14 The site is within the Tower Hamlets Activity Area which also supports a mix of uses, where developments should have active ground floors with residential or office spaces on the upper floors.

Summary of land-use considerations

- 9.15 The proposed uses are considered acceptable and in line with the Local Plan site allocation for Marsh Wall East. The proposed land uses help the borough achieve ambitious housing targets while providing active frontages at ground floor level. The proposal will result in the loss of office floorspace but much of the existing office floorspace is vacant and the proposed development will provide new office space suitable for small and medium enterprises. The proposed mix of uses is considered to be in accordance with the Marsh Wall East site allocation.

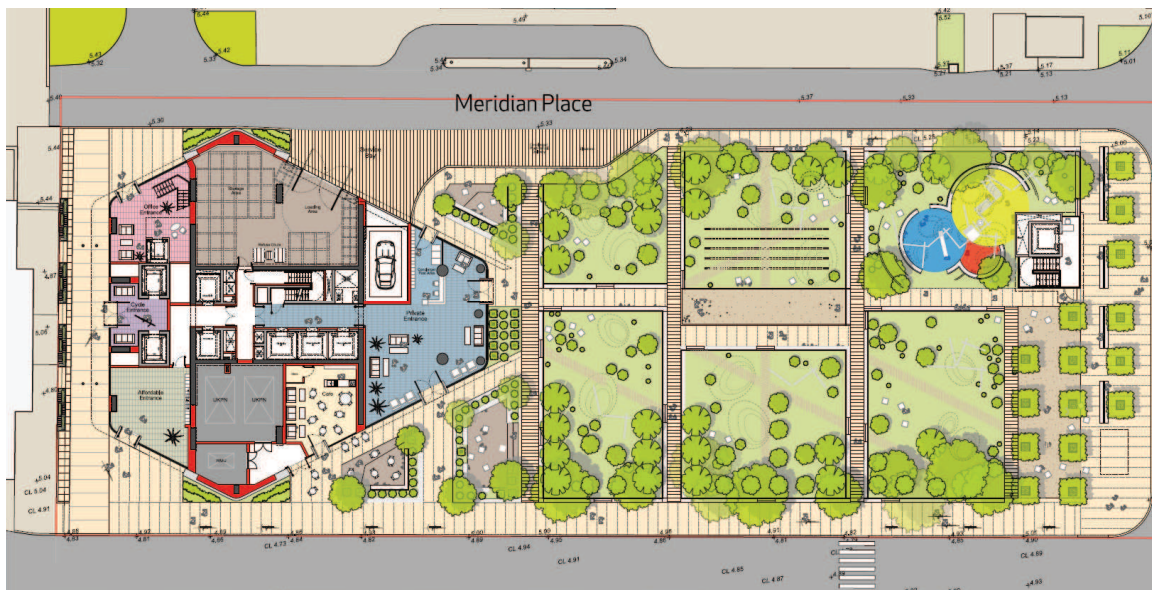
Design

- 9.14 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.15 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.16 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 9.17 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.18 Specific guidance is given in the London Plan and Local Plan in relation to tall buildings. The criteria set out by both documents can be summarised as follows:
- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
 - Within the Tower Hamlets Activity Area developments are required to demonstrate how they respond to the difference in scale of buildings between the Canary Wharf centre and the surrounding residential areas.
 - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas.
 - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles

during both the day and night. Developments should also assist in consolidating existing clusters.

- Should not adversely impact upon heritage assets or strategic and local views.
- Present a human scale at street level and enhance permeability of the site where possible.
- Provide high quality private and communal amenity spaces for residents.
- Provide public access to the upper floors where possible.
- Not adversely affect biodiversity or microclimate.

9.19 The development is sited at the eastern end of the south dock. As well as the tower at the western end of the site there is a ground floor level single storey structure which encloses a lift and stair access to the resident's gym. Other ground floor level uses include a café/ retail unit fronting Marsh Wall, and a large publicly accessible landscaped green space which includes child play and extends over 70% of the total site area, as shown below:

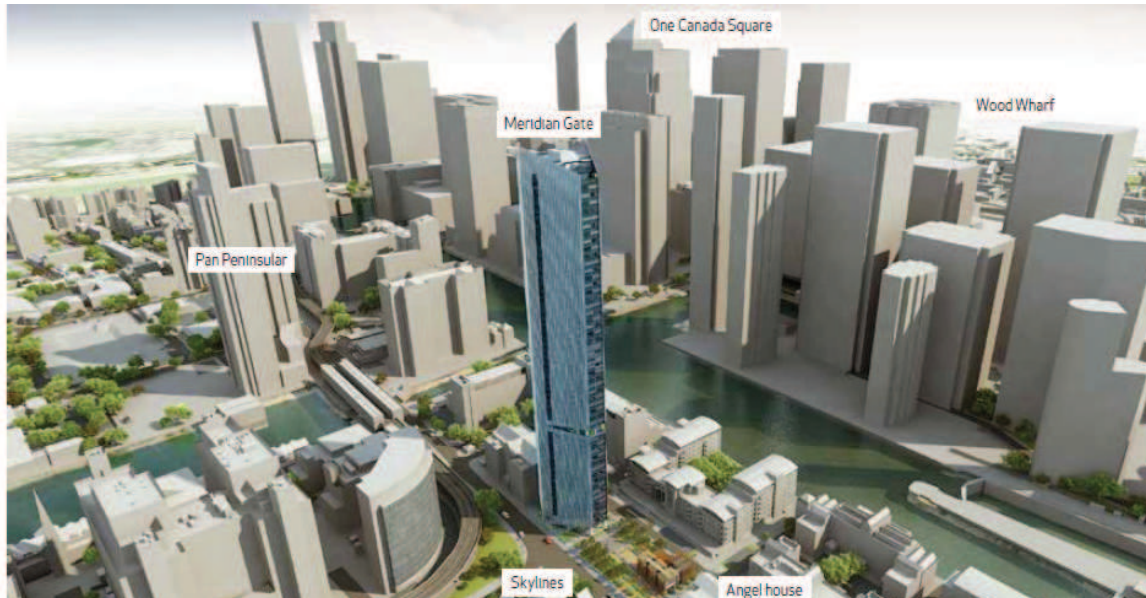


9.20 Canary Wharf and the north of the Isle of Dogs in general are recognised as a key location for high density development and iconic tall buildings, reflecting the locations' status as an important commercial hub in London. A larger scale of development has extended beyond the original commercial cluster in recent years to include new high density mixed-use and residential developments, particularly to the south, east and west of Canary Wharf. Higher density residential developments have replaced older low density commercial buildings (which traditionally bounded Canary Wharf) and have started to change the skyline around Canary Wharf. These new buildings have started to form new clusters which define the transition between the commercial heart of Canary Wharf and the more residential areas to the south.

9.21 The main feature of the proposed development is a single tall tower (187m AOD) which has a simple and slender form which is reflective of the Pan Peninsular Towers to the west, Dollar Bay (extant planning consent) to the east, Wood Wharf (extant planning consent) to the north of the site, and is generally in keeping with the established Canary Wharf vernacular. The proposed height is a reflection of the other tall buildings which have been consented at this end of the docks and South Quay/ Crossharbour area (i.e. Wood Wharf, Dollar Bay, Baltimore Wharf, 7 Limeharbour, and Asda Crossharbour) but also the development aspirations of the Marsh Wall East local plan allocation. The proposed location of the tower terminates the vista along Limeharbour. In townscape terms the tower acts as a "bookend" for Limeharbour. Indeed this long vista provides relief for its built form, which acts to lessen the impact of the proposed block in terms of

sense of enclosure.

- 9.22 The proposed development represents a considerable increase in height compared to the existing building and its immediate neighbours, however the proposed scale and mass can be considered in a rapidly changing local context such that there is an emerging tall building cluster south and east of Canary Wharf which steps down from the peak at One Canada Square. The diagrams below show the height of buildings around the site, some of which are consented and others are already part of the Canary Wharf tall building cluster.



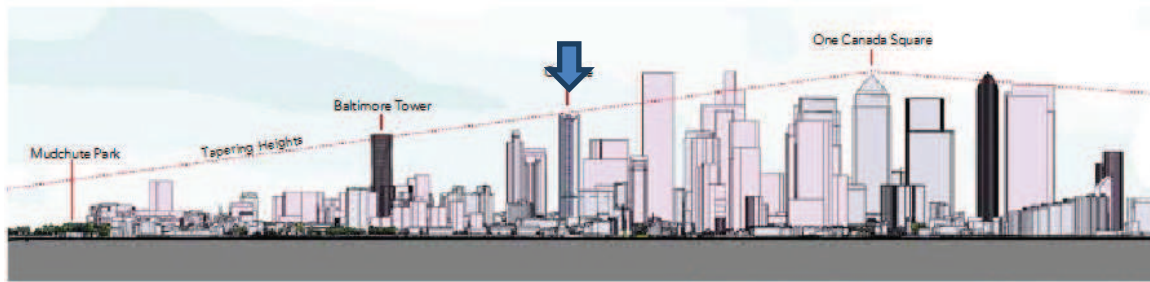
- 9.23 This development is relatively consistent in terms of height of buildings within the Canary Wharf cluster, which now can be considered to extend south within the Canary Wharf Activity Area. In this specific case it is however considered that the scale and massing of the proposal can be considered appropriate particularly as the tower sits within a large area of new public open space to the east which provides 'breathing space' for the tower, and allows for neighbouring sites to come forward for redevelopment reducing the potential for significant cumulative effects. Over 70% of the site is given over to high quality open space which will serve both the development and the surrounding uses. The open space provision is integral to the wider aspirations of the South Quay Masterplan area in terms of local permeability, townscape, and providing a neighbourly form of developments which allows surrounding sites to realise their development potential, and reduces the likelihood of negative impacts arising from cumulative development in the local area.



9.23 Whilst the proposed building is significantly taller than the adjacent surrounding buildings, it would be consistent with the heights of other recently completed or consented developments such as Wood Wharf, Dollar Bay, Baltimore Wharf, 7 Limeharbour, and Crossharbour (Asda). The proposed density is also consistent with the aspiration for the Marsh Wall East site allocation to deliver 3000 new homes and the proposed form allows for a significant new area of open green space to be provided for the benefit of the local community. Furthermore, in design terms, within the tower an amenity floor provides articulation to the development when viewed at a distance, by providing a visual break in the elevational treatment and due to the slender form of the tower (the footprint of the tower is 760sqm) it is considered to relate well in form, proportion, composition and scale to the emerging character of the area south of Canary Wharf. The development, particularly when considered in the emerging context of the South Quay area which is undergoing rapid change, can be a positive addition to London's skyline, without causing detriment to local or strategic views including from Greenwich (Wolfe Memorial) World Heritage Site (LVMF view 5A.1) as shown below.



9.24 Development within the Marsh Wall East site allocation and Canary Wharf Activity Area is expected to provide a transition between the larger scale buildings within the Canary Wharf Cluster and the lower scale residential developments to the south. The diagram below helps to show how the proposed development achieves a transition in building heights from 1 Canada Square towards the south of the Isle of Dogs.



9.25 The building would step down in height from the Wood Wharf development but would be taller than both Dollar Bay and Baltimore Wharf. Given the position of the site at the end of Limeharbour, and its relatively northerly position on the Isle of Dogs compared to other sites within the activity area (for example further south along Limeharbour or further south of Marsh Wall where the more suburban residential character is much more immediate) it is considered to be an appropriate form of development which would not compromise the general aims of the activity area policy to provide a transitional form of development.

9.26 The detailed design of the scheme is such that the building's simple irregular hexagonal form is articulated with external 'fins' which provide texture to the elevations and shading from solar gain.

9.27 The building is essentially an extruded form comprised of stacked residential flats. This approach will change at three separate points when viewed from local vantage points, (such as Millwall Park, and along Marsh Wall or Limeharbour), the crown, mid-level 'break' and ground level.

The Crown (Top of the building)

9.28 Stepping back the facade of the building to the east and west elevation would provide for large terraces for the units on the upper floors. This approach would result in a chamfered roof with angles which could then be reflected in the ground and mid-level transitions.

Mid-level 'break'

9.29 A 'cut' in the building, and set back of the facade, one third of the way up the elevation, would reflect a transitional zone between uses, where the tenures change and the lift cores switch from servicing one set of levels to another. At this level are residents' amenity spaces and facilities such as an entertainment space, gym and games room.

Ground level

9.30 At the base the articulation of the form changes for the building entrances and the change between levels and uses is designed to be expressed at a human scale. The angled facade allows the building to touch the ground more delicately than many other buildings of this type.

9.31 The materiality of the outer skin is composed of a complementing palette of transparency and gloss, which is intended to bring a sense of lightness to the overall structure. The addition of the fins is intended to address two different visual levels. From a distance it unifies the façade creating a continuous elegant facade, but when viewed from close up the 'grain' breaks the elevation down to a human scale. This application of the 'moire' effect (i.e. the facade is visually expressed through the use of light and shadow to produce a sense of movement) is designed so the façade appears more articulated through the juxtaposition of light and shadow.

Strategic views

9.32 The development lies within a number of strategic views, which were tested within the

submitted Townscape, Heritage and Visual Assessment (THVA) (Environmental Statement) to establish whether the development accords with London Plan Policy 7.12.

- 9.33 In assessing these views the THVA demonstrates that the proposals would be concealed by existing buildings and, therefore, has no effect on the following LVMF views: 1A.1 (Alexandra Palace), 11B.2 (London Bridge) and 15B.1 (Waterloo Bridge).
- 9.34 The development is considered to have an insignificant effect on the following LVMF views: 2A.1.(Parliament Hill); 4A.1 (Primrose Hill); 6A.1 (Blackheath); and 12B.1 (Southwark Bridge).
- 9.35 The development is thought to have a minor effect on LVMF view 11B.1 (London Bridge). The development would be visible just left of Pan Peninsula and beyond the stepped mass of the Guoman Hotel on St Katharine's Dock. It would have a more slender silhouette than the tops of the commercial towers at the heart of Canary Wharf and would form a separate group with the residential Pan Peninsula towers, whilst visibly being of the same high rise skyline character emerging across the north of the Isle of Dogs. Together with the existing towers on the Isle of Dogs, the development can be considered to make, at worst, a neutral contribution to the distant urban setting of the Tower of London and Tower Bridge.
- 9.36 The development would not be visible within any of the Protected Vistas or Wider Setting Consultation Areas of any LVMF views.
- 9.37 Assessment point 5A.1 of the London View Management Framework is most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The management framework suggests that this view would benefit from *“further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs however any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.”*
- 9.38 The townscape assessments shows that the proposed development would be visible in the setting of the Greenwich WHS but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. Neither the GLA, the Royal London Borough of Greenwich nor the Councils Design and conservation raise any objections in this respect.
- Heritage & Conservation*
- 9.39 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 9.40 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the London World Heritage Sites – Guidance on Settings SPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.41 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.42 It is considered that the proposed development safeguards local and strategic views, and for the reasons set out above, it would not have a negative impact on the setting of the Greenwich Naval College (World Heritage Site). It is considered that whilst the

proposal is visible from the nearest conservation area (Coldharbour), it is sufficiently distant, as to not cause harm to this designated heritage asset.

Microclimate & Biodiversity

- 9.43 The biodiversity value of the site is very low currently therefore the proposals are not anticipated to affect biodiversity locally including South Dock.
- 9.44 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.45 The submitted Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 9.46 The proposed development has been found to be suitable for the intended uses at locations across the site. These locations include entrances to the residential tower and gym entrance enclosure, pedestrian thoroughfares/routes within the development, the proposed public square, proposed ground level sitting, seating and play areas, drop-off locations, balconies and terraces of the residential tower and pedestrian thoroughfares/routes adjacent to the Site. The Environmental Statement demonstrates that wind conditions would not significantly affect pedestrian comfort or safety either within the proposed development or within the public realm surrounding the Site, following completion of the proposed development including appropriate mitigation comprising the implementation of hard and soft landscaping, together with potentially recessing the north-easterly most entrance door to the residential Tower, and the implementation of a 1.6m balustrade to the west facing Level 16 terrace of the residential tower, and the implementation of solid screen partitioning on the Level 16 terrace of the residential tower.

Secured by design.

- 9.47 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. The Metropolitan Police has reviewed the proposal and are happy for the development to proceed as long as conditions state it shall incorporate measures to minimise the risk of crime. Subject to Member agreement the development will be required to achieve Secure by Design accreditation.

Summary of design considerations

- 9.48 In design terms the proposed development is considered to be appropriate. Approximately 70% of the site is an area of open space which can be accessed by all and improves local permeability. The provision of a large open area, coupled with the siting of the tower which acts as a 'book end' for Limeharbour give the proposed tall building space to 'breathe' and due to its slender form helps mitigate a sense of enclosure.
- 9.49 Local and strategic views reveal that the height of the tower is such that it reads as part of the Canary Wharf cluster and is in keeping with the emerging context of the South Quay area. Furthermore the elevational treatment and materials provide for an elegant tower which makes a positive contribution to the skyline.
- 9.50 The height, massing, siting and layout is considered to be an appropriate design

response to accommodate a high density residential led scheme required if the Council is to meet its housing aspirations in the Local Plan site allocation for Marsh Wall East.

Density

- 9.51 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 choice, in terms of the mix of housing size and type, and to provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period.
- 9.52 The site has a “good” public transport accessibility level (PTAL 4). For central locations with a PTAL of 4, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek a density of between 650 and 1100 habitable rooms per hectare.
- 9.53 The density of the development is 2,850 habitable rooms per hectare which is above the indicative range set out by London Plan Policy 3.4. It is acknowledged that this figure is significantly in excess of the London Plan density ranges. However, the intent of the London Plan and Council's MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity. In assessing whether the density is appropriate for the site, consideration should be given to the quality of residential accommodation.
- 9.54 The scheme incorporates an area of public open space and internal amenity space levels, as well as planning obligations towards a new pedestrian and cycle bridge across South Dock, public realm and connectivity to improve sustainable travel options.
- 9.55 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a relevant advice 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”.*
- 9.54 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors.
- 9.55 As previously stated, the slender form of the tower is an expression of its residential use and it is articulated through key design interventions and thus it represents a high quality design that it is required to justify the high density of the scheme. There is also significant pressure placed on the Isle of Dogs Opportunity Area, by both the London Plan at a strategic level, and the Core Strategy at a local level to provide housing where a limited number sites are available. In this instance, the relatively small site area will undoubtedly produce high density levels, however this has to be weighed up against the pressure to provide housing. Officers consider that this development offers a significant contribution to housing need and that 70% of the site is dedicated to public realm, together with the high quality design and acceptable amenity impacts, the proposed density is considered to be justifiable, and appropriate in this location.

- 9.56 The SPG outlines the different aspects of density which should be rigorously tested, these include the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “place shaping”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development.
- 9.57 Developments should be considered on their own merits and the acceptability of residential densities need to take account of a wide variety of factors. Officers continually monitor and review planning permissions to determine and manage the housing growth agenda and also use this monitoring information to inform the Council’s Planning for Population Change and Growth Model, which underpins the on-going Infrastructure Delivery Plan, and identifies infrastructure requirements to support the level of housing growth envisaged by the London Plan and the Core Strategy.
- 9.58 It is significant from a density of development point of view that the site is located within an Opportunity Area, as defined by the London Plan and the Canary Wharf Activity Area. The Core Strategy recognises the importance of this area in terms of the growth agenda and as highlighted above, the Core Strategy (Appendix 2) advises that 12,980 new homes are expected to be delivered up to 2025 within the Cubitt Town, Canary Wharf and Millwall “places”. This is clearly the context for the scheme and the desire to create new sustainable “places” such as that proposed for the Meridian Gate site.

Summary of density considerations

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

Housing

- 9.61 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.
- 9.62 The issue of affordable housing and off-site provision is similarly dealt with in the Council’s policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

Quantum of affordable housing

9.63

The policy requires a minimum of 35% affordable housing to be provided on-site. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasize that development should not be constrained by planning obligations.

9.64

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

9.65

A viability toolkit has been submitted with the scheme and this has been independently reviewed by Deloitte on behalf of the Council. The review of the toolkit concluded that the proposed affordable housing provision is reasonable.

9.66

The applicant is offering 30% affordable housing, with a 61:39 tenure split (in favour of affordable rent) on the basis that viability may improve prior to the units being sold. This level of affordable housing is offered at a risk to the developer. The affordable rent units are provided at rent levels in accordance with the Borough Framework rent levels which are generally considered to be affordable to Tower Hamlets residents.

9.67

The applicant has confirmed that the proposed rents would be significantly less than the national policy position of up to 80% of market rents and would not exceed Tower Hamlets preferred Borough Framework rents for the E14 post code (including service charges) as set out below (inclusive of service charges):

1bed	£224 (p/wk)
2bed	£253 (p/wk)
3bed	£276 (p/wk)

9.68

Whilst the 61:39 tenure split is not in line with the Council’s 70:30 target, it is broadly in line with the London Plan target of 60:40. To increase the rented tenure would reduce the overall proportion of affordable housing, and the Council’s affordable housing section are comfortable with the current split. The affordable housing offer of 30% is made in conjunction with a full package of planning obligations in accordance with the Council’s SPD. Further details of the s106 package are found at section 3.

Housing Mix

9.69

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 rented homes to be for families.

9.70

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).

9.71

In order to assess the acceptability of the proposed mix against the Council’s preferred mix, Table 1 below describes the proposed overall mix of the proposed development in the context of the Borough’s preferred dwelling mix:

Table 1 – Housing Mix

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	35	0	0%	0%	0	0%	0%	35	11%	0%
1 bed	160	8	14%	30%	16	35%	25%	136	42.5%	50.0%
2 bed	184	22	38%	25%	26	56%	50%	136	42.5%	30.0%
3 bed	44	28	48%	30%	4	9%	25%	12	4%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	423	58	100%	100%	46	100%	100%	319	100%	100%

9.72

Across the development 10.4% of the total units would be family sized. This is below the 30% policy target, however within the affordable rented tenure 48% of the units would be family sized properties. All of the family sized affordable rent units are to be provided at affordable Borough Framework rent levels. This meets a priority need within the Borough and is welcomed. Whilst there is a relatively low proportion of family sized units and higher proportion of smaller units across all of the tenures, the level of family housing within the affordable rented tenure is considered to be a significant benefit to the scheme, outweighing the shortfall of family housing across the scheme.

9.73

In terms of the intermediate provision, the development provides a higher than policy compliant provision of 1 bed units (35% as opposed to 25%) and a below policy requirement provision of family sized units (9% as opposed to 25%), meaning a shortfall in larger intermediate units. Given the site constraints this is considered to be acceptable on balance.

9.74

Overall it is considered that the development provides an acceptable level of family accommodation within the affordable rented tenure at Borough Framework rents which is a significant benefit of the scheme. As a result of the constrained nature of the site, and the drive to increase the viability of the proposal in order to maintain higher levels of affordable housing, the provision of smaller units within the private sale tenure is higher than the policy suggests, it is considered that on balance the housing mix is acceptable.

9.75

In conclusion the development would provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the Managing Development Document which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Quality of accommodation provided

Internal space standards /layout

9.76

Each of the units meets the London Plans space standards and the proposal is therefore acceptable in this respect. The studio units are 39sqm (minimum requirement is 37sqm), one bedroom units are between 50sqm and 69sqm (minimum requirement 50), the two bedroom flats are between 74sqm and 77sqm (minimum requirement 61) and in most

instances can be considered to be dual aspect. The only single aspect units are the private tenure studio flats which are west facing. All the affordable units are dual aspect. The three bedroom units are around between 94sqm and 108sqm (minimum requirement 74) and are dual aspect.

9.77 The residential accommodation has been designed to meet the following standards

- All units achieve Lifetime Homes Standards;
- All units achieve or exceed minimum space standards;
- All units (other than market studio units) are dual aspect;
- All units have a minimum floor to ceiling height of 2.6m with levels 1-9 (social/affordable rent units) achieving a minimum of 2.7m;
- Private amenity space standards are achieved or exceeded for all units;
- 95.5% of rooms meet or exceed the level for the daylight and sunlight BRE guidelines;
- The provision of a dedicated residents' (private only) communal amenity floor with kitchen, gym, games room and external viewing galleries; and
- Bulk storage provision within each unit.

9.79 Each flat has its own private amenity space in the form of balconies in accordance with local plan policy DM4 which requires a minimum of 9sqm for a 3 bedroom (6person) unit which are the largest units in the development.

9.80 The proposed development does not result in less than 18 metres separation distance between directly facing habitable room windows, which is a requirement of adopted policy to ensure that new developments provide good levels of privacy for existing and future residents.

Wheelchair housing

9.81 10% of all new housing should be wheelchair accessible (by habitable rooms) which, in this case, equates to 38 wheelchair adaptable units. There are nine family sized wheelchair adaptable units provided within the affordable rent tenure which help meet the local need for larger wheelchair units. The remaining units are provided as 1 and 2 bed unit (18 in total) across intermediate and affordable rent tenure, and 2 bed units (11 in total) in the private tenure. The delivery mechanism for the wheelchair accessible units will be secured within the s106 legal agreement.

9.82 Accessibility includes a variety of measures such as wider corridors, turning circles within living rooms and access to two different lifts.

Lifetime homes

9.83 All of the flats are designed to lifetime homes standards and a condition would be placed on any approval to ensure this is secured in perpetuity.

Summary of housing considerations

9.84 The proposal is considered to provide an appropriate housing mix including 30% (by habitable room) of affordable housing provided at rent levels in line with the borough's rent framework which ensures they remain affordable to those who need them. The quality of the new residential accommodation is good and in compliance with housing design standards.

Amenity

9.85 All major developments are expected to deliver areas of public open space and communal

amenity space in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

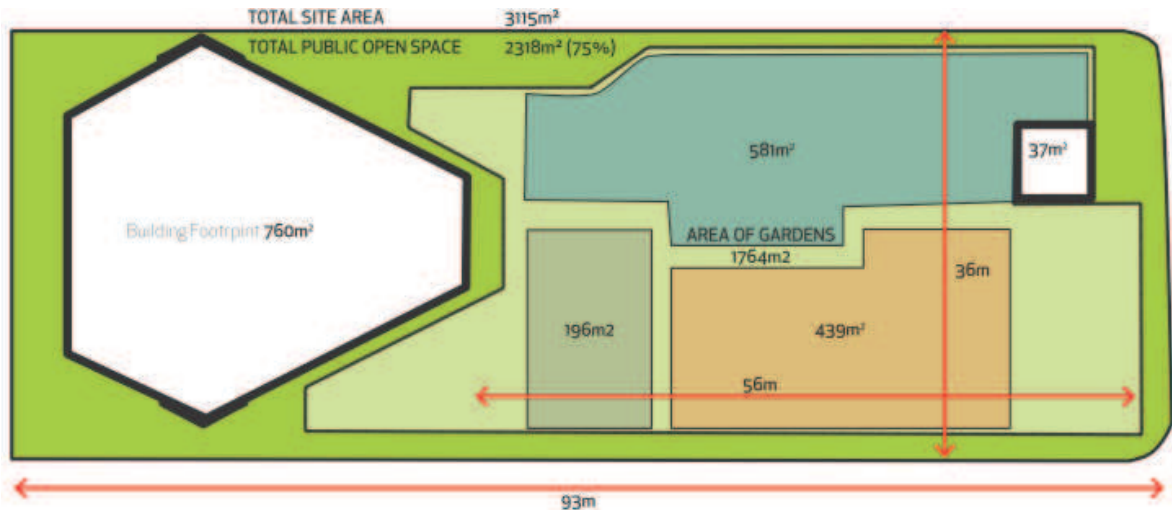
- 9.86 Communal open space is calculated based on the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.
- 9.87 Public open space is determined by the number of residents anticipated from the development, and the planning obligations SPD sets out that 12sqm of public open space should be provided per resident. This can be achieved through a financial contribution towards the provision of new open space or the enhancement of existing spaces.
- 9.88 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space
- 9.89 The residential and child yield figures are shown below and are based on the Council's planning for population change and growth model.

Type of amenity		Total required	Total provided
Child play space	Under 5	526sqm	581sqm (as marked on plan below)
	5-10 years	343sqm	439sqm (as marked on plan below)
	11-15 years	184sqm	196sqm (as marked on plan below)
Communal Space Private Affordable		463sqm (total) 324sqm 139sqm	760sqm (private) 139sqm (affordable)
Public open space		8,672sqm	1,126qm (any overprovision of childplay space has been included in this figure as it would be accessible to the public)

Child play space

- 9.90 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.
- 9.91 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.
- 9.92 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. These areas should be available within 800m of their homes.

9.93 Within this development an area has been set aside for under 5's play at the northern edge of the publicly accessible open space provided at grade level. For older children aged 5 to 10 informal play areas such as stepping stones, and a climbing wall is provided for 10-15 years olds as well as aboules/petanque pitch. The amount of the publicly accessible space dedicated to child play means the development is able to mitigate its own impact in this respect. Full details of the child play equipment will be conditioned for approval. The child play space provides a good differentiation of uses and defined areas would accommodate the child yield of the development.



9.94 The remainder of the publicly accessible domain, which makes up over 70% of the site area, can be considered to be public open space. This amounts to 2,600sqm which is below the required amount (based on 12sqm per additional resident) but a financial contribution is offered by the applicant to provide additional open spaces or to upgrade existing spaces in the borough, in accordance with the planning obligations SPD.

9.95 Communal amenity space is provided in the form of two amenity floors within the building for the private tenure residents provided in the basement is a 12m swimming pool, sauna and steam room, then on the 16th floor a lounge, gym, terrace, and games room.

9.96 The development provides a policy compliant amount of private amenity space, the communal space proposed is provided within the building for private residents, the requirement for affordable residents forms part of the open space area – as such the required amount of communal amenity space has been deducted from the overall public open space figure i.e. the public open space is the residual amount after the required amount of child playspace and communal amenity has been deducted;

*2,318sqm (total area of open space) minus
 1,053sqm (total child playspace required) minus
 139sqm (affordable communal amenity required) equals
 1,126sqm of new public open space.*

Open space

9.97 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals will accord with the objectives of this policy.

- 9.98 Policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.99 It is calculated that 777 people will live in the proposed development. Based on the occupant yield of the development, under policy the proposal would be expected to deliver approximately 0.93 hectares of public open space. However, the Council's s106 SPD allows for such a shortfall in Public Open Space on site to be addressed through a financial contribution. Notwithstanding this, the scheme would deliver approximately 810sqm of public open space (excluding communal amenity and child playspace provision). The proposal includes a significant proportion of open space, with over 70% of the total Site area remaining undeveloped, with a heavy emphasis upon landscaped public space (comprising a total of 2,318sqm including child playspace, and communal amenity). This is proposed to be a combination of amenity open space (including play and seating zones, formal seating zones, public square and other amenity greenspace), an under 5's children's play area, and a flexible aggregate surface for games (e.g. boules/petanque pitch), and climbing wall and recreation for older children.
- 9.100 Such provision would complement the existing open spaces within the vicinity of the application site including Jubilee Park approximately 550m north west of the Site, St. John's Park approximately 330m south east of the Site, Canada Square Park approximately 590m north west of the Site, Mudchute Park approximately 800m south of the Site and Sir John McDougall Gardens approximately 950m south west of the Site (all distances are as the crow flies). Mudchute Park and Farm is a 13 ha open space and parkland.
- 9.101 Irrespective of this, the proposed level of open space would fall below LBTH's standard of 12sqm per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would provide approximately 1.4sqm per person. Accordingly, the applicant has agreed to a financial contribution to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement
- 9.102 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.
- 9.103 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. Policy SP10 and DM25 also seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight and sunlight

- 9.104 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The Environmental Statement submitted as part of this application considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 9.105 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.

No sky line

- 9.106 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. For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.107 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.
- 9.108 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.109 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.

Interpretation of results

- 9.110 The Daylight/ Sunlight report prepared by GIA was independently reviewed by an expert. The GIA report identifies that the following properties meet the BRE standard for both VSC and NSC, and the Council's expert concludes that there is no reason to dispute these results:
- 1-52 Antilles Bay
 - 12-24 East Ferry Road
 - 30-33 Chipka Street
 - 6-13 Chipka Street
 - 1-30 Llandovery House

Meridian Place

- 9.111 Meridian Place results show that 61 rooms do not meet the VSC standard and four rooms do not meet the NSL standard. 27 of the windows have a reduction of VSC of more than 40% from existing and three of the rooms that failed the NSL standard experience reductions of more than 40% from existing.
- 9.112 Therefore, these reductions in light to the rooms that do not meet the required standard are going to be noticeable. However, analysis of the results shows that all of the living rooms that experience the reductions in VSC of more than 20% from existing will meet the NSL standard and will therefore be left with good levels of NSL. Four bedrooms reduction in NSL and a reduction in VSC, will experience a noticeable change to the existing levels of daylight.

9.113 For the remaining 49 windows, reductions in VSC of more than 30% from existing will be a clearly noticeable reduction. However, it is material that the change in NSL is minimal and therefore the perception of sky visibility and outlook from inside the room will not materially change.

9.114 This type of impact on Meridian Place is inevitable with any intensification of development on the Meridian Gate site as placing the tower in a different location on the site plot will only replicate those results for different rooms within Meridian Place. Reducing the height of the building will give no material benefit.

26-24 East Ferry Road

9.115 The results of the study show that two rooms in this property will not meet the VSC standard and one will not meet the NSL standard. The rooms that do not meet the VSC standard will experience reductions of 21% to 26.9% respectively. Therefore, these are only just non-compliant.

9.116 The room that will experience a reduction in NSL of more than 20% of existing, experiences a 100% reduction in NSL but only receives very low levels of NSL at present. Therefore, whilst the sky visibility will be removed, this is already a poorly lit room with no practical levels of sky visibility to be enjoyed. Overall, therefore the impact on 26-44 East Ferry Road is considered to be acceptable.

Sunlight – Annual Probably Sunlight Hours (APSH)

9.117 The only two properties that need to be assessed for APSH are Meridian Place and 1-52 Antilles Bay. The results for 1-52 Antilles Bay show that the sunlight requirements are met for all windows.

9.118 At Meridian Place, five windows fail the annual and winter sunlight standards. However, as the report identifies, four of the rooms with windows that do not meet the standard have mitigating apertures which satisfy the APSH criteria and therefore the occupants of those rooms will still perceive acceptable levels of sunlight. That leaves one room that does not meet the required standard, which on its own is thought to be outweighed by other material planning considerations.

Overshadowing to gardens and open space

9.119 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 is likely to be noticeable.

9.120 The only neighbouring amenity area eligible for assessment is the courtyard of Meridian Place to the north of the site. This currently has 55% of its area receiving two hours of direct sunlight on 21 March, so there is little scope for reducing this without failing the BRE standard. The effect of the development is to leave 32% of the courtyard seeing two hours of direct sunlight on 21 March which will be a noticeable reduction, particularly during the course of the afternoon.

