

STRATEGIC DEVELOPMENT COMMITTEE

Monday, 21 July 2014 at 5.30 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 Suluk Ahmed, Councillor Mahbub Alam, Councillor Amina Ali, Councillor Julia Dockerill, Councillor Amy Whitelock Gibbs, Councillor Danny Hassell, Councillor Md. Maium Miah and Councillor Muhammad Ansar Mustaqim

Deputies:

Councillor Khaled Uddin Ahmed, Councillor Craig Aston, Councillor Peter Golds, Councillor Denise Jones, Councillor Joshua Peck and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Thursday, 17 July 2014**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Friday, 18 July 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,

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

Tel: 020 7364 4877

E-mail: Zoe.Folley@towerhamlets.gov.uk

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

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an electronic
agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

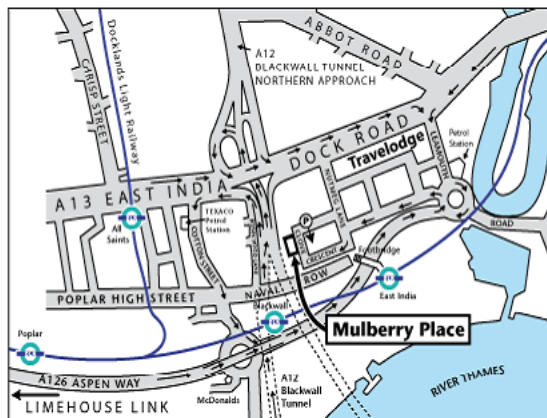
Audio/Visual recording of meetings.

No photography or recording without advanced permission.

Mobile telephones

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

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If you are viewing this on line:(http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. ELECTION OF VICE CHAIR FOR 2014/15

To elect a Vice-Chair for the Committee for 2014/15.

2. 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.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 15th May 2014.

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 9 - 10)

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

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (Pages 11 - 18)

Recommendations:

To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to the Committee report.

7. DEFERRED ITEMS

No Items.

8. PLANNING APPLICATIONS FOR DECISION

19 - 20

8.1 100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049)

21 - 70

Whitechapel

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.

Recommendation:

That subject to any direction by the London Mayor, Planning Permission is REFUSED for the reasons set out in the Committee Report.

**8 .2 Land known as "Wood Wharf", Preston's Road,
London, E14 9SF (PA/13/02966 AND PA/13/02967)**

71 - 236

**Blackwall &
Cubitt Town;
Canary
Wharf**

Proposal:

Outline Planning Application

Outline application (all matters reserved) for mixed-use redevelopment of the site known as "Wood Wharf".

Listed Building Consent Application

Listed Building Consent sought for demolition of and alteration to listed dock walls including the course of the wall to the Blackwall Basin and the East Quay of the Export Dock and Middle Cut between the Export Dock and the South Dock.

Recommendations:

To GRANT planning permission subject to any direction/call-in by the London Mayor, prior completion of a legal agreement, conditions and informatives as set out in the Committee Report.

To GRANT Listed Building Consent subject to the conditions set out in the Committee report.

8 .3 28 Ensign Street, London (PA/13/03068)

237 - 286

Whitechapel

Proposal:

Demolition of existing building and erection of a new part 4, 6 and 15 storey building (ground plus 14 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 (amended application).

Recommendation:

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

8 .4	Telehouse Far East, Sites 6 & 8, Oregano Drive, E14 2AA (PA/14/0074)	287 - 316	Blackwall & Cubitt Town
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Proposal:

Redevelopment of the site for the erection of a 10 storey data centre building of 66m in height comprising approximately 24,370sqm of floor space including provision of roof top plant and satellite dish at site known as Site 6; reconfiguration of loading bay area to North building; new first floor bridge link to existing North building; erection of a 12 storey office development 65m in height comprising approximately 13,283m² of floor space known as Site 8; provision of 29 car and 128 cycle parking; re-routing of existing cycle path on Sorrel Lane.

Recommendation:

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

8 .5	Former Glaucus Works (also known as Leven Wharf), Leven Road, E14 0LP (PA/13/03053)	317 - 374	Lansbury
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Proposal:

Demolition of existing buildings and redevelopment of site to provide a part 6, part 9 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 126 residential units with associated landscaping, children's play facilities and public riverside walkway.

Recommendation:

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

Proposal:

Application under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/13/00803, dated 13/12/2013 for a variation to condition 2 to allow substitute plans for the following amendments:

- Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal Area) of covered plant area to the sixth floor; and
- a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height.

Recommendation:

To GRANT planning permission subject to a Deed of Variation to the legal agreement, conditions and informatives as set out in the Committee Report.

Next Meeting of the Strategic Development Committee

Thursday, 14 August 2014 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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 7.10 P.M. ON THURSDAY, 15 MAY 2014

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Rajib Ahmed
Councillor Denise Jones
Councillor Zara Davis
Councillor Judith Gardiner (Substitute for
Councillor Marc Francis)

Other Councillors Present:

None.

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Iyabo Johnson	(Planning Officer, Development and Renewal)
Fleur Brunton	(Senior Lawyer - Planning, Directorate, Law Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Marc Francis, Carli Harper-Penman, Dr. Emma Jones, Kabir Ahmed and Md. Maium Miah.

Councillor Judith Gardiner was deputising for Councillor Marc Francis.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 10th April 2014 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 11 Westferry Circus, London E14 (PA/14/00465)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the change of use of the part ground, sixth and seventh floors from offices to Family law court.

Iyabo Johnson (Planning Officer, Development and Renewal) presented the application and the update report. The application was being referred to the Committee for decision primarily due to the departure from the Development Plan that designated the site as a Preferred Office Location (POL). Members were advised of the justification for this given there was an adequate supply of office space in the area as shown by the Applicant's evidence. In addition, the proposed law court would complement the POL and bring the site back into an active use.

The plans for a law court at this particular site were also regarded as appropriate given that the site was within a town centre with good transport links. The London Plan and town centre policies recommended this. So whilst departing from the Development Plan, the scheme complied with policy in this regard and overall was acceptable in land use terms.

Two objections had been received regarding access. However, one had since been withdrawn due to the submission of a management strategy to address the issues. This would be appended to the Travel Plan as part of the conditions.

The Greater London Authority had not raised any objections. Their response stated that that it would not require the Council to refer the application back at Stage 2.

Members were advised of the key features of the application including: the proposed internal layout, the various access routes, the car parking plans and the employment benefits of the scheme. Given the overall benefits, Officers were recommending that the scheme be granted.

Members asked questions about the security plans given the nature of the proposal. In particular, the measures to ensure the safety of the staff and customers of the building (including those from the other floors) as well as the public. In response, Officers expressed confidence that this issue would have been carefully considered and that the Applicant, the Ministry of Justice would have taken steps ensure this. The consultation letters were sent to the occupants of the other floors. It would strictly be a family law court. Nevertheless, Members could add a condition to the permission to address these issues. Accordingly, the Committee agree to add a condition to the permission that details of the security arrangements be submitted for approval by Officers to ensure the safety of the staff and customers of the building as well as the public.

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

1. That planning permission at 11 Westferry Circus, London E14 (PA/14/00465) be **GRANTED** for the change of use of the part ground, sixth and seventh floors from offices (Class B1) to Family law court (Class D1) SUBJECT to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority
4. 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 and the update report and the condition added by the Committee as follows:

- That details of the security arrangements be submitted for approval by Officers to ensure the safety of the staff and customers of the building as well as the public.

8. LAST MEETING OF THE COMMITTEE FOR 2013/14

The Chair noted that this was the last meeting of the Committee for this Council year – 2013/14. He thanked Members and Officers for their contributions over the last year and particularly referred to Councillors Judith Gardiner and Zara Davis who were not standing in the forthcoming local elections.

In turn, Officers also thanked the Committee and the Committee acknowledged the work of the Chair.

The meeting ended at 7.30 p.m.