9.121 Any tower building on the Meridian Gate site would affect the sunlight available to the amenity space to an extent that it would fail the BRE standard and it is the location of the tower which determines the times of day that that will be most noticeable. The tower's location is such that it is the best siting (i.e. west or east end of the site) to minimise its impact. Moreover the principal obstruction to sunlight is the existing Meridian Place

building. It is also relevant that the part of the amenity area that will be left with good levels of sunlight is that closest to the dockside.

- 9.122 For the transient shadow this shows that the effect of the shadow cast by the tower on the amenity area at Meridian Place will only last for a relatively short time, and will only cast some shadow on the Meridian Place community area for two hours in the afternoon on 21 June. The results for the sun on ground assessment for the amenity space of the new development shows clear compliance with BRE standards and this will be left with good sunlight amenity.

Summary

- 9.123 The impact of the amenity of neighbouring residents is considered to be acceptable on balance. Any development of the site can reasonably be expected to adversely impact on neighbouring residents (particularly in Meridian Place). However, the proposed siting of the tower minimises these impacts and the large open space will improve conditions for some neighbouring residents. Reducing the height of the building will give no material benefit. The new residents of the proposed development will benefit from sufficient private amenity space by way of balconies, and also policy compliant levels of child play space. The child playspace will be accessible to all as it is provided within the new area of publicly accessible amenity/ open space which makes up approximately 70% of the site.

Transport, Connectivity and Accessibility

- 9.124 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.125 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.126 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). It is approximately a 200m to South Quay DLR station and 550m to Canary Wharf Underground. A number of bus routes operate within 200m of the site, the D7, D3, 135 and D8.

Highways

- 9.127 The application proposes a basement car park with 30 spaces, 4 of which are designated for disabled parking. The access to the basement is via a car lifts, set back from the estate road to the northwest of the site in order to provide a reservoir space for cars waiting for the lift so they do not back up.
- 9.128 The submitted Transport Assessment demonstrates that the development would result in nine additional car trips in the am peak and 14 in the pm peak. The majority of trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBTH Highways.

Servicing and Deliveries

- 9.129 London Plan Policy 6.13 states that developments need to take into account business

delivery and servicing. The servicing of the development is proposed to be carried out from the private road between the Meridian Gate and Meridian Place. This is essentially where the 'back of house' elements would occur and a lay-by has been incorporated into the design of the road.

- 9.130 Service vehicles will enter the site from Marsh Wall at the eastern end of the site. The tracking diagrams supplied show that refuse vehicles would need to manoeuvre to the opposite side of the road to make a left turn into the site, which is to the satisfaction of LBTH Highways and Transportation. All refuse would be contained within the ground floor until the refuse vehicle arrives. An appropriate management regime will be secured by condition.
- 9.131 From the layby (northern boundary) all refuse will be collected and all general servicing needs for the office and cafe and the residential units would also occur from here.
- 9.132 While vehicle movements resulting from the development will be relatively low. The completed development is predicted to generate 9 two-way car trips during the AM peak and 19 during the PM peak compared with the level of car parking serving the existing office. This translates to a 1% increase in traffic in Marsh Wall and Limeharbour at peak times, and 0.66% on Manchester Road. During peak hours the transport assessment demonstrates total vehicle increases of less than 3% on all routes used by construction vehicles. The Council's Highways section are satisfied that the development will not have a detrimental impact upon the safe and free flow of traffic on the local highway network. A Construction Management Plan, a Service Management Plan, a Parking Management Plan, and a full Travel Plan will be secured by condition to minimise any highways impacts of the proposed development.

Car Parking

- 9.133 At present the Site consists of an office totalling 4,140sqm with 60 car parking spaces. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The parking levels for this site will be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger. The development proposes 30 spaces, 4 of which would be for disabled users. This is in accordance with policy and is considered acceptable.
- 9.134 The development would be secured as permit free, meaning that none of the residents would be able to apply for a parking permit for the surrounding streets, save for those eligible under the Council's permit transfer scheme which will apply to this development.
- 9.135 A travel plan would also be secured for the development which would encourage residents and visitors to utilise sustainable forms of transport.

Provision for Cyclists

- 9.136 467 cycle parking spaces are provided for the residential element with private units having a separate store to the affordable units (both accessed via a bicycle lift in the main tower), 2 for the office (at ground floor level), and 12 for visitors. Visitor cycle parking would be located around the site and designed into the landscaping. This would be secured via condition. Overall the level of cycle parking is considered acceptable and it is suitably accessible for future residents of the site.

Public Transport Improvements

Docklands Light Railway

- 9.137 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.

Crossrail

- 9.138 The development will be required to make a contribution of around £1,413,160 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

Buses

- 9.139 TfL estimates that the development will cumulatively have an impact upon the bus capacity within the Isle of Dogs. As a result TfL have requested £200,000 towards improving the bus services which serve the site, which the applicant has agreed to pay. Contributions have also been secured toward public realm improvements, new pedestrian bridge and smarter travel initiatives.

Pedestrian Environment

- 9.140 The development will add a number of additional pedestrian trips locally, either accessing surrounding public transport nodes or walking directly to the Canary Wharf area.
- 9.141 The building has been set back from the western edge of the site so there would be a footway width of 6.7m along the western edge of the building, which provides a new route to the dockside which is an important aspiration of the emerging South Quay masterplan. Should the Thames Quay site be redeveloped this can reasonably be expected to give over a portion of the site to creating a legible and visually attractive route to the dockside significantly improving local permeability. Providing over 70% of the site for publicly accessible space provides additional diagonal routes through the site to the dockside further improving permeability.
- 9.142 The applicant has agreed to contribute £228,000 towards a new pedestrian/cycle bridge in the area the delivery of such infrastructure is a clear aspiration of the borough and Mayor of London.

Inclusive Access

- 9.143 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.144 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has generally been designed with the principles of inclusive design in mind.
- 9.145 The public open space provided on site provide clear routes and the use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins along Marsh Wall will be requested via condition regarding details of the hard landscaping.

Energy and Sustainability

- 9.146 At a national level, the National Planning Policy Framework sets out that planning plays a

key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 9.147 The proposals for Meridian Gate have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency measures and the use of a CHP (~152kWe) to reduce CO2 emissions by 38% (201 tonnes CO2) from a building regulation 2010 baseline.
- 9.148 This is supported and follows the London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.149 As noted, the overall CO2 emission reductions considered achievable for the development are approximately 38%. 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.
- 9.150 The current proposals therefore fall short of this policy requirement by approximately 12% which equates to 62 tonnes of CO2.
- 9.151 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 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.'

- 9.152 It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2 in accordance with the GLA recommendations (GLA Planning Energy Assessment Guidance April 2014).
- 9.153 For the proposed scheme it is recommended that a figure of £111,660 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 526 tonnes/CO2
 - Proposed development is at 325 tonnes/CO2
 - 50% DM29 reduction would therefore be 263 tonnes/CO2.
 - Shortfall to meet DM29 requirements = 62 tonnes/CO2 x £1,800 = £111,660 offset payment to meet current policy requirements.

Sustainability

- 9.154 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a

Code level 4 rating.

- 9.155 The submitted information identifies that Code for Sustainable Homes Level 4 will be achieved with a score of 73.94. This is supported by the sustainable development team and should be secured via Condition for the final certificates to be submitted within 3 months of occupation.
- 9.156 The proposals also include the delivery of office and commercial space which will be subject to a condition to secure BREEAM Excellent rating and certificate submitted within 3 months of occupation.

Environmental Considerations

Noise and vibration

- 9.157 The development will be exposed to a high degree of noise from Marsh Wall traffic, London City Aircraft noise, and the DLR, and as such the development will fall into a SOAEL as defined in the Noise Policy Statement for England (NPSE). As such suitable noise insulation measures should be incorporated to address these issues at facades exposed to high noise levels. Full details will be required of the acoustic noise insulation and ventilation will be conditioned for approval. Standard measures for construction noise and vibration mitigation have been described and these would be included in the Construction Management Plan.

Air quality

- 9.158 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. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.159 In this case the development provides a reduction in the level of car parking compared to the existing office, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including the amenity pavilion roof would assist with urban greening.
- 9.160 The Environmental Statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.

Contaminated land

- 9.161 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.162 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation will be attached to this permission, should Members resolve to grant approval.

Flood Risk

- 9.163 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 9.164 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.165 The Application Site lies within Flood Zone 3 as shown on the EA Flood Map. This zone comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.
- 9.166 The site is protected by raised flood defences along the River Thames. In addition to this the non-vulnerable uses are located at ground and basement level with the more vulnerable uses i.e. residential located on the upper floors of the building. The basement would be waterproofed and sustainable drainage measures have been included within the design of the scheme to reduced surface run-off. Soft landscaping around the site, including the amenity pavilion roof would also assist in refusing surface run-off into the drains which can cause flooding. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.167 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.168 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.169 Through the provision of a landscaping scheme that includes native planting at ground level such as trees, scrubs and planting on the roof of the amenity pavilion the proposed Development provides an ecological enhancement to the local area.
- 9.170 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity and the existing site has a low biodiversity value. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.
- 9.171 It is important to note that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient child play space. The scheme also provides public open space and complies with other aspects of the London Plan's Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space

Health Considerations

- 9.172 Policy 3.2 of the London Plan seeks to improve health and address health inequalities

having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

- 9.173 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.174 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 9.175 The applicant has agreed to a financial contribution of £497,870 to be pooled to allow for expenditure on health care provision within the Borough. The development is expected to accommodate an additional 777 residents who would potentially require health care services offered by the Tower Hamlets PCT. The NHS is currently undertaking an ambitious programme to develop health and wellbeing centres across Tower Hamlets to meet the needs of the rapidly growing population. To accommodate the additional population growth from this and other sites a new 'service hub' is being planned at Wood Wharf. The financial contribution from these developments would go towards the long lease or fit out costs of the Wood Wharf service hub. The applicant has also agreed to meet the full financial contributions required of it in this regard
- 9.176 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.
- 9.177 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations and CIL

- 9.178 Planning Obligations Section 106 Head of Terms for the proposed development based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.179 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.180 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.181 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or

through financial contributions to mitigate the impacts of a development.

- 9.182 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
- 9.183 The Borough's other priorities include:
- Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability
- 9.184 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 30% affordable housing based on an affordable rent to intermediate split of 61% and 39% respectively. The independent advice concluded that 30% affordable housing based on the above split is beyond the level the development could viably be provide, however the applicant is offering 30% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: "the development is providing the maximum reasonable amount of affordable housing".
- 9.185 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document and Planning Obligations SPD (2012).
- 9.186 Officers are currently working in partnership with the Mayor of London to prepare a Supplementary Planning Document for South Quay area, which is seeking to identify the social and physical infrastructure requirements triggered by the quantum of emerging development , as well local place shaping.
- 9.187 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.188 The Inspector, in his report into the Managing Development Document, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools and a minimum of 5 new primary schools. These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are in discussions about opportunities for new educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 9.189 The approach to planning for school places and other infrastructure takes into account

committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.

- 9.190 The Managing Development Document also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.191 Work on the site allocations has been integrated into the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.192 The proposed development is calculated to result in a child yield of 37 children of primary school age and 17 children of secondary school age (a total yield of 54). Clearly, the identification of new school sites (both primary and secondary) is required to take into account the locations most likely to generate the extra pupils, given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the Borough. Consequently, the need is clearly greater and more urgent in the east, including the Isle of Dogs.
- 9.193 Although there may be potential for a proportion of school age children arising from the proposed development to be educated privately, and notwithstanding the relatively low projected child yield arising from the proposed development as a result of the unit type and size, as a worst-case scenario the proposed development would place additional pressure upon existing school facilities. The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.
- 9.194 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

Financial Obligations

- m) A contribution of £116,361 towards enterprise & employment.
- n) A contribution of £412,928 towards leisure and community facilities.
- o) A contribution of £91,015 towards library facilities.
- p) A contribution of £916,441 towards educational facilities.
- q) A contribution of £497,870 towards health facilities.
- r) A contribution of £504,345 towards public open space.
- s) A contribution of £11,633 towards sustainable transport.
- t) A contribution of £89,554 towards streetscene and built environment, including highways improvements.
- u) A contribution of £111,660 towards reducing carbon emissions.

v) A contribution of £228,593 towards improvements to local connectivity pursuant of an additional bridge crossing over South Dock.

w) A contribution of £200,000 towards a local bus improvements

x) A contribution of £63,607 towards S106 monitoring fee (2%)

Total: £3,244,001

Localism Finance Considerations

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

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

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

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

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

9.198 In this context "grants" will include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes delivered

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

9.200 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.201 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £1,413,160.

9.202 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.203 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 £604,392 in the first year and a total payment of approximately £3,844,753 over 6 years.

Human Rights Considerations

- 9.204 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:-
- 9.205 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".*
- 9.206 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.
- 9.207 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.
- 9.208 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.
- 9.209 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.210 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.
- 9.211 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

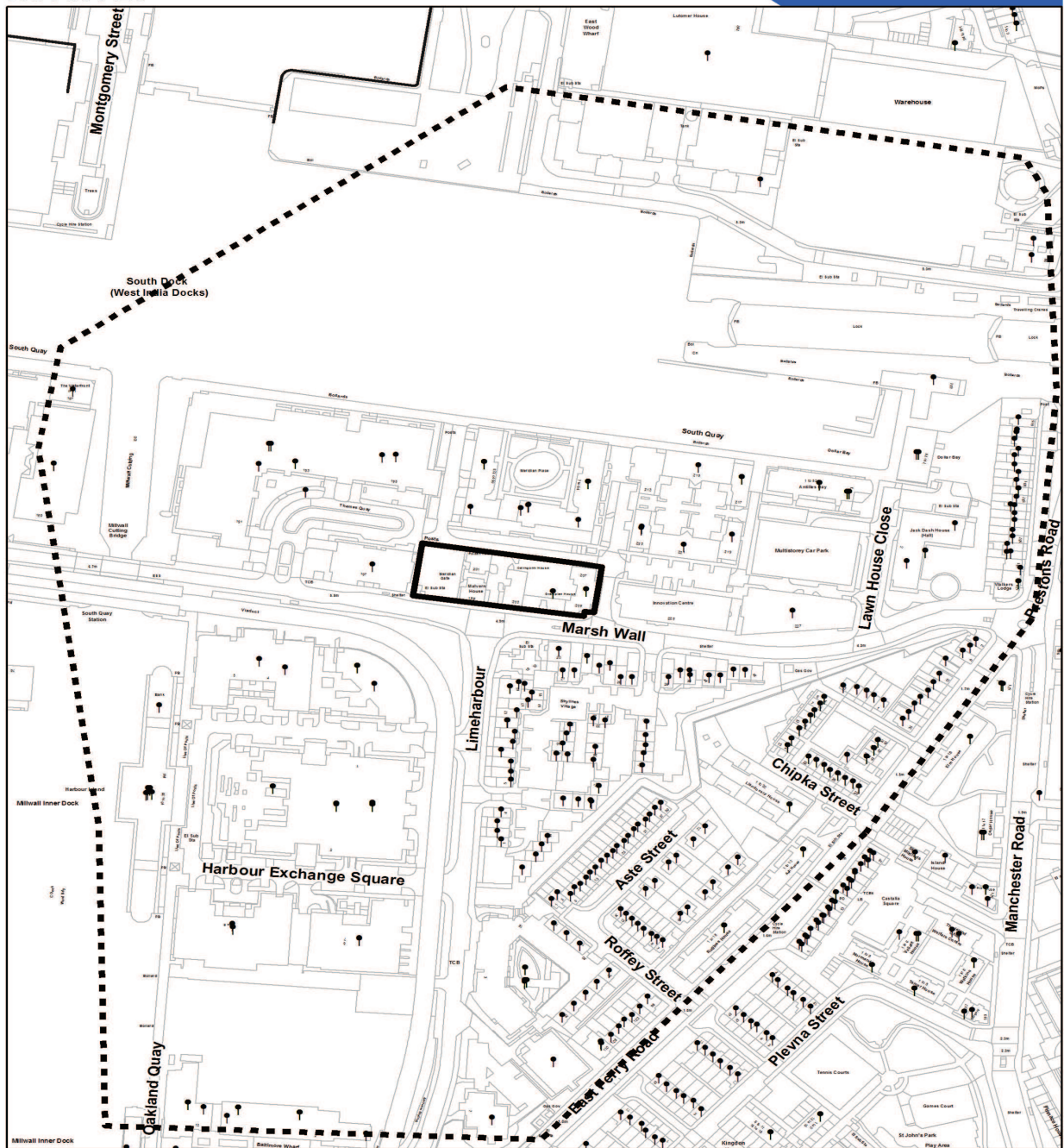
Equalities Act Considerations

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

10 Conclusions

- 10.1 The proposed development would form an integral part of the cluster of buildings to the north of the Isle of Dogs, it would provide a high quality, well designed mixed use scheme including much needed market and on-site affordable housing. The proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/14/01428



- | | | | | | | | |
|--|------------------------------------|--|----------------------------|--|---------------------|--|--------|
| | Planning Application Site Boundary | | Locally Listed Buildings | | Land Parcel Address | | 0 20 m |
| | 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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1:3,000

Agenda Item 6.2

Committee: [Strategic] Development	Date: 29th Jan 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/14/2817
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: South East block Of Goodmans Fields, 74 Alie Street, London

Existing Use: Vacant

Proposal: Development of the South East block comprising a podium block between 6-12 storeys and three towers of 21 storeys, 22 storeys and 23storeys to provide 415 residential units (use class C3), 3,398sqm (GEA) of flexible commercial space including a health centre (use class A1, A2, A3, B1A and D1), public open space and associated landscaping, surface car parking, cycle parking and related infrastructure and associated works

Drawing Nos/Documents: P0001 rev A, P0002 rev A, P0003 rev A, P0100 rev A, P0101 rev A, P0102 rev C, P0103 rev A, P0104, P1050 rev A, P0107 rev A, P0108 rev B, P0110 rev A, P0111 rev A, P0112 rev A, P0113 rev A, P0114 rev A, P0115 rev A, P0120 rev A, P0121 rev A, P0122, P0123, P0124, P0202 rev A, P0203 rev A, P0204 rev A, P0205, P0301 rev A, P0302 rev A, P0303 rev A, P0304 rev A, P0310 rev A, P0311 rev A, P1001, P1002 rev A, P1003, P1004 rev A, P1005 rev A, P1006 rev A, P1007 rev A, P1008 rev A, P1008 rev A, P1009 rev A, P1021 rev A, P1022 rev A, P6001, P6002, P6003, P6004, P6005, P6006 rev A, P6007 rev A, P6008 rev A, P6009 rev 9, P6010, P6011, P6012, P6013, P6014, P6015, P6016, P6017, P6018, P1031, P1034, P1035, P1036, P1037, 1284/048, 1284/050, 1248/051 rev A, 1284/052 rev A, 1284/060, 1284/061, 1284/065 rev A, 1284/066 rev A, 1284/067 rev A, 1248/035 rev L, P1023, P1024, P1025, P1026, P1027, P1028 and 0722E 07.06 rev H.

Applicant: Berkeley Homes (North East London) Ltd
Ownership: Berkeley Homes (Capital) PLA
Berkeley Homes Seventy-six Ltd

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

2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:
- 2.2 This scheme relates to the SE block of the Goodmans Fields development in Aldgate. Planning permission has previously been granted for the redevelopment of the site and the scheme is in the process of being built out. This application is a standalone application for the SE block to increase the level of commercial floorspace and number of residential units through changes to the built form of the block, including the provision of an additional residential tower.
- 2.3 The scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment and towards local and London-wide housing targets. It would form a positive addition to London's skyline, without causing detriment to local or strategic views and would enhance the character of the immediate area by virtue of its high quality design and provision of new public open spaces..
- 2.4 The increased density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no significant impact upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.5 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. In light of the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.7 A suitable strategy for minimising carbon dioxide emissions from the development has been proposed, landscaping and biodiversity features are also proposed which seeks to ensure the development is environmentally sustainable.
- 2.8 The proposed development will provide appropriate mitigation measures through a legal agreement which will contribute towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents.

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. The list below identifies the contributions which result from the

uplift of residential units and commercial floorspace. Some financial contributions have already been paid in relation to earlier phases of the development which are not therefore required as part of this development e.g. streetscene and public realm. A full explanation of these figures is explained 17 of the report.

- a) A contribution of £16,231 towards enterprise & employment for the end user phase.
- b) A contribution of £13,592 towards enterprise and employment training for the construction phase.
- c) A contribution of £28,694 towards community facilities including libraries and Idea stores
- d) A contribution of £144,847 towards leisure facilities.
- e) A contribution of £247,932 to mitigate against the demand of the additional population on educational facilities.
- f) A contribution of £129,446 towards health facilities.
- g) A contribution of £182,956 towards public open space.
- h) A contribution of £3,112 towards sustainable transport.
- i) A contribution of £31,500 towards pedestrian / cycle improvements
- j) A contribution of £60,600 towards a carbon off-set fund.
- k) £195,300 payment under Crossrail SPG – to be used as a credit towards CIL.
- l) A contribution of £16,578 towards S106 monitoring fee (2%)

3.3

Total: £845,488

Non-Financial Obligations

- a) 47.1% affordable housing as a minimum, by habitable room within the SE block, equating to 30.5% of the Goodmans Fields site overall
 - 44% social rent
 - 31% affordable rent
 - 25% intermediate housing
- b) On street parking permit free development
- c) Cycle hire spaces to be safeguarded
- d) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs) and provision of a training centre.
- e) Travel Plan
- f) Health centre to be provided

- g) Code of Construction Practice
 - h) Access to public realm
 - i) Access to the first floor roof terrace to be made available to all residents of the SE block
 - j) Car park management strategy including details of allocation of blue badge spaces to be agreed.
 - k) Minimum of 280 cycle parking spaces to be provided in the basement.
 - l) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 CONDITIONS & INFORMATIVES on FULL PLANNING PERMISSION

Prior to Commencement' Conditions:

1. Construction management plan
2. Contaminated land
3. Identification of existing utilities to ensure no disturbance to services

Prior to completion of superstructure works conditions:

4. Surface water drainage system.
5. Impact studies of water supply infrastructure
6. Details of a site waste management plan including how it fits in with the wider site
7. Details of external facing materials
8. Details of shopfronts
9. Details of plant
10. Details of proposed mitigation and diffusion tube monitoring for properties exceeding air quality levels.
11. Details of landscaping including children's play space, biodiversity measures (including the use of native Birch), lighting, boundary treatments, wayfinding and maintenance.
12. Details of landscaping of Chaucer Gardens including timetable for delivery, fencing and gates and signage strategy to provide public access and use to play facilities.

Prior to Occupation' Conditions:

13. Verification of BREEAM excellent
14. Verification of Code for Sustainable Homes level 4.
15. Secured by design statement
16. Delivery and service management plan
17. Details of the proposed use along with hours of operation for the commercial units.
18. If A3, A4 or A5 use is implemented details of ventilation equipment is required.

'Compliance' Conditions –

19. Permission valid for 3 years
 20. A minimum of 32 surface level Sheffield style cycle parking spaces
 21. All units to meet lifetime homes standards
 22. The 42 wheelchair units shall be provided as easily adaptable
 23. All lifts serving the relevant dwellings and commercial floors shall be installed and operational prior to first occupation.
 24. Hours of construction
 25. Development to be carried out in accordance with energy strategy
 26. The rooms shall have a reflectance level of no less than 0.4
 27. Chaucer Gardens shall be laid out and made available to the public prior to first occupation of the SE block.
 28. Construction material to be selected in accordance with BRE 'Green Guide to Specification' selection criteria
 29. Plant noise to be no more than 10dB below background.
- 3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 **Informatives:**
- S106 planning obligation provided
 - Advertisement consent required for signage
- 3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.10 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site relates to part of Goodmans Fields which is a 2.89ha area within the City Fringe which has consent for a comprehensive mixed use, residential led redevelopment. The site can be divided into four distinct blocks, the south west, north west, north east and south east blocks.
- 4.2 The south west block comprises student accommodation and has been fully completed and occupied. The north west block consists of flexible commercial space on the ground floor with a 250 bed hotel and 182 residential units above. This is currently under construction and the hotel element will shortly be ready for occupation. The north east block is predominantly residential with a flexible commercial ground floor. This block will comprise 382 units, construction has not yet commenced on this part of the site.
- 4.3 The subject site is the final block, the south east block. This has outline consent for a redevelopment of up to 297 residential units, a health centre, training centre and ground floor commercial space. The site area for the subject application is 1.02ha which also incorporates the public park in the north east corner of the site.
- 4.4 The blocks as approved are set upon a ground floor podium in a square shape around a central courtyard. As consented each block has two towers ranging from 20 – 28 storeys.

- 4.5 In terms of policy designations the site is within the CAZ (Central Activities Zone), an area of archaeological priority and has a Public Transport Accessibility Level of 6a, which is excellent. Goodmans Fields forms one of the site allocations within the Managing Development Document and is allocated for housing, a health centre and a district heating facility. The site is also within the buffer zone as allocated by the Health and Safety Executive for the Gunmakers building on Commercial Road.
- 4.6 The site is not within a conservation area but is within close proximity to a number of grade II listed buildings, including the wool warehouses on Gowers Walk, immediately south and east of the application site. The site can also be seen within London View Management View Framework (LVMF) view 25A which is from Queens Walk to the Tower of London. The Tower of London is a grade I listed building, scheduled ancient monument and a world heritage site

Proposal

- 4.7 The proposal is for a stand-alone planning application for the south east block, increasing the number of units from 297 approved within the outline consent to 415. These additional 118 (260 habitable rooms) units would be accommodated by making the following changes to the scheme:
- Increasing the height of T5 (tower 5) from 82.4m AOD to 85m AOD. Same number of floors: 22)
 - Increasing the height of T6 (tower 6) from 73.1m AOD to 81.9m AOD (two additional floors 19 - 21)
 - Addition a seventh tower of 88m AOD (23 floors) (T7)
 - Increasing the height of the perimeter block along the western edge from 46m to 52.1m
 - Changing the accommodation along Gowers Walk from five storey maisonettes to a seven storey block (increase from 24.7m AOD to 33.7m AOD)

An image of this is shown in the design section of the report.

- 4.8 Of the 297 units approved under the outline consent 139 were affordable, by habitable room this equated to 50.1%. Under the proposed scheme 171 of the 415 units would be affordable, which by habitable room is 47%. This is an increase in 32 affordable and 86 private residential units in real terms.
- 4.9 The ground floor of the development contains a 1630sqm health centre, a 313sqm training centre and four flexible retail / commercial space measuring a combined area of 1455sqm. These uses were previously secured through the outline permission and remain unchanged.
- 4.10 The proposal also includes the detailed landscaping for the public park, known as Chaucer Gardens.

5 Relevant Planning History

- 5.1 Goodmans Fields consists a substantial redevelopment scheme which has an extensive planning history. The site consists of 75 Leman Street which is a residential block of 59 units and four blocks known as the south west, north west, north east and south east blocks.
- 5.2 The south west block is a student housing scheme and was built out under PA/09/00956. This was an application for the whole Goodmans Site but was subsequently superseded by PA/11/3587 which was granted 28th March 2012.
- 5.3 PA/11/3587 was a hybrid application which sought full planning permission for the north west block and outline consent for the north east and south east blocks. Work is underway on the north west block which contains 182 private residential units, mixed use commercial space on

ground floor and a 250 bedroom hotel.

- 5.4 The reserved matters for the north east block were approved under PA/13/1873 on 21st October 2013. This block contains 382 residential units, of which 108 are to be affordable.
- 5.5 The south east block is the final block for which outline consent has been granted but no details have been submitted yet. This block under the consented scheme would be delivering 297 homes, of which 139 would be affordable, a health centre and a training and employment centre.
- 5.6 There have been a number of non-material amendments associated with the hybrid scheme, however only three that are of relevance to the consideration of this application. PA/14/2835 is an application for works to the basement to reduce car parking spaces and increase areas available for cycle parking and refuse storage. The other applications are PA/14/233 which saw permission granted for a change to the mix of units from 4 x 3 bed intermediate units within the NE block to 4 x 1 beds and 4 x 2 beds. PA/13/2699 changed a two bed intermediate units into a one bed.

6. POLICY FRAMEWORK

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

Core Strategy Development Plan Document 2010 (CS)

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

Managing Development Document (2013)

Allocations:		
Proposals:		Flood risk area
		Activity Area
Policies:	DM0	Delivering sustainable development
	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality

DM10	Delivering Open space
DM11	Living Buildings and Biodiversity
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

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Spatial Development Strategy for Greater London (London Plan 2013)

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

- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated land
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.11 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 Access to Nature and Biodiversity
- 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
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

- Housing Nov 2012
- Shaping neighbourhoods: Character and context 2014
- London View Management Framework 2012
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- Sustainable design and construction April 2014
- London Planning Statement 2014
- London World Heritage Sites – Guidance on Settings 2012

Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)

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

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

7. CONSULTATION RESPONSE

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

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

LBTH Biodiversity Officer

7.3 The application site is currently not of any significant biodiversity value, nor was it of value before the previous buildings were demolished. Policy DM11 requires developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP).

7.4 The proposals include a small new park, Chaucer Gardens. This offers the best opportunity to enhance biodiversity at ground level in the wider Goodmans Fields development. The landscape proposals for the park currently contain little that would contribute to LBAP objectives but, with a few minor tweaks, could easily be adapted to do so.

7.5 The main features in the park which are intended to enhance biodiversity are two areas of birch woodland, variously described in application documents as “mixed birch woodland” or “native birch woodland”. These appear to consist of multi-stemmed birch trees with a predominately native woodland ground flora planted below (though no details are given of the species to be planted). However, the birch in the landscape plans is the non-native *Betula jaquemontii*. If this was replaced by native silver birch (*Betula pendula*), these areas could be described as native woodland, a priority habitat in the LBAP. Full details of the ground flora planting would need to be approved through a condition.

(Officer response: The applicant has agreed that silver birch trees would be included within the landscaping and a condition is imposed to reflect this.)

7.6 The landscape plan for Chaucer Gardens also indicates a “native hedge”, though I can find no further details of this. If it is proposed to be a mixed native hedge (rather than a single-species hedge of box, hornbeam or beech), this would also contribute to an objective in the LBAP.

(Officer response: The species used to make up the native hedge would be secured by condition to ensure they contribute to local biodiversity.)

7.7 There is an area of formal planting in the south of the park which has the potential to provide a good supply of nectar-rich flowers for bees and other pollinators. I can find little detail of the proposed planting here, though lavender, which is a very good nectar plant, is mentioned. To maximise benefits to bees, species should be chosen to provide flowers for as much of the year as possible. This will also provide colour and interest for people.

(Officer response: A condition requesting details of nectar-rich ornamental planting is requested by condition)

- 7.8 The outline application proposed over 1000 square metres of extensive green roof across the Goodmans Fields development. The current application includes formal roof gardens but does not appear to have any extensive or biodiverse green roofs. There might be scope to install biodiverse roofs on top of the towers, which do not have roof gardens. Provision of biodiverse roofs, designed in accordance with the best practice guidance published by Buglife, would be a biodiversity enhancement in line with the LBAP.

(Officer response: The 2011 hybrid consent secured 1,425sqm of biodiverse roofs across the North West, North East and South East Blocks. In total, to date 915sqm of biodiverse roofs on the NW block has been approved, as well as 227sqm of brown roof. The NE block includes a rooftop wildlife reserve of 1,145sqm and a green roof of 204sqm. This is a total of 2,491sqm provided within the first two blocks which is well in excess of the original requirement for the Goodmans Fields site. As the proposal for the SE block includes the new park, it is considered that this stand-alone application provides sufficient biodiversity enhancements in accordance with policy DM11 and overall the scheme is providing biodiversity enhancements in excess of what was envisaged under the extant 2011 scheme.)

LBTH energy officer

- 7.9 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH 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.
- 7.10 The proposals for Block SE Goodman's Field have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency (2%) and energy supply (Connection to existing system, 38%).
- 7.11 The overall CO2 emission reductions currently anticipated for the development are approximately 39%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 45% reduction in CO2 emissions above the Building Regulations 2013 through the cumulative steps of the Energy Hierarchy.
- 7.12 Whilst the current approach has followed the energy hierarchy and minimises emissions at the be lean and be clean stages the proposals do not include the delivery of any renewable energy technologies. In the specific instance this is considered acceptable due to the restricted roof areas through amenity uses.
As noted the carbon emission policy requirement is a minimum 45% reduction in CO2 emissions above the Building Regulations 2013 through the cumulative steps of the Energy Hierarchy.
- 7.13 The current proposal fall short of this policy requirements by 6% which equates to 36 tonnes of CO2.
- 7.14 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be

met through a 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.’

- 7.15 It is advised that the shortfall in CO2 emission reductions on this project is offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance) and is also based on the London Legacy Development Corporation’s figure for carbon offsetting.
- 7.16 For the proposed scheme it is recommended that a figure of £60,600 is sought for carbon offset projects in the Borough. The current calculations are based on an estimated carbon intensity figure for the District Heating system and it is recommended that these calculations are re-done at the point of payment when the actual carbon intensity of the existing DH system are available.
- 7.17 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 requirement is for all residential developments to achieve a minimum Code Level 4 rating and non-residential uses to achieve BREEAM Excellent. The proposals have been designed to achieve these ratings and the appropriate pre-assessments have been submitted. This is supported by the sustainable development team and it is recommended that appropriately worded conditions should be applied to secure the submission of the Code Level 4 and BREEAM Excellent certificates post occupation of the building.

Securing the Proposals

- 7.18 It is recommended that the proposals are secured through appropriate Conditions to deliver:
- CO2 emission reductions of 39% in accordance with the approved energy strategy including connection of a DH system
 - CO2 emission reduction shortfall to offset through S106 contribution of £60,600 (calculations to be updated based on actual carbon figures for the DH system)
 - Achievement of Code for Sustainable Homes level 4 rating and BREEAM Excellent certificates submitted within 3 months of occupation

(Officer response: Noted and conditions would be used to secure Code Level 4 and BREEAM excellent, the financial contributions towards carbon off-setting would be secured through the legal agreement).

LBTH Housing officer

- 7.19 This Application relates to the final phase of the Goodmans Fields hybrid application originally consented under PA/09/00965 and updated under PA/11/03587. The hybrid permission is for a scheme that delivers a 30% quantum of affordable habitable rooms across the scheme. The consent to date for the overall scheme at Goodmans Fields is for 920 units (104 affordable rented, 67 social rented, 76 intermediate and 673 market sale).

- 7.20 The outline permission stipulates that the scheme would come forward with rented tenure mix of; 21% one beds for affordable rent, 26 two beds for affordable rent, 38% three beds for Social Rent and 15% four beds for Social Rent. Within the Intermediate the consent is for 44% one beds, 50% two beds and 6% three beds.
- 7.21 The outline mix for the intermediate was subsequently amended under PA/13/2699 to 44% one beds and 56% two beds, for the North East Block.
- 7.22 To adhere to the consented outline permission, the South East blocks were due to deliver 46 units for Social Rent, 57 units for Affordable Rent, 36 Intermediate units and 158 units for market sale. This would bring the overall mix and number of units to the agreed 920 units (104 affordable rented, 67 social rented, 76 intermediate and 673 market sale).
- 7.23 The applicant has submitted a new separate application for the South East block which will standalone and be considered on its own merits. However, the wider context of the consented outline application must be taken into account.
- 7.24 The new application for the South East blocks propose 415 residential units (53 units for Social Rent, 66 units for Affordable Rent, 52 Intermediate units and 244 units for market sale). This would equate to a 47% quantum of affordable housing, measured in habitable rooms. Whilst this is in excess of the Council's minimum target of 35%, it must also be considered in light of the overall scheme on Goodmans Fields. If this application was approved, it would mean that the scheme on Goodmans Fields overall would deliver a 30.4% quantum of affordable housing with a 72:28 tenure split between rented and intermediate.
- 7.25 There is a marginal increase in the quantum of affordable from the consented 30% to 30.4%. The tenure split has changed from the consented outline of 75:25 to 72:28. Whilst the overall number of units has increased, the percentage of rented units has dropped from the consented 75% down to 72%. We acknowledge that the level of rented units remains above the Council policy target of 70%, however we would want the scheme to deliver the 75% as agreed for this scheme.
- (Officer response: The scheme has been amended to now meet the desire for a 75:25 split between rented accommodation and intermediate accommodation. This is welcomed.)*
- 7.26 Given that the outline scheme, at 30%, is delivering a quantum of affordable housing that falls below the Council's minimum target, we feel that the viability of this standalone application should be tested to see if there is scope to increase the quantum of affordable housing above the proposed 47% so that the overall of quantum of affordable housing on Goodmans Fields is closer to the Council's 35% target.
- (Officer response: The viability of the scheme has been tested by independent experts and the levels of affordable housing offered considered to be the maximum viable amount.)*
- 7.27 The mix proposed for the rented units in the South East blocks is 29% one beds against a policy target of 30%, 30% two beds against a policy target of 25%, 23% three beds against a policy target of 30% and an 18% provision of four beds against a policy target 15%.
- 7.28 There is an overprovision of rented two beds and an under provision of rented 3 beds.

This means that the level of rented family units, at 41%, falls below the Council's minimum target of 45%. When looked at in context of the approved outline, the level of rented family units across Goodmans Fields would fall to 37%. This is below Council's policy target of 45% and also well below the consented Outline which proposed that the rented units across the Goodmans Field scheme would equate to 44%. We further note that the s106 agreement for the scheme stipulates that 53% of the rented units across the entire scheme would be family sized 3 and 4 beds. The mix for the South East blocks needs to be updated to reflect the outline approval.

(Officer response: The mix of units has been amended and now provides 53% family units within the rented tenure which is in excess of the policy requirement for 45%. This is welcomed.)

- 7.29 We would want to ensure that the rented 1 and 2 bed units come forward at Affordable Rent levels (as per the s106 agreement) and the 3 and 4 beds come forward at Social Rents (as per the s106 agreement).

(Officer response: The applicant has confirmed that this remains the case)

- 7.30 The affordable units are designed to match or exceed the Council and London Housing Design Guide space standards. However, a single bedroom on unit types SE/2/23 at 7.8sqm falls short of the minimum 8sqm required.

(Officer response: This has been amended so it now complies.)

- 7.31 A number of the family sized units are designed with separate kitchen / living room arrangements, this is welcomed. There are some family sized units with open plan kitchen / living rooms. We appreciate that it is not always possible to separate the two rooms and maintain a quality space.

- 7.32 The blocks are all accessed by 2 lift cores. This is welcomed.

- 7.33 We need some clarification on the number of wheelchair accessible units. The layout plans suggest that there are 21 affordable wheelchair accessible units (15 rent and 6 intermediate), however the Planning statement suggests that there will be 18 (13 rented and 5 intermediate). Whilst we note that both 21 and 18 are in excess of our minimum 10% requirement, we would like to have a definitive breakdown.

(Officer response: The applicant has clarified the position in terms of the wheelchair housing and there are 13 rented and 5 intermediate)

- 7.34 The applicant is proposing 9 disabled parking spaces. This represents 10.5% of the 86 parking spaces proposed on this scheme; We would like to ensure that these spaces are available for the rented units.

(Officer response: Details of the car parking management strategy would be requested by condition to further understand the car parking space allocation.)

- 7.35 Whilst we do not object to this application in principle, we have raised some issues where which will require further work and clarification from the applicant.

(Officer response: As set out above, changes have been made to the proposal which now satisfy the housing team.)

LBTH Environmental Health (Contaminated land)

- 7.36 No comments have been provided as part of this application, however the site is known to contain contaminated land which would need to be dealt with by condition. A similarly worded condition to the consented scheme would be included within the recommendation

LBTH Environmental Health (Noise and Vibration)

- 7.37 No comments have been provided as part of this application, though it was noted in the previous application that there were concerns over the suitability of the site for residential purposes due to the existing noise levels that the site experiences. As the principle of residential development of the site has been established the various previous consents on the site this is not considered to be a reason to object to this proposal. As per the previous application, conditions would be used to ensure that any A3 / A4 or A5 use had suitable noise mitigation measures installed prior to occupation to protect residential occupiers.

- 7.38 A construction management plan would also be secured by condition to ensure there are not unacceptable impacts on neighbouring residents during the course of construction.

LBTH Highways

- 7.39 The main Highways and Transportation element of the development were agreed under the original application including the basement and access arrangements. No major changes are proposed as a result of this application although a separate application has been submitted for a non-material amendment which involves changes to the basement, which will result in a reduction of car parking (253 to 237, which also includes an increase in disabled parking from 25 to 29), an increase in cycle parking (from 1358 to 1638) and an increase in motorcycle parking (from 35 to 39). All this is welcomed.

(Officer response: The non-material amendment application for the basement level parking has been approved and so there is sufficient cycle parking / refuse storage / motorcycle parking to serve the additional residents of the block.)

- 7.40 The proposal states that surface parking is included in the application. The only surface parking identified on the plans is two disabled bays in the south east corner of the site. Again, these are welcomed but they do not appear to be accessible and further details are required regarding the vehicular route to these to allow a full assessment of the proposal.

(Officer response: A tracking diagram has been provided which shows that the two disabled parking spaces at surface level would be accessed from Hoopers Yard to the south and there is sufficient space for these spaces to be accessed without impacting on the landscaped areas.)

- 7.41 It is proposed to provide a footway on the eastern side of Gower's walk where none currently exists. No attempt was made to have this area adopted as public highway under the original application.

(Officer response: A footway is proposed along the eastern side of Gowers Walk which would be a publicly accessible footway, however it would remain within the ownership of the developer. Maintenance rights would also remain with the developer along this strip of footway.)

LBTH Enterprise and Employment

- 7.42 The enterprise and employment team would seek to secure an uplift in the financial contribution sought against the 2012 application as a result in the additional commercial and residential floorspace applied for.
- 7.43 There is an uplift of 13,592sqm of floorspace so the additional construction phase contribution would be £35,407 or £118,019 as a stand-alone scheme.
- 7.44 There would be 113 extra employees generated by the additional floor area created which equates to an end user contribution of £16,231.
- 7.45 80 apprentices were secured as part of the outline scheme and it is considered appropriate to secure additional apprentices as part of this scheme. There is a 13% increase in floor area so proportionally a 13% increase in apprentices means an additional 10.

(Officer response: The above items would be secured through the s106 agreement)

LBTH Waste department

- 7.46 No objection.

Tower Hamlets Primary Care Trust (PCT)

- 7.47 PCT have confirmed the HUDU model requires:
- | | |
|---------------------------------|----------|
| A Capital Planning Contribution | £129,446 |
| A Revenue Planning Contribution | £457,132 |

(Officer comment: Planning obligations have been negotiated which meets the request for capital contributions. Revenue contributions are not sought as the contribution is only required to accommodate a 3 year funding gap prior to the onset of national funding which is based on population data. The figures above are based on the uplift of 118 units over and above the extant SE block consent. It should be noted that the scheme includes a PCT facility within the building, however additional contributions were sought under the hybrid consent as the PCT facility alone does not fully mitigate against the impact of the development)

Canal and River Trust

- 7.48 No requirement to consult with the Canal and River Trust for this application.

English Heritage

- 7.49 English Heritage have provided comments on an earlier version of the scheme at pre-application stage, and our advice was that the increase in height of towers T5, T6 and T7 was such that the development would harm the setting of the Tower in the LVMF view from Queen's Walk (25A.2). We are pleased to note that the scheme has been revised, with the proposed towers reduced in height, In our view, the impact on the setting of the Tower is also now much reduced when viewed from Queen's Walk. We have not identified any other significant heritage impacts, and we are therefore content for your council to determine the application as you see fit.

(Officer response: Noted)

English Heritage (Archaeology)

- 7.50 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

(Officer response: noted)

Historic Royal Palaces

- 7.51 It can confirm that Historic Royal Palaces accepts that the application as now amended will not have a damaging effect on the setting of the Tower of London. Whilst the (reduced) height of the residential towers will still to some extent add to existing visual harm, particularly on the east side of the White Tower, the additional harm is marginal and, certainly in the summer, will be largely mitigated by existing trees

(Officer response: noted)

Environment Agency

- 7.52 The proposal will only meet the National Planning Policy Framework policy to ensure flood risk is not increased elsewhere if a condition requiring details of a surface water drainage scheme is submitted to and approved in writing by the Local Planning Authority in conjunction with the Environment Agency.

(Officer response: Noted and condition included.)

Greater London Authority (GLA)

GLA stage I response is summarised as follows

- 7.53 *Land use principles:* The mix and balance of land uses within the CAZ and City Fringe opportunity area is supported in strategic terms
- 7.54 *Housing:* The 47% affordable housing offer is supported, together with the mix and balance of tenures proposed, which includes affordable rent units. The residential quality is broadly acceptable in this high density scheme, and matters of density, children's playspace and mixed and balanced communities is supported.
- 7.55 *Urban design:* The design and layout of the proposal is well thought-out, and includes generous proportions of public open space and public realm. The location is suitable for tall buildings and it has been demonstrated that the visual impact on strategic views is acceptable. The architectural response and materials strategy is high quality and supported.
- 7.56 *Inclusive access:* Overall the scheme responds well to the principles of inclusive design subject to conditions, although the proportion of accessible parking bays needs increasing.
- 7.57 *Climate change:* A reduction of 230 tonnes of carbon dioxide per year in regulated emissions is expected compared to 2013 Building Regulations compliant development, which is equivalent to an overall saving of 39.2%. The carbon dioxide savings therefore exceed the target in London Plan policy 5.2 and are supported, subject to some further information to evidence the savings claimed.

- 7.58 *Transport:* TfL would welcome further discussions on how the previously secured transport mitigation can be reallocated given it cannot now be used for the purpose originally intended. Some further information on car and cycle parking is required, and the travel plan should be updated before the application can be considered wholly compliant with the transport policies of the London Plan.

(Officer response: This has been resolved, the financial contributions would now be secured towards pedestrian and cycle improvements within the vicinity of the site. More details on this can be found within the TfL response section)

London City Airport

- 7.59 London City Airport raises no safeguarding objection to the proposed development on the basis of the following:
- The response applies to the complete structure operating at a maximum height of 88.12m AOD. In the event that crane or construction equipment is required at a higher elevation than that, then their use must be subject to separate consultation with the airport.

(OFFICER COMMENT: Noted).

National Air Traffic Services Ltd (NATS)

- 7.60 No objections.

Transport for London (TfL)

- 7.61 Site Access and Proposed Highway Alterations
Site access remains unchanged from the previous 2012 planning consent. However, it is noted that as part of that consent, £150,000 was secured towards the provision of pedestrian crossings at the Leman Street / Alie Street junction. Although the trigger point for payment of this contribution is linked to the north-eastern block which does not form part of this application, it is understood that detailed planning consent for this block has only recently been obtained and therefore the contribution has not yet been triggered.
- 7.62 TfL has recently been carrying out a study on this part of Leman Street in connection with improvements to the nearby cycle superhighways. It now appears that it will be difficult to provide pedestrian crossings in this location, and it is also understood that the council may have an aspiration to close Alie Street to general traffic in any case. As such, we would request that the purpose for which this contribution can be used is altered to allow TfL to use it for other pedestrian or cycle improvements in the area, potentially including partial funding of the cycle hire docking station that was safeguarded as part of the 2012 consent but for which funding through the application could not be agreed. We would also welcome a discussion as to whether the amount of contribution should be increased given the uplift in development and transport impact. We would welcome further discussion with the council in this regard.

(Officer response: LBTH highways officer have advised that there are plans to close Aile Street to through traffic so the financial contributions secured towards pedestrian crossing improvements at the junction of Leman Street and Alie Street would become less of a priority. As such it has been discussed with TfL that the contributions could be altered so they are spent on cycle and pedestrian improvements within the vicinity of the site. This could include a link between cycle super highway 2 and 3 (CS2 and CS3). LBTH highways have indicated that they would prefer the funds to be spent on this as

opposed to the installation of a cycle hire docking station within the site. An uplift in financial contributions of £31,500 has been secured which is based on the 21% uplift in cycle parking associated with the development.)

Trip Generation and Transport Impact

- 7.63 The applicant has used the trip rates agreed as part of the 2012 consent as the basis for the impact assessment, and has also carried out checks on whether any more recent data is available to ensure the assessment is up to date. This approach is welcomed, and demonstrates that the proposed development would generate a minor increase in the number of trips across all modes. However, it should be noted that not all of the mitigation requested by TfL as part of the 2012 consent was secured, as noted above, and that this application will therefore increase the need for that mitigation.

(Office response: As set out above, an additional £31,500 is secured in mitigation of the additional trip rates.)

Car Parking

- 7.64 TfL had previously raised concerns that the level of car parking approved under the extant consent was too high, given the site's location and excellent transport accessibility. As such, it is welcomed that this application proposes to reduce the total number of car parking spaces from 253 to 237, reducing the parking ratio from 0.26 spaces per unit to 0.22. Within this provision, 50 Electric Vehicle Charging Points (EVCPs) will be provided, although passive provision for a further 47 spaces (20% of the total) should also be secured. It is however noted that despite an increase in the number of blue badge parking spaces from 25 to 29, this provision still falls short of Lifetime Homes standards, which would require a total of 42 spaces. The applicant is advised to discuss this further with the GLA's access officer, and it may be the case that parking needs to be managed in a flexible way to ensure that blue badge spaces can be allocated or created for residents who need them up to the maximum 42 space standard. At pre-application it was stated that there would be provision of two blue badge spaces at surface level to provide for the proposed medical centre – this should be confirmed.

(Officer response: The two blue badge spaces are located at surface level at the south west corner of the building, these are accessed from Hoopers Yard to the south)

Walking and Cycling

- 7.65 Consideration has been given to the pedestrian and cycle environment within the transport assessment, and as discussed further above, a financial contribution has been secured through the consented scheme to improve facilities within the vicinity of the site. Although it is noted and welcomed that cycle parking has been increased as part of this revised application, confirmation by way of a table showing the provision for each land use should be provided to demonstrate that cycle parking standards set out in the Further Alterations to the London Plan (FALP) have been met.

(Officer response: The development meets the FALP standards and this is explained in more detail in the transport section of the report)

Freight and Construction

- 7.66 Provision of information on likely construction access and routes within the transport assessment is welcomed by TfL. Principles of construction management and routing have been set out, and appear sensible.

Travel Plan

- 7.67 A Travel Plan has been provided as part of the application but appears to be a

resubmission of the version previously submitted in support of the 2012 consent. Since this was drafted there have been several changes to relevant policy, guidance and standards as well as changes to the local transport network. The Travel Plan should therefore be updated in accordance with the latest TfL guidance. It would also be useful to know what monitoring has taken place in connection with the development blocks already occupied to help inform this revised plan. The Travel Plan should be secured via the section 106 agreement, as was the case for the 2012 consent.

(Officer response: A revised travel plan has been provided which has been updated to take account of changes to policy and guidance since 2012, the continued monitoring of this would occur through the provisions within the s106 agreement)

7.68 S106

The application will be subject to a Mayoral CIL payment of £35 per sqm and a Crossrail payment. As the applicant is applying for flexibility in use classes, the charge under the SPG would be up to £195,300, on the basis that all 1,395 sqm of floorspace is used as office. In these situations, the Mayoral CIL will be treated as a credit towards the s106 Crossrail liability and should be reflected in the wording of the s106 agreement.

(Officer response: Noted)

Secured by design officer

7.69 No objections to the scheme, though a condition requesting details of security measures in accordance with the requirements of secured by design should be added to any approval.

(Officer comment: Some of the parts of the development which require security measures such as the basement car park / car park ramp are covered by conditions relating to phase 1 of PA/11/3587. There are a number of conditions requiring security measures to be incorporated into phase 2 of the development under PA/11/3587 and these will be carried forward into any new permission granted on the site.)

Thames Water

7.70 Should the Local Planning Authority look to approve the application ahead of further information being provided, we request the following information be secured by condition:

7.71 Details of a drainage strategy, detailing any on/off site drainage works and where the points of connection to the public sewer will be and anticipated flow rates.

7.72 Impact piling method statement to ensure there is no damage to the subsurface sewerage infrastructure.

7.73 Impact studies of the existing water supply should be submitted for development commences.

7.74 Impact piling method statement to ensure that there is no damage to the subsurface water infrastructure.

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

City of London

7.75

The City of London does not wish to make representations on this scheme.

(Officer comment: Noted)

8. LOCAL REPRESENTATION

8.1 A total of 2,644 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.

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

No of individual responses:	10	Objecting:	10	Supporting:	0	Neither:	0
No of petitions received:	None						

8.3 The height and scale of the development is out of proportion with its surroundings.

(Officer response: The design section of the report includes detailed commentary on the acceptability of the height and scale of the development)

8.4 The development would lead to a loss of light to surrounding properties, this loss of light is substantially greater than the extant consent.

(Officer response: The amenity section provides a detailed assessment on the impacts on surrounding properties)

8.5 There is not sufficient car parking on the site for the scale of this development which will increase parking pressure on the surrounding streets.

(Officer response: The development would be permit free, meaning future residents would not be able to apply for parking permits for surrounding on-street parking bays. This would not restrict parking of blue badge holders or those who benefit from the permit transfer scheme.)

8.6 The development will put a strain on surrounding infrastructure including schools and health facilities.

(Officer response: The developer is meeting the full s106 payments required to allow the Council and PCT to provide requisite improvements in local infrastructure).

8.7 The development would block views of the grade II listed Chandlery from Gowers Walk. The original scheme for the town houses along Gowers Walk was a preferable option.

(Officer response: The Chandlery is on the same side of Gowers Walk as the existing residential properties so it is not clear how the building on the Goodmans Fields side of the road would affect the view of this. The blocking of a view is not a material consideration, however an assessment is made in the amenity section of the report on the impact on local residents in terms of a loss of outlook / sense of overbearing. An assessment of the impact of the development on the setting of heritage assets is provided within the design section of the report.)

- 8.8 Concerns over continued impacts from the construction process, including noise and vibration and traffic impacts.

(Officer response: A construction management plan would be secured by condition which would aim at reducing the impact of the construction works on local residents)

- 8.9 The building is much too tall without design merit which is not sensitive to the history of the area.

(Officer response: The design section of the report includes commentary on the scheme)

- 8.10 The extra residents will create excessive congestion in Gowers Walk which is a narrow street.

(Officer assessment: The level of car parking has been reduced as part of this scheme when compared with the extant scheme. The transport assessment identifies that there would be a 5% increase in traffic along Gowers Walk which is not considered to be significant detrimental)

- 8.11 There should be more green spaces for residents of the Borough, not more tower blocks.

(Officer response: The site provides a public park as part of this scheme in accordance with previously agreed parameters)

MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use and Employment
2. Density
3. Design
4. Housing
5. Housing Layout
6. Amenity Space Provision
7. Impact upon neighbouring properties
8. Transportation and Highways
9. Sustainability and Energy

Other Planning Issues:

10. Air Quality
11. Noise and Vibration
12. Contaminated land
13. Flood risk and water resources
14. Biodiversity
15. Health considerations
16. Education
17. Planning Contributions

1.0 Land Use

- 1.1 The principle of a residential led mixed use development on the site has been established through the extant planning permission.

- 1.2 Within the SE block 415 residential units are proposed along with a training centre, health centre and four retail units measuring between 153sqm and 548sqm. The SE block was included within the outline phase of the hybrid application and the total non-residential floorspace provided within the NE and SE block combined would be up to 5,265 square metres (GEA) of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,626 square metres GEA).
- 1.3 The reserved matters application for the NE block saw approval granted for 4,820sqm of commercial floorspace on the ground floor of the block. Therefore within the parameters agreed within the extant consent a total of 445sqm could be provided within the SE block. This would be in addition to the 1626sqm for the health centre. Under this stand alone application the health centre is still proposed at 1,630sqm with an additional 313sqm provided for the training centre and 1,455sqm of flexible commercial space. This effectively means that an additional 1,323sqm of commercial floorspace is provided within this scheme than agreed within the extant hybrid scheme. This provides additional employment opportunities and is supported.
- 1.4 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.
- 1.5 The application site is located within the Central Activities Zone (CAZ) and forms part of the City Fringe Opportunity Area as designated by the London Plan (LP). Policies 2.10 – 2.14, provide guidance as to the Mayor's strategic priorities for the CAZ. The overall aim is to enhance and promote the international, national and Londonwide role of the CAZ. The CAZ seeks to create a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations. Increase in office floorspace as well as an enhance retail offer is supported within the CAZ.
- 1.6 At the local policy level policy SP01 of the Core Strategy 2010 reflects the London Plan (LP) policy in relation to the CAZ. Within the Managing Development Document 2013 Goodmans Fields forms site allocation number 3. The site is allocated for a comprehensive mixed-use development, including a strategic housing element, a health facility and a district heating facility. The development should also include other compatible uses including publicly accessible open space and commercial floorspace. The extant consent gained permission for a development which adhered to these principles and the current proposal seeks to build on these established parameters by adding more commercial space and more residential units.
- 1.7 In principle this remains in accordance with the national policy framework and the London Plan aspirations for the Central Activities Zone. It also accords with local policy and the requirements set out within the site allocation.

2.0 Density

- 2.1 Policies 3.4 of the LP and SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and

setting.

- 2.2 The site is in an accessible location with a Public Transport Accessibility Level (PTAL) of 6a (in a range of 1 to 6 where 6 is Excellent). The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.
- 2.3 The whole of the Goodmans Fields site is 2.89ha, the net area for calculating residential density is 2.1ha as 27% of the floor area created by the development is commercial. This includes the commercial spaces on the ground floor of each of the blocks and the hotel use within the north west block. This gave the consented hybrid scheme a density of 438u/ha or 1152hr/ha. The proposed scheme adds 118 residential units or 262 habitable rooms and so on a site wide basis the density across the site increases to 494u/ha or 1,277hr/ha.
- 2.4 The site area for this application is 1.02ha, 93% of the floor area created by the SE block is residential so the site area for density calculation purposes is 0.94ha. This results in a residential density for the SE block of 441u/ha or 1,184hr/ha. However, this figure could be seen as understating the density, as the south east block includes the park which serves the whole site as a publicly accessible open space.
- 2.5 It is considered most useful to understand the density across the wider Goodmans Field site as the SE block includes the public park at the north east corner of the site. This park is provided as part of the overall masterplan for the development and therefore serves the residents of all of the Goodmans Fields site (as well as the wider public). Therefore it is unrepresentative to include the park solely within the density calculations for the SE block.
- 2.6 At an overall density of 1,277hr/ha the density is above the maximum standards as set out within the London Plan. The site provides a number of private and publicly accessible open spaces which helps to mitigate against the high density nature of the scheme. The combined area of publicly accessible spaces is 9,380sqm (over 32% of the site area), when added to the generous communal roof terraces provided throughout the scheme the development would create a reasonable sense of openness and does not represent a density which is uncommon in a City Fringe area such as Aldgate.
- 2.7 It should also be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development.
- 2.8 As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the LP and Policy SP02 of the CS which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

3.0 Design

- 3.1 Chapter 7 of the LP 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.
- 3.2 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.

- 3.3 Policy 7.7 of the LP deals with tall and large buildings, setting out criteria including appropriate locations such as the CAZ and opportunity areas with good access to public transport, that such buildings do not affect the character of the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; as a group of buildings improve the legibility of an area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 3.4 Policy SP10 (5) of the Core Strategy seeks to manage the location of tall buildings and considers that Canary Wharf and Aldgate are appropriate locations. Policy DM26 of the MDD provides further guidance in respect of the management of building heights across the borough. Proposals for tall buildings will be required to satisfy the criteria listed below:
- 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;
 - Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria;
 - Provide a positive contribution to the skyline;
 - Not adversely affect heritage assets or views;
 - Present a human scale at street level;
 - For residential uses include a high quality hierarchy of private, communal and open space;
 - Not adversely affect microclimate;
 - Not adversely affect biodiversity;
 - Provide positive social and economic benefits;
 - Comply with aviation requirements; and
 - Demonstrate consideration of public safety.
- 3.5 The design of the development follows the principles which have already been agreed within the outline consent. Image 1 shows the overall layout of Goodmans Fields as approved.

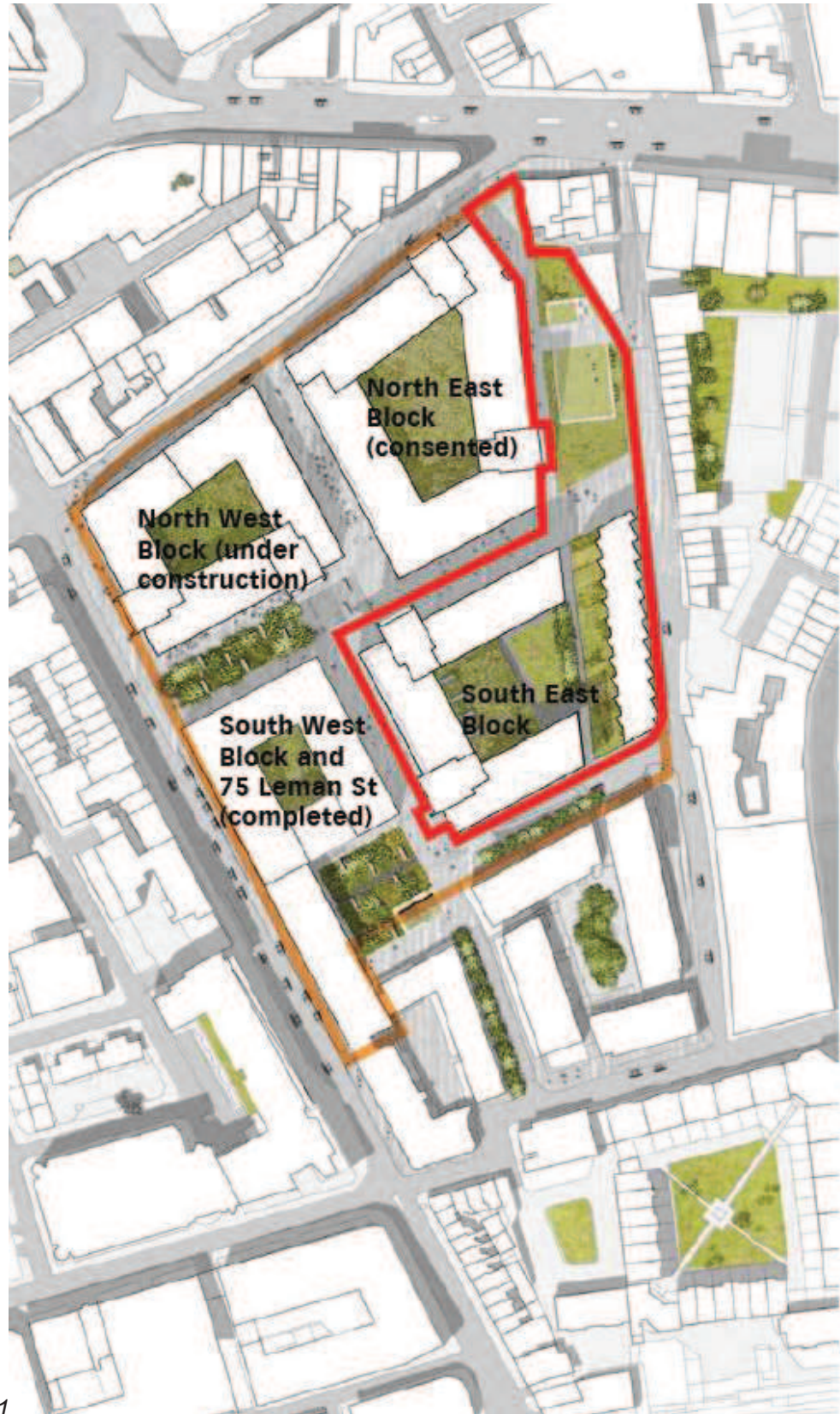


Image 1

- 3.6 The main changes associated with the new scheme are an additional tower on the north eastern corner and the full enclosure of the block in the same way as the NW and NE block are.

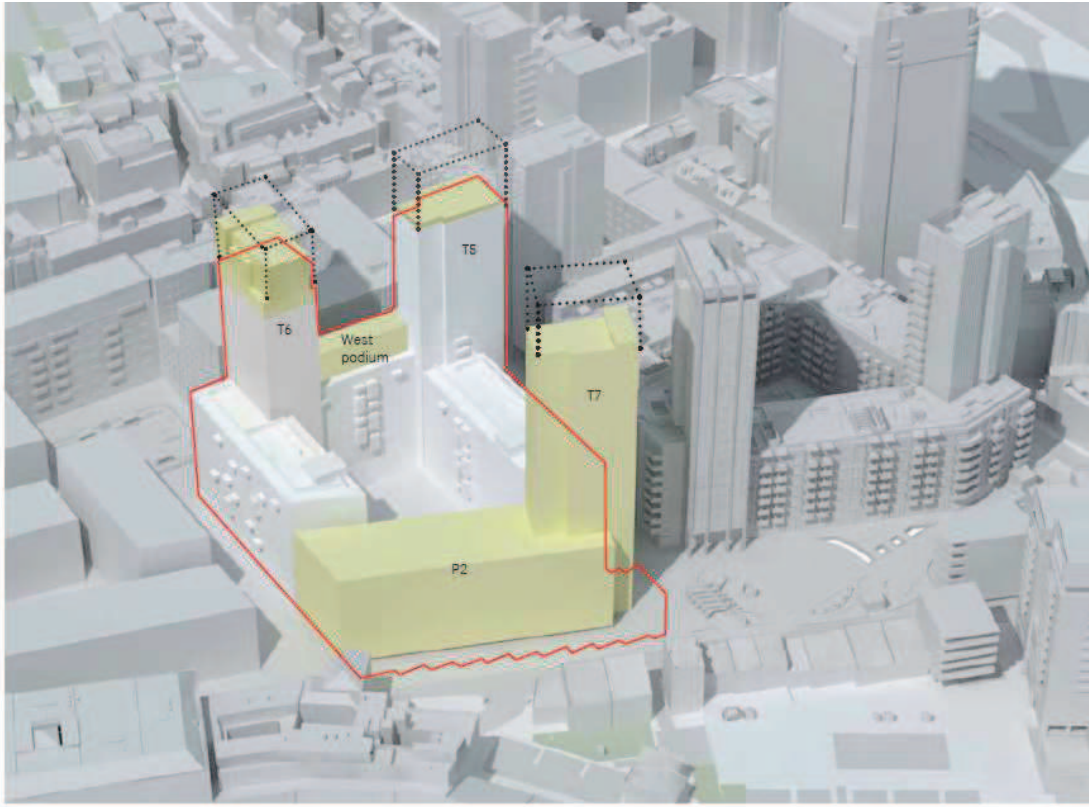


Image 2 (solid grey = proposed massing. Dotted line = original pre-application proposed massing)

- 3.7 Image 2 shows the new massing, T7 is the new tower which would be 88.1m AOD (23 floors), T5 would include an additional 2.6m (no increase in storeys) and T6 would be 8.8m taller than the consented scheme (two additional storeys). The west podium is two storeys taller and P2 previously consisted of four storey maisonettes which had back gardens and were separate from the main block. The greatest changes therefore are to Gowers Walk and the inclusion of a third tower (seventh across the Goodmans Fields development as a whole).
- 3.8 It should also be noted that the above diagram includes details of where the scheme has been amended through the pre-application process. The dotted outline shows the scheme as initially submitted. The reduction in height was required to ensure the impact upon the world heritage site, LVMF views and daylight and sunlight are all acceptable.
- 3.9 The acceptability of the proposals are therefore made with regard to the test set out within policy DM26:
- 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;
- 3.10 The application site is located within a CAZ opportunity area in Aldgate with excellent accessibility. As such, this is a location considered suitable for tall buildings and accords with LP policies and local policies.
- 3.11 A number of verified local views have been provided showing how the scheme would appear from various locations, these include views from within the surrounding conservation areas and within the setting of listed buildings i.e. The Grade II* Listed Bell Foundry on Whitechapel Road. These have been reviewed by the Council's conservation officer and

urban design officer and have been found to be acceptable. The additional seventh tower and increase in height of tower 5 and 6 does not create any significant further impact than the other existing consented schemes around the Aldgate area, which include but are not limited to the other Goodmans Fields towers, Altitude, Aldgate Place, 27 Commercial Road and 1 Commercial Street.

- 3.12 As set out above, the changes to the proposal will have the greatest impact locally on Gowers Walk. Below is an image of the scheme when looking south from Commercial Road down Gowers Walk:



Image 3

- 3.13 The separate maisonettes along Gowers Walk were approved in a staggered form along the street and were positioned further east, creating a smaller distance between the properties on the eastern side of the road. The revised scheme allows a greater distance between the

existing houses and the SE block and creates a more solid street edge. Setting the building line back also allows for a more generous area of public realm which can incorporate trees and landscaping. The relationship with the existing City Quarter blocks is also considered acceptable. As the ground level of the SE block would be lowered by approximately half a floor, the overall change in height between City Quarter block D and the perimeter block of the SE block would be approximately one storey. It could be seen that a stepping up of built form occurs from south to north with the perimeter blocks of the NE block being one storey higher again.