Chair, Councillor Helal Abbas
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 6

Committee	Date	Classification	Report No.	Agenda Item No.
Strategic Development Committee	21 st July 2014	Unrestricted	SDC 01/145	
Report of/Originating Officer(s): Service Head, Democratic Services		Title : Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings Ward(s) affected: N/A		

1. Recommendation

- 1.1 To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

2. Background

- 2.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 2.2 The Committee's meetings for the year are as set out in Appendix 3 to this report as agreed at the Full Council meeting on 26 March 2014.
- 2.3 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

3. Comments of the Chief Financial Officer

- 3.1 There are no specific comments arising from the recommendations in the report.

4. Comments of Legal Services

- 4.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 26 March 2014 and 11 June 2014.

5. One Tower Hamlets Considerations

- 5.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

6. Sustainable Action for a Greener Environment

6.1 There are no specific SAGE implications arising from the recommendations in the report.

7. Risk Management Implications

7.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

8. Crime and Disorder Reduction Implications

8.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

9. Efficiency Statement

9.1 There are no implications arising from the recommendations in the report.

Appendices

Appendix 1 - Strategic Development Committee Terms of Reference and Quorum

Appendix 2 - Strategic Development Committee Membership 2014/2015

Appendix 3 - Strategic Development Committee Meeting Dates 2014/2015

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

None

APPENDIX 1

EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee

<p>Nine Members of the Council. Up to three substitutes may be appointed for each Member.</p>	
Functions	Delegation of Function
<p>To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies:</p> <ul style="list-style-type: none"> – Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames). – Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area. iii. Applications for employment floor space on sites of more than 4 hectares. iv. Major infrastructure developments. v. Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres. vi. Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres. vii. Applications for developments including 200 or more car parking spaces. viii. Legal proceedings in relation to the matter are in existence or in contemplation. ix. Three or more members of the Development Committee are disqualified in some way from participating in the decision x. On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the 	<p>No delegations</p>

<p>Strategic Development Committee.</p> <p>xi. To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised).</p> <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p>	
<p>Quorum Three Members of the Committee</p>	

STRATEGIC DEVELOPMENT COMMITTEE
(Nine members of the Council)

<i>Labour Group (4)</i>	<i>Tower Hamlets First Group (4)</i>	<i>Conservative Group (1)</i>
<p>Cllr Sirajul Islam (Chair) Cllr Amina Ali Cllr Amy Whitelock Gibbs Cllr Danny Hassell</p> <p>Deputies:- Cllr Denise Jones Cllr Joshua Peck Cllr Khales Uddin Ahmed</p>	<p>Cllr Suluk Ahmed Cllr Mahbub Alam Cllr Md. Maium Miah Cllr Ansar Mustaquim</p> <p>Deputies:- t.b.c.</p>	<p>Cllr Julia Dockerill</p> <p>Deputies:- Cllr Craig Aston Cllr Peter Golds Cllr Andrew Wood</p>

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APPENDIX 3

SCHEDULE OF DATES 2014/15

STRATEGIC DEVELOPMENT COMMITTEE

July 2014 (5.30pm)

Thursday, 14th August, 2014

Thursday, 25th September, 2014

Thursday, 6th November, 2014

Thursday, 18th December, 2014

Thursday, 29th January, 2015

Thursday, 12th March, 2015

Thursday, 23rd April, 2015

Meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 8

Committee: Strategic Development	Date: 21 st July 2014	Classification: Unrestricted	Agenda Item No:
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.
- 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 in the Agenda Item for this.

5. RECOMMENDATION

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

Agenda Item 8.1

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 Greatorix 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 within 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 actively 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

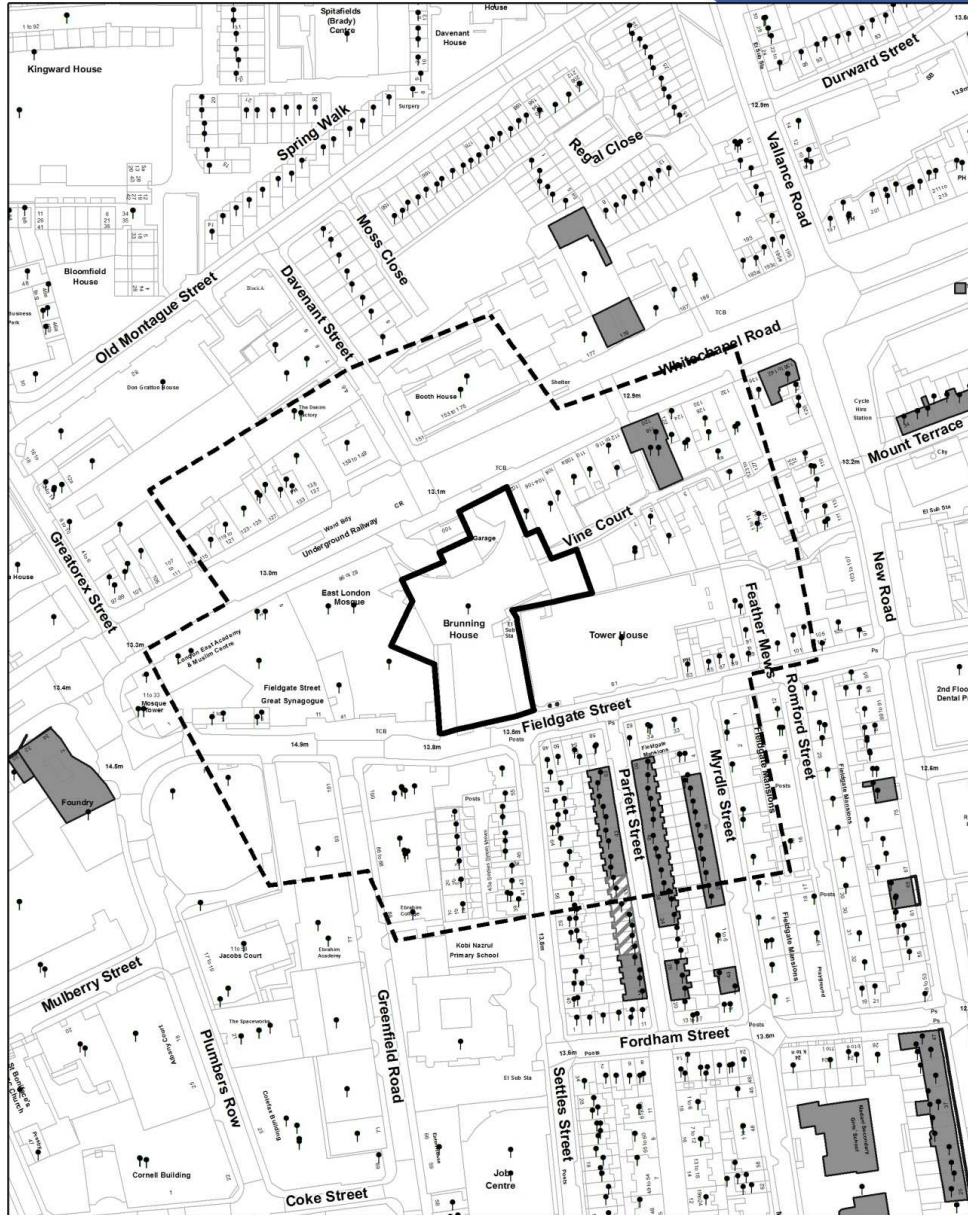
- 9.165. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due 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.

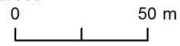
10. CONCLUSION

- 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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Agenda Item 8.2

Committee: Strategic Development	Date: 21 July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Robert Lancaster	Title: Planning and Listed Building Consent applications Ref No: PA/13/02966 AND PA/13/02967 Ward: Blackwall and Cubitt Town Ward and Canary Wharf Ward
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1. APPLICATION DETAILS

Location: Land known as "Wood Wharf", Preston's Road, London, E14 9SF.

Summary descriptions:

Outline Planning Application

Outline application (all matters reserved) for mixed-use redevelopment of the site known as "Wood Wharf" comprising:

- Demolition of existing buildings and structures, including dwellings at Lovegrove Walk;
- The erection of buildings, including tall buildings and basements, comprising:
 - Residential units (Use Class C3);
 - Hotel (C1);
 - Business floorspace (B1);
 - Retail (A1-A5);
 - Community and Leisure (D1 and D2); and,
 - Sui Generis uses.
- Associated infrastructure, including the creation of structures in Blackwall Basin, Graving Dock, and South Dock;
- Streets, open spaces, landscaping and public realm;
- Bridge links;
- Car, motorcycle and bicycle parking spaces and servicing spaces;
- Utilities including energy centres and electricity substation(s); and,
- Other works incidental to the proposed development.

AND

Listed Building Consent Application

Listed Building Consent sought for demolition of and alteration to listed dock walls including the course of the wall to the Blackwall Basin and the East Quay of the Export Dock and Middle Cut between the Export Dock and the South Dock.

Drawing Numbers and Documents for approval:

Outline Planning Application

WWMP_PP_001 Planning Application Area; WWMP_PP_002 Demolition; WWMP_PP_003 Development Zones - Ground Level & Above; WWMP_PP_004 Rev A Access and Circulation Routes; WWMP_PP_005 Open Space Areas; WWMP_PP_006 Development Zones & Uses Below Ground; WWMP_PP_007 Ground level Uses - Frontages & Water spaces only; WWMP_PP_008 Upper Ground Level Uses - Frontages only; WWMP_PP_009 Rev A Upper Floor Uses; WWMP_PP_010 Development Plots and Maximum Heights; WWMP_PP_011 New land/Structures into dock; WWMP_PP_012 Existing Site Levels; WWMP_PP_013 Proposed Site Levels; Revised Design Guidelines (dated May 2014); Revised Development Specification (dated May 2014); and, Issue Ref: 28.02.2014 Project: Wood Wharf Schedule of Applicant's Responses to Comments Received on Flood Risk and Biodiversity.

AND

Listed Building Consent Application

WWMP-MA-07-130 Indicative Scheme Dock Edge Sections Key Plan; WWMP-MA-07-400 Indicative Scheme Dock Edge Sections Existing Section AA; WWMP-MA-07-401 Indicative Scheme Dock Edge Sections Proposed Section AA; WWMP-MA-07-402 Indicative Scheme Dock Edge Sections Existing Section BB; WWMP-MA-07-403 Indicative Scheme Dock Edge Sections Proposed Section BB; WWMP-MA-07-404 Indicative Scheme Dock Edge Sections Existing Section CC; WWMP-MA-07-405 Indicative Scheme Dock Edge Sections Proposed Section CC; WWMP-MA-07-406 Indicative Scheme Dock Edge Sections Existing Section DD; WWMP-MA-07-407 Indicative Scheme Dock Edge Sections Proposed Section DD; WWMP-MA-07-408 Indicative Scheme Dock Edge Sections Existing Section EE; WWMP-MA-07-409 Indicative Scheme Dock Edge Sections Proposed Section EE; WWMP-MA-07-410 Indicative Scheme Dock Edge Sections Existing Section FF; WWMP-MA-07-411 Indicative Scheme Dock Edge Sections Proposed Section FF; WWMP-MA-07-412 Indicative Scheme Dock Edge Sections Existing Section GG; WWMP-MA-07-413 Indicative Scheme Dock Edge Sections Proposed Section GG; WWMP-MA-07-414 Indicative Scheme Dock Edge Sections Existing Section HH; WWMP-MA-07-415 Indicative Scheme Dock Edge Sections Proposed Section HH.

Supporting Documents:

Outline Planning Application

Planning Statement; Design and Access Statement Volumes 1-4; Heritage Assessment; Revised Development Phasing (dated May 2014); Environmental Statement; Environmental Visual Impact Study; Environmental Statement Non-Technical Summary; Transport Assessment; Draft Travel Plan Framework; Draft Residential Travel Plan; Affordable Housing Statement; Retail Assessment; Regeneration Statement; Energy Strategy; Sustainability Strategy; Revised Utilities Statement (dated May 2014); Waste Strategy; Flood Risk Assessment; Aviation Safeguarding Assessment; Estate Management Strategy; Telecommunications Impact Assessment; Tree Report; Statement of Community Involvement;

Archaeological Desk-Based Assessment Revised February 2014; and, Deposit Modelling February 2014.

Addendums

Cover Letter (dated 16 May 2014); Addendum Design and Access Statement Volumes 1-4 (dated May 2014); Addendum Environmental Statement (dated May 2014); Addendum Environmental Statement Non-Technical Summary (dated May 2014); Transport Addendum (dated May 2014); Addendum Affordable Housing Statement (dated May 2014); Addendum Retail Assessment (dated May 2014); Addendum Regeneration Statement (dated May 2014); Addendum Energy Strategy (dated May 2014).

AND

Listed Building Consent Application

Planning Statement; Design and Access Statement Volumes 1-2; Heritage Assessment; Structural Summary in Support of Works to Blackwall Basin.

Applicant: CWG (Wood Wharf Two) Ltd
Listed Building: Grade 1 Listed Dock Wall
Conservation Area: Coldharbour Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The application was advertised as a Departure from the Plan. However, during the assessment of the application, officers are now confident that the application does not depart from the Development Plan, when read as a whole. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission and listed building consent.
- 2.2 The application seeks outline permission with all matters reserved (a “permission in principle”) for a mixed-use high density development with a number of tall buildings. This would accord with the Local Plan’s Site Allocation for Wood Wharf. The Development Specification proposes a maximum floorspace cap of 728,880sqm (GIA). The development seeks permission principally for residential and office uses. The Development proposes a range of 1,700 to 3,610 homes and 165,000sqm (GIA) to 350,000sqm (GIA) of office floorspace. Additionally, a range of other uses including retail, leisure, hotel and community floorspace are proposed. Alongside this outline application, a Listed Building Consent application has been submitted for partial demolition and alteration to listed dock walls.
- 2.3 The development would be ‘controlled’ by three key documents: The Parameter Plans, the Development Specification and the Design Guidelines. These control documents define the ‘what’, the ‘where’ the ‘how much’ and the design language of the development. Alongside these three control documents, an Indicative Scheme has been submitted. This Scheme is not submitted for approval as such, rather it demonstrates one way in which the development may come forward in accordance with the parameters, specifications and guidelines within the control documents.
- 2.4 The Design Guidelines ensure that high quality architecture and place-making will be central to the detailed design development. The development will result in less than

substantial harm to heritage assets. However, the public benefits of the scheme including heritage related benefits significantly outweigh these effects.

- 2.5 The development would provide 25% affordable housing by habitable room on site, 80% of which would be affordable rent and 20% intermediate. Applying these percentages to the indicative scheme would result in 2,053 habitable rooms (604 affordable homes). 1637 habitable rooms (444 homes) of which would be affordable rent and 416 habitable rooms (160 homes) would be intermediate housing. The affordable rent homes will come forward at the Council's preferred 'POD' rent levels, subject to indexation. In addition, a review mechanism will be secured to provide a commuted sum up to the equivalent of an additional 15% affordable housing by habitable room, depending on the financial performance of the development over time.
- 2.6 Alongside the affordable housing, the development provides for a health facility and an Idea Store in accordance with the Site Allocation. The Council's NHS partners have advised that the health facility would be of sufficient size (up to 9 GP's) to be their main facility on the eastern side of the Isle of Dogs serving the wider area beyond the site.
- 2.7 In respect of education, and in recognition of the pressure on primary school places in the Isle of Dogs, physical provision on-site has been prioritised. The development provides for a two form of entry (420 pupils) primary school. This can be located within the same Development Zone as the Leisure Centre (see paragraph 2.8) and the school would be able to use the Leisure Centre's sports hall.
- 2.8 The development provides for a privately-run Leisure Centre. The membership and pay-as-you-play prices for the sports hall and cricket nets will be commensurate with Council facilities for Tower Hamlets residents and sports clubs. Discounted costs and membership arrangements for LBTH residents who have disabilities, full-time students and senior citizens will be secured.
- 2.9 The Development Specification secures, as a minimum, 25,000 square metres of publicly accessible open space. A Public Access Plan will be secured through the s106 to ensure full public access.
- 2.10 Alongside the provision for in-kind community delivery discussed above, provision for contributions will be secured in accordance with the formulae and guidance contained within the Council's Planning Obligations SPD. Applying the formulae to the Indicative Scheme would result in approximately £27.5m of contributions. The exact level of contributions will be subject to variation, within the parameters of the SPD, as detailed design comes forward at reserved matters stages. It is noteworthy, however, that the transport-related contributions are fixed. The transport contributions total £10.72m and include £5.25m will be secured towards running bus capacity and infrastructure, £2.5m for remodelling Preston's Road Roundabout, £1.5m will be secured towards other off-site highway improvements and £500,000 towards pedestrian improvements.
- 2.11 The development is expected to result in a construction workforce peaking at 2,000 jobs. Once fully complete, the Indicative development would be expected to have a workforce of 16,330(net) mainly within the office blocks. The applicant advises that development is expected to result in £61.1m of additional spending in the local economy from new households and employees.