- 3.14 The seventh tower on the SE block and the south tower of the NE block would be the closest two towers on the site at 18m, (as seen in image 3) however these towers are off-set so do not sit immediately in front of one another. The relationship between the two towers has been considered in terms of how it would appear at ground floor level and within wider views and they are considered acceptable. At ground level there would be sufficient space between the blocks for this relationship to not create an unacceptable sense of overbearing to the public realm.
- 3.15 Overall, the changes are considered acceptable, they sensitive to the local context and the height and scale is appropriate within the town centre hierarchy.

Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria.

- 3.16 The detailed design of the elevations reflects the quality and materials which have already been consented on other parts of the Goodmans Fields block. The use of different materials of the towers and the perimeter blocks helps to break up the mass of the elevations when viewed from street level. The perimeter blocks on three elevations would be constructed from blue / red brick with stainless steel shopfronts and balcony details. The towers would be predominantly steel and glass. Samples of the materials would be secured by condition, as would detailed design of each of the shopfronts.
- 3.17 The eastern elevation of the perimeter block would be constructed from bricks with yellower tones to reflect the warehouses and houses along Gowers Walk. This is considered to be an appropriate response to the block as all four sides do not necessarily need to be the same.
- 3.18 Overall the scheme is considered to be of high architectural and design quality and has demonstrated full consideration of scale, form, massing, footprint, proportion, silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, or other townscape elements;

Provide a positive contribution to the skyline; and not adversely affect heritage assets or views;

- 3.19 The ES contains a heritage, townscape and visual impact assessment which has been used to assess the acceptability of the scheme in light of the above policies and planning guidance. The report identifies where the most sensitive view points are and what the sensitive heritage assets are. The impacts upon local heritage assets has been assessed above, the site also has the potential for wider ranging heritage impacts and this is considered in more detail below.
- 3.20 The site falls within Townscape View 25: The Queens Walk to Tower of London, as identified within the London Mayor's London View Management Framework (May 2012). The view is protected to ensure that new development respects the setting of the Tower of London and should not dominate this World Heritage Site, especially the White Tower. New buildings in the background of this view must be subordinate to the Tower of London and

respect its historical significance and Outstanding Universal Value.

- 3.21 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 3.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker pays special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.23 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the 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.
- 3.24 In particular policy 7.10 of the London Plan states that:
- “Development should not cause adverse impacts on World Heritage Sites or their setting (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.”*
- 3.25 English Heritage, Historic Royal Palaces, the GLA and the borough conservation officer have reviewed the proposals in light of the LVMF views and the Tower of London world heritage site. Concerns were raised at pre-application stage regarding the additional height of the consented towers and the height of the new tower as it would be visible within the setting of the Tower of London, view 25A.2 is particularly sensitive when considering the SE block. Following concerns raised at pre-application stage the scheme was amended and the height of the towers reduced.
- 3.26 The above mentioned statutory consultees have now confirmed that the impact upon the Tower of London and the LVMF views would be acceptable. The Royal Mint Street development which has been approved above and around Tower Gateway DLR station effectively screens the SE block when viewed from Queens Walk. This development has commenced works so it can reasonably be assumed that this will be carried through to completion and is a material consideration when assessing the impact of the SE Goodmans Fields block.

Present a human scale at street level;

- 3.27 The ground floor of the development as presented to the street would be commercial on the three sides which face into the development with residential units along Gowers Walk.
- 3.28 The residential units along Gowers Walk would be positioned back from the street and have some setting in terms of the front garden and landscaping along the eastern edge. The lower two floors would have a different design which would give them distinction from the upper five floors thereby creating a good relationship with the street. This would also be compatible with the opposite side of Gowers Walk which has residential uses at ground floor.
- 3.29 Along the other three elevations there would be six residential lobbies, four retail / commercial units, a training centre and a health centre. There would be an element of blank frontage where the refuse store and substation is located but this only accounts for 5% of the ground floor frontage. This therefore means the north, west and south elevations of the

building could be considered active. The entrances at the bottom of the towers would be one and a half height spaces and would have a canopy over them, the commercial spaces would also have a larger floor to ceiling height which presents a distinct scale from the upper floors of the building.

- 3.30 Overall it is considered that the development would present a human scale at street level and would be compatible with the other Goodmans Fields block, thereby representing a comprehensive and cohesive approach to the streetscape within the development and when viewed from the immediate surrounding public realm.

For residential uses include a high quality hierarchy of private, communal and open space; Not adversely affect microclimate; Not adversely affect biodiversity;

- 3.31 These issues can often be difficult to achieve when a tall tower is being constructed. Each of these sections are addressed individually within the report but in general terms the site provides both public and private open space and has a public park at the north east corner of the site which is a significant social benefit to the proposal. Both the park and the roof gardens / green roofs that are located throughout the scheme provide good contributions to local biodiversity and with the inclusion of suitable landscaping, the effects on microclimate are acceptable.

Provide positive social and economic benefits;

- 3.32 The principles of the development have been established through the hybrid consent, however to summarise, the scheme provides new employment opportunities and contributes to borough housing targets, both in the form of market and affordable housing tenures. The scheme provides high quality landscaped areas which contribute towards public open space and biodiversity. This is an advantage to both the residents of the development and surrounding residents who would have access to these spaces.

Comply with aviation requirements;

- 3.33 Consultation has occurred with London City Airport and the National Air Traffic Service, both have confirmed that there are no aviation issues associated with this development.

Demonstrate consideration of public safety including demonstration of evacuation routes.

- 3.34 Whilst the London Fire and Emergency Planning Authority have not commented on this proposal, the detailed design of the scheme including safety and evacuation routes would be dealt with at Building Control stage. However, there are not considered to be any significant issues associated with the design of this proposal, it follows previously agreed layouts for the NW and NE block and there are a large number of cores for the building, each served by a staircase and two lifts. The park could be used for a congregation area were an evacuation required.

- 3.35 The secured by design officer has reviewed the scheme and made a number of comments. The majority of these relate to the design / security of the basement and ramp which would be dealt with by the conditions already improved on the first phase of development under the hybrid scheme. Some detailed points were also raised in relation to the ability to move between communal amenity space and private space or the ability to climb between balconies. Amendments have been made to the layout in some cases to ensure that there is defensible planting between all communal spaces and private terraces. Where there was an issue in terms of the potential for someone to climb between balconies, these have been adjusted to ensure this is now not possible.

3.36 The development would also be required to meet secured by design standards which would be requested by condition.

Design conclusions

3.37 The location is considered suitable for tall buildings and the hybrid scheme established the principle of the scale and materials that were appropriate for this site. The additional bulk and massing proposed as part of this application is not considered to be significantly detrimental in terms of local impact and the LVMF views and setting of the Tower of London would remain relatively unchanged. The materials would be secured by condition to ensure they are of a suitably high quality and the shopfronts would assist in the development provide a suitable human scale at ground level. Issues around quality of accommodation, impact upon neighbouring amenity, microclimate and biodiversity are assessed in detail in the following sections.

4.0 Housing

4.1 The NPPF seeks to ensure Borough’s boost significantly their supply of housing with housing applications being assessed within the context of a presumption in favour of sustainable development.

4.2 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

4.3 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

4.4 This application seeks to provide 415 units within the SE block. The hybrid consent approved in 2012 envisaged 297 units within the block. The tables below show the consented and proposed figures:

4.5 Consented housing (SE block only):

	Market		Social Rent		Affordable Rent		Intermediate		Total	
	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room
Studio	16	16	0	0	0	0	0	0	16	16
1 bed	50	100	0	0	30	60	17	34	97	194
2 bed	65	195	0	0	27	81	19	57	111	333
3 bed	27	108	30	120	0	0	0	0	57	228
4 bed	0	0	16	80	0	0	0	0	16	80
Total	158	419	46	200	57	141	36	91	297	851

4.6 Proposed housing (SE block only):

	Market		Social Rent		Affordable Rent		Intermediate		Total	
	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room	Unit	Hab Room
Studio	46	46	0	0	0	0	0	0	46	46
1 bed	79	158	0	0	37	74	27	54	143	286
2 bed	92	276	0	0	29	87	25	75	146	438
3 bed	27	108	32	128	0	0	0	0	59	236
4 bed	0	0	21	105	0	0	0	0	21	105
Total	244	588	53	233	66	161	52	129	415	1,111

- 4.7 The extant hybrid consent granted approval for 920 units across the site, 59 within 75 Lemn Street, 182 within the North West block, 382 within the North East block and 297 within the South East block. 75 Lemn Street has been completed and is occupied. The north west block is currently under construction, the hotel element of this block is ready for occupation with the residential units being available later in 2015. The north east block was initially approved in outline and the reserved matters for this block were approved in 2013, it is understood that construction will commence on this block in 2015.

Affordable housing

Policy context.

The NPPF defines affordable housing as follows:

- 4.8 *Social rented* housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- 4.9 *Affordable rented* housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 4.10 *Intermediate housing* is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.
- 4.11 Policies 3.10, 3.11 and 3.12 of the LP seeks the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 4.12 Policy SP02 of CS seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 4.13 Policy DM3 of the Managing Development Document requires developments to maximise affordable housing in accordance with the Council's tenure split of 70% social rent/affordable rent and 30% intermediate. Affordable housing should be built to the same standards and share the same level of amenity as private housing.

4.14 *Assessment against policy*

The hybrid application proposed to deliver 30% affordable housing by habitable room (726 habitable rooms). 294 of these rooms are within the NE block and these have been approved as part of the recent reserved matters application. The remainder of the affordable housing is provided within the SE block.

4.15 The split between intermediate housing and rented accommodation was 75:25 in favour of rented accommodation. The one and two bedroom units within the rented accommodation were to be affordable rent which within the Aldgate area is set at 65% and 55% of market rents respectively and the three and four bedroom units were to be provided at social target rents.

4.16 The current application would increase the overall percentage of affordable housing across the Goodmans' site to 30.4%. Within the SE block the affordable housing would be 47%, down from 51% under the extant scheme (though with an actual uplift of 32 affordable units).

4.17 47% is close to the policy maximum requirement for affordable housing required within a development, however when viewed across the whole site the affordable housing is at 30.4%. The potential to secure additional affordable housing has been checked via a viability assessment. The Council's independent assessor has found that the developer is providing the maximum reasonable amount of affordable housing and this therefore meets the London Plan and Local Plan tests.

Tenure split.

4.18 The tenure split within the proposed SE block would be 75:25 in favour of rented accommodation. Over the wider Goodmans development this would be 72:28. Tower Hamlets greatest need is for affordable and social rented accommodation and this is why the policy DM3 differs from the London Plan requirement of 60:40 split between rented and intermediate.

4.19 In the approved scheme 75% of the affordable accommodation was within the rented tenure so the current scheme skews the tenure in further towards intermediate accommodation. At 72:28 the scheme is however still within the policy requirement and is considered acceptable.

Housing Mix

4.20 Development should provide a balance of housing types, including family homes. Policy DM3 has a table which sets out the required mix of housing for developments within the borough as set out within the most up-to-date housing needs assessment. This mix is as follows:

Policy Mix in DM3

Tenure	1-bed %	2-bed %	3-bed %	4-bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social / affordable rent	30	25	30	15

4.21 The total mix for the SE block is as follows:

Proposed SE block mix by unit

Tenure	1-bed %	2-bed %	3-bed %	4-bed %
Market	51	38	11	
Intermediate	52	48	0	0
Social / affordable rent	31	24	27	18

4.22 Within the s106 agreement for the hybrid scheme percentages for the affordable housing were secured. Percentages were used rather than units because the NE and SE block were submitted in outline with only an indicative mix of housing units proposed. The table below shows the affordable housing percentages:

Mix secured within s106 for hybrid consent based on habitable rooms not units

Tenure	1 bed	2 bed	3 bed	4 bed
Social rent			38%	15%
Affordable rent	21%	26%		
intermediate	50%	50%		

4.23 As can be seen from this table, within the rented tenure 53% were to be family units, this is against a policy target of 45%.

4.24 It should also be noted within the table above that there are no family units provided within the intermediate tenure despite the policy target of 25%. This is due to the affordability of the units. The viability report outlines that a three bedroom shared ownership / intermediate unit within this development would require a joint income of £70,000. This is on the basis of a 25% ownership share at 0.2% rent on the 75% that is not owned. In reality the rent levels are often around 2% which makes the cost of these units even more unaffordable. On this basis it has been considered acceptable that the three bed units are not provided within this scheme and more affordable 1 and 2 bed units can be provide in their place.

4.25 The table below sets out what the revised mix would (by habitable room) be if the proposed scheme were approved:

Tenure	1 bed	2 bed	3 bed	4 bed
Social rent			32%	27%
Affordable rent	19%	22%		
intermediate	42%	58%		

4.26 This exceeds the percentage of family units being provided across the scheme and is a useful comparator, however unit mix, where the units are known (as in the case of a full planning application as opposed to an outline) should be assessed by units not habitable room.

The mix of housing by units is as follows:

Tenure	1 bed	2 bed	3 bed	4 bed
Social rent			29%	11%
Affordable rent	34%	26%		
intermediate	55%	45%		

4.27 Within the SE block as a stand-alone scheme the mix of units is as follows:

Tenure	1 bed	2 bed	3 bed	4 bed
Social rent			27%	18%
Affordable rent	31%	24%		
intermediate	52%	48%		

- 4.28 The development provides a greater percentage of family housing by unit against the approved scheme by habitable room and by unit provides 45% family units within the rented tenure which matches the policy target of 45%.
- 4.29 In terms of the private housing mix, the development would fall slightly outside of the recommendations within policy DM3 with 51% of units being studios and one bedroom units, 38% being 2 bedroom units and 11% being family units. Given that the family units are being secured within the rented tenure which is where the Council's priority is, it is not considered reasonable to refuse the application based on the market housing mix, which is underproviding family sized units. The housing officer has also raised no objection to this mix of units.

Wheelchair units

- 4.30 Policy 3.8 of the London Plan seeks to ensure that housing choice is available for all and this includes providing 10% of units as wheelchair accessible. These units are generally sought across all tenures. 42 wheelchair units are provided within the scheme in the following mix:

Tenure	1 bed	2 bed	3 bed	4 bed	Total
Market	12	9	3		24
Social / affordable Rented	4	2	3	4	13
Shared ownership / intermediate	2	3			5
Total	18	14	6	4	42

- 4.31 As can be seen from the table above, the wheelchair units are provided throughout the development, within a mix of tenures and units sizes. 42 units exceeds the 10% minimum and is therefore acceptable. The layouts of the units have been provided which show suitable layouts for wheelchair accessibility, in addition each core has two lifts which is needed for access if one is out of order.
- 4.32 Disabled parking spaces are provided within the basement, which does not form part of this application. Level access is provided from the basement to each floor within the development allowing easy access from the car parking spaces.
- 4.33 All units would need to be built to lifetime homes standards and this would be secured by condition.

5.0 Layout / Quality of accommodation.

- 5.1 The three main Goodmans block (NW, NE and SE) are based around a perimeter block design with taller residential towers located on two of the corners, the SE block would have a third tower if consent is granted for this scheme.
- 5.2 The ground floor of the building is commercial and therefore the perimeter blocks sit around a first floor amenity space. The depth of each of the sides of the blocks are 17m which allow for the larger units to be dual aspect, looking into the courtyard and onto an external view and for the smaller units to be single aspect, accessed off an internal corridor. The distance across the blocks internally is 29m x 42m.
- 5.3 The private housing is located towards the northern and western sides of the site with the rented accommodation generally being located along the northern and southern elevations

with the intermediate units being positioned on the eastern side. The rented and intermediate units will be within floors zero to eight. None are located within the tower elements of the scheme.

- 5.4 Maisonettes are proposed along Gowers Walk, under the hybrid scheme these were stand alone properties with back gardens which and were within the private tenure. These have now been incorporated within the main perimeter block and given front gardens instead of back gardens. Initial concerns were raised with this frontage with regard to how it addresses the street, the proposal has now been amended to show each of the units having an entrance from the street (Gowers Walk) rather than an internal entrance. This enhances the street, provides a convenient access for residents of these units and allows for an amenity space at ground floor level for these family sized social rented units. The sunken nature of the garden provides a good balance between creating privacy from pedestrians of the street without having to create a high boundary wall treatment which would affect the setting of the scheme when viewed from Gowers Walk.
- 5.5 More consideration of the treatment of this part of the scheme is provided within the design section, however it should be noted that the replacement of private units along this street with two storey social rented family units which have their own private ground floor level garden space and their own entrance is an advantage over the previously consented scheme.

Internal space standards.

- 5.6 Policy DM4 of the Managing Development Document sets out the requirement for internal space standards, these are in line with the GLA housing design guide standards. The development complies fully in terms of internal space standards
- 5.7 The GLA guidelines also suggest single aspect flats, in particular single aspect north facing flats should be avoided. Given the consented layout of the units the inclusion of a number of these units is unavoidable however it should be noted that the percentage of single aspect north facing units has been reduced from the consented scheme (15% as opposed to 18%), however this is an overall increase in numbers from 53 to 64. There are also seven affordable family units which are single aspect and face in a north east direction.
- 5.8 As a balance to this, the north facing units have been increased in size above the minimum standard, they would have larger windows and improved floor to ceiling heights in order to ensure a suitable quality of accommodation is provided for these units. The number of dual aspect units has also improved across the block from 128 to 212 so on balance the layout of the units and the internal space provided is considered acceptable.
- 5.9 The GLA sets out a number of baseline and best practice criteria to which housing developments should adhere to. The development meets the majority of the criteria set out within this document with noteworthy exceptions being the number of dwellings per core, the inclusion of single aspect north facing units and units receiving direct sunlight.
- 5.10 The issue of north facing units is addressed above and the daylighting to units within the scheme is considered below in detail. In terms of units per floor per core, there are six cores within this development with a maximum of 40 units per floor, this is an average of seven flats per core, however core 4 serves 10 units with the others having less units. The reason for this is due the provision of separate private and affordable cores for management and service charge reasons. In larger blocks such as this it is not always possible to achieve the maximum of 8 flats per core per floor and this is not considered to be a reason to refuse the application.

5.11 In addition it should be noted that all of the family sized rented units have separate kitchens.

Privacy between units.

5.12 One issue which can occur with a densely developed site is unacceptable levels of overlooking between units. Policy DM25 seeks to protect residential amenity by setting minimum privacy distances between facing habitable rooms of 18m. In some dense urban environments 18m cannot be achieved and exceptions are often made where the overlooking is across an area of public realm rather than at the rear of buildings or across courtyards.

5.13 As set out above, the distances across the internal space is 29m across the north-south axis and 42m across the east west axis so there are no issues of overlooking internally between the units. The internal corners of the development does lead to some oblique overlooking between the balconies of one unit and the third bedroom of an adjacent unit, however this is not direct overlooking and a similar arrangement occurs within the other Goodmans Fields block so this is not considered to be a significant issue in this scheme.

5.14 The distances between the SE block and its neighbour to the north and west (NE block and SW block) are 15m and 12m respectively. The 15m distance between the SE and the NE block is considered to be a sufficient distance to mitigate against any significantly detrimental levels of overlooking. This is also the arrangement that was considered acceptable under the approved hybrid permission.

5.15 The SW block is student accommodation so less sensitive in amenity terms as this would be short term accommodation. The 12m distance between the two blocks was considered acceptable under the hybrid consent and therefore no objection is raised to this under the current proposal.

Internal daylight / sunlight.

5.16 Policy DM25 also seeks to ensure adequate levels of daylight and sunlight are provided for new residential developments. Daylight and sunlight levels can be assessed against the BRE guidelines. Daylighting to new rooms can be checked using Average Daylight Factor (ADF). The minimum ADF values are given as 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. These are guideline figures and not policy and so can be treated with some flexibility within high density inner city locations where the requisite daylight levels on lowers floors are often difficult to achieve.

5.17 The scheme has been amended since initially submitted in order to improve the internal daylight levels to a number of the units within the block. The main changes that have occurred are an incorporation of larger windows and additional windows added to some rooms, having staggered balconies so they do not overshadow the floor below to the same degree and adopting a lighter colour palette for the floor finishes to increase indoor illuminance from a reflectance level of 0.4 as opposed to 0.3 (this would be secured by condition).

5.18 These changes and the results have been reviewed by the Council's independent consultant who confirms that the outcome of these changes results in a substantial improvement to the daylight levels of the proposed units.

5.19 The duplex units at ground floor and ground floor mezzanine level facing Gowers Walk now all comply with the guidelines, with the exception of one kitchen and this is because it only has high level windows due to the rising ground level at the corner of the building.

- 5.20 On the upper floors the results also show an improvement although there are still a number of rooms which do not meet the BRE standards. 75 rooms within the affordable accommodation fail to meet the minimum standard and 80 private rooms. It should be noted that the more severe failures occur within the private units which face westwards towards the SW block. The failures can be grouped as follows:

Percentage failures	Number of windows within the affordable tenure	Number of windows within the private tenure
0.1-0.2	23	17
0.3-0.5	23	24
0.6 – 1	24	16
1.1 +	5	23

As can be see above the failures within the affordable units are less severe, in some cases they do not meet the requirements by as little as 0.1% which is considered negligible.

- 5.21 Within the affordable accommodation the worst affected units are those on the north elevation which face directly towards the north-east block. The reason for this is that the rooms, particularly the living rooms are relatively deep and narrow and have deep balconies taking up the full width of the window. Therefore, the rooms have limited sky visibility from directly overhead and will receive poor illuminance into the deeper part of the room where the kitchens are located. However, the living rooms areas which are located closer to the windows will have the amenity of large balconies and the balconies, being 2.1m deep do provide a useful amenity space.
- 5.22 On the north elevation therefore, at first floor level the living rooms will have ADF levels ranging from 0.2%-0.9% and at second floor they will range from 0.2%-0.8%. To improve daylight to these units it would be necessary to change the configuration so that the living rooms were wider and have a second window unobstructed by a balcony providing additional light. This would, however reduce the total number of units and would be likely to result in a need for the two or three bed units to replace the one bed units on this elevation. Given the Council's priority for larger family units within the social rented tenure this is not considered to be a desirable alternative.
- 5.23 For the windows facing into the internal courtyard these have also been significant improved from the initial submission and the Council's consultant states that "the results are probably now as good as they could reasonably get with a block design of this type".
- 5.24 On balance, it is considered that the development would provide a reasonable standard of amenity for the future residents. This is considered in light of the already approved layout for the SE block under the hybrid consent, the need to provide balconies for amenity space at the expense of some internal daylight levels and the desire for three bedroom units within the affordable tenure rather than two bedroom units.
- 5.25 As the SE block was only proposed in outline under the hybrid consent the detailed layouts of the units were not considered at the time, however the environmental statement does identify that some of the units within the SE block would suffer from daylight levels which are below the BRE guidelines. The additional built form which is included as part of the current scheme is not considered to significantly worsen this situation.

6.0 Amenity space / Public open space.

- 6.1 Policy DM4 outlines the amenity space requirements for developments which includes private amenity space, communal space and child play space. The SE block needs to provide sufficient space for each of these criteria but this also needs to be understood in the

context of the wider scheme.

Private amenity space

- 6.2 A minimum private amenity space of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. In the case of this development the majority of the flats have private external amenity space, however there are a few exceptions where internal amenity space is provided instead of external amenity space. 37 of the studio units within the private tenure have an area of internal amenity space but are at least 5sqm over the minimum internal area. This is also the case for six of the 1 bed units and 3 two bed flats. Instead of external amenity space an area would be devoted within the apartment which would be adjacent to the Juliet balconies which would have different flooring and is intended to have a different feel to the rest of the unit. Whilst officers have considered that this does not truly represent a private amenity space as required by policy DM4 the use of Juliet balconies and each of the units being oversized is considered to mitigate against this.
- 6.3 There are seven family sized units within the social rented tenure which also have this arrangement as these are located within the lower floors of the seventh tower so the inclusion of balconies would significantly change the design of the tower and would not be in keeping with the design principles already established within the other four towers on the site.
- 6.4 The minimum internal space standard for a three bed, six person unit is 95sqm, each of these family units is proposed at between 124sqm and 126sqm which is well in excess of the minimum standards. These units are located on the north eastern corner of the building overlooking the public park so have good access to natural daylight. They also have full Juliet style balcony doors which can be fully opened to enable fresh air into the units and a sense of the outdoors. On balance, it is considered that the quality of these units would be acceptable and would provide a good standard of living for the future occupants of these units.

Communal amenity space

- 6.5 DM4 also requires communal amenity space to be provided for all new developments over 10 units at a rate of 50sqm for the first 10 units with a further 1sqm for every unit thereafter. This scheme provides 415 units so the communal space required for this development is 455sqm.
- 6.6 Roof terraces are provided at first floor level within the centre of the block and at 6th, 9th and 12th floor levels, these combined provide 3,181sqm which is well in excess of the Council's minimum standards. The first floor roof terrace is 713sqm and is accessible by all of the units within the building. The roof terraces at 6th, 9th and 12th floor are accessible only by residents of the private units.
- 6.7 As the residents of the private units would have access to over 2,400sqm of communal space on the upper floor roof terraces it is considered reasonable to assume that the first floor amenity space would be used mainly by the residents of the rented and intermediate units and therefore the requirements for communal spaces (and child play space) is assessed in terms of whether the first floor amenity space provides a sufficient quantum for the affordable units.
- 6.8 There are 171 affordable units within the building which results in a communal space requirement of 211sqm. As the roof terrace provides 713sqm of space there is sufficient capacity to meet this policy requirement. This space however also needs to provide some areas for play space, particularly for the younger children who would be expected to play close to their homes. This is explained in more detail in the section below.

Child play space

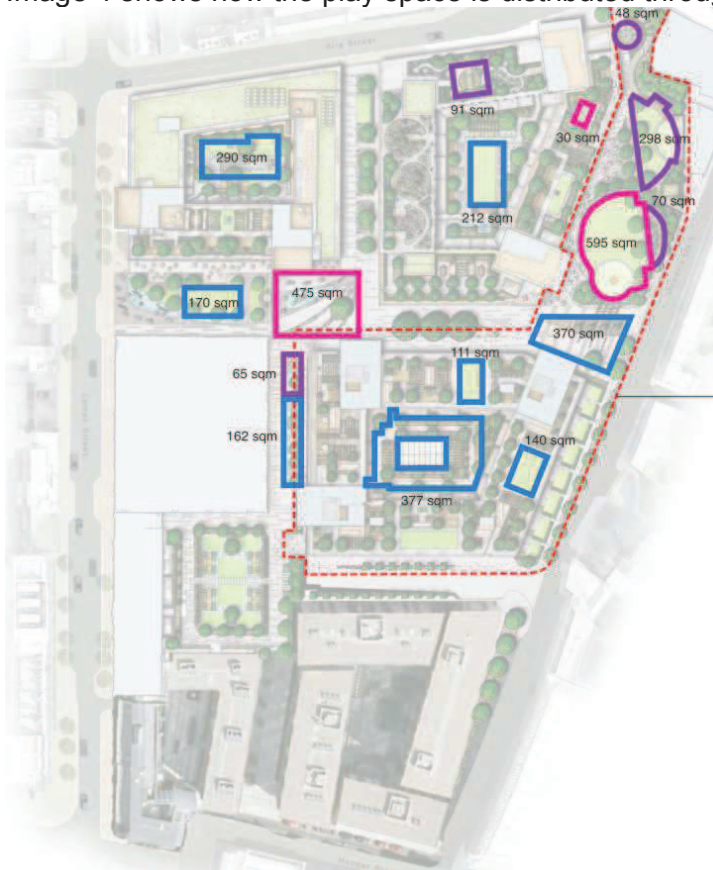
- 6.9 Policy 3.6 of the London Plan relates to ‘children and young people’s play and informal recreation facilities’. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.
- 6.10 A good quality playable space should provide all children “safe access to physically accessible and inclusive facilities that are stimulating and fun”. Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.
- 6.11 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters.
- 6.12 The SPG provides an interpretation of playable space and does not require it to be provided in the form of one formal play area within a development: “A playable space is one where children’s active play is a legitimate use of the space. Playable space typically includes some design elements that have ‘play value’: that they act as a sign or signal to children and young people that the space is intended for their play. Fixed equipment obviously has play value, but so do other elements such as informal recreation features of playful landscape features. The creation of incidental playable spaces is dependent on the creative use of the public realm to provide enjoyment and discovery for children and young people for example through the creation of landscaping and high quality public art. These spaces can, with good design, be multifunctional offering a range of leisure and recreation opportunities for users of all ages as well as being playable.”
- 6.13 The play strategy for Goodmans Fields seeks to create ‘playable spaces’ rather than segregated, prescriptive play areas for each age group. The aim of this is to allow different age groups to have access to all of the spaces. Notwithstanding this, certain landscaped features have been designed with each age group in mind. Play equipment and non-prescriptive features, such as changes in level, hard and soft landscaping can be integrated into the landscaping to create playable features. The public art (bronze horses within the main piazza) and the water feature to the eastern end of the site also provide play spaces for children. Within Chaucer Gardens, which is the public park, play facilities for teens will be provided which could include a climbing wall or outdoor gym equipment.
- 6.14 The final details of the child play space features would be secured by condition, however it is necessary to understand whether there is a sufficient quantum of space to provide these features within the site.
- 6.15 The SE block contains more residential units than the other blocks and a greater proportion of family sized social rented units so therefore the child yield from this block is likely to be higher than the other blocks. It is therefore considered necessary to assess the child play space across the whole Goodmans Fields site to ensure there is sufficient provision.
- 6.16 The child yield for the whole of the Goodmans Fields development is estimated to be 128 under 5 year olds, 92 5-10 year olds and 51 11-15 year olds. When compared to the extant consent there is an additional 12 0-4 year olds 9 more 5-10 year olds and 6 extra 11-15 year olds. The following tables demonstrate this and also show what the child yield would be for

the SE block as a stand-alone scheme:

Age Bands – Proposed scheme		Age Bands – Extant scheme		Age Bands – SE block only	
Under 5	127.	Under 5	117	Under 5	70
5 - 10	91	5 - 10	82	5 - 10	59
11 - 15	51	11 - 15	45	11 - 15	35
All	269	All	244	All	164

6.17 The required play space in total across the site is 2,690sqm, the majority of this should be for the under 5's at 1,270sqm with 910sqm required for 5-10 year olds and 510sqm required for the older children.

Image 4 shows how the play space is distributed throughout the site:



- Playable space for children aged up to 5
1,832 sqm
- Playable space for children aged 5-11
1,100 sqm
- Playable space for children aged 12-17
572 sqm

Total = 3,504 sqm

Image 4

- 6.18 Across the site 1,832sqm of play space is provided for the under 5's 1,455sqm of which is accessible to the children residing within the SE block. Some of the space is within the first floor roof garden and on the 6th and 9th floor roof terraces. The other spaces can be found within the main plaza to the west of the site and within the public park.
- 6.19 The spaces on the 6th and 9th floor are not accessible to the residents of the affordable blocks and so the area within the block that is available for child play space is on the first floor roof area. As set out above, some of this space is needed to meet the requirement for communal open space too, which leaves 500sqm available for child play space.
- 6.20 The affordable units within the SE block generate a play space requirement of 580sqm for the 0-4 year olds so within the block itself there is a minor shortfall of 80sqm. Consideration was given to allowing the affordable units access to some of the upper floor terrace areas, however there is a cost associated with this in terms of services charges and confirmation has been provided from registered providers that whilst amenity space is important, the cost and management of the accommodation are also a key factor. Therefore a balanced solution has been reached in allowing the affordable units the first floor amenity space, which in combination with the range of spaces provided at ground floor level throughout the site exceeds the minimum provisions which in turn keeps the costs down by not requiring access to the upper floor roof terraces.
- 6.21 As there would be some reliance on the public spaces for the provision of child play space for the SE block affordable housing residents the number of other units within the Goodmans Fields development relying on these spaces also needs consideration to ensure there is not double counting of spaces resulting in undue pressure. The residents of the private units would have access to all of the ground floor spaces as well as spaces within the roof terrace. Under the consented scheme the affordable units within the NE block do not have access to the roof terraces and so would be solely reliant on the areas within the park and the main piazza. Therefore the shortfall within the SE block needs to be considered in conjunction with the requirement for the affordable units within the NE block. Overall the 0-4 playspace for these units is 890sqm. As 500sqm is available to the residents of the SE block this means an additional 390sqm needs to be provided within the publicly accessible areas for the occupants of the affordable blocks. Image 4 shows that there is over 700sqm available which exceeds this requirement and is therefore acceptable.
- 6.22 Image 4 also shows where the 5-10 and 11-15 year olds play space will be, this is almost entirely within the publicly accessible areas which is considered to be an acceptable approach, in line with the GLA's play space SPD. The requirement for 5-10 year olds across the site is 910sqm and 510sqm for the older children. 1,100sqm and 572sqm respectively is accommodated within the site, the majority of which is available for children of all the blocks, apart from 121sqm of space within the NE block roof terraces.
- 6.23 Overall the approach to delivering child play space throughout the site is considered acceptable. The additional 118 units would not cause unacceptable pressure on the already consented open spaces and subject to a condition securing the detailed landscaping arrangements for the play features the play space provision is acceptable and in accordance with policy.

Public Open Space.

- 6.24 The Tower Hamlets planning obligations SPD sets out that the borough as a whole is deficient in public open space and new and improved spaces are needed. Public open space is sought on-site, however where this is not possible a financial contribution can be made in-lieu of the provision of space. These contributions are pooled to allow expenditure

to be planned on a borough wide basis.