- 2.12 The development will seek to ensure that 20% of the construction workforce is local and 20% of contracts will be placed with local companies. The development will provide apprenticeships for Tower Hamlets residents for both the construction and end-user phases and the applicant will provide work placements for Tower Hamlets students.
- 2.13 Officers consider this development would rejuvenate this strategically important, but currently under-utilised, brownfield site. It would have a highly significant impact in providing the homes, in particular affordable homes, the Borough needs along with a very significant range of jobs and social infrastructure and expanded shopping opportunities to meet the needs of the local community. The development would create a mixed and balanced community that would integrate into the local community and assist in spreading the benefits of this globally significant location into the surrounding area. Officers recommend these applications for approval.

3. RECOMMENDATION

3.1 That the Strategic Development Committee resolves to:

(a) **GRANT** planning permission subject to:

- A Any direction/call-in by The London Mayor
- B The prior completion of a legal agreement to secure the following planning obligations:

3.2 As this is an outline planning application (i.e. a permission in principle) with flexibility within set parameters, the exact financial contributions will vary dependent on the nature of the detailed elements of the development as they come forward and will be calculated in accordance with the formulae contained within Tower Hamlets Planning Obligations SPD (2012) and other relevant guidance and policies. Officers are confident, in the context of this application, that the formulae represent a robust approach to mitigating the harm of the development and consequently are necessary and accord with the CIL Regulation 122 Duty. The following figures provide a guide to the likely quanta of obligations based on the Indicative Scheme. However, for the avoidance of doubt these actual amounts will not themselves be set out in the agreement. It is noteworthy, however, that the transport, streetscene and heritage-related contributions are fixed i.e. they will not vary regardless of the nature of the detailed elements as they come forward.

3.3 Financial Obligations

Indicative

- A contribution of £4,244,363.60 towards enterprise & employment
- A contribution of £2,118,080 towards leisure facilities
- A contribution of £88,005 towards sustainable transport
- A contribution of £5,440,064.94 towards public open space
- A contribution of £4,059,000 towards off-setting carbon emissions

Fixed

- A contribution of £100,000 towards Heritage works (renovating the three cranes on the northern quayside of South Dock)
- A contribution of £116,376 towards streetscene improvements
- A contribution of £10,720,000 towards transport improvements including £5m towards buses, £2.5m towards Preston's Road Roundabout, £1.5m towards off-site highway improvement works, £500,000 towards pedestrian works, £500,000 towards modelling, £420,000 towards cycle hubs, £250,000 towards bus infrastructure and £50,000 towards travel plan monitoring
- A capped contribution up to £81,500 towards Navigational Safety

Total: £26,967,389.54

- A 2% contribution of the total above towards the planning obligations monitoring fee. This equates to £539,347.79 for the Indicative Scheme

Overall Total: £27,506,737.33

- An estimated combined contribution from the "top-up" Crossrail contribution and Mayoral CIL of approximately £61m

3.4 Non-Financial Obligations

- 25% on-site affordable housing by habitable room at a ratio of 80% affordable rent and 20% intermediate housing
 - For the Indicative Scheme this would equate to 1,637 Affordable Rent habitable rooms (444 Affordable Rent Units) (126 x 1-beds and, 123 x 2-beds, 132 x 3-beds, 39 x 4-beds, 24 x 5-beds at Tower Hamlets preferred 'POD' rent levels, subject to indexation up to RPI+0.5% per annum); and, 416 Intermediate habitable rooms (160 intermediate product units) (80 x 1-beds, 64 x 2-beds and 16 x 3-beds)
- Review Mechanism for up to an additional 15% affordable housing by habitable room by way of commuted sum
- Provision of a 2 Form of Entry (420 pupils) primary school to shell and core – circa 2,770sqm GIA for a 125 year lease. In the absence of physical delivery, a financial contribution would be made in accordance with the Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £6.72m
- Provision of 1,076sqm Health facility (9 GPs) to shell-and-core for a 25 year lease. In the absence of physical delivery, a financial contribution would be made in accordance with the Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £4.78m
- Provision of Idea Store 1,050sqm (NIA) and an option for a further 100sqm (NIA) to shell-and-core for a lease up to 2041. In the absence of physical delivery, a financial contribution would be made in accordance with the

Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £1.09m

- Leisure Facility; on-site facility with provision for the school to access the Sport England compliant Sports Hall and prices commensurate to LBTH leisure centres for Tower Hamlets residents. In the absence of physical delivery, an additional financial contribution would be made in accordance with the Planning Obligations SPD. An additional financial contribution for the Indicative Scheme would be £2.29m
- Enterprise, Employment, Apprentice, Training and End User Engagement Strategy (seek to achieve 20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Parking Permit-free development
- Travel Plans
- Land safeguarded for two on-site Barclays Cycle Hire Docking Stations
- Electronic Vehicle Charging Units (20% active : 20% passive)
- Car Clubs
- Safeguard and maintenance of on-site public realm and highways
- Public Art Strategy and confirmation that the value of on-site public art will be no less than £500,000
- 400sqm of reed beds in the docks
- 5,000sqm of biodiverse roofs on or off site
- 90sqm of tern rafts within the docks
- Strategy for providing affordable retail space for local independent retailers
- Assistance in delivering bridge(s) over South Quay
- Mitigation of Radio and Television signal effects
- Any minor amendments or other planning obligation(s) considered by the Corporate Director Development & Renewal should be secured having regard to Regulation 122 of the CIL Regulations.

3.5 That the Corporate Director Development & Renewal and the Service Head – Legal Services are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.

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

3.7 CONDITIONS & INFORMATIVES

Implementation Conditions

- 1) Time limit:
 - 3 years for 1st reserved matter
 - Development starts in either five years or two years after approval of 1st Reserved Matter whichever is later
 - No reserved matters applications after 15 years
 - Commencement of each reserved matters 2 years after approval

Parameters, Approved Drawings and Documents

- 1) Development to be carried out in accordance with the Parameter Plans, Development Specification and Design Guidelines
- 2) Development to be carried out in accordance with:
 - a. Archaeology Framework Strategy
 - b. Flood Risk Assessment & associated material
 - c. Energy Strategy, including appropriate mitigation of energy centre emissions

Phasing

- 1) The 1500th residential unit shall not be occupied until such time as 40,000sqm of Class B1 Office space has been made available for occupation.

Construction

- 1) Hours of work to be agreed for each construction phase
- 2) Hours of use and mitigation for the 40t excavators
- 3) Approval required for piling methodology
- 4) Ground-borne vibration should not exceed 1.0mm/s ppv at residential properties and 3.0mm/s ppv at commercial properties
- 5) Noise emissions condition
- 6) Compliance with LBTH CoCP
- 7) Considerate Contractors Scheme
- 8) Freight Considerate Scheme
- 9) Mitigation of pollutants from construction phase entering dock system for water quality purposes
- 10) General mitigation measures e.g. screening etc.
- 11) Demolition and Construction Site Waste Management Plan(s)
- 12) Co-ordination with Crossrail
- 13) Demolition and Construction Environmental Management Plans
- 14) Construction Logistics Plan

Reserved Matters

- 1) Prior to commencement of building works details of the following to be approved:
 - a. Scale;
 - b. Layout;
 - c. Access;
 - d. Landscaping; and,
 - e. Appearance

Strategies

- 1) Drainage works
- 2) Water supply infrastructure
- 3) Contamination Plan
- 4) Cultural Heritage Strategy
- 5) Nature and Ecology Plan
- 6) Utilities (diversions and decommissioning) Plan
- 7) Landscaping Plan
- 8) Sustainability Plan
- 9) Security Management Plan
- 10) Estate Management Plan
- 11) Waterside Management and Maintenance Plan
- 12) Scheme of Highways Improvements
- 13) Open and amenity space and child play space strategy(ies)
- 14) Waste Management Plan
- 15) Access Plan
- 16) Aviation Safeguarding Assessment
- 17) Telecommunications / Electronic Interference Strategies
- 18) Pollution Prevention and Action Plan
- 19) Car Parking Management Plan
- 20) Deliveries and Servicing Plan
- 21) Air Quality Plan

Conditions relating to each reserved matters application (insofar as they are relevant to that application)

- 1) Construction Phasing Statement to demonstrate effects are no greater than that assessed within ES
- 2) Equalisation Statement to demonstrate compliance with Parameters, approved drawings and Documents
- 3) Illustrative Build-Out/Reconciliation Plan, i.e. an updated masterplan if reserved matters applications deviate from the Indicative Scheme
- 4) Details to be approved to demonstrate compliance with Strategies
- 5) Wind Microclimate Assessment and Mitigation
- 6) Transport Strategy
- 7) Piling and foundation risk assessment
- 8) Air conditioning units / plant – details of appearance
- 9) Ventilation of smells and fumes
- 10) Locations of entrances, entry systems / means of access
- 11) Sunlight, daylight, overshadowing, light pollution and solar glare assessment
- 12) External materials
- 13) External lighting
- 14) Rooftop strategy/design
- 15) Construction of storage facilities for oils, fuels and chemicals
- 16) Affordable Housing Statement
- 17) Private Housing Statement (mix etc)
- 18) Details of highways, footways, lampposts, street furniture etc
- 19) 10% wheelchair adaptable / accessible residential units (distribution, levels, size)
- 20) 10% wheelchair accessible hotel rooms (distribution, levels, size) and investigation of Changing Places facility
- 21) Aircraft obstacle lighting on towers
- 22) Shopfront, signage and security and hours of use for retail/D1/D2 uses
- 23) Details of cycle lifts - speed/convenience etc.

- 24) Cofferdam Works
- 25) Emergency Vehicle Access Plan
- 26) Zone N security arrangements
- 27) No entrance security arrangements other than provided for by condition 26

Compliance conditions

- 1) BS6472 shall not exceed “low probability of adverse comment (vibration)
- 2) Above grade floorspace shall be no more than 608,355sqm (GIA)
- 3) Odour to meet DEFRA guidance for commercial kitchens
- 4) Internal noise insulation
- 5) All residential units to meet lifetime homes standards
- 6) All residential units to be no smaller than London Plan standards
- 7) Safeguarding for future connection to district heat network
- 8) No primary residential use of any part of Development Plots E3, G4, G6 or G10 or ground, mezzanine or lower floors of any other development plots that have not been tested in the ES and ES addendum unless it can demonstrated that no significant daylight or sunlight effects would occur in that part of the development plot, provided that this restriction does not apply to any ancillary residential uses in that part of the Development Plot.
- 9) Noise including ground-bourne and structural-borne noise. (LAeq 35dB for all plant combined) (LAm_{ax}(f)35 dB for all sensitive receptors (resi, school, health, crèche/nursery)
- 10) The effects on Lovegrove Walk shall be no greater than that assessed in the ES
- 11) Lifts in operation prior to occupation
- 12) The developer not to affect navigability of Bellmouth Passage during operation of development

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

3.8 Informatives:

- s106 planning obligation
- s278 agreement.
- Positive working with applicant

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

3.9 That, if within 6 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.

Listed Building Consent Application

3.10 That the Strategic Development Committee resolves to **GRANT** Listed Building Consent subject to the following conditions:

1. Time Limit
2. In accordance with Plans
3. Contract for replacement works
4. Programme for ensuring the safety and stability of the building fabric.
5. Details of landscaping and surface treatments.

6. Programme of building recording and analysis.
7. Retention and recording of any hidden historic features
8. Details of openings in retained dock walls
9. Repair of retained listed dock walls to conservation standard
10. Re-use of salvaged masonry

4 PROPOSAL AND LOCATION DETAILS

Site

- 4.1 The application site is situated in the northern part of the Isle of Dogs containing an area of land known as Wood Wharf. The site occupies an area of 13.6 Hectares (Ha), including 9.4Ha of landmass and 4.2Ha of waterspace. It includes Cartier Circle and Montgomery Square to the north-west and west respectively.
- 4.2 The site lies immediately to the east of the Canary Wharf Estate and to the west of Preston's Road. Blackwall Basin defines the northern boundary of the site with the River Thames' locks and South Dock forming the southern boundary. The application site is shown in figure 1 below:

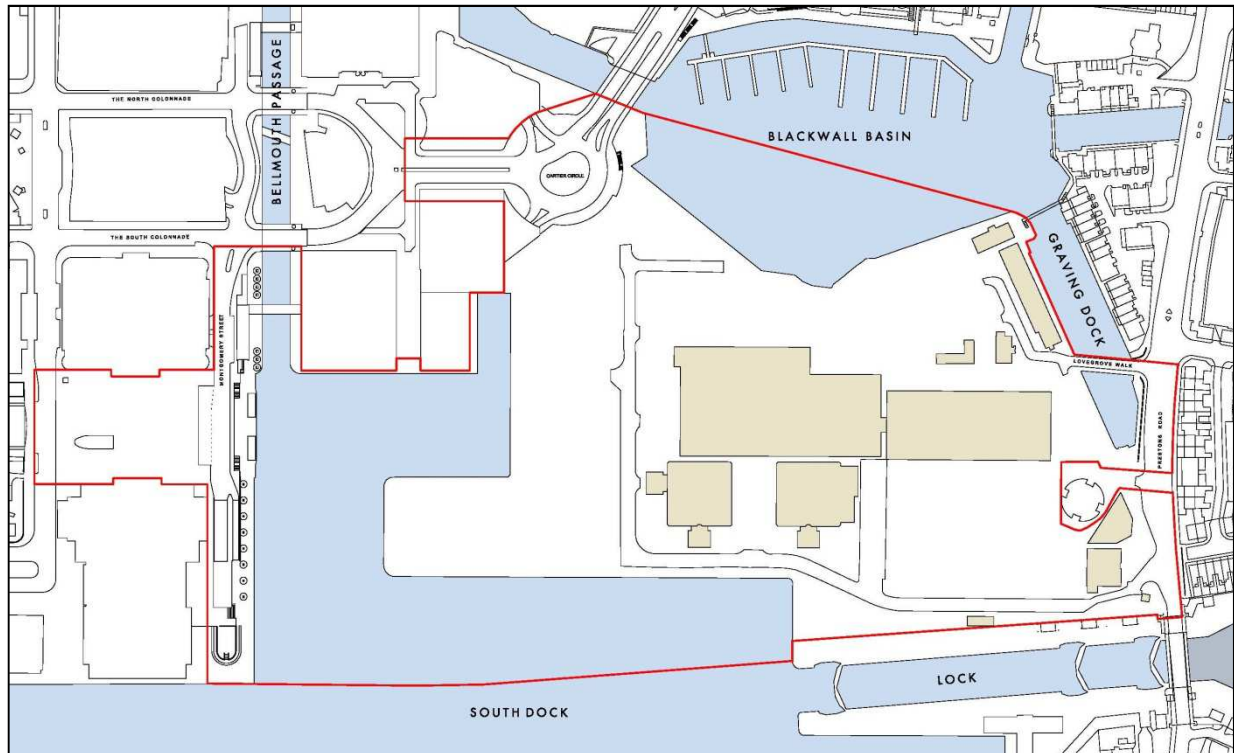


Figure 1. Site Location Plan

- 4.3 That part of the site which comprises existing land at Wood Wharf has been previously developed and comprises a mix of low-rise, poor quality, light industrial, office and warehouse units along with 29 residential properties on Lovegrove Walk. The commercial buildings have an existing floorspace of circa 16,691 square metres (sqm) of Gross Internal Area (GIA). The following uses are currently accommodated:

- A Cable and Wireless telecommunications hub;
- Large shed-style storage building mostly taking temporary/short term lets;
- Three office buildings including a data centre;