- 6.25 The 2006 open space strategy identified that a local minimum of 1.2hectares of open space per 1,000 of the population should be provided. This equates to 12sqm per person. As such, for every new development 12sqm of open space should be provided per occupant either on-site or as a financial payment.
- 6.26 A proportion of open space is also required for staff employed within the commercial elements of a scheme. As they would only spend a proportion of their day in the area 17.38% of the employee numbers are required to be taken account of when calculating open space provision. The hotel use within the NW block also has a requirement for use of the open space which is included in the total site requirement set out below.
- 6.27 Policy DM10 of the MDD which outlines that developments are required to “provide or contribute” to the delivery of an improved network of open spaces. This means that if a development cannot fully meet the requirement to provide 12sqm of open space per resident it is acceptable to provide a financial contribution towards improvement or additional provision of public open spaces elsewhere in the borough.
- 6.28 As per the child play space provision it is necessary to understand the public open space provision across the whole site, not just in relation to the SE block. As the application for the SE block includes the public park the overall provision of public space provided by this application would appear unduly high, the park however serves the whole development and is therefore assessed as such.
- 6.29 A number of publicly accessible spaces are provided at ground level throughout the development, the main spaces being Chaucer Gardens to the north east of the site, the southern garden which is a gated space behind 75 Leman Street and the SE block and the main piazza, located to the south of the NW block and which will include bronze horse statues as a piece of public art.
- 6.30 The combined area of these spaces is 9,380sqm, though to prevent double counting of spaces the areas allocated for child play space are taken away from this figure, leaving 7,434sqm of public open space. The combined open space requirement for the whole site, including the residential and commercial elements is 31,401sqm therefore leaving a shortfall of 23,967sqm
- 6.31 Whilst the shortfall is significant it is not envisaged within the policy that each development site provide 12sqm of open space per person. The borough is deficient in publicly accessible open space, the Council’s Open Space Strategy 2006 sets out a standard of 1.2ha per 1,000 of the population. To deliver this, 99ha of open space would need to be delivered by 2025 which is approximately the same size Victoria Park and Mile End Park combined. This is a significant challenge for the borough due to obvious physical constrains and as such the Council’s policies (SP04 of the Core Strategy) seek to “protect, create, enhance and connect’ open space”, financial contributions from developments can assist in facilitating this.
- 6.32 The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.
- 6.33 The Hybrid consent secured £938,319.84 towards improvements in public open space. The residential and employee yield of the SE block would be 847 residents and 113 employees.

This is an uplift of 210 residents and 19 employees from the consented scheme. This results in an additional requirement of 2,748sqm of public open space or a financial contribution of £183,758. As the financial contributions towards public open space improvements have already been paid under the s106 agreement for the hybrid scheme, the legal agreement for this block will seek to secure only the uplift.

Design and delivery of Chaucer Gardens

- 6.34 The proposed layout of Chaucer Gardens seeks to strike a balance between formal landscaped areas and grassed areas for informal play for older children. It also has a role to play in delivering biodiversity enhancements. Details of landscape features would be secured through condition to ensure Chaucer Gardens to ensure it provides areas of play for children as well as formal landscaped areas for general amenity. The gardens should be laid out and available for use prior to the first occupation of the SE block and a condition is included to ensure this occurs.

Environmental considerations

- 6.35 The quality of the open space is as important as the quantum of it and the impact the additional tower that this scheme proposes would have on the sunlight to the public park needs to be considered, as does the impact upon microclimate.

Overshadowing

- 6.36 Overshadowing diagrams have been prepared to show what additional overshadowing would occur to the park as a result of the revised built form of the SE block. The BRE guidelines suggest that at least 50% of park or garden should receive at least two hours of sunlight on 21st March. In this case the proportion of the park which would receive more than 2 hours sunlight on 21st March is 88.5% so meets the guidelines and would therefore not be unduly overshadowed by the creation of an extra tower to the south of it.
- 6.37 The first floor courtyard within the SE block does not receive any sunlight on 21st March and so does not meet the BRE criteria. Under the previously consented layout this space also failed to receive any sunlight on 21st March so it is not considered a reason to refuse the application on this basis. The roof terraces at higher levels would receive better sunlight due to their elevated position and 59% of the units would have access to one or more of these terraces.

Microclimate

- 6.38 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.
- 6.39 The environmental statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 6.40 Areas around the base of the building and within Chaucer Gardens have been tested and all spots are generally either acceptable for 'sitting' or for 'standing/entrance' activities within the windiest months. Within the summer season of the 58 test points taken, four were suitable for 'standing / entrance' with the remainder suitable for sitting. The four that were

suitable for 'standing / entrance' were around the entrances to the building and not areas of open space where the 'sitting' criteria would be needed.

- 6.41 On the roof terraces, the spaces on first and sixth floor are all suitable for sitting, the eastern ninth floor roof terrace also has all spaces suitable for sitting, however some areas on the western ninth floor terrace and on the 12th floor are only suitable for 'standing / entrance'. This measure is calculated without landscaping in place, with the proposed landscaping features which are shown on the plans in place all areas are suitable for 'sitting' during the summer months.
- 6.42 As such no additional mitigation measures, other than the installation of landscaping, are needed to ensure the amenity spaces have a suitable microclimate

7.0 Impacts upon neighbouring amenity.

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

Daylight and sunlight

- 7.2 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.3 Core Strategy Policy SP10 and Policy DM25 seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 7.4 The Environmental Statement (ES) considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 7.5 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.
- 7.6 The ES explains the calculations for the impact on daylight and sunlight of the proposed scheme massing in comparison with the existing site. Results were also provided for a comparison between the previous consented massing identified as the "Consented Hybrid Scheme". This is on the basis that consent has already been granted for the massing of the Consented Hybrid Scheme and that if the results to any neighbouring properties are the same or better than the Consented Hybrid Scheme, then those results must be considered to be acceptable. Where the results are worse for neighbouring properties than the Consented Hybrid Scheme, then the acceptability of those results will need to be assessed.
- 7.7 The GIA report also includes results for a cumulative scenario taking account of other planned developments at 127 Commercial Road, Aldgate Place, 15-17 Lemn Street and at Beagle House. The cumulative results are given as a comparison between the existing and proposed sites and not as a comparison with the Consented Hybrid Scheme.
- 7.8 A total of 52 surrounding properties have been tested which equates to 2,305 windows. Under the baseline condition (which is the cleared site associated with the SE block but with

the NW and NE block constructed) 710 windows or 31% have an existing VSC of more than 27% and 77% of the windows have existing daylight distribution to at least 80% of the room therefore meeting the NSL criteria. In terms of sunlight, only windows which face within 90 degrees of due south are tested which is a total of 1302 windows, of these 71% have compliant levels of sunlight under the baseline condition.

- 7.9 The effect on daylight once the SE block is consented is negligible for 87% of the windows to neighbouring properties which means they are either unaffected by the proposal or would result in a reduction of no more than 0.8 times the former value. Under the BRE guidelines a reduction of no more than 0.8 times would not be noticeable to the occupants of that property.
- 7.10 This leaves 303 windows which would have a noticeable reduction in VSC and 125 windows which would have a noticeable reduction in NSL levels. Each of these properties is assessed below: -
- 7.11 15 properties of the remaining 25 properties would experience either 'minor' or 'minor – moderate' adverse impacts upon daylight levels, meaning a reduction of VSC and NSL levels between 20% - 40%. These properties are as follows:
- 61-76 Alie Street (Altitude).
 - 52-58 Commercial Road
 - 54 Gowers Walk
 - 53 Gowers Walk
 - 52 Gowers Walk
 - 51 Gowers Walk
 - 54 Leman Street
 - 129 Back Church Lane
 - 117 Back Church Lane
 - 1 Mitali Passage
 - Christopher Court
 - 115 Back Church Lane
 - 113 Back Church Lane
 - 111 Back Church Lane
 - 109 Back Church Lane
- 7.12 For the above properties the effects are not considered to be significant given the dense urban environment which characterises the Aldgate area, the levels of failure are not uncommon within an inner city location. It should be noted that the failures are also being registered in relation to the baseline condition of the cleared SE block and not in relation to any impacts which would already occur as part of the consented SE block massing. This view has been confirmed by the Council's independent assessor.
- 7.13 The more significant effects will be felt within the properties on the eastern side of Gowers Walk facing towards the site and within City Quarter, blocks C and D which are immediately south of the site. These are assessed in more detail below. For each property officers have considered the impact against the baseline condition (i.e a cleared site) and also and compared the difference that the proposed bulk and massing makes to the previously consented scheme for the SE block.

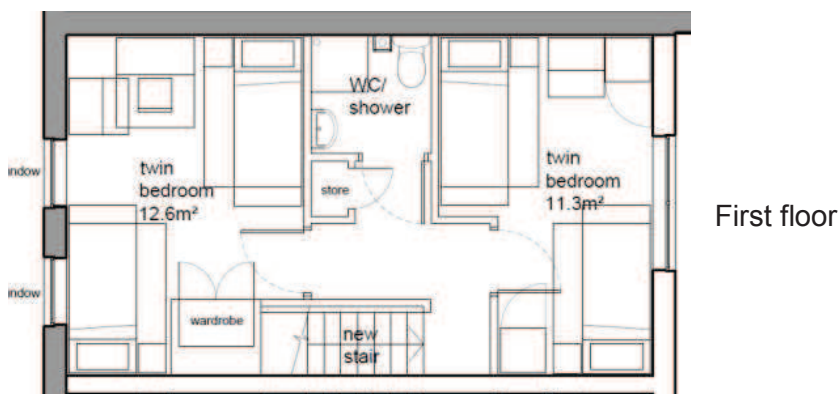
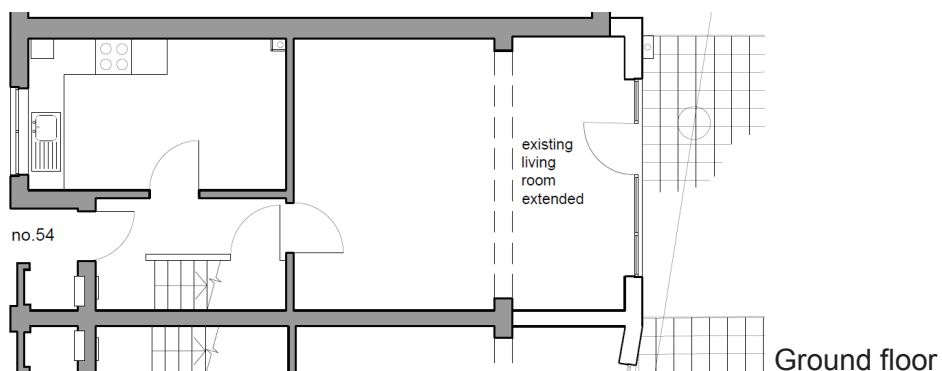
Gowers Walk.

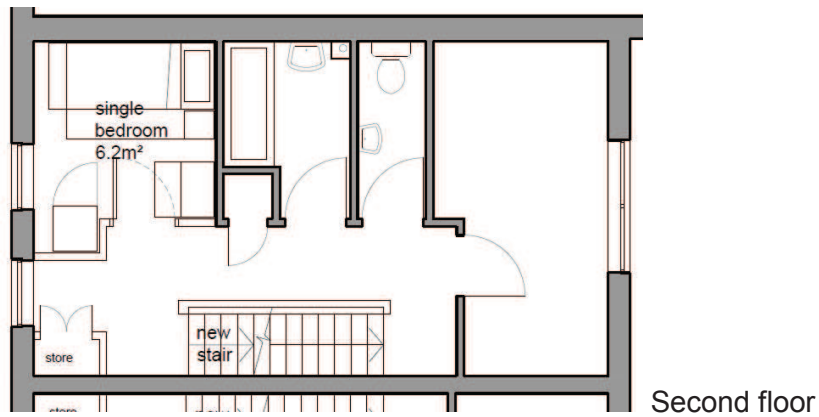
- 7.14 43 – 50 Gowers Walk are two and three storey buildings an image of which is provided overleaf:



Image 5

- 7.15 The small windows on the ground floor serve kitchens, however it is clear from the floorplans (see below) that the main aspect of these dwellings is to the east and not towards the application site as the main living space and main bedroom look out over the garden at the rear. The front sections of the buildings contain the kitchen and the smaller, single bedrooms on the upper floors:





- 7.16 These units do experience a significant and noticeable loss of daylight with the windows on the front elevation suffering a reduction of between 50% - 55%, the ADF values for the kitchens along this row is also reduced to 0.2 in some cases (the guidelines suggest 2% should be the minimum daylight levels for kitchens). This is when measured against the cleared site
- 7.17 However, these reductions need to be considered in light of the extant scheme and what extra impact the built form of the revised scheme would have. The daylight reductions in VSC terms to these properties was considered acceptable at between 40-41% loss. An example of the difference in daylight reduction between the extant and the proposed scheme is taken from 46 Gowers Walk, the percentage failure to the ground floor kitchen under the extant scheme was 37.69% rising to 56.8% under the proposed scheme, the upper floor bedroom had a loss of 40% rising to 55.43%.
- 7.18 The ADF levels that the kitchens are left with under either the extant or the proposed scheme are both around the 0.2 level, therefore little difference between the internal daylight levels will be experienced between the consented and proposed schemes.
- 7.19 No. 48 Gowers Walk is a different style of property (see image 6 below) but as can be seen from the photographs the windows are larger within the building, therefore allowing more light in and therefore helping to mitigate better against the impact of the new development. The reduction in daylight levels to the flats within this building are between 6% - 45% with ADF levels remaining higher than 0.5 for all rooms. Under the consented scheme the greatest failure was 31% reduction in VSC and remaining ADF values are generally around 10% higher.

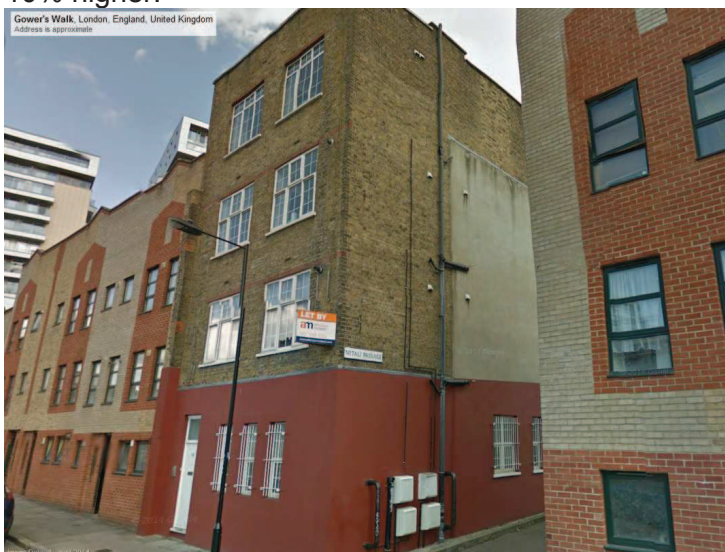


Image 6

- 7.20 Given the general orientation of the main living spaces to the rear of the building which would remain unaffected by the proposal combined with the limited additional effect which would be created in comparison of the extant SE block it is considered that the effect would be acceptable and the benefits of the proposal associated with the additional housing provision outweigh the negative impacts to these 8 properties.

63 Gowers Walk

- 7.21 This is a six storey building located at the northern end of Gowers Walk, on the same side of the road as Goodmans. This building contains 12 flats, six of which have inset balconies on the southern elevation facing towards the application site. The majority of these units are relatively unaffected by VSC levels, however they do have relatively poor ADF figures, with five of the bedrooms having resultant ADF of 0.1. This represents a reduction of around 35% from the existing levels and round 7% worse than the consented scheme. The light levels to these bedrooms are already low at around 0.17 and given that these are bedrooms which generally require less daylight than living rooms and kitchens the impact on these properties is considered acceptable.

City Quarter block C.

- 7.22 There are significant reductions in VSC from the existing level with the reductions of over 50% from existing occurring up to sixth floor level and some of those experiencing reductions of 60% or 70% from existing. The scheme however, needs to be considered in the context of the original building that was on site before it was demolished to allow the redevelopment of Goodmans Fields. When compared to the original situation the VSC reductions are around 15%, which does not represent a failure against BRE guidelines. The consented scheme was assessed against the original building being in place and showed reductions in daylight levels to be negligible.
- 7.23 The advice from the Council's appointed consultant on the impact upon City Quarter block C matter is as follows:

"Despite the loss of VSC, there will only be four rooms on the ground and first floor that will be left with an ADF of less than 1% and at fourth floor and above, most of the rooms will have an ADF of over 1.5%, which can be considered to be acceptable. It would therefore be worth considering the uses of the rooms on the ground and first floor and whether any of these individual flats will have the majority of their rooms affected to the extent that there should be particular concerns about the levels of daylight left."

- 7.24 The floor plans for block C show that the north facing windows at ground and first floor serve either corridors or bedrooms and so are less sensitive to daylight reductions. The main aspect of this part of block C is south, into the courtyard which would be unaffected by the SE block. The reductions in daylight are also more significant in comparison to the existing situation due to the cleared nature of the site. Both the previous building on the site and the consented SE block would have had significant implications for daylight to City Quarter.

City Quarter block D

- 7.25 The scheme proposal will cause a moderate to major adverse impact on City Quarter Block D. There will be parts of the elevation to this building that experience reductions in VSC of more than 40%, and in places of more than 50% from existing. Of those that experience those large reductions, the living room/kitchen/dining rooms will be left with ADF levels of above 1.5% which is appropriate for multi-use rooms of this type. However, the bedrooms that will experience the significant reductions in VSC will also experience significant

reductions in ADF leaving rooms with already poor levels of ADF with much poorer levels.

- 7.26 However, as in the case of block C both the previous building on the site and the consented SE block would have had significant implications for daylight to City Quarter, as would the original office building on this site before it was demolished. The narrow end of the building is positioned adjacent to the SE block which means the windows affected most significantly by the proposal are not the only windows serving each of the rooms as these rooms are dual aspect. Given that the daylighting levels of concern are to bedrooms, and given that they are all dual aspect flats it is considered that the impact is acceptable and not uncommon for a dense urban environment such as this.
- 7.27 In conclusion, the development would have implications for the levels of daylight available to a number of the surrounding properties, however officer's do not feel that the levels of reduction are significant worse than the consented scheme and the orientation of the properties along Gowers Walk and City Quarter further help to mitigate against the impact of the development.

Sunlight

- 7.28 Sunlight levels are tested for properties which face within 90 degrees of due south. Sunlight to these windows can be adversely affected when:
- It receives less than 25% of annual probable sunlight hours. Or less than 5% of annual probable sunlight hours between 21st September and 21st March.
 - Receives less than 0.8 times its former sunlight hours during either period and
 - Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The only properties for which the sunlight standards are not met are 44-57 Gowers Walk and City Quarter Block D.

- 7.29 The report identifies that the impact on City Quarter Block D and 44, 45, 46, 55, 56 and 57 would be minor adverse and that the impact upon 53 Gowers Walk would be minor to moderate adverse with sunlight reductions of between 30% - 40%.
- 7.30 The reduction in sunlight would be felt most significantly within 47-52 Gowers Walk where sunlight hours would be reduced by around 50%. No. 50 is greatest affected within this group with sunlight hours throughout the west facing rooms being reduced by an average of 47%, this is compared to the extant scheme where the same property would experience failures of 40% on average. In terms of actual number of hours of sunlight lost over the year, 47% represents 19hours which is six more than under the consented scheme. As explained within the daylight section, the loss of sunlight needs to be considered in the context of the main aspect of these units facing eastwards, away from the application site so the impact would be to kitchens which are only served by a small window and to single bedrooms on the upper floors.
- 7.31 On balance, this is not considered to be a reason to refuse permission for this scheme given the reductions already considered acceptable as part of the extant scheme.

Internal Daylight and Sunlight Assessments – Other Blocks within Goodmans Fields Scheme

- 7.32 The levels of daylight that will be left to those rooms within the northeast, northwest and southwest blocks and have windows facing directly towards the proposed southeast block have also been assessed.

The ES identifies and compares where additional impacts are caused by the revised built form of the SE block. The results find that the northwest block will experience no change in the number of rooms that meet the BRE criteria for ADF. There will be a reduction of 1% in a number of rooms that do not meet the criteria for the southwest block and 3% for the northeast block.

- 7.33 Within the NE block there are some rooms which are poorly lit under the consented scheme and these would be even more poorly lit with the revised mass and bulk of the SE block, for example there is a living room on the eastern side of the building which had a daylight factor of 0.3 which reduces down to 0.2 under the proposed scheme, effectively reducing the daylight by one third. However the reason for the poor daylighting within the NE block is mainly as a result of the design of the scheme, with balconies overhanging the floors below and large, deep room layouts which means the back of the rooms do not receive much natural light. It would not be reasonable to refuse the current application on the impact it has on the NE block when the limited daylighting is inherent in the design of the building and would not be greatly enhanced if consented SE block were built out as opposed to the proposed block.

Privacy / sense of enclosure.

- 7.34 As set out in an earlier section of the report, 18m is considered to be a sufficient distance to mitigate against overlooking between facing habitable room windows. The layout of the SE block has been considered in terms of the internal arrangements and whether future occupiers of the Goodmans Fields block would receive sufficient privacy, it is also necessary to understand what the implications would be for the surrounding properties. Those which would be affected to the greatest extent in terms of loss of privacy / sense of enclosure would be 43 to 47 Gowers Walk and blocks C and D of the City Quarter.
- 7.35 There is 18m between City Quarter and the SE block and 22m across Gowers Walk to the properties immediately opposite. This is considered to be sufficient to mitigate against any loss of privacy resulting from the redevelopment of this site.
- 7.36 The original office building that was on the site was approximately 6 storeys (effectively one storey higher than the City Quarter blocks) and located approximately 5m closer to the City Quarter buildings than the position of the currently proposed SE block. The perimeter block of the SE block where it is adjacent to City Quarter would be 10m taller in height. Given that this is further away from these units than the original building on the site and this position and height has already been agreed as part of the extant consent there is not considered to any significant issue in terms of the relationship of the SE block and City Quarter in terms of the creation of a sense of enclosure or an increase in the sense of overbearing.
- 7.37 The relationship with the Gowers Walk properties has changed as part of the design amendments associated with this scheme. The removal of the town houses along Gowers Walk has resulted in a building which is three storeys higher along Gowers Walk but it is further set back from the street. The consented scheme at the closets point was 8.1m from the existing residential properties on the other side of the road, this increased to 14m further north where the road widens. Under the proposed revisions the closest point would be 15.3m increasing to 21.7m. The combination of these two factors is considered overall to have a neutral impact upon the sense of enclosure the residents of the Gowers Walk properties would experience.

8.0 Transport, Connectivity and Accessibility

- 8.1 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.

- 8.2 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.
- 8.3 As detailed earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6 (1 being poor and 6 being excellent) and is within easy walking distance of Tower Hill, Aldgate and Aldgate East underground stations and Tower Gateway DLR station. The site is also easily accessible by a number of bus routes which run through Aldgate.

Highways - Background

- 8.4 The 2009 scheme and the 2011 hybrid consent both secured a site wide basement for the whole of the Goodmans Fields site. The basement as approved provides 253 car parking spaces, including 27 disabled spaces and 50 electrical vehicle charging points. 35 motor cycle spaces and 1,358 cycle parking spaces. This is in addition to various areas of plant, storage for the commercial use and refuse stores for each of the blocks. The basement is accessed via a ramp off Gowers Walk and internally through lift cores within each of the blocks.
- 8.5 The basement is not included within this current application, though with the increase in the number of residential units proposed there will be a need to amend the amount of cycle parking / refuse storage capacity within the basement. A non-material amendments has recently approved the following changes to the basement:
- Reduce the number of car parking spaces from 253 to 237.
 - Increase the number of disabled car parking spaces from 25 to 29.
 - Motorcycle parking will be increased from 35 to 39.
 - Increase in the number of cycle parking spaces from 1,358 to 1,638. The number of at grade spaces is also increased from 30 to 62 under this consent.
 - The refuse storage has been increased from 277 x 1100l bins to 285 x 1100l bins and 59 x 240l bins.

Trip Generation.

- 8.6 The transport assessment has been updated since the 2011 application to ensure the most recent examples are used in forecasting what the trip generation will be from the site. The assessment provides details on the most likely method of travel for each of the uses on the site.
- 8.7 The occupants of the residential units will general travel to and from the site by underground or walking. For the office uses and training centre the most likely method of transport will be the train followed by walking and the underground. The health care centre is different again, seeing most journeys occurring by buses or walking.
- 8.8 The total number of people leaving the site by various modes of transport in the AM peak would increase 70 when comparing the consented scheme to the proposed scheme, people arriving at the site would 61. In the pm peak the number of people arriving at the site would increase by 45 and leaving would increase by 73. The vast majority of the trips would be by

foot with bus and the underground being the next most popular modes of transport.

- 8.9 The volume of service trips across the whole site would increase by six as a result of this proposal.
- 8.10 The impact of the development has been considered in relation to all of the surrounding streets. Apart from Gowers Walk the increase in traffic would be less than 2% and in the case of Gowers Walk, which would experience a 5% increase in traffic flows, this is a result of the existing low levels of traffic on this street.
- 8.11 Overall, the changes to the proposed development are not considered to have a significant additional effect on the local highway network or public transport.

Financial mitigation

- 8.12 £189,300 was secured under the hybrid consent towards providing additional bus capacity in the vicinity. £150,000 was secured towards improvements in the pedestrian crossings at the junction of Alie Street and Leman Street.
- 8.13 Since the approval of the hybrid scheme the closure of Alie Street to through-traffic has been put forward as a proposal as such, the pedestrian crossings at this junction are no longer a priority in order to improve pedestrian movements in the vicinity of the site. Discussions have occurred with the Council's highways team and Transport for London regarding alternative options for the receipt of this funding. An example of where the funding could be redirected to is the linking CS2 and CS3 (Cycle superhighways which run along Cable Street and Whitechapel High Street) and this would directly improve cycle accessibility for the Goodmans Fields development. As this is still at an early stage in the approval process TfL have requested that the financial contribution be secured towards 'pedestrian and cycle improvements in the vicinity of the site' rather than specifically towards this cycle super highways link.
- 8.14 As the financial contribution would be linked towards cycle improvements the increase in the financial contribution of £31,500 is directly linked to the increase in cycle parking. The number of cycle parking spaces has increased by 21% from the hybrid scheme and as such the financial contribution has increased proportionately. This is considered to fairly and reasonably relate to the increase scale of the development and would ensure suitable additional mitigation.
- 8.15 TfL have not requested any increase to the bus improvement contribution so none is sought with this application.

Car Parking

- 8.16 Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The parking levels for this site should be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger.
- 8.17 The previous scheme included 253 car parking spaces and the parking ratio was 0.26. In order to accommodate the additional cycle parking/refuse storage required by the increase in units the car parking has been reduced to 237. This creates a ratio for the whole of the Goodmans site of 0.22. Whilst this is still over the maximum standards for a site a PTAL of 6a it represents a reduction in side wide parking from the previously agreed levels. This is therefore supported as limiting car use is an objective of both local and London Plan policies.

- 8.18 The additional units 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 with the exception of blue badge holders and those eligible for the permit transfer scheme.
- 8.19 A travel plan would also be secured for the development which would encourage residents and visitors to utilise sustainable forms of transport.
- 8.20 50 of the basement car parking spaces would still be provided with electric vehicle charging points which accords with the 20% provision required within the London Plan.
- 8.21 Two disabled car parking spaces are shown at surface level which would be for the health centre. These would provide convenient access for disabled patients accessing the site. They are arrived at from the south, from Hoopers Walk and through the City Quarter site. Details of how these spaces will be managed would be requested by condition.

Provision for Cyclists

- 8.22 Policy DM22 of the Managing Development Document requires development to make suitable provision for cyclists which includes meeting and where possible exceeding the minimum cycle parking standards and to provide land/contributions towards new cycle hire docking stations.
- 8.23 Policy 6.9 of the London Plan also sets out minimum cycle parking standards which should be adhered to. It also states that on-site changing facilities and showers for cyclists should be provided. Development should also help to facilitate the cycle super highways and the central London cycle hire scheme.
- 8.24 There are further alterations proposed to the London Plan which affect the level of cycle parking required for a development. Whilst these are not yet adopted standards they have been through an Examination in Public process so carry significant weight. The new 'FALP' standards require 1 cycle parking space for a one bedroom unit and 2 or more spaces for any units larger than this.
- 8.25 The required level of cycle parking spaces, based on FALP standards for the SE block is as follows:

	Long Stay	Short stay
Commercial	24	4
Health centre	18	
Training Centre	3	
Residential	616	10
Total	661	14

8.26 The cycle parking requirements for the consented SE block, under the Managing Development standards is as follows:

	Long Stay	Short stay
Commercial	21	
Health centre	3	
Training Centre	2	
Residential	370	
Total	386	0

8.27 Comparing the above tables it can be concluded that an additional 275 basement cycle parking spaces would be needed and 14 extra surface level parking spaces for short term parking.

8.28 Through the amendments to the basement under a separate application 280 additional spaces are being accommodate within the basement and 32 extra surface level spaces would be provided.

8.29 This is in excess of both the MDD and the FALP standards and is considered acceptable. Dual stackers for bike parking is proposed in the basement with Sheffield type stands for visitors at surface level. Sheffield stands are the preferred method for all cycle parking, however due to space constraints it is necessary to include dual stackers within the basement in order to meet the requirements.

Public Transport Improvements

Crossrail

8.30 The development will be required to make a contribution of around £1,669,150 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher, the s106 agreement would include the SPG contribution which is £195,300. This will act as a credit towards the CIL payment.

Buses / Rail / London Underground and DLR

8.31 Under the hybrid consent financial contributions were secured towards increased bus capacity within the locality. This equated to £189,300 and payment would be due on commencement of the north east block.

8.32 TfL have not requested any additional mitigation measures as a result of the increased scale of the development as there is generally considered to be sufficient capacity on the trains and underground lines serving the site. With the additional funding secured to increased bus capacity under the consented scheme there would be sufficient capacity to cope with any additional impact from the uplift in commercial space and residential units.

Pedestrian Environment

- 8.33 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.
- 8.34 The scheme as a whole provides additional pedestrian permeability compared to the previous situation, the public realm has been designed to be wheelchair accessible and meet part M of Building Regulations. The current scheme will continue these principles, and provide an inviting and accessible environment for members of the public, future residents of the development and occupiers of the commercial spaces.

Refuse strategy

- 8.35 The general strategy for the Goodmans site is to accommodate all refuse stores within the basement. Residents of the units would place their refuse into segregated waste chutes within the cores of the building which would send the refuse / recycling down into the requisite containers. The facilities management will re-arrange the bins on a regular basis to ensure they do not become over full and on collection day they will be wheeled to a collection point for the LBTH waste contractor to collect.
- 8.36 The commercial uses on site would also use the basement for storage of waste and it would be segregated into refuse, recycling and clinical waste. These would all be collected by independent contractors.
- 8.37 This strategy does not change as part of this application, however due to the increase in residential units there is a need to increase capacity within the basement for refuse storage. This is included within the non-material amendment application and seeks to provide an additional eight 1100litre Euro bins and 59 240litre bins.
- 8.38 The table below is taken from the Managing Development Document and sets out what capacity is required for residential developments

Number of bedrooms	Suggested minimum capacity per week (litres)			
	Refuse	Dry recyclables (co-mingled)	Compostable waste	
			Without garden	With garden
1	100	60	20	140
2	120	60	20	140
3	180	80	30	140
4	240	100	40	240

- 8.39 For the total development there is a requirement for 192,869litres of capacity for the residential element. There are no set standards for the commercial uses. A total refuse and recycling storage capacity for the site is 327,660 litres which is considered sufficient to accommodate all the waste generated by the residential and commercial uses on the site. This strategy has also been agreed with the waste management section of the Council.

9.0 Energy & Sustainability

- 9.1 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. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.2 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 9.3 The London Plan 2011 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). In addition to this the MDD policy has increased the CO2 emissions savings target to 50% above Building Regulations 2010.
- 9.4 The 'lean' measures that have been employed include low energy lighting, high performance glazing, balconies that work as shading for the windows below and dual aspect units were possible to allow for cross ventilation. Through these measures the CO2 emissions which will be saved are 2% on the baseline energy demand.
- 9.5 In terms of the 'be clean' requirement the development will connect to the existing District Heating system which already forms a part of the wider Goodmans Fields development. The energy centre is located in the basement of the NW block and will supply heat to the SE block for both residential and commercial uses. The connection to the existing heating system will reduce the CO2 emissions of the scheme by 38%. This is in addition to the 2% saved through 'lean' measures.
- 9.6 The final part of the energy hierarchy request developments to incorporate renewable technology into the scheme in order to further reduce CO2 emissions, however in this case a number of renewable technologies have been considered including solar technology, wind generation and biomass boilers but these have all been discounted. The roofs of the development are being used for amenity spaces so there is very little opportunity for solar panels to be installed. There are generally low wind speeds within this location so wind turbines would not be effective and biomass boilers cause issues for air quality and require regular deliveries which are not particularly suitable for this dense urban environment.
- 9.7 It is therefore concluded that the energy saving measures equate to 39% savings against policy requirement of 45% which equates to a shortfall of 33.7 tonnes of CO2.
- 9.8 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. 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.’
A cash payment of £60,600 has been secured to meet this shortfall.

- 9.9 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 requirement is for all residential developments to achieve a minimum Code Level 4 rating and non-residential uses to achieve BREEAM Excellent. The proposals have been designed to achieve these ratings and the appropriate pre-assessments have been submitted. This is supported by the sustainable development team and it is recommended that appropriately worded conditions should be applied to secure the submission of the Code Level 4 and BREEAM Excellent certificates post occupation of the building.
- 9.10 In conclusion, it is considered that the development is acceptable and provides a sufficient level of climate change mitigation and relevant conditions are included within the recommendation.

Environmental Considerations

10.0 Air quality

- 10.1 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.
- 10.2 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality at the site are traffic emissions from the surrounding road network. The Environmental Statement for the hybrid scheme advised that the building envelope on-site should be designed with the aim of improving permeability and accessibility of the site and the surrounding area. Accordingly, the perimeter blocks were placed on the boundaries of the site, creating internal communal courtyard space and internal pedestrian friendly street-scape. This provides a more attractive environment for pedestrians accessing both on-site and off-site addresses, where air quality will be improved in contrast to the existing pavements on Alie Street and Leman Street. The current application follows the same principles. Commercial uses are also directed to the ground floor where pollutant concentrations would be the greatest.
- 10.3 Aside from the construction phase, the main impacts upon air quality would be from the increase in vehicular movements along the adjacent road network. As the proposal includes a reduce number of car parking spaces within the basement of the development it is considered that the proposal will not have any increased significant detrimental impact upon the local air quality.
- 10.4 In this case 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, for example ensuring wheels

are washed as they leave the construction site, using water sprays to suppress the dust and ensuring all vehicles turn off engines and do not sit idling. 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 upon

11.0 Noise and vibration.

- 11.1 Policy DM25 of the MDD seeks to ensure development protects, and where possible enhances the amenity of surrounding existing and future residents by not creating unacceptable levels of noise, vibration or odour during the construction and life of the development. This is echoed within policy 7.15 of the London Plan which seeks to minimise the existing and potential adverse impacts of noise on, from, within or in the vicinity of development proposals.
- 11.2 No comments have been provided as part of this application by the Environmental Health team, though it was noted in the previous application that there were concerns over the suitability of the site for residential purposes due to the existing noise levels that the site experiences. As the principle of residential development of the site has been established the various previous consents on the site this is not considered to be a reason to object to this proposal. As per the previous application, conditions would be used to ensure that any A3 / A4 or A5 use had suitable noise mitigation measures installed prior to occupation to protect residential occupiers.
- 11.3 A construction management plan would also be secured by condition to ensure there are not unacceptable impacts on neighbouring residents during the course of construction.