- A circa 3,000sqm temporary sports facility called 'Play on Sport';
 - Temporary external storage yard.
- 4.4 The western side of the site has been temporarily landscaped for use by the public and for events as permitted by Planning Permission PA/13/02974.
- 4.5 A small section of the site is also located within the Coldharbour Conservation Area which was designated by LBTH in December 1975 (with the boundary amended to include part of the site in 2008). The following designated Heritage Assets also form part of the site:
- Part of Blackwall Basin (Grade I listed structure); and,
 - Part of the East Quay of the Export Dock and Middle Cut between the Export Dock and the South Dock (Grade I listed structure).
- 4.6 The application site includes approximately 4.2Ha area of open water with a dock operating level between 3.8m to 4.23m AOD.
- 4.7 The site is broadly level (circa 5m AOD) with the exception of Cartier Circle to the north-west of the site which rises up to 7m higher than the remainder of the site. There are no direct links with the Canary Wharf Estate except via a set of privately owned and temporary pedestrian steps leading down from Cartier Circle and a temporary pedestrian pontoon bridge. The north east of the site (Lovegrove Walk) is also accessed by vehicle and foot from a private road leading off Preston's Road.
- 4.8 The Wood Wharf site has a Public Transport Accessibility Level (PTAL) of 3 to 4, which is moderate to good. The PTAL improves from east to west across the site. There are a number of modes of public transport in the vicinity including the London Underground Limited services (LUL), Docklands Light Railway (DLR) and buses. The nearest underground station to the site is the Jubilee Line station at Canary Wharf which is, using the existing road network, approximately 550m from the centre of the site. There are three DLR stations within one kilometre of the site, Blackwall to the north and Canary Wharf and Heron Quays to the west. There are six TfL bus services and one dedicated night bus which serves the site including the D3, D6, D7, D8 135, 277 and the N550. These bus routes provide access to the Isle of Dogs and the wider area. Crossrail is scheduled to be operational by 2018 and the Canary Wharf Crossrail station is to the north of the Canary Wharf Estate.
- 4.9 The Jubilee Line runs, west-east, under the centre of the site with a vent shaft marking its location on the eastern side of the site. The shaft is the circular building to the south of Graving Dock which is not within the red line site boundary but is bounded on three sides by the red line.

Surroundings

- 4.10 The Isle of Dogs has experienced rapid growth in the past 15 years and continues to do so. One Canada Square (Canary Wharf Tower) is the focal point of the Canary Wharf estate comprising a landmark building at 50 storeys (244m AOD). Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and is recognised as playing a major role in enhancing London's position in the global economy.

- 4.11 The remainder of the Isle of Dogs is primarily residential, comprising both traditional older properties as well as new developments, whilst also having substantial office floorspace.
- 4.12 The nearest residential properties outside the site are located to the east of the site on Lancaster Drive and Preston's Road and residential moorings on the northern (opposite) side of Blackwall Basin. There are also properties over 100m away on the opposite side of South Dock and on the far side of Blackwall Basin.
- 4.13 There are a number of designated and non-designated heritage assets in the vicinity of the site. Some of the principal assets include the balance of Coldharbour Conservation Area located immediately to the east of the application site. There are a number of listed buildings in the Coldharbour Conservation Area and generally located on the Thames waterfront. Within the Environmental Statement the following surrounding conservation areas were identified as of particular relevance:
- Navel Row;
 - St Mathius Church, Poplar;
 - All Saints Church, Poplar;
 - West India Dock;
 - St Frideswide's;
 - Balfron Tower; and,
 - Lansbury.
- 4.14 The impact on the listed buildings closest to the site boundary have been assessed within the ES and are listed below:
- Poplar Dock, original eastern part, Preston's Road (Grade II);
 - The Gun Public House, Coldharbour (Grade II);
 - Blackwall River Police Station, Coldharbour (Grade II);
 - 5 & 7 Coldharbour (Grade II);
 - 3 Coldharbour (Grade II);
 - Isle House, 1 Coldharbour (Grade II);
 - Bridge House, 26 Preston's Road (Grade II);
 - 15 Coldharbour (Grade II);
 - Accumulator Tower, Preston's Road (east) (Grade II); and,
 - Accumulator Tower, Poplar Dock (west) (Grade II).
- 4.15 There are three cranes, unlisted but of historical interest, located beside South Dock, which are understood to have been relocated from elsewhere in the docks.
- 4.16 There are no locally listed buildings within 500m of the site.
- 4.17 The surrounding area may be described in more detail as follows:

West

- 4.18 To the west of the site is the Canary Wharf Estate. The varying scaled office buildings range from low to medium rise 10 to 15 storey buildings up to 50 storey tower buildings providing 1.2 million sq. ft. in a single building. The Canary Wharf retail malls are situated below ground level, and provide the closest food and retail shopping to the site, within a 5 minute walking distance from Cartier Circle. These comprise the Canary Wharf Major Town Centre.

North

- 4.19 Billingsgate Fish Market comprises a shed located alongside the DLR and across from the HSBC tower at North Quay. Proposals may come forward in the future to redevelop Billingsgate Market. Poplar Dock and Blackwall Basin are located to the north of the site.
- 4.20 Poplar Dock to the north of Blackwall Basin has been redeveloped into an eight storey residential apartment development. On its south western end, adjacent to Trafalgar Way a high-rise residential tower is located. In both basins, houseboats and barges are accessed by private boardwalks. On the east and to the north-east there is the historic Graving Dock situated between Lancaster Drive and Lovegrove Walk both characterised by two and three storey private terraced houses, and the old lock into Blackwall Basin; this has been closed to access by boat from the River Thames by the construction of a fixed bridge on Preston's Road. These developments were part of the original residential developments constructed around the time of the dissolution of the LDDC, in the mid to late 1990's. By water, Blackwall Basin and Poplar Dock are accessed from South Dock via Bellmouth Passage.
- 4.21 There is a small cluster of tall residential buildings to the north-east of the site along Blackwall way, including New Providence Wharf (part 44 storey residential led development).

East

- 4.22 Coldharbour Conservation Area western boundary is located on the eastern edge of the site and contains mainly residential properties and Grade II listed buildings including the Gun Public House.

South

- 4.23 Manchester Road, to the south, across the working lock that connects the River Thames with South Dock is lined with two storey Victorian houses. Their back gardens are adjacent to the Sea Scout facilities housed in a building that looks west across the length of South Dock. Across South Dock a range of residential and office buildings vary in height from 6 to 15 storeys. The lock, which the blue lifting bridge crosses, is the only access into the Isle of Dogs lock system for boats and other vessels. A permanent security barrier and fence line has to be maintained separating the site from the lock along the southern edge. Within this restricted area there are three existing dock cranes, of historic interest referred to earlier.

Designations

- 4.24 The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Opportunity Area designation also sets out that the Canary Wharf Major Town Centre, which includes the majority of the application site, has the potential to develop into a Metropolitan Centre and serve a wider catchment, with its expanding retail offer complemented by a broader range of civic, leisure and other town centre uses. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.25 The site is allocated within the Council's Local Plan as Site Allocation 16. The allocation envisages a high-rise, mixed-use development of the site with a strategic

residential component, substantial jobs growth and provision of an Idea Store and a health facility. Development of the site should also provide a range of publicly accessible open spaces, create new walking and cycling routes and, if possible, include a district heating facility.

- 4.26 The westernmost part of the site is identified as an Area of Regeneration in the London Plan and as part of the Council's Local Plan's Preferred Office Location. The area adjoining to the east, on the opposite side of Preston's Road, is identified as a Thames Policy Area while the areas adjacent to the north and south form part of the Isle of Dogs Activity Area.
- 4.27 The site includes parts of 2 Sites of Importance for Nature Conservation (SINCs). Blackwall Basin is a Borough Grade 1 SINC, which includes an area of open mosaic habitat to the south of the basin. South Dock is part of Borough Grade 2 SINC. Both are principally of importance for the regular presence of breeding and overwintering birds.
- 4.28 The site includes or is bound in parts by the London Plan's Blue Ribbon Network and the Local Plan's Green Grid.
- 4.29 The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.30 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.31 The site is within the London City Airport Safeguarding Zone.
- 4.32 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.
- 4.33 The nearest road within Transport for London's Road Network (TLRN) is Aspen Way. The nearest LBTH adopted highway is Preston's Road.
- 4.34 Northumberland Wharf to the north-east of the site is a 'Safeguarded Wharf' safeguarded within the London Plan.
- 4.35 The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.36 The application site includes the Grade I listed Blackwall Basin with its quay walls, and the Grade I listed quay walls of the Import and Export Docks in the western part of the site.
- 4.37 The eastern and south-eastern edges of the application site are located within the Coldharbour Conservation Area which stretches to the east and south, covering the area between Preston's Road, Blackwall Basin and the River Thames.

Proposal

- 4.38 The applicant seeks outline permission (all matters reserved) for a comprehensive mixed-use redevelopment of the site for a series of buildings including tall buildings for up to 350,000sqm (GIA) of office floorspace and up to 3,610 residential units along with a range of other uses but in any event the total floorspace would not

exceed 728,880sqm (GIA). The proposal would be “controlled” through the use of the three principal documents, as follows:

- Parameter Plans – these define, inter alia, where buildings, roads and open space may arrive on the site, the distribution of uses across the site and maximum heights and maximum footprints (length and width) of each development plot.
- Development Specification – this document sets out a written account of the parameter plans and details, inter alia, the floorspace specifications for the proposed land uses, minimum and maximum vehicle parking and minimum cycle parking and open space, the range of dwelling mix for each tenure and unit type and areas of new land and moorings.
- Design Guidelines – The purpose of this document is to determine a design language for the Masterplan and to establish a robust framework for its development that encourages high quality and rich diversity. Any future reserved matters applications for the development of any of the Development Zones defined in the Parameter Plans or open spaces between them will be required to accord with the Design Guidelines, unless there is a good and justified reason to depart from them.

4.39 The matters reserved for later determination are:

- Access - the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding highway network;
- Layout - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- Scale - means the height, width and length of each building proposed within the development in relation to its surroundings;
- Appearance - the aspects of the development which determine the visual impression the development makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture; and,
- Landscaping - the treatment of land other than buildings for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated, including soft and hard landscaping, earthworks, public art and boundary treatment.

4.40 Accordingly, outline planning permission may be understood as ‘permission in principle’ with the detail being assessed through the five reserved matters and any conditions and s106 obligations attached to the permission, subject to the limitations within the three control documents.

4.41 Permission is also sought for Listed Building Consent for works, including alteration and demolition of sections of the grade I Listed walls to Blackwall Basin and the East Quay of the Export Dock and Middle Cut between the Export Dock and the South Dock to facilitate the proposed redevelopment of Wood Wharf.

- 4.42 The proposed development is described in more detail below:
- 4.43 Parameter Plan 002 below shows the existing buildings and structures to be demolished. Figure 4 shows the extent of demolition and alteration to listed and unlisted dock walls.

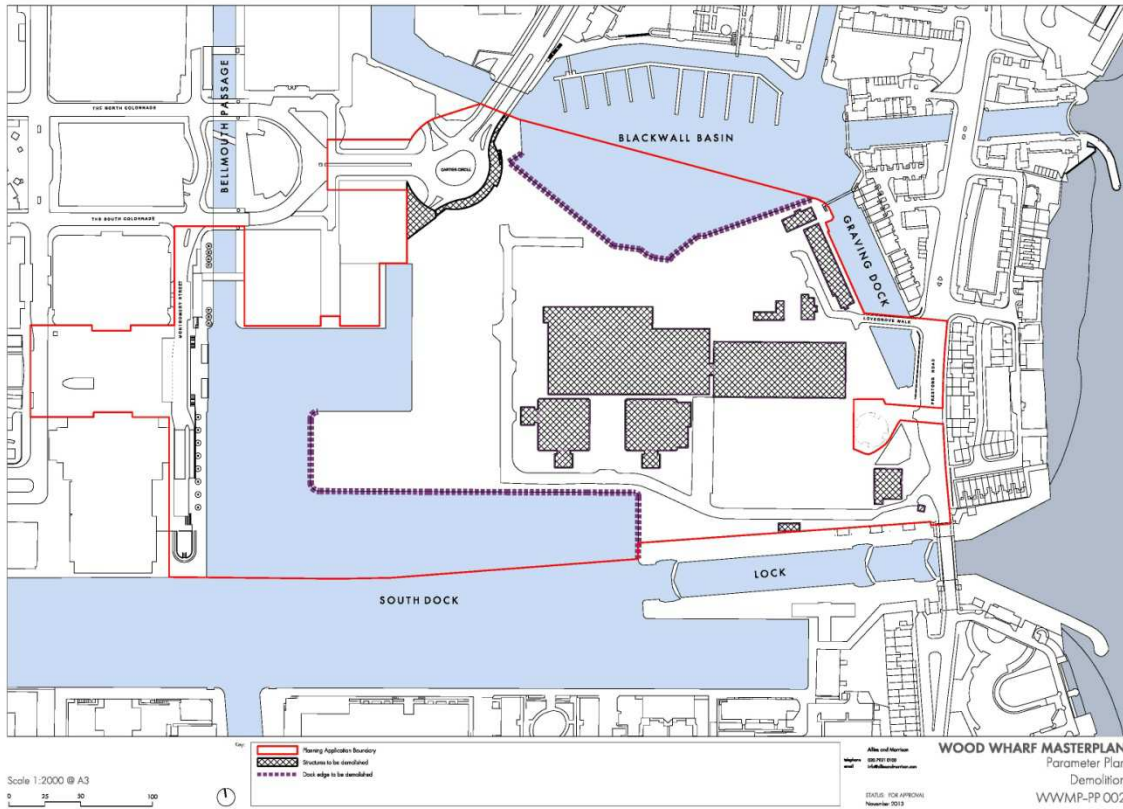


Figure 2: Parameter Plan 002

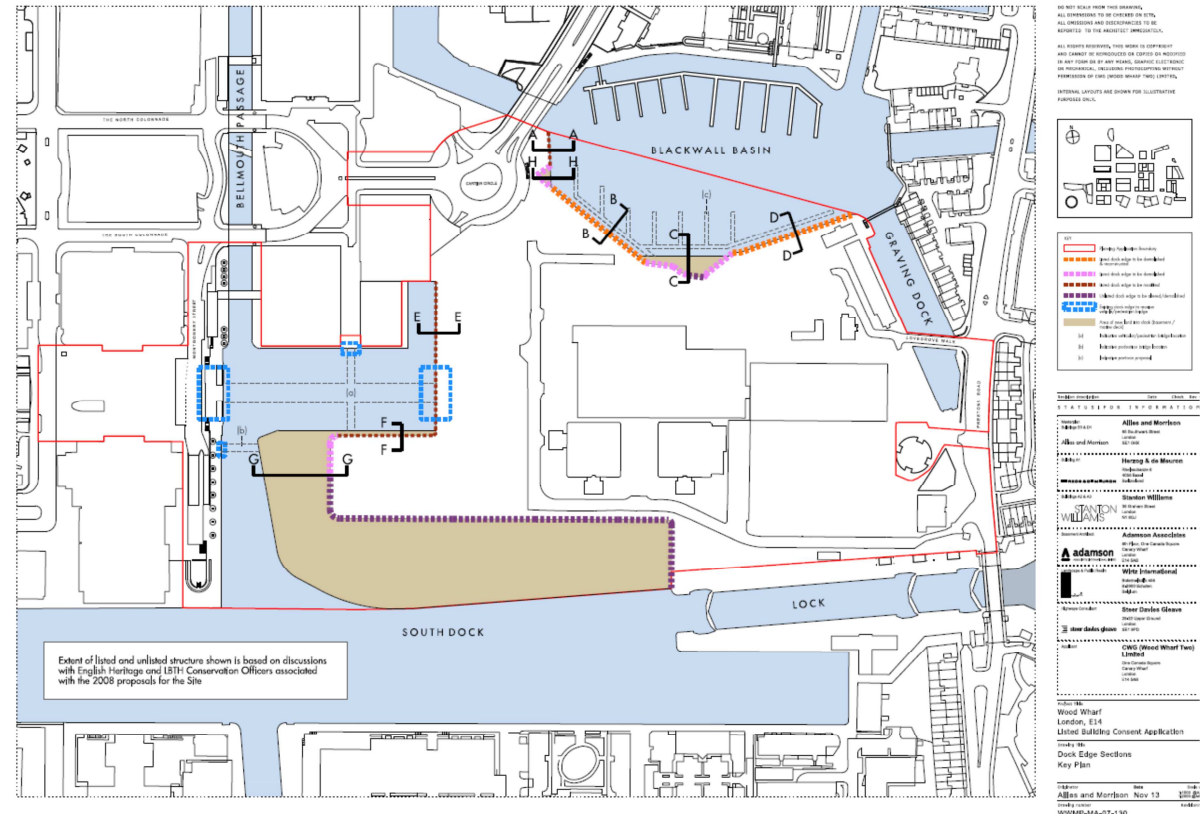


Figure 3: Showing extent of listed and unlisted dock wall to be demolished or modified

4.44 The site is sub-divided into Development Zones shown on Parameter Plan 003 below. As can be seen in the key, each zone has limits of deviation allowing a degree of movement to the zone edges.