12.0 Contaminated land

- 12.1 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.
- 12.2 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated impacts which will be conditioned accordingly.

13.0 Flood risk and water resources

- 13.1 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.
- 13.2 The development does not fall within an area of flood risk and the Environment Agency have confirmed they are satisfied with the proposals, subject to a condition requesting details of a drainage strategy for the site.
- 13.3 There increase in green and brown roofs and inclusion of vegetation and soft landscaping within the roof terrace areas and the new park would help to reduce surface run-off in comparison to the previous site, which was predominantly hard landscaping and buildings. Subject to satisfactory discharge of the drainage strategy and the details requested by Thames Water (as set out in the consultation section above) it is considered that there would be no adverse effect on water resources and no increased risk of flooding.

14.0 Biodiversity

- 14.1 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.
- 14.2 Policy DM11 requires not only there to be a negligible effect on ecology and biodiversity but for there to be enhancements made. The scheme needs to be considered in relation to the wider Goodmans Fields development and the biodiversity improvements offered.
- 14.3 The site, before the redevelopment commenced did not provide any significant area of biodiversity or contained any species of note. Under the 2011 hybrid scheme the following was secured by condition 4, which was a site wide condition:

Use	Maximum Floorspace (sqm)(Gross Internal Area)
Communal Amenity Space	3,564
Child Playspace	2,900
Public Open Space	8,230
Area of Biodiverse Roofs	1,425

- 14.4 In terms of the biodiverse roofs the figure of 1,425sqm has been exceeded within the north west and north east block though a variety of roof types which provide biodiversity enhancements. On the north west block there is 915sqm of biodiverse roof and 227sqm of brown roofs. The north east block contains a wildlife reserve on one of the roofs measuring 1,145sqm and a green roof 204sqm in area. In light of this it is not considered necessary that the south east block provides additional biodiverse roofs. By not having biodiverse roofs this allows for more of the roof space to be devoted to provision of external amenity. Given the level of family units within this block and the requirement for child play space it is considered that the use of the roofspace for amenity would be a better outcome.
- 14.5 There is still a requirement for this block, as a stand alone application to provide biodiversity enhancements. Chaucer Gardens, which is the public park in the north east corner of the site forms part of this application which, through careful landscaping there is the opportunity for this scheme to contribute towards the objectives of the Local Biodiversity Action Plan. The biodiversity officer has recommended the inclusion of native trees (Silver Birches) within the woodland area and a native plants within the hedgerow. The exact species would be determined at condition stage. The area of formal planting towards the south of the park would also provide opportunities for bees and other pollinators if these are nectar rich flowers. Again, the exact details of the species would be secured by condition.

15.0 Health Considerations

- 15.1 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.

- 15.2 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.
- 15.3 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.
- 15.4 The applicant has agreed to a financial contribution of £129,446 to be pooled to allow for expenditure on health care provision within the Borough. This figure is based on the uplift of the 118 units within the SE block as the financial contributions secured under the hybrid consent have already been paid to the Council. The financial contribution is in addition to the health centre which is being provided within the development on the ground floor which will mitigate against the additional pressure on the NHS created by the increase in population generated by the wider Goodman's Fields development. The health centre would be constructed to shell and core by the developer and then leased to the PCT.
- 15.5 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.
- 15.6 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

16.0 Education.

- 16.1 The SE block would generate a demand for school places. The uplift from the consented scheme would be 10 primary school places and 5 secondary school places. The developer is willing to meet the financial obligations associated with the increase in school yield resulting from this development which would enable the Council to increase school capacity accordingly. The ES has identified that there are a number of primary schools and secondary schools which would be accessible to the children of the SE block of Goodmans which are not yet at capacity. It should also be noted the land for a new school on the London Dock development, to the south of the subject site has recently been secured which will increase school capacity locally.

17.0 Planning Obligations and CIL

- 17.1 Planning Obligations Section 106 Head of Terms for the proposed development at the Goodmans Field site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 17.2 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.

17.3 Regulation 122 of CIL Regulations 2010 requires that planning obligations can only constitute a reason for granting planning permission where they meet the above tests.

17.4 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.

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

17.6 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 30.5% affordable housing based on a social rent/affordable rent to intermediate split of 72% and 28% respectively.

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

17.8 The following figures show the required financial contributions for the SE block, in comparison to the figures originally secured through the extant hybrid consent. In most cases there is an uplift in contributions, where the contribution is based on residential and commercial yields.

17.9 Also, in some cases full or partial contributions have already been paid in respect of earlier phases of the development, some of which provide mitigate for the SE block as approved and so these figures need to be taken away from the total secured under this consent. Equally, where financial contributions were to be paid on commencement of the SE block these will need to be fully captured within the new s106 agreement to ensure mitigation measures are still secured for the earlier phases.

17.10 Employment:

Construction phase contribution: £118,019 as a stand alone scheme. However the uplift based on new floorspace is £13,592

Apprentices: 10 additional based on a 13% uplift in floorspace.

End User phase contribution: £16,231 based on additional commercial space over and above the outline parameters and an employee uplift of 113.

- 17.11 As financial contributions of £562,893 have already been paid only uplift is charged for which equates to £13,592 + £16,231 = **£29,823 +10 apprentices**.

Libraries:

Extant scheme: £80,279

- 17.12 Proposed scheme: £108,973

Difference: £28,694

Sports / Leisure

Extant scheme: £322,350

- 17.13 Proposed scheme: £437,222

Difference: £114,847

Libraries and leisure were grouped under 'community facilities' and are payable on commencement of the SE block so uplift of £143,571 + £1,248,201 = **£1,391,772** to be paid upon commencement of SE block.

Education

- 17.14 Extant scheme: £805,194 for primary school places + £597,268 for secondary school places = £1,402,462

Proposed scheme: £946,509 for primary school places + £703,885 for secondary school places = £1,650,394

Difference of £247,932

As £982,257 is due to be paid on the SE block under the extant consent the figure for the SE block payment should be £982,257 + £247,932 = **£1,230,189**.

Health

Extant scheme: £325,809

- 17.15 Proposed scheme: £455,255

Difference: £129,446.

The health contribution has already been paid so uplift to pay for SE block: **£129,446**

- 17.16 Smarter travel

Extant: £9,557

Proposed: £12,669

Difference: £3,112

The sustainable transport contribution has already been paid so uplift to pay for SE block: **£3,112**

- 17.17 Public open space

A contribution of £699,200 has already been paid for the hybrid consent which was the figure secured for all three blocks within the scheme therefore only the uplift is sought in this case.

Uplift in residents is 208 +20 (discounted employee rate) so extra 2,736sqm of open space required = contribution of **£182,956**.

- 17.18 Streetscene: No additional payment required. The total of £600,000 has already been paid to the Council.
- 17.19 TfL request: **£31,500** for pedestrian / cycle improvements in the vicinity of the site. The main contributions will be paid on commencement of the NE block so only uplift is charged.
- 17.20 Carbon off-set payment: The figure of **£60,600** is required to mitigate against the failure of the scheme to meet the required carbon dioxide emissions savings. No figure was required for the extant scheme as the policy target was lower in 2011.
- 17.21 Monitoring Fee. This is charged at a rate of 2%. As a monitoring fee was secured under the hybrid consent it is considered relevant to apply the monitoring figure to the uplift only and not the total figures which would be secured under the SE block.

The total uplift of contributions is £828,910 so the monitoring contribution is **£16,578**.

- 17.22 Total contributions
Therefore the total contributions which should be payable for the SE block, taking into account what has already been paid on previous phases and what is still due from the hybrid scheme is **£3,075,946**.
- 17.23 In addition to the financial contributions set out above a number of non-financial contributions would be secured through the s106 agreement. These are as per paragraph 3.3.

Localism Finance Considerations

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

- 17.24 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.
- 17.25 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.
- 17.26 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:
- 17.27 These issues are to be treated as material planning considerations when determining planning applications or planning appeals.
- 17.28 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.

- 17.29 Members are reminded that that the London mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £1,585,675. Crossrail payments under the SPG are payable on this scheme which would be £195,300 if all of the commercial floorspace is built out as office space. This would be secured within the s106 agreement and used as a credit towards the CIL payment.
- 17.30 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 17.31 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 £652,812 in the first year and a total payment £3,916,869 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 17.32 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:-
- 17.33 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".
- 17.34 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.
- 17.35 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.

- 17.36 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.
- 17.37 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 17.38 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.
- 17.39 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

- 17.40 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.
- 17.41 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.
- 17.42 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 17.43 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and the health centre, 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.
- 17.44 The contributions to affordable housing support community wellbeing and social cohesion and the inclusion of wheelchair housing and accessible parking spaces promote equalities.

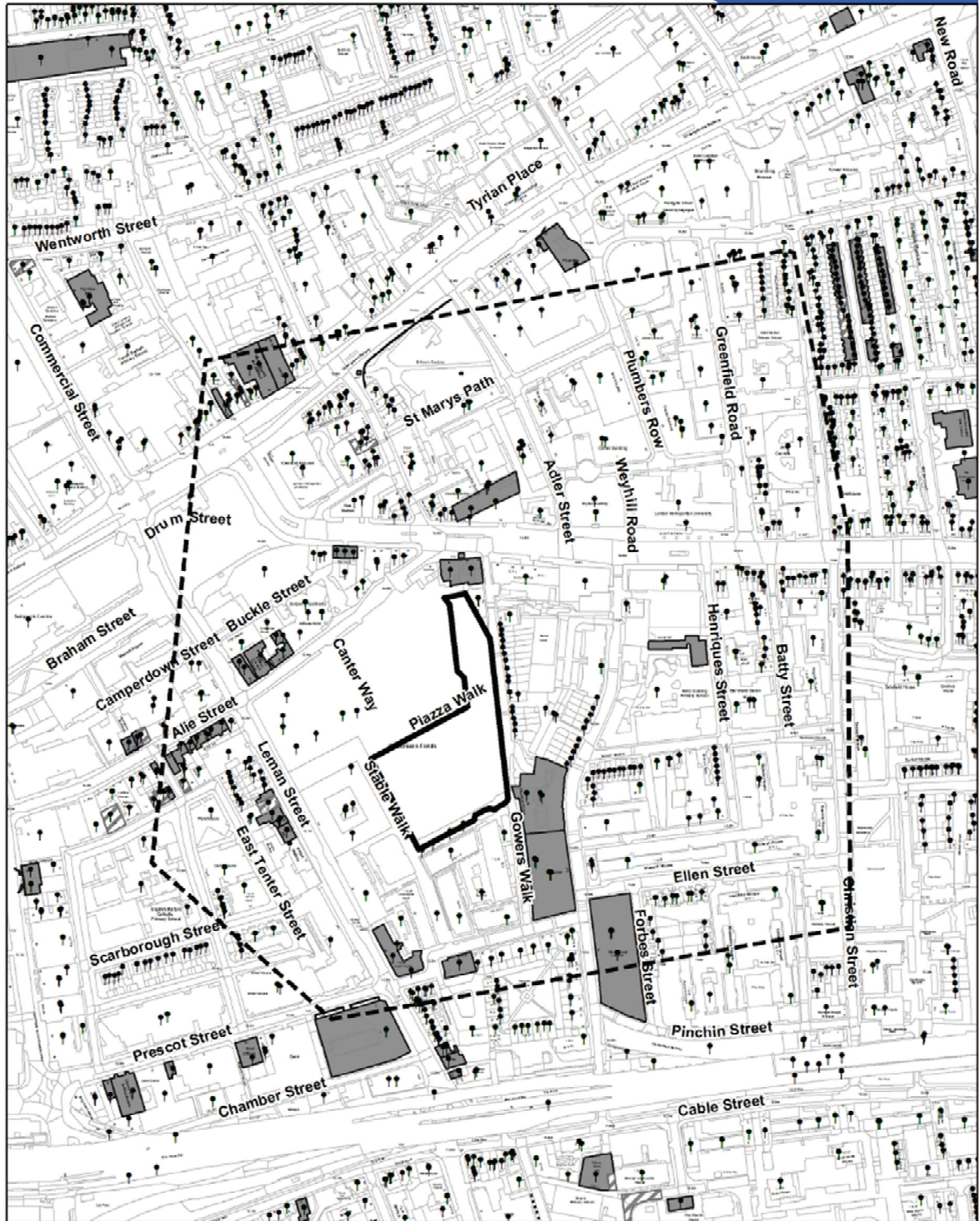
18.0 Conclusions







- 18.1 The proposed development would form an integral part of the Goodmans Fields development, the additional built form allows for a greater intensity of use of the site,

providing more housing and affordable housing without having any additional significant disadvantages. The design of the proposal would be well integrated into the existing site and would not detract from the Tower of London World Heritage Site or the strategic views from Queens Walk. 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.

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

Planning Application Site Map
PA/14/02817



- | | | | | | | | |
|---|------------------------------------|---|----------------------------|---|---------------------|---|--------|
|  | Planning Application Site Boundary |  | Locally Listed Buildings |  | Land Parcel Address |  | 0 20 m |
|  | 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 6.3

Committee: Strategic	Date: 29 January 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jermaine Thomas	Ref No: PA/14/02617 (Full Planning Application)
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: 1 Bank Street (Heron Quays West 2) Heron Quay, London, E14

Existing Use: The site is vacant with a history of B1 uses

Proposal: Erection of a 27 storey building comprising offices (Use Class B1) and retail (Use Class A1-A5) including three basement levels, partial infilling of South Dock, ancillary parking and servicing, access and highways works, landscaping and other works incidental to the application.

Drawing and documents: Drawings

A-0010 Existing Site Plan Rev 00

A-0015 Proposed Ground Floor with site boundary Rev 01

A-0017 Ground Floor Plan Access Widths and Fire Hydrant Locations Rev 01

SK-033 South Promenade Retail Kiosk Proposal Rev 01

SK-042 South Promenade Retail Kiosk Visuals Rev 01

SK-083 Ground Floor Entrance Doors Rev 00

790-60970 B3 Level Floor Plan Rev C

790-60980 B2 Level Floor Plan Rev C

790-60990 B1 Level Floor Plan Rev C

790-61005 Ground Level Mezzanine Floor Plan Rev C

790-61010 Level 1 Floor Plan Rev C

790-61020 Level 2 Floor Plan Rev C

790-61030 Level 3 Floor Plan Rev C

790-61040 Level 4 Floor Plan Rev C

790-61050 Level 5 Floor Plan Rev C

790-61060 Level 6 Floor Plan Rev C

790-61070 Level 7 Floor Plan Rev C
790-61080 Level 8 Floor Plan Rev C
790-61090 Level 9 Floor Plan Rev C
790-61100 Level 10 Floor Plan Rev C
790-61110 Level 11 Floor Plan Rev C
790-61120 Level 12 Floor Plan Rev C
790-61130 Level 13 Floor Plan Rev C
790-61140 Level 14 Floor Plan Rev C
790-61150 Level 15 Floor Plan Rev C
790-61160 Level 16 Floor Plan Rev C
790-61170 Level 17 Floor Plan Rev C
790-61180 Level 18 Floor Plan Rev C
790-61190 Level 19 Floor Plan Rev C
790-61200 Level 20 Floor Plan Rev C
790-61210 Level 21 Floor Plan Rev C
790-61220 Level 22 Floor Plan Rev C
790-61230 Level 23 Floor Plan Rev C
790-61240 Level 24 Floor Plan Rev C
790-61250 Level 25 Floor Plan Rev C
790-61260 Level 26 Floor Plan Rev C
790-61270 Level 26 Mezzanine Floor Plan Rev C
790-61280 Roof Plan

A-201 North Elevation (without HWQ1) Rev 00
A-202 South Elevation (without HWQ1) Rev 02
A-203 East Elevation (without HWQ1) Rev 02
A-204 West Elevation (without HWQ1) Rev 02

TOWN583(08)5001 Surface Finishes Plan (without
HWQ1) Rev 02
TOWN583(08)5002 Podium surface Finishes Plan Rev
00
TOWN583(08)5003 Brown Roof surface Finishes Plan
Rev 00

Documents

1BSP.A – Planning Application Forms prepared by
DP9 Ltd
1BSP.B – Site Plan prepared by KPF
1BSP.01 – Planning Statement prepared by DP9 Ltd
1BSP.02 – Design and Access Statement prepared by
KPF
1BSP.03 – Environmental Statements Volume I
prepared by Waterman
1BSP.04 – Environmental Statements Volume II
prepared by Waterman
1BSP.05 – Environmental Statements Volume III
prepared by Waterman
1BSP.06 – Environmental Statements Volume IV
prepared by Waterman
1BSP.07 – Site ES Non-Technical Summary prepared
by Waterman
1BSP.08 – Outline Drainage Strategy prepared by
Arup

1BSP.09 – Transport Assessment prepared by Steer Davies Gleave
1BSP.10 – Travel Plan prepared by Steer Davies Gleave
1BSP.11 – Energy Strategy prepared by Hilson Moran
1BSP.12 – Sustainability Statement prepared by Hilson Moran
1BSP.13 – BREEAM 2011 Prediction Summary prepared by Hilson Moran
1BSP.14 – Aviation Assessment prepared by Eddowes Aviation Safety;
1BSP.15 – Radio and Television Signal Interference Assessment prepared by Hoare Lea
1BSP.16 – Statement of Community Involvement prepared by Soundings

1169-RSA-01 Safety Audit prepared by Capital Traffic

Promenade Pedestrian Route Design Review

Applicant: South Quay Properties Ltd.

Ownership: South Quay Properties Ltd.
Heron Quays West (1) Limited Partnership acting by its general partner Heron Quays West GP (Four) Limited and its trustees Heron Quays West (1) T1 Limited and Heron Quays West (1) T2 Limited
Heron Quays West Limited Partnership acting by its general partner Heron Quays West GP (Three) Limited and its trustees Heron Quays West (T1) Limited and Heron Quays West T2 Limited
Canary Wharf Investments Limited

Historic Building: Grade 1 Listed Dock Wall located to the north of the application site

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) the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:
- 2.2. Given the office-based nature of the proposal, it is considered that the development 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. 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 positioning within an established tall building cluster and the principle of a tall building previously being established under the outline consent (PA/13/00150). With regard to the proposed layout of the site it is considered acceptable and in keeping the site layouts of adjacent sites. The retention of public access around the building and preservation of the views of the dock is supported. The development would also provide definition to Bank Street and the South Dock. Finally, the townscape conclusions of the submitted Environmental Statement suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich World Heritage Site.
- 2.4. It is not considered that the proposed development would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset. Furthermore, it is not considered the proposed development would have an adverse impact on the character and appearance of adjacent conservation areas.
- 2.5. The principles of the development are supported by both TfL and LBTH highway officer. It is acknowledged that the development would have an impact on the local transport network, however this impact would be mitigated through financial contributions, secured to enhance the public transport network and improve highway safety. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.
- 2.6. With regard to amenity, given the nearest residential properties are approximately 69 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 also not considered that there would be an unduly detrimental impact on daylight and sunlight of existing residents near to the site. It is acknowledged that there are isolated rooms that would experience a change in day lighting levels. However, it is not considered that these isolated instances would merit reasons for refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.
- 2.7. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.
- 2.8. In light of the previous planning permissions, the previous outline scheme with a resolution to grant and given the economic benefits of the scheme, subject to safeguarding conditions to secure biodiversity enhancements and urban design benefits, the partial infilling of South Dock would on balance be acceptable in this instance.
- 2.9. Contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

3. RECOMMENDATION

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

Financial Obligations:

- a) A contribution of **£298,163** towards construction phase skills and training
- b) A contribution of **£838,426.68** towards end user phase skills and training
- c) A contribution of **£208,823** towards Idea Stores, Libraries and Archives.
- d) A contribution of **£838,513** towards Leisure Facilities.
- e) A contribution of **£792,000** towards Environmental Sustainability (Carbon offset)
- f) A contribution of **£1,329,903** towards Public Open Space
- g) A contribution of **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£250,000** towards sustainable transport
- i) A contribution of **£270,000** towards TfL Bus services within the area.
- j) A contribution of **£21,740,373** (**£17,734,010** following the CIL credit*) towards Crossrail.
- k) A contribution of 2% of the total financial contributions would be secured towards monitoring.

*The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

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

Non-financial contributions

- l) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- m) Provide 38 apprenticeships places delivered over the first five years of full occupation
- n) Commitment to use reasonable endeavours to permanently relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- o) Commitment to use reasonable endeavours to permanently relocate them with Skillsmatch (whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- p) Travel Plan
- q) Code of Construction Practice
- r) Walkways - Maintenance of new walkways within the development together with unrestricted public access (other than for essential maintenance or repair)

- s) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.6. In the event that the section 106 is not signed prior to 1st April 2015 the Local Planning Authority reserves the right to determine the application under delegated authority.
- 3.7. **Conditions**

Compliance:

- Time limit – three years
- Accordance with the approved plans
- Energy – compliance with energy strategy (Requested by LBTH Energy Team).
- 10% accessible parking spaces (Requested by TfL and LBTH Highways).
- Electric charging points – 20% provision and a further 10% to be easily adaptable (Requested by TfL).
- Cycle parking provisions provided and retained
- Vehicle parking provisions provided and retained
- Development carried out in accordance with FRA
- 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.
- Implementation of Waste Management Strategy (detailing storage and collection of waste and recycling).
- Flood risk assessment

Prior to commencement of any works

- Construction Management Plan (Requested by TfL and LBTH Highways).
- Construction Logistics Plan
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction (Requested by Canal and River Trust and Port of London Authority).
- Piling and foundation designs method statement (Requested Thames Water).
- Detailed design and method statements for all foundations, basement and ground floor structures (Requested by London Underground Limited).
- Materials of the paving area around the stand alone kiosk
- Impact studies of the existing water supply infrastructure

- Demonstrate both domestic hot water and space heating can be served by district heating
- Drainage strategy (Thames Water)
- Landscaping: Details of plants / species and a maintenance schedule
- Safety measures in accordance with the safety audit
- Contamination – soil investigations (Requested by LBTH Environmental Health and Environment Agency).
- Micro climate – mitigation measures (Requested by LUC)
- Details of the access and Water supply impact studies (Required by the London Fire and Emergency Planning Authority).
- Biodiversity enhancements (Requested by LBTH Biodiversity).
- Lighting schemes for office block, restaurant and kiosk
- Archaeological recording (Requested by English Heritage Archaeology).
- Details of any required kitchen extract system noise and odour.
- A construction environmental management plan
- Compliance with the Defra Guidance on Commercial Kitchen Extract systems.
- Details and specifications of all fixed plant
- Telecommunications Interference Assessment.

Prior to commencement of the use

- Contamination – Verification report and certificates (Requested by LBTH Environmental Health)
- Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation (Requested by LBTH Sustainability officer)
- Delivery and Service Management Plan (Requested by TfL and LBTH Highways).
- Archaeology: Site investigation and post investigation assessment (Requested by English Heritage Archaeology)

3.8. Informatives

- Discharge of surface water into the waterways requires the written permission of Thames water Developer Service
- 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.
- The development falls under the flight path of London City Airport and the resulting noise should be taken fully into consideration whilst it is also important to consider how the new development will impact on the local amenity without causing a nuisance to local sensitive receptors in the future.
- Development to meet requirements of the London Fire Brigade

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for full planning permission for the development of a 27 storey office block (Use Class B1) with a café / restaurant / drinking establishment (Use Class A3/A4), standalone kiosk (Use Class A1-A4) and associated landscaping and security provisions.
- 4.2. A new planning permission is required as the proposed development would not conform to the agreed parameters and design guidelines of the outline scheme (PA/13/03159) which in April 2014 Strategic Development Committee resolved to grant outline planning permission. LBTH are currently in the process of finalising the section 106 agreement.
- 4.3. The following is a summary of the key aspects of the proposed development which have not previously been assessed or deemed acceptable (i.e. the differences to the outline scheme):
 - Extension further into the dock by 3.5 (further than previously approved).
 - Positioning of part of the building being positioned closer to West Ferry Road
- 4.4. Alternatively, the following list confirms were the proposed development would accord to a number of the parameters set out in the previous outline scheme which have previously been deemed acceptable:
 - The total office floor space is below the previous maximum extent of the 129,857sqm
 - The building height is approx. 40m smaller than previously deemed acceptable
 - The inclusion of a canopy to protect pedestrians from the elements
 - Preservation of the existing pedestrian and vehicle links
 - Retention of a minimum gap of 13.92m between HQW1 and HQW2
 - Introduction of active frontages at ground floor level
 - The north west corner and western façade treated as a special architectural feature

Specifics

- 4.5. The new office building would have a maximum height of 151.445 metres AOD and would provide a maximum of 114,345 square metres of gross internal area (GIA) of office floor space (Use Class B1), a maximum of 113 square metres GIA of café / drinking establishment floor space (Use Class A3 and A4) and a 10 square metres GIA kiosk (Use Class A1-A4).
- 4.6. The proposed office block is designed with sheer walls on the north, east and south elevations. The western elevation is designed as a sweeping form which evolves into a protruding floating entity to the west of the site. The sweeping design allows for the creation of a 6 storey high atrium within the west elevation that would have direct access onto the proposed roof terrace to be positioned on the protruding floor plates. Furthermore, a terrace is also proposed on the roof of the main building.

- 4.7. The protruding element was specifically designed to accommodate trading floor plates of up to 4,000sqm NIA for a prospective client. The proposed three 4,000sqm trading floor plates would float 7.9m above ground floor level. This protruding structure would be supported by colonnades at the northwest and northeast corners, and along the southern dock promenade.
- 4.8. The proposed office block would be divided into two tenant spaces. Tenant one situated to the west of the site and tenant two situated to the east of the site. The main entrances of both tenant spaces would be positioned along Bank Street. The central corridor between the tenant spaces would provide pedestrian and cyclist access points for both tenants to the south dock. Tenant space one would also have addition direct access to the southern dock edge through the southern elevation.
- 4.9. The proposed elevations of ground floor tenant spaces would be constructed in glazing panels on the north, west and partially the south and east elevations to provide active frontages. The remainder of the southern elevation would be installed with a green wall which provides screening of the proposed vehicle access ramp. The eastern elevation in part would notably also be characterised by the proposed access ramp from Bank Street to the basement.
- 4.10. The proposed deck structure would be set below the ground floor level of West Ferry Road and accessed via a ramp. A minimum width of 4.5 meters would be provided along the south promenade. The width extends to 11.25 meters at the western entrance point where the promenade is in part located under the overhanging canopy of the south of the building. The openness of the promenade is also informed by the proposed sunken tiers, landscaping provision adjacent to the green wall and those wrapped around the colonnades.
- 4.11. The proposed sunken tiers would consist of two steps down from street level (+6.000 FFL) to the water edge (+5.700 FFL) each with a height of 150mm. The sunken tiers meander to and from the dock edge to allow for seating areas and also wheelchair access directly up to the dock edge.
- 4.12. The proposed 113sqm commercial use would be positioned to the south east corner of the site and located within a 6.4m high building designed with a double height floor to ceiling arrangement. The proposed structure designed with chamfered corners would be constructed in glazing panels and protrude beyond the main eastern elevation of the office block to screen the vehicle access ramp down into the basement from the southern dock edge. The commercial unit would be directly accessible from the proposed promenade.
- 4.13. The proposed 10sqm commercial kiosk would be a standalone structure positioned along the promenade directly to the south of tenant space 1. The structure would be asymmetrical in form and designed with slats with horizontal arrangement. A sliding counter is also proposed to the eastern wing of the kiosk which would increase the footprint of the commercial unit.
- 4.14. Three basement levels are also proposed. Basement 1 would accommodate the vehicle ramp accessed from ground floor level on the east side of the building which ramp runs along the southern edge of the site leading down to the second basement. The remainder of Basement 1 would house plant rooms, waste and storage facilities and the servicing vehicle loading bay.

Basement 2 would comprise of office tenant car parking spaces, cycle parking provisions and associated cycle facilities including showers and lockers. Basement 3 would contain large plant rooms for chillers and oil tanks in addition to tenant storage areas.

Site and Surroundings

- 4.15. The application site known as 1 Bank Street (Heron Quay West 2) occupies an area of approximately 1.3 hectares (ha).
- 4.16. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land to the west of 10 Bank Street (HQW1) and east of West Ferry Road. The site is bounded by West India Dock South to the south and Bank Street. A canal is located to the east of neighbouring 10 Bank Street site which links West India Middle Dock and West India South Dock. These docks have mooring facilities and as such the canal is in occasional use.
- 4.17. The site was previously occupied by 11 buildings ranging from 3-4 storeys which were erected in 1987 (known as the 'red sheds'). However, 9 of the 11 buildings were demolished in order to clear the site in preparation for the implementation of the 2008 planning permission on the site which is referred to in full within the planning history section of this report.
- 4.18. The remaining two buildings which comprised of office accommodation including services/facilities provided by Skillsmatch, East London Business Place and UCATT (or the George Buswell Learning Centre) have also now been removed.
- 4.19. The application site positioned on the western edge of the Canary Wharf estate in the northern part of the Isle of Dogs, is predominantly surrounded by office buildings. From the 14 storey rectangular grid designed office building at 20 Bank Street to the other large scale commercial buildings located further east along Bank Street, including 25 Bank Street, 40 Bank Street and 10 Upper Bank Street, all of which are over 30 storeys tall.
- 4.20. There are also a number of redevelopment sites and recent planning consents for large buildings within the immediate vicinity. Such as a reserve matters application (PA/14/01664) for the site layout, scale and design of a 27 storey office building (+146.915 AOD) at 10 Bank Street to the immediate east of the site was approved on the 10/10/2014. While, to the west, beyond the Heron Quays roundabout, lays the Riverside South site, which was granted consent to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. The Landmark Building designed with two high rise towers is also situated to the south of the site.
- 4.21. The site has good access to public transport, with a Public Transport Access Level (PTAL) of 5 (very good). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station approx. 250m to the east. Heron Quays DLR station is located approximately 100m to the east.
- 4.22. In terms of built heritage, the site does not fall within a conservation area, but nearby conservation areas include Narrow Street to the northwest, West India

Dock, St Mathias Church, Poplar and All Saints Church to the north, Coldharbour to the east and Chapel House and Island Gardens to the south.

- 4.23. The Dock Walls to the north of the application site are both Grade I and Grade II listed structures, as well as sections of unlisted walls. The Dock wall of the former West India Export Dock is also Grade I listed, while the South Dock former entrance to the lock linkage to the River Thames located to the south west of the site is Grade II listed.
- 4.24. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework.

Relevant Planning History

- 4.25. As previously stated, an outline planning application was previously deemed acceptable and currently has a resolution to grant. The applicant has now submitted a full planning application as the proposed development would not comply with the approved design parameters of the outline scheme.

Planning History in chronological order (1 Bank Street)

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

- 4.29. **PA/07/03088, 3089 and 3090** – In November 2007 a planning application was submitted for the redevelopment of the Heron Quay West site including infilling part of the South Dock. The application was for the following:

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

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

Planning permission was granted on 17 December 2008.

- 4.30. **PA/07/03089 and 3090** – The associated listed building consents for work to the Grade I listed Banana Dock Wall and Grade II listed South Dock Wall were granted on the 17 December 2012 and also remain extant because of a five year time limit.
- 4.31. **PA/11/03796** – Temporary planning permission was granted on 7 March 2012 for a temporary landscaping scheme on the site and has been implemented. The purpose of this scheme was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site. This temporary consent expires on 16 December 2013.
- 4.32. **PA/13/03159** - Outline planning application with all matters reserved for the demolition of the existing buildings and structures and construction of a building comprising a maximum of 129,857 sqm comprising offices ((Use Class B1) and a maximum of 785 sq. m of retail (Use Classes A1-A5) along with a decked promenade to the West India Dock South, access and highways works, landscaping and other incidental works. – Resolution to grant April 2013

5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014) (NPPG)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) (including Revised Early Minor Alterations 2013)**

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency

- 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodland
 - 7.24 Blue Ribbon Network (BLR)
 - 7.25 Increasing the use of the BRN for passengers and tourism
 - 7.26 Increasing the use of the BRN for freight transport
 - 7.27 BRN supporting infrastructure and recreational use
 - 7.28 Restoration of the BRN
 - 7.30 London's canals and other river and waterspaces
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
 - SP03 Creating a green and blue grid
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with waste
 - SP06 Delivering successful employment hubs
 - SP08 Making connected Places
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM1 Development within the town centre hierarchy
 - DM2 Local shops
 - DM8 Community infrastructure
 - DM9 Improving air quality
 - DM10 Delivering open space
 - DM11 Living buildings and biodiversity
 - DM12 Water spaces
 - DM13 Sustainable drainage
 - DM14 Managing Waste
 - DM15 Local job creation and investment
 - DM16 Office locations
 - DM20 Supporting a Sustainable transport network
 - DM21 Sustainable transportation of freight
 - DM22 Parking
 - DM23 Streets and the public realm
 - DM24 Place sensitive design
 - DM25 Amenity
 - DM26 Building heights
 - DM27 Heritage and the historic environments
 - DM28 World heritage sites
 - DM29 Achieving a zero-carbon borough and addressing climate change
 - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents and Action Plans**
- 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
 - Local Biodiversity Action Plan – October 2014

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. No objection to the proposed development, subject to the applicant first entering into a section 106 legal agreement relating to funding for the provision of interpretation boards and panels relating to the history of the docks, impounding station and the old dock. The Canal and River Trust stated the works would cost approx. £10,000

6.4. **[Officer Comment:**There is no requirement for this in the adopted s.106 SPD and therefore it can not form a specific Heads of Terms. However, £1,329,793 has been secured towards Public Open Space, and proportion of this could be spent towards meeting this request.

City of London Corporation

6.5. To date no comments have been received.

Design Council

6.6. To date no comments have been received.

Dockland Light Railway (DLR)

6.7. To date no comments have been received.

EDF Energy Networks

6.8. To date no comments have been received.

English Heritage

6.9. No objection received

6.10. **[Officer Comment:** No further action required]

English Heritage Archaeology

- 6.11. English Heritage Archaeology note that the application site lies within an area of archaeological potential and heritage value of the quayside itself and any remnants of the nineteenth century dock wall and associated features.
- 6.12. The submitted archaeological study unfortunately provides little information to understanding of the above aspects.
- 6.13. It is suggested that appropriate geo-archaeological modelling and a photographic survey of the site to allow greater certainty in targeting more intensive fieldwork be carried out. In addition to, an investigation to the possible impact on the setting of the listed South Dock Entrance Lock by the proposed encroachment of the proposed development.
- 6.14. English Heritage therefore requested that the archaeological impacts should be mitigated by safeguarding conditions for recording of the dock itself as well as a staged programme of investigation into buried deposits.
- 6.15. **[Officer Comment:** The comments are noted and the suggested conditions would be attached to the decision notice should the application be approved.

Environment Agency (EA)

- 6.16. In a letter dated 31st October 2014 the EA registered an objection to the proposed development in the absence of an acceptable Flood Risk Assessment (FRA).
- 6.17. The initial FRA did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA also provided guidance about how to overcome their objection.
- 6.18. **[Officer Comment:** The applicant was advised to liaise with the EA and later submitted the requested information.]
- 6.19. In a letter dated the 9 December 2014 the EA removed their objection as they were satisfied with the drainage proposals for this site and welcomed the direct discharge of surface water to the docks, as this can be carried out at an unattenuated rate similar to those into the tidal Thames.
- 6.20. **[Officer Comment:** The revised FRA now forms part of the application documents and appropriate conditions to secure its implementation would be attached should planning permission be granted.]

Georgian Group

- 6.21. To date no comments have been received.

Greater London Authority (GLA)

- 6.22. The Stage 1 response dated 18th November 2014 concluded:
- 6.23. The proposal for an office led development would be consistent with London Plan Policies and is supported in strategic planning terms.

- 6.24. The proposed mix uses is acceptable; however the Council should confirm the level of section 106 contributions before it can be confirmed that these are sufficient to negate the need for an off-site housing contribution
- 6.25. The additional incursion into the dock is regrettable, although the applicant has fully justified this in the context of Canary Wharf's requirements as an international financial and commerce centre. However, the level of active frontage along the dockside, as well as its design, would benefit from further consideration before its additional incursion can be deemed acceptable.
- 6.26. The proposals are generally well considered; however the applicant is encouraged to consider removing the kiosk on the dockside walkway and instead include a further retail unit within the building's envelope adjacent to the walkway. The TVBHA cumulative view from the assessment point 5A.1 should be provided showing fully rendered illustrations of the both the current proposal and the building on the adjacent site as proposed under the recently approved reserved matters application (Hqw1).
- 6.27. TfL requests that section 106 contributions are secured towards additional local cycle hire and bus capacity, dock crossing points and the delivery of Crossrail. Furthermore, the cycle parking should be increased and the final Delivery and Servicing Plan and Construction Logistics Plan should be secured by condition.
- 6.28. The proposal meets the requirement of the London Plan with regards to inclusive design
- 6.29. With regards to Climate change, further information is required, including evidence of correspondence with Barkentine district heating network; the floor area and location of the energy centre; whether domestic hot water is provided by the same system providing space heating; and the feasibility of using ground source heat pumps. The on-site carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan and if it is demonstrated that further savings cannot be delivered, in liaison with the borough, the applicant should meet the shortfall in carbon dioxide reductions off site. Confirmation of any off-site contributions should be provide by the Council. The proposed responses to climate change adaption do not raise any strategic issues
- 6.30. Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not yet comply with the London Plan.
- 6.31. **Officer Comment:** The applicant was informed of the concerns of the GLA and revised the design and form of the kiosk and provided additional information to address the issues regarding climate change. The updated rendered image from assessment point 5A.1 was also provided.
- 6.32. The GLA assessed the revised plans and additional information submitted by the applicant and on the 19th December 2014 informed the LBTH via email that all the outstanding issues had now been overcome, subject to, the attachment of a condition to ensure that both domestic hot water and space heating can be easily served by district heating without significant retrofit or upgrade works.

Transport for London (TfL)

- 6.33. TfL requested that the following Section 106 contributions should be secured to mitigate the development; £250,000 towards upgrades to Heron Quays DLR station; £270,000 towards additional local bus capacity; £70,000 towards TfL Cycle Hire and; £250,000 towards new footbridges.
- 6.34. No objection was raised to the level car parking provision subject to a minimum of 20% spaces being designated for electric charging points and a further 10% suitable for conversion to charging points in the future.
- 6.35. The cycle parking provided would comply with London Plan Early Minor Alterations requirements. TfL noted that the proposal would fall short of the forthcoming Further Alterations to the London Plan requirements but did not raise any objection.
- 6.36. The Servicing Plan and Construction Logistics Plan should be secured by condition.
- 6.37. The Travel plan should be secured, enforced, monitored and reviewed as part of a section 106 agreement.
- 6.38. **[Officer Comment:** The requested section 106 agreements and conditions would be secured should planning permission be granted, however whilst there is justification for the requirement to provide £250,000 towards sustainable transport that could be used for upgrading Heron Quays DLR station, officers consider there is insufficient justification for a contribution specifically towards the crossing point/footbridge across the dock.

Inland Waterways Association

- 6.39. To date no comments have been received.

Royal borough of Greenwich

- 6.40. No objections raised

London Borough of Hackney

- 6.41. No objections raised

London Borough of Newham

- 6.42. To date no comments have been received.

London Borough of Southwark

- 6.43. To date no comments have been received.

London Bus Services

- 6.44. To date no comments have been received.

London City Airport

6.45. To date no comments have been received.

London Fire and Emergency Planning

6.46. The brigade needs to confirm that the Access and Water Supplies for the proposed development are sufficient and meet the requirements in Approved Document B (B5, Section 15, 16 & 17) and British Standard 9990.

6.47. The Brigade has been consulted with regard to the above-mentioned premises and makes the following observations. The Brigade is not satisfied with the proposals, for the following reasons:

6.48. The access to the development on Bank Street E14 does not meet the requirements set out in Approved Document B – Volume 2, Table 20. The plan indicates that there is restricted access to the development there are pinch points of: 3495/3300 & 3360/3620 & 3675.

6.49. **[Officer Comment:** The concerns of the London Fire Brigade are noted and a pre-commencement safeguarding condition to address the above concern will be attached to the decision should the application be approved.

London Legacy Development Corporation

6.50. To date no comments have been received.

London Underground Limited (LUL)

6.51. No objection in principle to the above planning application, although there are a number of potential constraints with the redevelopment of a site situated close to underground tunnels and infrastructure.

6.52. It is therefore requested that a condition is attached should any planning permission be granted securing details of the design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).

6.53. **[Officer Comment:** The requested condition would be attached to the decision notice should planning permission be granted]

London Wildlife Trust

6.54. To date no comments have been received.

Maritime Greenwich Heritage Site

6.55. To date no comments have been received.

National Grid

6.56. To date no comments have been received.

National Air Traffic Services (NATS)

6.57. 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.

6.58. **[Officer Comment: No further action required]**

Natural England

6.59. Based upon the information provided, Natural England advised the Council that the proposal is unlikely to affect any statutorily protected species or landscapes.

6.60. **[Officer Comment: No further action required]**

Port of London Authority (PLA)

6.61. To date no comments have been received.

Thames Water

Waste Comments

6.62. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

6.63. A planning condition is advised to secure the submission of a drainage strategy detailing any on and/or off site drainage works. Thames Water also request that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage comments

6.64. Thames Water confirmed it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

6.65. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works)

Water Comments

6.66. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development.

- 6.67. A planning condition is advised to secure the submission of Impact studies of the existing water supply infrastructure. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 6.68. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the work).
- 6.69. [**Officer Comment:** The comments are noted and the above requirement should the planning permission be approved]

The Greenwich Society

- 6.70. The Greenwich Society raised concerns that while a view has been included of the impact of the development as seen from the grounds of the Old Royal Naval College (View 23 - Environmental Statement - London View and Built Heritage Assessment) there is no reference to the fact that a LVBHA assessment has been prepared and analysed for the strategic view of the Docklands Area from the General Wolfe Statue in Greenwich Park - Assessment Point 5A.1.
- 6.71. [**Officer Comment:** The EIA officer confirmed that viewpoint 3 within the ES is from Greenwich Park: the General Wolfe Statue LVMF 5A.1. This view will therefore form part of the assessment of this application]

The Victorian Society

- 6.72. To date no comments have been received.

20th Century Society

- 6.73. To date no comments have been received.

LBTH Biodiversity

Environmental Statement comments

- 6.74. The presence of three priority fish species, one of them in large numbers, suggests that the fish assemblage is of higher than Local value.
- 6.75. While the species using the site might recover, the loss of open water habitat is clearly a permanent impact on the SINC.
- 6.76. The officer reserved judgement on whether there would be overall beneficial effects on the SINC and on fish and aquatic ecology.

Impacts on the SINC

- 6.77. The relatively small loss of water in this development needs to be considered alongside numerous other developments and proposed developments which have or will encroach into the docks. Area of SINC is an indicator in the

Monitoring Report. This development will lead to an adverse trend in that indicator.

- 6.78. The principal that these impacts are acceptable, subject to adequate mitigation and/or compensation, has been established by the resolution to grant permission for the 2013 Outline application.
- 6.79. For a development leading to the loss of part of a SINC to be acceptable, significant habitat enhancements within the remaining SINC are required. A proposed ecologically beneficial wall alone would not adequately mitigate the impact on the SINC.
- 6.80. The applicant should provide additional mitigation proposals for the loss of open water which include provision of reed bed and tern rafts in South and/or Middle Docks.

Terrestrial landscaping and biodiversity enhancements

- 6.81. The most significant potential enhancement is the proposed green roof on top of the building. Various described in the application documents as a bio-diverse green roof, brown roof, or bio-diverse sedum roof, the drawings suggest that this is proposed as a sedum roof. This is far from the best type of green roof for biodiversity. A roof designed to provide open mosaic habitat, designed in accordance with Buglife's 'Creating living roofs for invertebrates – A best practice guide', would be far preferable, and would contribute directly to a target in the new LBAP.
- 6.82. Green landscaping is also proposed at ground level, as a green wall, and on a roof terrace. The locations of green areas are shown on plans, but no details of what species are to be planted is given, though paragraph 13.115 of the ES refers to use of native trees, shrubs and herbs. No detail is given of what type of green wall is proposed. The inclusion in the landscaping of plenty of nectar-rich flowers, to provide food for bees and other pollinating insects for as much of the year as possible, would contribute to a target in the LBAP.
- 6.83. The biodiversity officer raises no objection subject to the attachment of two conditions to secure *details of biodiversity enhancements in the docks, to offset the loss of open water in South Dock and full details of biodiversity enhancements to terrestrial habitats.*
- 6.84. **[Officer Comment:** The requested conditions would be attached should planning permission be granted.]

LBTH Communities Localities and Culture (CLC)

- 6.85. Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.
- 6.86. The comments and requests for s106 financial contributions set out below 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.

Residential Yield

- 6.87. The units proposed will result in **0 new residents** within the development.

Commercial Employees

- 6.88. The non-residential development in accordance with CLC calculations proposed on site would have the capacity for **9536 new employees** within the development based on the level of floor area proposed.

Idea Stores, Libraries and Archives

- 6.89. A total contribution of **£208,823** is required towards Idea Stores, Libraries and Archives. The above contribution is based on the Planning Obligations SPD which requires a contribution of £126 per resident/employee (discounted at 17.38% to take into account that 79% of employees live outside the borough)..towards Idea Stores, Libraries and Archives.
- 6.90. Further details of the calculation and justification for the contribution are set out in the Idea Stores, Libraries and Archives section of the SPD (see page 24 - 26).

Leisure Facilities

- 6.91. A total contribution of **£838,513** is required towards Leisure Facilities. The above contribution is based on the Planning Obligations SPD which requires a contribution per resident/employee towards Leisure facilities based on the Sports England Sports Facilities Calculator.
- 6.92. Further details of the calculation and justification for the contribution are set out in the Leisure Facilities section of the SPD (see page 27 - 31).

Public Open Space

- 6.93. A total contribution of **£1,329,903** is required towards Public Open Space. The above contribution is based on the Planning Obligations SPD which requires a contribution per resident/employee towards Public Open Space.
- 6.94. Information provided in the planning applications confirm that **0sqm** of public open space will be provided within the development. This has been taken into account in calculating the contribution.
- 6.95. Further details of the calculation and justification for the contribution are set out in the Public Open Space section of the SPD (see page 38 - 40).

Smarter Travel Contribution

- 6.96. A total contribution of **£0** is required towards Smarter Travel. The above contribution is based on the Planning Obligations SPD which requires a contribution of £15 per resident/employee towards Smarter Travel.

- 6.97. In line with the SPD, Smarter Travel contribution may be packaged as part of the wider Sustainable Transport contribution. Additional comments relating to the case-by-case and non-financial contributions should be sought from the Strategic Transport and Transportation and Highways teams.
- 6.98. Further details of the calculation and justification for the contribution are set out in the Sustainable Transport section of the SPD (see page 36 - 37).

[Officer Comment]: CLC calculation is based on the Gross internal Area of the site, however the calculation should be based on the net internal Area of the site. This would change the capacity of the building from 9536 new employees to 5835 new employees. The S.106 contributions have been recalculated to reflect this amendment.

LBTH Corporate Access Officer

- 6.99. The officer raised concerns regarding the use of revolving doors and side pass doors, as this is not inclusively accessible; preference for sliding automatic or sliding doors in a drum these were all considered in previous application
- 6.100. Further information was also requested regarding any proposed taxi drop off point.
- 6.101. **[Officer Comment:** The applicant submitted additional information to address the issues raised. The Access officer raised no objection to the additional information submitted. No further action is required]

LBTH Crime Prevention Officer

- 6.102. The Crime Prevention officer confirmed that the design/plan for this development gives suitable consideration towards security and terrorism and raised no objections.
- 6.103. **[Officer Comment:** No further action required]

LBTH Design and Conservation

- 6.104. The proposal not only in its bulk and form but also the articulation of its façade and landscape is acceptable. The kiosk design proposed has been developed further with a clear sculptural form that relates to the main building with opportunity to animate the dockside. However, a single paving material rather than have a second material for the area marked by the kiosk should be used.
- 6.105. **[Officer Comment:** The comments are noted and the materials of the paving area will be secured by condition should the application be approved. No further action required]

LBTH Education

- 6.106. To date no comments have been received.

- 6.107. [**Officer Comment:** For major commercial development financial contributions towards education are not required in line with the S106 SPD.]

LBTH Environmental Impact Assessment (EIA)

- 6.108. 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 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations). This is supported by reviews by LBTH's internal environmental specialists.
- 6.109. Following that exercise, LUC confirmed no 'further information' under Regulation 22 was required, and that the ES meets the requirements of Schedule 4 of the EIA Regulations. The ES is therefore considered to be robust and can be relied upon when determining the planning application.
- 6.110. [**Officer Comment:** The applicant has responded to the clarifications sought and the EIA officer raised no objection to the information submitted – No further action required]

LBTH Enterprise and Employment

Proposed employment/enterprise contributions at construction phase:

- 6.111. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.112. 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. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 6.113. The Council will seek to secure a financial contribution of **£298,163** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Proposed employment/enterprise contributions at end-use phase:

- 6.114. The council seeks a monetary contribution of **£1,369,607** towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the A1-A5, and B1 uses in the development
 - ii) jobs or training within employment sectors relating to the final development

- 6.115. To provide **38** apprenticeship to be delivered within the first 5 years of full occupation. This was worked out based on the expected FTE employment for the commercial floor space.
- 6.116. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 6.117. [**Officer Comment:** Contributions and the required mechanisms to implement and monitor all of the above requested obligations would be secured via section 106 agreements however, the contribution towardstraining and development has been revised **£838,426.68** to take into account the comments under paragraph 6.98 above]

LBTH Environmental Health Air Quality

- 6.118. No objection received
- 6.119. [**Officer Comment:** No further action required]

LBTH Environmental Health Contaminated Land

- 6.120. The Council's Environmental Health Officer has reviewed the documentation, and has requested a desk study and remediation works be secured by condition.
- 6.121. [**Officer Comment:** The above matters would be controlled via condition should planning permission be approved]

LBTH Environmental Health Noise and Vibration

Plant

- 6.122. Environmental health, environmental protection does not object to this application, but raised severely concerns and confirmed that they need to be mitigated via safeguarding conditions should the application be approved. The following is a list of the additional information required and requested to be secured via condition:
- Details of any required kitchen extract system noise and odour.
 - A construction environmental management plan that states what mitigation proposals can be put in place to ensure that our noise and vibration limits are not exceeded at any time during the development at any sensitive residential or commercial property. High noise and vibration impacts are likely from the required construction activities. The applicant needs to take into account the Council's own policies, including our Code of Construction Practice and working hours.
 - Evidence to demonstrate how the plant would comply with the Defra Guidance on Commercial Kitchen Extract systems.
 - Details and specifications of all fixed plant confirmed prior to installation whilst that no further fixed plant would be allowed at the development without local authority agreement.

Informative

- The development falls under the flight path of London City Airport and the resulting noise should be taken fully into consideration whilst it is also important to consider how the new development will impact on the local amenity without causing a nuisance to local sensitive receptors in the future.

6.123. **[Officer Comment:** The required additional information and requirements would be secured via condition should planning permission be approved.]

LBTH Environmental Health Microclimate

6.124. No objection received

6.125. **[Officer Comment:** No further action required]

LBTH Building Control

6.126. No objection received

LBTH Planning Policy

Office use

6.127. As a Preferred Office Location, the principle of additional B1(a) employment space can be supported by policy.

Retail use

6.128. The applicant has proposed 113sqm GIA of flexible retail floorspace. The site is within the boundary of the Canary Wharf major town centre; development within town centres should accord with the requirements of Policy DM1. The potential for A3/A4/A5 in Canary Wharf major centre uses are managed by Policy DM1.6a, which states that such applications are considered on the merits of individual applications.

Partial in-filling of South Dock

6.129. While this proposal does provide some set-back from the water edge and improvements to the public realm, it would result in the partial infilling of South Dock and therefore a loss of water space. The borough's Biodiversity Officer should be consulted on the appropriateness of this proposal and the potential impact on biodiversity.

Building height

6.130. The maximum height of this proposal is 152m AOD. In accordance with Spatial Policy 10.5 tall buildings are deemed to be acceptable at Canary Wharf. However, the proposal should also satisfy the criteria outlined in Policy DM26.2. The borough's Design Officer should be consulted on the appropriateness of this proposal.

Conclusion

6.131. The principle of B1(a) employment space and retail uses at this location within a tall building typology is acceptable. However, further advice on the

appropriateness of the building's specified height and design and the impact of the loss of water space and impact on biodiversity should be sought.

[Officer Comment: The received comments are noted and in accordance with the advice provided the relevant internal partners have been consulted]

LBTH Landscape

- 6.132. The Landscape section confirmed no details of plant species, sizes, locations etc were included in the application documents.
- 6.133. It is advised that trees should be retained wherever feasible and appropriate, materials for the landscaping project (trees/shrubs/soil etc.) should be of secured by condition.
- 6.134. All new tree plantings should be suitable for purpose, to include a proportion of British native species (to encourage wildlife) of known eventual height/spread, take into account the potential for climate change and not to include species that currently carry identifiable diseases (eg. Fraxinus excelsior, Aesculus hippocastanum).
- 6.135. An adequate maintenance schedule should be in place for all new plantings.
- 6.136. **[Officer Comment:** The additional information required would be secured by way of condition should planning permission be granted.]

LBTH Sustainability Officer

- 6.137. No objections subject to the securement of the following conditions:
- CO2 emission reductions in accordance with the approved energy strategy
 - Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation
 - Payment of £792,000 secured through S106 process to deliver carbon offset projects
- 6.138. **[Officer Comment:** The financial contributions would be secured via section 106 agreements. The relevant condition would also be attached should planning permission be granted.]

LBTH Transportation and Highways

- 6.139. Highways and Transportation Group has no objection to the proposal subject to the following conditions:
- A Construction Management Plan (including using the river as an alternative to road) to be submitted and approved prior to any works taking place,
 - A Service Management Plan to be submitted and approved prior to occupation.
 - A Full Travel Plan to be submitted and approved prior to occupation

- 6.140. In addition a financial contribution towards the provision of new footbridge(s) across South Quay is required as well as a contribution towards pedestrian and cycling initiatives in the area.
- 6.141. Highways and Transportation have no issues with the findings of the safety audit report submitted regarding the implementation of the required safety measures.
- 6.142. **[Officer Comment:** The required conditions and mitigation measures will be secured should planning permission be granted.]

LBTH Waste Policy and Development

- 6.143. The number of refuse and recycling receptacles, their sizes, collection points, vehicle tracking, gradients and pull distance from bin area to vehicle is required to ensure that the development would not result in any waste issues. A separate bin store area for the commercial amenities would also be required.
- 6.144. **[Officer Comment:** The above information would be secured by way of condition should planning permission be granted.]

7. LOCAL REPRESENTATION

- 7.1. A total of 1512 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 1 Objecting: 1 Supporting: 0
 No of petitions received: 0

- 7.2. The following issues were raised in the received representation and are material to the determination of the application:
- 7.3. Aside from it's unoriginal features and unnecessary size, it will be (and already has) affecting the natural habitats, and some protected species. There is insufficient space for the wildlife to flourish and for the health and wellbeing of local families.
- 7.4. **[Officer Comment:**Please refer to paragraphs 8.27 – 8.43 of this report which consider biodiversity impacts in detail.]
- 7.5. The building will also be using the sewage works which will therefore be putting undue pressure on the system
- 7.6. **[Officer Comment:**Please refer to paragraphs 8.203 – 8.216 of this report which consider water supply and infrastructure]

- 7.7. There is no indication as to how it will impact on the local environment when put alongside the other developments that are currently taking place. For example - wind gusts, darkened areas, health constraints
- 7.8. **[Officer Comment:**Please refer to paragraphs 8.189 – 8.200 of this report which consider environmental conditions in detail.]
- 7.9. Even though Cross rail will be coming in to Canary Wharf, the building will be large enough to house the amount of people who will have a negative impact on the local infrastructure from emergency doctors, to nursery spaces.
- 7.10. **[Officer Comment:**Please refer to paragraphs 8.231 – 8.242 of this report which consider mitigation measures via financial contributions.]
- 7.11. It will also impact negatively on the skyline and impact the views for many local residents. It is far too wide and far too tall.
- 7.12. **[Officer Comment:**Please refer to paragraphs 8.80 – 8.87 of this report which consider strategic and local impacts in detail.]

8. MATERIAL CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
- Land Use
 - Biodiversity
 - Design / Scale / Layout
 - Heritage Assets
 - Transport, Connectivity and Accessibility
 - Amenity
 - Energy and Sustainability
 - Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Water Supply)
 - Environmental Impact Assessment

Land Use

Policy Context

- 8.2. The site is located within the Isle of Dogs Opportunity Area (IoDOA) as designated by the London Plan which seeks indicative employment capacity of an additional 110,000 jobs and 10,000 homes over the plan period. The site is not located within the Central Activities Zone (CAZ), however, because it is recognised as a strategically significant part of London's world city offer for financial media and business services the CAZ policy objectives apply.
- 8.3. The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013).
- 8.4. Policy 2.10 and 2.11 of the London Plan set out the strategic priorities and function for the CAZ. Policy seeks to sustain and enhance the Isle of Dogs (although formally outside the CAZ) as a strategically important, globally orientated financial and business services centre. It is noted that strategic

policy SP01 of the Core Strategy (2010) (CS) advises that with regard to the CAZ, London Plan policy would be applied.

- 8.5. Policy 2.13 of the London Plan sets out the policy context for the support of opportunity areas and intensification areas which applies in this instance given the site forms part of the IoDOA.
- 8.6. Policy 4.2 of the London Plan seeks to support the management and mixed use development and redevelopment of office provision to improve London's competitiveness amongst other aims. Whilst, strategic policy SP06 of the CS seeks to deliver successful employment hubs. Part 2, of the policy seeks to focus larger floor plate offices and intensify floor space in POL including Canary Wharf. Finally, Policy DM16 of the Managing Development Document (2013) (MDD), does not support the net loss of office floor space in POLs.
- 8.7. With regard to the designation of Canary Wharf as a Major Centre part (c) of strategic policy SP01 of the CS seeks to maintain and enhance Canary Wharf as an important major centre in the borough through improving its local accessibility and supporting its continued growth.

Principle of Office Use:

- 8.8. The proposal is for the creation of 114,345 square metres (GIA) of office floor space (Use Class B1) with 113 square metres (GIA) Café/Restaurant floor space (Use Class A3) and a kiosk *** square meters of floor space (Use Class A1).
- 8.9. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with policies 2.10 and 2.11 of the London Plan and strategic policy SP06 of the CS which seek to develop the CAZ, POL and the IoDOA, in order to foster London's regional, national and international role, and promotes high-density office-based employment uses in this location. Furthermore, the principle of an office use on this site has been established under previous permissions.
- 8.10. Furthermore, with reference to volume one, chapter seven of the socioeconomic chapter of the submitted Environmental Statement, it is evident that the proposed office floor space would bring significant economic benefits and would complement existing office provision in the surrounding area. The proposed development would have a capacity to generate 5,835 net additional full-time jobs, which would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin-off employment.

Loss of existing office floor space:

- 8.11. The site is currently vacant and therefore the proposal would not result in the net loss of office floor space
- 8.12. Employment and Enterprise Officers as part of the previously approved schemes across the HQW1 and HQW2 sites secured mechanisms for the re-provision of former uses on the site; Skillsmatch (a job brokerage service for the London Borough of Tower Hamlets) and East London Business Place and Union of Construction Allied Trades and Technicians (UCATT).

- 8.13. The removal of the former uses and buildings on site were undertaken to allow for the creation of large office developments such as that proposed. It is therefore considered that the mechanisms previously secured for the re-provision of the former uses should be replicated as part of this proposed scheme.
- 8.14. Subject to, the provision to permanently relocate Skillsmatch and the other organisations through a legal agreement, it is therefore considered the proposed office-led scheme is acceptable in accordance with strategic policy SP06 of the CS and DM16 of the MDD.

Housing Provision:

- 8.15. 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).”*
- 8.16. 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.”*
- 8.17. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf *“are not appropriate locations for housing”*.
- 8.18. It is noted that the GLA in their stage one letter recognised that the recent consented proposals for this site confirmed that a contribution to affordable housing was not required, as there would instead be significant contributions to transport and other infrastructure.
- 8.19. The GLA also confirmed that at Pre-application stage, the applicant was advised that each application will be considered individually on its own merits, regardless of agreements on other sites, although it was recognised that similar level of contributions as that agreed on this site and the neighbouring site (HQW1) may be acceptable for the current proposal.
- 8.20. The Stage 1 response concluded that the council should keep GLA officers informed of section 106 negotiations in order for it to confirm that contributions are sufficient to negate the need for an off-site housing contribution.
- 8.21. The site is considered desirable for commercial uses given the site context within Canary Wharf Major Centre and Preferred Office Location (POL). Furthermore, whilst the site is not located within the CAZ, the policy objections of the London Plan for the CAZ apply. The introduction of residential uses would not be appropriate and would compromise the role of

Canary Wharf as an economic centre. This is in accordance with strategic policy SP02 (2a) of the CS. With regard to London Plan Policy, it is considered that the provision of housing would conflict with the central aim of their policies which is to encourage developments that meet office demand and rejuvenate office based activities in the CAZ

- 8.22. Furthermore, according to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 5,835 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.
- 8.23. The Council's adopted S106 SPD also does not require the provision of affordable housing for commercial developments.
- 8.24. The previous outline scheme was also not required to provide a contribution towards off-site affordable housing, and given that the scheme could still be implemented following the submission of reserve matters, a considerable commercial development could be constructed on site.
- 8.25. To conclude, this site is not suitable for housing and an affordable housing contribution is not required by Local Plan policy.

Conclusions:

- 8.26. 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 introduction of commercial units is also policy compliant. 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.

Biodiversity

Policy Context:

- 8.27. 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.
- 8.28. Chapter 13 (Ecology) Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on the ecological and nature conservation resources on and in proximity of the site.
- 8.29. 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 or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.

- 8.30. 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.
- 8.31. 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.*"
- 8.32. 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.
- 8.33. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.34. Policy DM12 of the MDD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.

Principle of infilling South Dock:

- 8.35. The proposed development involves the partial infilling of South Dock and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding the blue grid.
- 8.36. The previous outline scheme with a resolution to grant (PA/13/03159) on site included a similar infilling approach. This is a material consideration in the assessment of this application. Whilst, as previously discussed, the development would also provide a significant (financial) contribution to maintaining and enhancing Canary Wharf's role as a leading centre of international finance and commerce and in turn London's world city status.
- 8.37. The proposed infilling of the dock differs from the previous outline scheme as an additional incursion of approximately 3.4m into the water space is now required. The applicant advised that the additional incursion is due to the specific tenant requirements for a minimum trading floor plate size of 4,00sqm at levels one to three. In an attempt to mitigate the additional incursion and reduce the level of water displacement, the length of the proposed development has been reduced in comparison to the previous outline scheme. The resulting level of water displacement now proposed is therefore 15sqm which equates to a 0.65% decrease in water displacement than previously agreed acceptable with the outline scheme. Although marginal, this

reduction in the overall level of water displacement is welcomed, notwithstanding the assessment of the biodiversity implications discussed in the following paragraphs.



8.38. In order to mitigate against the impact of the permanent loss of water and habitat as a result of partially infilling South Dock, a range of biodiversity enhancement measures would be required in accordance with policies DM11 and DM12:

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

8.39. The adoption of a new Local Biodiversity Action Plan in October 2014, with specific requirements for new reed beds and tern rafts further strengthens the necessity for such measures as part of this application.

8.40. The LBTH Borough Biodiversity Officer has therefore specifically requested that the following safeguarding conditions be attached to the decision notice should the application be approved:

1. Full details of biodiversity enhancements in the docks, to offset the loss of open water in South Dock. The Biodiversity Enhancements shall include but not be limited to the following:
 - An ecologically beneficial wall;
 - Reed beds in gabion baskets and/or on floating rafts and;
 - Nesting rafts for terns.
2. Full details of biodiversity enhancements to terrestrial habitats. The Biodiversity Enhancements shall include but not be limited to the following:

- At least 322 square metres of bio-diverse roof designed in accordance with Buglife’s ‘Creating living roofs for invertebrates – A best practice guide’;
- A green wall and;
- Nest boxes for swifts and house sparrows.

8.41. The GLA stated that *“it would not be reasonable, nor would it be in the interest of good strategic planning, to object to the current scheme on the basis of the infilling of the dock. However, as discussed under ‘urban design’ the level of active frontage along the dockside, as well as its design, requires further consideration before this additional incursion can be deemed acceptable”*.

8.42. It is therefore considered that the infilling of the dock in principle is considered acceptable by the GLA. Whilst, the issues regarding urban design and insufficient active frontages along the dock are later discussed within this report.

8.43. In conclusion, in light of the outline planning permission with a resolution to grant, appropriate safeguarding conditions to secure biodiversity enhancements and given the economic benefits of the scheme. The partial infilling of South Dock would on balance be acceptable in this instance.

Landscaping:

The species of proposed planting scheme for the development would also be controlled via condition to maximise the biodiversity enhancements secured as part of the development. The acceptability of the proposed landscaping provision with regards to design is discussed later within the report.

Design, scale and layout

Policy Context:

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

8.45. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the 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.

8.46. 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.

8.47. 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.

Principle of Tall building: Height, Massing and Bulk

- 8.48. 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.
- 8.49. The proposed scale with a maximum height of 151.445 metres AOD is proportionate to the location of the site within the CAZ and Canary Wharf Major Town Centre which is an established tall building cluster and approx.. 40m smaller in height than the maximum height of the previously deemed acceptable outline scheme.
- 8.50. The proposed development would be built adjacent to West Ferry Road contrary to the previous parameters and design guidance of the outline scheme. Nevertheless, it is considered that the combination of the design of the canopy positioned 7.9m above ground floor level and the limited height (three stories) and bulk of the protruding floor plates would still meet the aspirations of the agreed design guidelines with the delivery of a high quality public realm at ground floor level, retention of views to the south dock and creation of an architectural feature.
- 8.51. The character of the area would also not be affected adversely by the scale, mass, or bulk of the proposed tall building given it would be in keeping with the scale and form of other buildings located within the Canary Wharf tall building cluster.
- 8.52. Furthermore, the proposed height of the building would not adversely impact upon heritage assets or strategic and local views. This is further discussed at in detail with the *Design, Scale and Layout* section.

- 8.53. As discussed within the land use section of this report, the proposed development would result in the creation of 5,835net 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.
- 8.54. The GLA have also considered the proposed height and massing and raise no objection to the proposed tall building in this location.
- 8.55. Notwithstanding, the impact of the height and massing of the building on biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications which are still to be discusses discussed in detail within the relevant sections of this report.
- 8.56. In conclusion, the proposed height, scale and bulk of the building is considered acceptable in this location, as the site is situated within an established tall building cluster while the principle of a tall building has already been established by the previous permissions for tall buildings on the site in accordance with the relevant tall building polices listed above.

Layout:

- 8.57. As with the implemented planning permission (T/97/0076), the previous planning permission (PA/07/03088) and outline scheme (PA/13/03159) the proposed main building footprint would extend into the South Dock. It is of note that the principle of developing over the dock has been established by the previous consents. However, given that this development proposes an additional encroachment of 3.4m than approved as part of the outline scheme, it is considered that further justification and mitigation would be required.
- 8.58. This concern was shared by the GLA in their stage 1 response which read as follows 'At pre-application stage, in recognition of the stated potential harm to the London Plan Blue Ribbon Network policies, the applicant was requested to ensure that the retained dock waters space has good public visibility, with high levels of active frontage and high quality landscaping materials'.
- 8.59. In response to the concerns of the GLA which were shared by LBTH officers, the applicant designed the scheme active frontages, a green wall, fixed seating areas within the landscape provisions a new standalone commercial kiosk and separate restaurant and café provision to deliver public benefits and maximise the level of activity along the dock edge and around the building.



- 8.60. The GLA initially confirmed that ‘a free standing kiosk was disappointing, as this will detract from the quality of the pedestrian environment on the deck’ while advising that ‘the applicant is encouraged to consider removing the kiosk and instead to include a further retail unit within the buildings envelope adjacent to the dockside walkway’.
- 8.61. Following the further development of the design of the kiosk to incorporate a sliding counter to maximise activity, incorporation of a lighting strategy to allow the structure to also be an art form / sculpture that provides animation viewed across the south dock and the submission of a safety audit confirming that the pedestrian environment would be safe.



- 8.62. The GLA and LBTH officers concluded that on balance and with regard to urban design only, all of the above factors in addition to the commercial provision at the south east corner would result in high levels of activity and public benefit to warrant a further encroachment into the dock of 3.4m. The acceptability of such an encroachment with regards to bio-diversity implications is discussed in due course within the report.

- 8.63. The proposal also includes the creation of a new public realm located under the overhanging protruding element of the building to the west of the site. This design approach ensures that a similar level of public realm to that secured under the outline scheme would still be delivered on site, despite the requirement for larger floor plates and positioning of the built form closer to West Ferry Road. The joining of the southern dock edge of both schemes to provide a pedestrian route across both sites is considered good urban design.
- 8.64. Along the eastern boundary the proposed building line would be characterised by the location of shared access road which would serve both the proposed development and any building on the neighbouring HQW1 site. Such a design approach for the access arrangements to be shared with the neighbouring site is welcomed and ensures the layout of the development would complement and approved reserve matters layout of the HQW1 site.
- 8.65. The proposal in comparison to the outline consent with an overall reduced width would also no longer result in water displacement of the area of the dock to the east side of the proposed development. The reduction in the required level of water displacement to the east as previously deemed acceptable is welcomed.
- 8.66. The proposed northern elevation would provide 100% in length active frontage and designed with an organic and curved building line would create small pockets of public realm provisions whilst adding visual interest to the frontage of the proposed development.
- 8.67. The proposed landscaping provisions consist of the positioning of planting and shrubs within organic shaped low level concrete structures that would also provide outdoor seating provisions and by reason of their form and levels of separation preserve access to the canopy covered areas which would read as part of the public realm offer and not private land. The species of the proposed plants, planting strategy and an adequate maintenance schedule would be secured by condition.
- 8.68. The proposed landscaping provisions would also enclose the necessary security walls as part of the security strategy. This design approach is supported.
- 8.69. To conclude, the proposed layout of the site is considered acceptable and in keeping and complementary to site layouts of adjacent sites while it would also provide definition to Bank Street, West Ferry Road and the South Dock. The retention of public access around the building and onto the HQW1 site, safeguarding of the views of the dock from the west and general creation of high quality public realms with high levels of activity is therefore supported.

Architecture:

- 8.70. Tall buildings are by their very nature prominent and it is particularly important to secure high quality designs and materials. Many of the surrounding buildings are almost completely composed of curtain walling, with minimal articulation of mass or surface. This development is designed to in part respect the minimal articulation of mass on three sides of the building while making an architectural statement on the west side of the building positioned away from the Canary Wharf cluster.

- 8.71. The main building is designed with three flank sides and a sweeping element to the western side that projects further out towards the lower level floors. The south and north facing elevations would be designed with staggered vertical fins to provide expansive views to the south and to break down the monolithic massing. The use of such vertical fins in design terms is welcomed.
- 8.72. The sweeping west elevation again designed with vertical fins would consist of an atrium and a solid building edge. It is noted that this elevation is designed to make an architectural statement as the bookend or gateway of Bank Street. It is considered that the strong building edge and sharp corners of the building combined with the use of a limited number of carefully selected high quality materials achieves its aspirations and creates a coherent, dynamic and high quality façade.
- 8.73. The inclusion of the atrium and use of different specifications of glazing to maximise the level of transparency of the atrium and to provide a slight contrast in colour and appearance to the glazing of the protruding element which houses the extra-large floor plates only adds to the visual quality and iconic appearance of the western elevation.
- 8.74. The reduction in the proposed number of pillars supporting the projecting element also enhances the visual quality of the scheme and its architectural merits with the creation of a floating structure.
- 8.75. The floating structure reduces in depth towards the south of the building to a narrow singular form to provide a bookend and strong building edge to the southern elevation. This design approach is welcomed as it enhances the visual quality of the scheme and provides a clear distinction between one elevation which faces West Ferry Road and the other that runs adjacent to the dock edge.



- 8.76. As previously stated, the proposed ground floor designed with a fluid and circular elevations in design terms would increase the visual quality of the scheme and provide small pockets of public areas, albeit of limited quality and capacity, especially to the north of the site.
- 8.77. The roof of the protruding element would provide a roof terrace. The introduction of a roof terrace subject to not harming neighbours living

conditions and the creation of a high quality environment with coherent landscaping provisions is considered acceptable, in design terms.

- 8.78. The proposed Kiosk with its torque form and high quality design is considered to be an architectural form that would enhance the setting of the building and appearance of the promenade.
- 8.79. The use of modern materials and floor to ceiling glazing panels to the single storey café / drinking establishment to the south west subject to safeguarding conditions regarding the materials and finish would provide a distinction from the main building and add visual interest.

Strategic views:

- 8.80. In March 2012 the Mayor of London published the 'London View Management Framework Supplementary Planning Guidance' (LVMF) which is designed to provide further clarity and guidance on London Plan's policies for the management of these views. The LVMF views 1A.1 from Alexandra Palace; 2A.1 from Parliament Hill; 4A.1 from Primrose Hill; 5A.1 from Greenwich; 6A.1 from Blackheath; and 11B.1 and 11B/2 from London Bridge are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.81. Assessment point 5A.1 of the LVMF is the most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The LVMF suggests that this view would benefit from "*further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs ... However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.*"
- 8.82. The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The development would appear as a coherent part of the existing Canary Wharf cluster in the background of the view. The apparent height of the development in this view would be lower than One Canada Square and the HSBC and Citigroup buildings which flank it. Overall, the height, scale and form of the development would therefore fit comfortably within the cluster.



- 8.83. The submitted Townscape, Visual and Built Heritage Assessment (TVBHA) examined a total of 29 views, including 9 LVMF view assessment points. The townscape conclusions suggest that the proposed development would be visible but not result in significant impact on the setting of the views.
- 8.84. The GLA also confirmed that although ‘the building will lack the slender form that would be preferable in a tall building; it is recognised that is driven by the need to incorporate large trading floors and is therefore accepted’.
- 8.85. The LBTH design officer and English Heritage raised no objections.

Assessment of setting and local views:

- 8.86. In addition to the strategic views, the Townscape and Visual Assessment includes verified views from local locations. In summary, the Assessment concludes that, on the basis of a high quality design intervention, the proposal would result in minor to moderate beneficial effects on the amenity of existing residents, recreational users and pedestrians when viewed at close range.
- 8.87. Officers generally agree with this assessment and consider that, overall, the proposal would have a positive effect on the local townscape.

Heritage Assets

Policy Context:

- 8.88. 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.”*

- 8.89. 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).
- 8.90. 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.
- 8.91. 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.

Archaeology

- 8.92. English Heritage Archaeology note that the application site lies within an area of archaeological potential connected with the deeply buried prehistoric landscape of East London which lies beneath several metres of nineteenth and twentieth century made ground and earlier alluvium.
- 8.93. The submitted archaeological study provides limited information regarding to advance understanding of such aspects.
- 8.94. It is therefore requested that geo-archaeological modelling and a photographic survey of the site should be undertaken to allow greater certainty in targeting more intensive fieldwork.

Heritage assets

- 8.95. The proposed development would not alter or impact on the historical fabric or structure of the Grade I Listed Banana Dock Wall as it falls outside of the application site. The proposed positioning of the building set back from Bank Street and designed with landscaping provisions to the north of the site would also strengthen the character of the pedestrian environment and safeguard the setting of the listed dock wall.
- 8.96. Notwithstanding the possible impact on the setting of the listed South Dock Entrance Lock by the proposed encroachment of the application scheme out over the dock. It is also considered that the impact to the settings of non-designated heritage assets, such as the South Dock would regrettably further reduce understanding of the dock's role in Britain's economic development.
- 8.97. English Heritage raised no objections to the proposed works subject to the attachment of safeguarding conditions for the recording of the dock itself as well as a staged programme of investigation staged programme of investigation into buried deposits.

Conservation areas

- 8.98. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 450 metres away; Narrow Street Conservation Area is 550 metres away; and Coldharbour Conservation Area is approximately 800 metres away. It is not considered the proposed development would adversely affect the character and appearance of these conservation areas largely because of their separation distance from the development.
- 8.99. In conclusion, it is not considered that the proposed development would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset or on the character and appearance of adjacent conservation areas. The archaeological concerns would also be mitigated by condition

Transport, Connectivity and Accessibility

Policy Context:

- 8.100. 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.
- 8.101. 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.
- 8.102. 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:

- 8.103. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). Heron Quay DLR station is approximately 200 metres east of the development and the Jubilee Line Station is located within five minutes walking distance of the site. The nearest bus stops to the proposed development site are situated on Bank Street, Marsh Wall, Westferry Road, West India Avenue and Westferry Circus upper level roundabout. There are a total of six bus routes that serve bus stops within 400 metres of the site (equating to a walk time of less than five minutes), the 135, 277, D3, D7, D8 and N550 (night bus).
- 8.104. The proposal includes three basement levels. Car and cycle parking provisions would be provided in basement two.

Car Parking and Access:

- 8.105. A total of 29 car parking spaces, of which six will be designated for blue badge holders would be provided on site.

- 8.106. Although the Highways officer and TfL would favour a car free development (with the exception of accessible bays only). No objection is raised to the number of car parking spaces proposed as it is acknowledged it falls well within the maximum standards set by policy DM22 Parking and the parking standards table within the MDD. The number of spaces proposed is also considerably less than previously deemed acceptable in the outline scheme, which is welcomed.
- 8.107. A minimum of 20% of the car parking spaces would also be designed with charging points for electric vehicles with a further 10% of spaces easily convertible to provide charging points in the future.
- 8.108. The proposal includes 43 motorcycle parking spaces within the basement. Given the limited number of car parking space proposed, in this instance, a high number of motorcycle spaces would be acceptable.
- 8.109. TfL and LBTH Highways officer raise no objections to the proposed Transport Assessment. The assessment confirmed that the majority of additional trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network.
- 8.110. Adoption of the full Travel Plan would be secured via a section 106 agreement.

Cycle Parking:

- 8.111. The proposal consists of 860 cycle parking provisions within the basement for the office use and an additional four cycle spaces at ground floor level for the retail use.
- 8.112. The proposed level of cycle parking would comply with London Plan Revised Early Minor Alterations requirements but fall short of the forthcoming Further Alterations to the London Plan document. Nevertheless, neither TfL nor the LBTH raise objections to the number of spaces to be made available.
- 8.113. Cycle access to the development would be provided from Bank Street and the proposed promenade. Secure and accessible cycle parking facilities would be provided for employees and visitors to the building in line with council cycle parking standards.
- 8.114. Initially LBTH Highways officer raised concerns over the reliance of the southern access along the promenade for cyclist to access the basement and cycle provisions within the basement and potential for cyclist and pedestrian conflict. The applicant therefore conducted a transport audit and following the findings of the audit has agreed to implement measures to ensure that cyclists will be required to dismount prior to entering the promenade. Such safety measures would be secured by way of condition.
- 8.115. Servicing and Deliveries:
- 8.116. All servicing for the development would take place off the highway in a dedicated service area within the basement which is accessible from Bank Street. TfL and the borough transport officer support this approach subject to,

the submission of a Delivery and Serving Plan. The submission of an acceptable Delivery and Serving Plan will be secured by way of condition.

- 8.117. A Construction Logistics Plan (CLP) was submitted as part of the application. However, a viability assessment of using the adjacent dock during construction period should have been included. This information would be secured by way of condition.

Traffic and Highway Assessment:

- 8.118. TfL has reviewed the submitted workplace Travel Plan in accordance with the ATTrBuTE assessment tool and confirmed that it has passed. The final travel plan will therefore be secured, enforced, monitored and reviewed as part of the Section 106 agreement in accordance with London Plan policy 6.3.
- 8.119. A contribution towards Public Realm Improvements was not sought in this instance. The applicant through the Transport Assessment demonstrated that there would not be an impact on this section of highway. As such, contribution would not be justified and would not be in line with the CIL regulations.
- 8.120. 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 would further reduce the level of impact.

Public Transport Improvements

Bus Network

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

Docklands Light Railway (DLR)

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

Cycle Hire

- 8.123. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Upper Bank Street. These are currently operating close to capacity. Office workers account for a large proportion of the scheme's users, and the proposed development is likely to bring a high number of potential users to the area. TfL continues to develop the network where possible, and considers that there is a need for a new 24-point docking station in the vicinity of the site. The applicant has agreed to a financial contribution of £70,000 towards a new cycle hire docking station

within the vicinity of the site. This would be secured via the section 106 agreement.

Footbridge

- 8.124. The most effective way of mitigating additional DLR trips would be the provision of additional South Quay Dock crossing points. TfL requests that a comparable contribution to that secured for the DLR from the outline scheme at HQW1 should now be instead secured towards new footbridges, however the applicant has demonstrated through the TA that insufficient justification exists for the additional footbridge given the transport connections to the site and the current capacity of the DLR. However, it is considered that there may be future cumulative impacts on the DLR and therefore a contribution towards sustainable travel has been secured.

Crossrail

- 8.125. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of £17,734,010 towards Crossrail. 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.
- 8.126. 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 £4,006,363 for this development.
- 8.127. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

Conclusion:

- 8.128. The principles of the development are supported by both TfL and LBTH highway officer. It is acknowledged that the development would have an impact on the local transport network. The impact of the proposed development would be mitigated through the financial contributions secured to enhance the public transport network. Furthermore, conditions and section 106 agreements to secure a construction logistics plan, a delivery and service management plan and adoption of the submitted travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

Amenity

- 8.129. 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.

- 8.130. The application site is located in a commercial area and the nearest residential properties are approximately 69 metres away.

Daylight, Sunlight and Overshadowing:

- 8.131. 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).
- 8.132. 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.
- 8.133. 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.
- 8.134. 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.
- 8.135. 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"*.
- 8.136. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume One of the Environmental Statement (ES) – Chapter 16. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.
- 8.137. The Interim Review Report (IRR) produced by the independent consultancy confirmed that there are no issues with the Sunlight and Daylight Report assessment methodology, or the assessment of significance, which are in line with current guidance. The assessment of daylight levels at sensitive receptors is also considered comprehensive, as it includes ADF measurements in addition to VSC and NSC assessments.
- 8.138. The tables within the ES showing the impacts of the proposed development on VSC and NSL levels break down the non-compliances into 20-30, 30-40 and >40% reductions, so the magnitude of the effects can also be clearly seen within the report.
- 8.139. The following is a breakdown of which properties were tested and what the results of the Sunlight and Daylight Report were:
- 8.140. The properties tested and comply with BRE Guidelines:
- 1-9 Chandlers Mews
 - 25 Westferry Road

- Waterman Building
- Jefferson Building

8.141. The properties tested and are discussed in more detail below:

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

Anchorage Point

8.142. Anchorage Point is a residential apartment block that sits approximately 230 metres to the south west of the application site. The submitted daylight and sunlight report shows that 56 (72%) of the 78 windows assessed within Anchorage Point would see no noticeable change in the daylight received at the window face. Of the remaining windows 19 would see minor reductions and 3 a moderate reduction in VSC. In this instance, it is clear that the reason these windows would see a noticeable change in the daylight is that they are overhung by balconies causing low baseline levels of daylight (between 3% and 10% VSC).

8.143. With a small number of windows seeing reductions marginally beyond the levels suggested as noticeable in the BRE guidelines, the overall effect of the development on the daylight received by Anchorage Point is considered to be of a minor significance.

Cascades:

8.144. Cascades is a residential apartment block that sits approximately 110 metres to the south west of the application site. The VSC results suggest that with the Development in place, 508 (99.6%) of the 510 windows assessed within Cascades would see no noticeable change in the daylight received at the window face. The remaining 2 windows would see minor reductions in VSC.

8.145. Focusing on the 2 windows which see a noticeable alteration in VSC, the NSC results indicate that both would see a moderate adverse change in daylight levels. The ADF analysis indicates that the remaining two rooms receive less than 0.5% ADF in the baseline scenario and less than 0.5% ADF in the proposed scenario. With these rooms seeing quantum losses in ADF of 0.03% and 0.04% the change as a result of the Development is unlikely to be considered noticeable in each case.

22 – 28 Marsh Wall – Block 1 Landmark Buildings:

8.146. Block 1 of the Landmark sits approximately 90m from the south west of the site. The VSC analysis indicates that 207 (98%) of the 211 windows would not see a noticeable change in daylight at the window face. The 4 remaining windows see reductions which would be considered minor adverse. Similarly, these windows are also located under balconies which is self-limiting the availability of light. Minor adverse is not sufficient to warrant a reason for refusal as the impact would be limited.

8.147. The NSC results indicate that no rooms would see a noticeable change in their daylight levels. The ADF results indicate that all but one room exceed the target daylight levels for use as suggested in the BRE guidelines. The

remaining room retains an ADF in excess of 1.5% (that suggested for a living room).

22 – 28 Marsh Wall – Block 2 Landmark Buildings:

8.148. Block 2 of the Landmark sits approximately 102m from the south west of the site. The VSC analysis indicates that 191 (76%) of the 252 windows would not see a noticeable change in daylight at the window face. This would leave 45 windows with a minor reduction marginally beyond the BRE suggested level and 16 with moderate reduction. Existing balconies above the discussed windows are again limiting the level of light to the windows. In addition to this, many of the rooms with windows seeing reductions are dual aspect and with one not directly facing the development.

8.149. The NSC results indicate that no rooms would see a reduction that would be considered noticeable in terms of NSC. The ADF results indicate that all but one room are in excess of the target daylight levels for use. The remaining room would see an ADF quantum loss of only 0.01% which would not be considered noticeable.

Quayside

8.150. Quayside is the closest residential building at approximately 69m from the site. The VSC analysis indicates that 35 (95%) of the 37 windows would not see a noticeable change in daylight at the window face. The remaining 2 windows would see minor reductions in NSC.

8.151. With a small number of windows seeing minor noticeable reductions in daylight, the overall effect of the development on the daylight received by Quayside is also considered to be of minor significance.

Berkeley Tower and Hanover House:

8.152. Berkeley Tower and Hanover House are located to the north-west of the site adjacent to Westferry Circus and approximately 310m from the site. The VSC analysis indicates that 42(95%) of the 44 windows would not see a noticeable change in daylight potential at the window face. The remaining 2 windows would see minor reductions marginally beyond the suggested BRE level. Once again, the existing balconies are a factor in the limiting access to daylight. However, in each case the window serves rooms with additional windows which show compliance with VCS.

8.153. The ADF results suggest that all but two of the rooms assessed are in excess of their target daylight levels use. Those which are below with development in place are already below their suggested targets in the baseline.

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

Sunlight:

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

Overshadow Analysis:

8.156. The following amenity area relevant for shadow and light pollution was tested:

- West India Middle Dock

8.157. West India South Dock sits south of the site and as such does not have the potential to be significantly adversely affected in terms of shadow by buildings on the site.

8.158. In the baseline scenario West India Middle Dock receives direct sunlight for two hours or more on the 21st March across 95.9% of its area. This far exceeds the recommended 50% suggested in the BRE guidance.

Conclusions:

8.159. In general the levels of significance assigned to the individual properties analysed are considered to be objective and there are no instances of under- or overstatement. Overall, the proposed development is not considered to pose a risk of major effects on daylight and sunlight experienced by nearby residential receptors as the nearest such receptor is 69 m away.

8.160. The effects of the proposed development on daylight levels at existing properties are at worst minor adverse at six buildings assessed and negligible at the remaining seven. Effects on sunlight levels are negligible for all receptors assessed.

8.161. There are no predicted adverse effects of overshadowing or light spill of greater than negligible significance or solar glare of greater than minor adverse significance.

8.162. The proposal is therefore considered acceptable with regards to impact on sunlight, daylight and overshadowing to neighbouring properties.

Overlooking, loss of privacy, sense of enclosure:

8.163. The nearest residential units to the development would be these of Quayside positioned above a commercial block approximately 69 metres to the south west of the application site. It is not considered that there would be a detrimentally impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 69 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

Noise and Vibration:

8.164. Chapter 10, Volume one of the ES contains an assessment of the impact of the proposed development with regard to noise and vibration. This has been reviewed by the relevant Environmental Health Officer who has raised no objection subject to safeguarding conditions to address the below concerns.

8.165. The applicant would be required to demonstrate how the development would comply with the Defra Guidance on Commercial Kitchen Extract systems, as conflicting noise impacts are likely to occur from any associated commercial activities proposed and any air conditioning or mechanical and electrical plant required to be used in the tall building.

8.166. Any construction environmental management plan should also identify what mitigation can be introduced to ensure that our noise and vibration limits are

not exceeded at any time during the development at any sensitive residential or commercial property. High noise and vibration impacts are likely to occur from the required construction activities. Therefore, the applicant needs to adhere to the Code of Construction Practice and hours of construction.

- 8.167. Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 8.168. Noise from vehicles, especially any HGV deliveries, waste disposal and collections would have a local environmental impact. It is therefore advised by the Environmental Health officer that barges should be considered for deliveries and waste removal where possible to alleviate the roads on the Isle of Dogs.
- 8.169. Any future noise and vibration issues such as fixed plant noise would also be resolved and addressed in cooperation with LBTH Environmental Health, Environmental Protection.
- 8.170. The acceptability of all fixed plant to be installed should therefore be reviewed by the Local Authority prior to installation and no further fixed plant would be allowed at the development without local authority agreement.
- 8.171. The development falls under the flight path of London City Airport and therefore any noise impact from the associated flights would need to be mitigated, especially at higher floor levels within the development.
- 8.172. Measures would also be secured to ensure that the development would not impact on the local amenity by causing a nuisance to local sensitive receptors in the future
- 8.173. The requirement for additional information would be secured by a series of conditions and the Code of Construction Practice would be secured as part of the section 106 agreement.
- 8.174. The proposed development is therefore considered acceptable with regards to noise and vibration.

Energy and Sustainability

Policy Context:

- 8.175. 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.
- 8.176. 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).

- 8.177. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.178. 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.
- 8.179. 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.
- 8.180. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy as detailed above and seeks to focus on using less energy (26.5% reduction / 644 tonnes CO2) and integrating renewable energy technologies (0.5% reduction / 10 tonnes). The current proposals would incorporate measures to reduce CO2 emissions by 26.9%.
- 8.181. The Greater London Authority (GLA) raised a concern that the hot water demand is a considerable proportion of the total heat demand (over 10%) and therefore to demonstrate that the applicant have future proofed the development there would be a requirement to ensure that both domestic hot water and space heating can be easily served by district heating without significant retrofit or upgrade works.
- 8.182. In this instance, it is agreed by the GLA that the above issue can be mitigated by a safeguarding condition.

Carbon off setting

- 8.183. The current proposals would result in a shortfall of the requirements stated within Policy DM29 by 18.1% which equates to 440 tonnes of regulated CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 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.'

- 8.184. It is proposed the shortfall in CO2 emission reductions would therefore be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.185. For the proposed scheme it is recommended that a figure of £792,000 is sought for carbon offset projects. The calculation for this figure is as follows:

- Building Regulation 2013 Baseline is 2,432 tonnes/CO2
- Proposed development is at 1,778 tonnes/CO2
- 45% DM29 reduction would therefore be 1,338 tonnes/CO2.

- Shortfall to meet DM29 requirements = 440 tonnes/CO2 x £1,800 = £792,000 offset payment to meet current policy requirements.

8.186. In terms of sustainability, the submitted BREEAM 2011 New Construction pre-assessment demonstrates that the development is currently designed to achieve an Excellent rating (score of 73.8%). The development of an excellent rating scheme would be secured via an appropriately worded condition which will require the final certificates to be submitted to LBTH within 6 months of occupation.

8.187. The LBTH Sustainability officer therefore raised no objection to the proposed development subject to securing the following via safeguarding conditions and section 106 agreements:

- CO2 emission reductions in accordance with the approved energy strategy
- Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation
- Payment of £792,000 secured through S106 process to deliver carbon offset projects

Conclusions:

8.188. 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.

Environmental Considerations

Air quality:

8.189. 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.

8.190. Chapter 9, Volume one of the submitted ES presents an assessment of the likely significant air quality effects of the development. In particular, consideration is given in the assessment to the demolition and construction works as well as air quality effects arising from operational traffic on local road network as a result of the development.

8.191. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management. The main effect on local air quality during demolition and construction relates to dust, which is more likely to be generated from

demolition activities and earthworks. A range of measures to minimise or prevent dust would be implemented through the adoption of the Construction Logistics Management Plan.

- 8.192. The operational air quality assessment indicates that if Defra predictions relating to background air quality arise in practice then the annual means for air quality standards for particulates and nitrogen dioxide will be met at all receptor locations. If a worst case is assumed based on the Highways Agency guidance with smaller reductions in traffic emissions after 2011, then there will be exceedances of the nitrogen dioxide standard at three receptors. However, at those receptors, the proposed development would not cause the nitrogen dioxide concentrations to increase by more than 0.1 µg/m³.
- 8.193. In conclusion, the ES and IRR confirms that there would be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.194. 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.
- 8.195. Chapter 15, Volume One of the submitted ES assess the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.196. In accordance with best practice guidance (including LBTH Scoping Guidance), wind tunnel modelling was completed for the proposed development as it is over 10 storeys and the following four scenarios were tested: configuration 1 baseline, configuration 2 baseline + proposed development, configuration 3 baseline + proposed development + cumulatives, and configuration 4 baseline + proposed development + landscaping. All configurations, with the exception of 4, were tested without the proposed planting and landscaping.
- 8.197. The findings of the ES were that in the winter season in the baseline configuration, the majority of the site is suitable for standing/entrance use with three locations suitable for leisure walking. During the summer season the wind climate is a mixture of sitting and standing/entrance use, with many locations suitable for the latter.
- 8.198. With the completed development in place the wind climate during the winter season becomes more mixed with conditions suitable for sitting, standing/entrance, leisure walking and one location suitable for car park and roadway. However, two entrances locations are currently unsuitable for their intended use, being one-category windier than desired while one thoroughfare location is unsuitable, being two-categories windier than

desired. Such issues would be mitigated via safeguarding conditions to secure an improved environment.

- 8.199. During the summer season the wind conditions are calmer. Although the ground level seating areas are one-category windier than desired and more suitable for standing rather than sitting. A mixture of standing, entrance and sitting conditions are achieved at the terrace level. This is considered acceptable for a commercial development as the terrace will accommodate a range of uses.
- 8.200. The Interim Report Review report confirmed that the findings of the ES were accurate and the development is acceptable subject to the implementation of mitigation measures.

Contaminated Land:

- 8.201. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site within Chapter 11 (Ground Conditions and Contamination), Volume One.
- 8.202. The LBTH Environmental Health Officer has reviewed the documentation and raises no objection subject to the attachment of safeguarding conditions for the submission of a scheme to identify the extent of the contamination and the measures to be taken to avoid risk, details of the remediation works and a verification report.

Flood Risk and Water Supply:

- 8.203. 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.
- 8.204. The development falls within Flood Risk Zone 3. Chapter 12 (Water Resources and Flood Risk), Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on surface water drainage, ground water levels and flows and flood risk. The chapter also 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).

Flood Risk:

- 8.205. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.
- 8.206. 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.
- 8.207. Due to the proposals encroachment into the existing dock, a degree of flood storage would be lost within the wider dock system.
- 8.208. Groundwater levels should not impact or be significantly impacted on by the proposed development.

- 8.209. Surface and foul water would be conveyed away from the site in an appropriate manner. The majority of surface water would be discharged to the docks, as occurs at the existing site which is the most sustainable solution for the site.
- 8.210. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.211. Flood risk has been assessed by the Environment Agency (EA). Following the submission of supplementary information which forms part of the FRA the EA have removed their objection.
- 8.212. It is therefore considered that the proposed development by virtue of the proposed flood mitigation strategy accords with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Water Supply:

- 8.213. The ES confirms that the building design would incorporate water efficient fixtures and fittings.
- 8.214. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application and confirmed that no development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. The submission of such details would be secured by condition should the application be approved.
- 8.215. Thames Water have also requested that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Similarly, such details would be secured by way of condition.
- 8.216. Subject to the attachment of the above conditions and the submission of a piling method statement also secured through condition. Thames Water has no objection to the proposed development with regards to water supply.

Environmental Impact Assessment

- 8.217. 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.
- 8.218. 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.

- 8.219. 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.
- 8.220. Additional information was submitted to the EIA officer regarding the clarifications. The EIA officer raised no objections to the proposed development.
- 8.221. It is therefore considered that the ES provides a comprehensive assessment of the environmental impacts of the proposed development and all the various environmental effects discussed previously in relevant sections of this report can be mitigated by way of conditions, and/ or planning obligations as appropriate.
- 8.222. 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

- 8.223. 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.
- 8.224. 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.
- 8.225. 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.
- 8.226. 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.
- 8.227. 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.
- 8.228. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, skills, training and enterprise

- Community facilities
- Education

8.229. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.230. 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.

Financial Contributions

8.231. The planning application is for the creation of 114,345 sqm of GIA office space (Use Class B1) and 133 sqm GIA commercial (Use Class A1 – A4) inclusive of the kiosk. The required level of financial contributions would be calculated in accordance with the Council's Supplementary Planning Document on Planning Obligations SPD.

8.232. The level of financial mitigation would be proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach. This is also the approach suggested by the GLA with regard to the Crossrail contribution.

8.233. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.

8.234. As discussed previously, 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.

8.235. As discussed at paragraph 8.125 to 8.127 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 £21,740,373 (£17,734,010 – figure with CIL credit) towards Crossrail.

8.236. 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 £4,006,363.00

8.237. 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.

- 8.238. TfL have also requested contributions towards bus improvements, improvements at Heron Quay West DLR station, a new cycle hire docking station and new footbridges. The requested TfL the financial contributions are fixed amounts and similar to that requested with the previous outline scheme (with the exception of the footbridge contribution).
- 8.239. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.240. 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 £21,740,373 (£17,734,010– figure with CIL credit) towards Crossrail.
- 8.241. The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£298,163** towards construction phase skills and training
- b) A contribution of **£838,426.68** towards end user phase skills and training
- c) A contribution of **£208,823** towards Idea Stores, Libraries and Archives.
- d) A contribution of **£838,513** towards Leisure Facilities.
- e) A contribution of **£792,000** towards Environmental Sustainability (Carbon offset)
- f) A contribution of **£1,329,903** towards Public Open Space
- g) A contribution of **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£250,000** towards new sustainable transport
- i) A contribution of between **£270,000** towards TfL Bus services within the area.
- j) A contribution of **£21,740,373 (£17,734,010 following the CIL credit*)** towards Crossrail.
- k) A contribution of 2% of the total financial contributions would be secured towards monitoring.

* It is noted that the CIL payment has been estimated at £4,006,300.00. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

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

Non-financial contributions

- Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Provide 38 apprenticeships years delivered over first five years of full occupation

- Commitment to use reasonable endeavours to permanently relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- Commitment to use reasonable endeavours to permanently relocate them with Skillsmatch (whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- Travel Plan
- Code of Construction Practice
- Walkways - Maintenance of new walkways within the development together with unrestricted public access (other than for essential maintenance or repair)
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.242. 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

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

8.244. 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.

8.245. 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.

8.246. 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.

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

8.248. 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.

8.249. 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 £4,006,300.00.

Human Rights

- 8.250. 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:-
- 8.251. 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".
- 8.252. 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.
- 8.253. 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.
- 8.254. 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.
- 8.255. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.256. 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.

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

Equalities Act Considerations

8.258. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

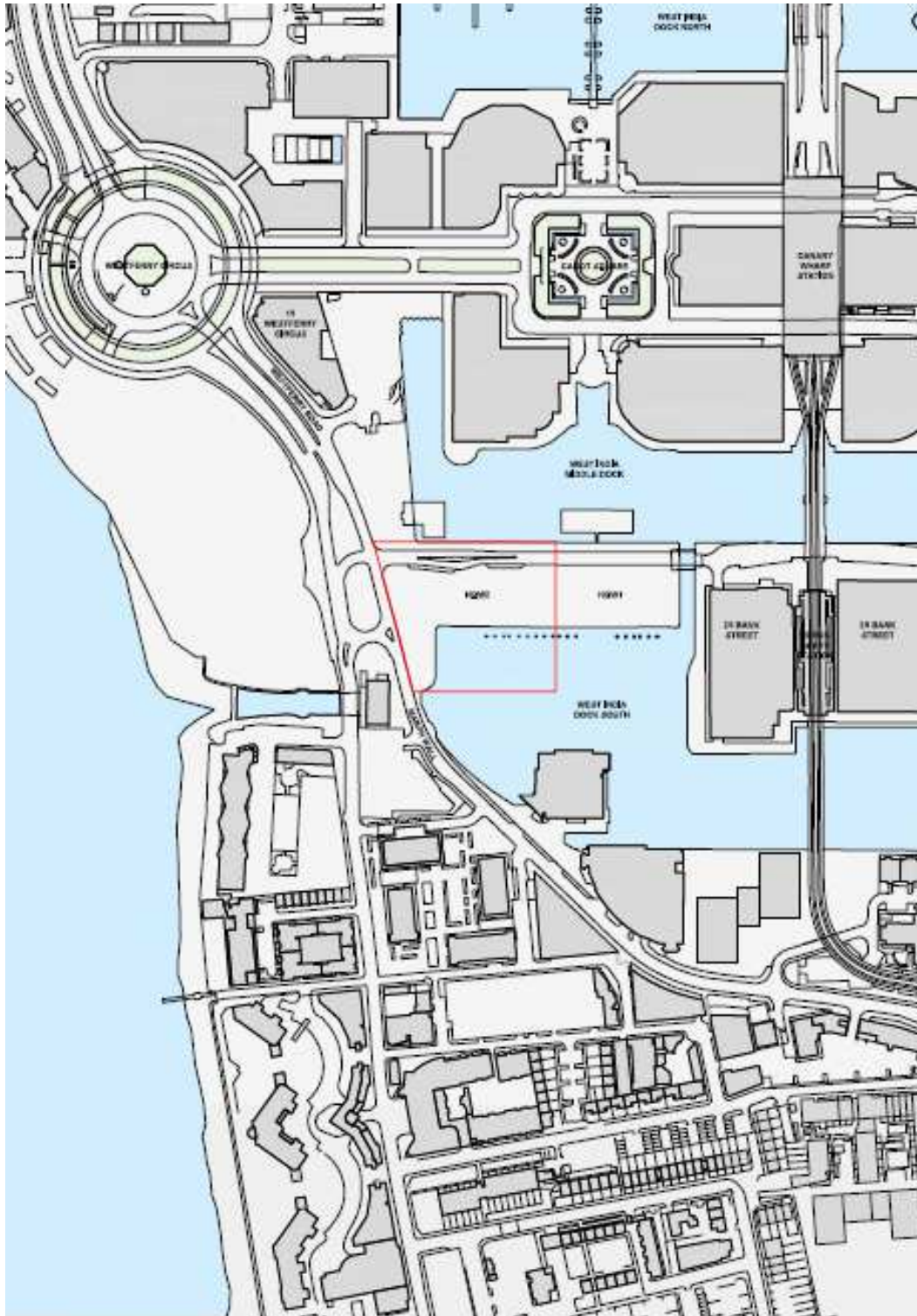
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.259. The proposals are based on the principles of inclusive design and officers have secured revisions to improve the inclusive nature of the scheme. Crime and fear of crime can be a particular concern to women and the LGBT community and full attention has been given to ensuring a safe environment.

9 CONCLUSION

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.

Site location plan:



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