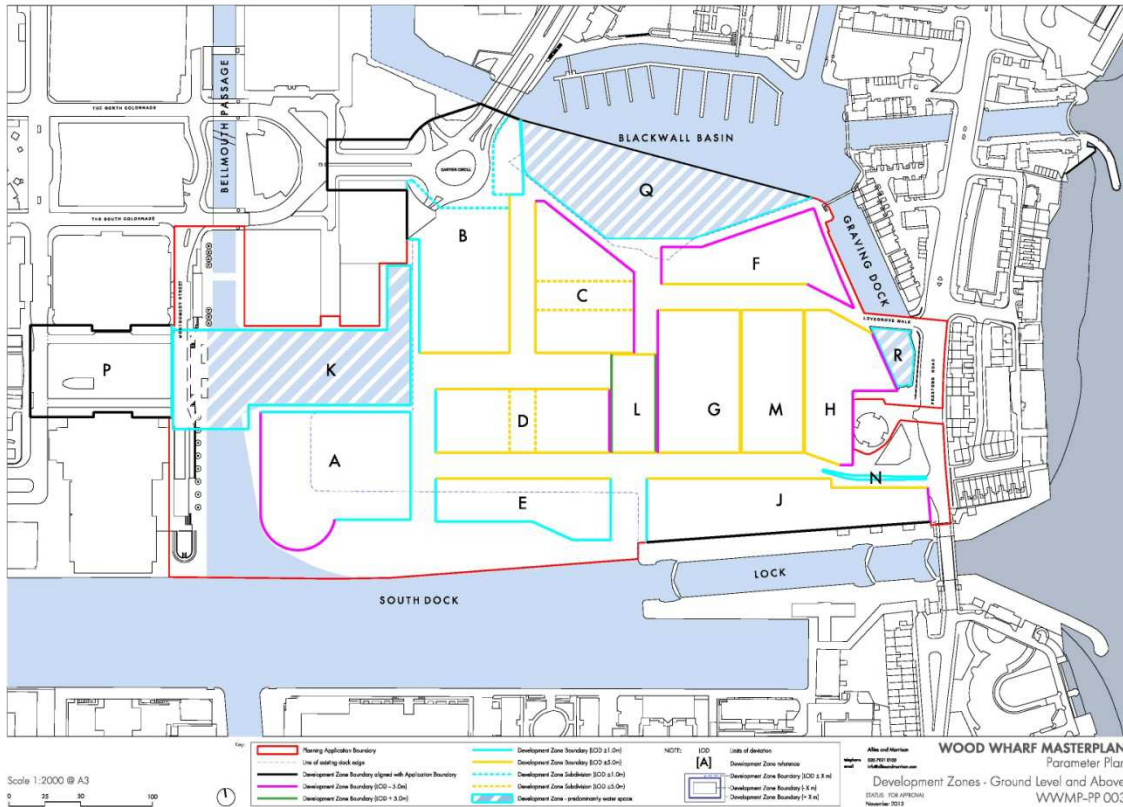


Figure 4: Parameter Plan 003

4.45 Parameter Plan PP004 Rev A identifies a number of vehicular and pedestrian accesses/egresses to/from the site. To the west a vehicular & pedestrian bridge will connect Wood Wharf with Montgomery Square on the Canary Wharf Estate. A pedestrian bridge, just to the south of the main bridge will connect to the lower levels of Montgomery Street dockside pedestrian walkway. The proposed development allows for vehicular access from Cartier Circle to the north and from Preston's Road to the south east of the site. There is a further vehicular egress to Preston's Road adjacent to Graving Dock. There are number of secondary and tertiary roads throughout the site. There are limits of deviation for these routes to reflect the limits of deviation for the Developments Zones described in PP003. Continuous pedestrian access will be secured along virtually all of the water's edge. A potential pedestrian connection to the existing Canary Wharf retail centre may be created through Development Zone 'B'.

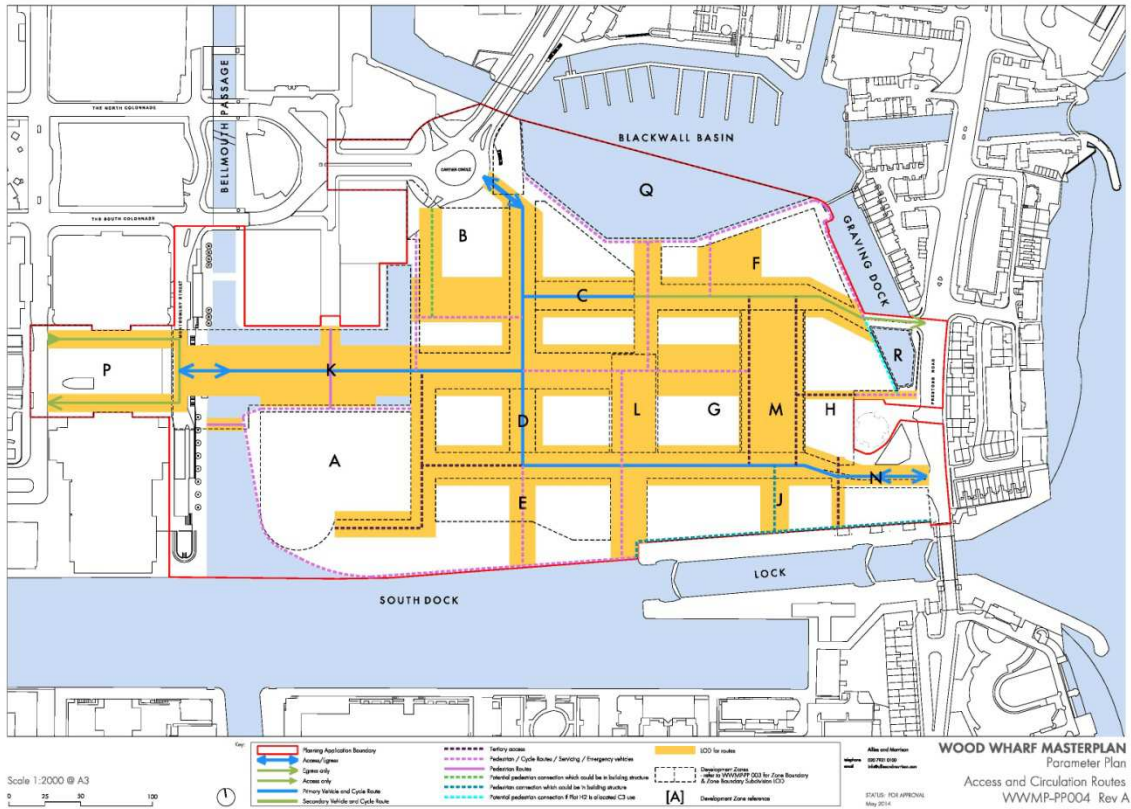


Figure 5: Parameter Plan 004

4.46 The Parameter Plan below PP005 identifies the main Parks and Squares, in particular these are 'East Park' in Development Zone M and part of F, 'South Dock Park' to the south of zones A & E and Junction Square in Zone L.

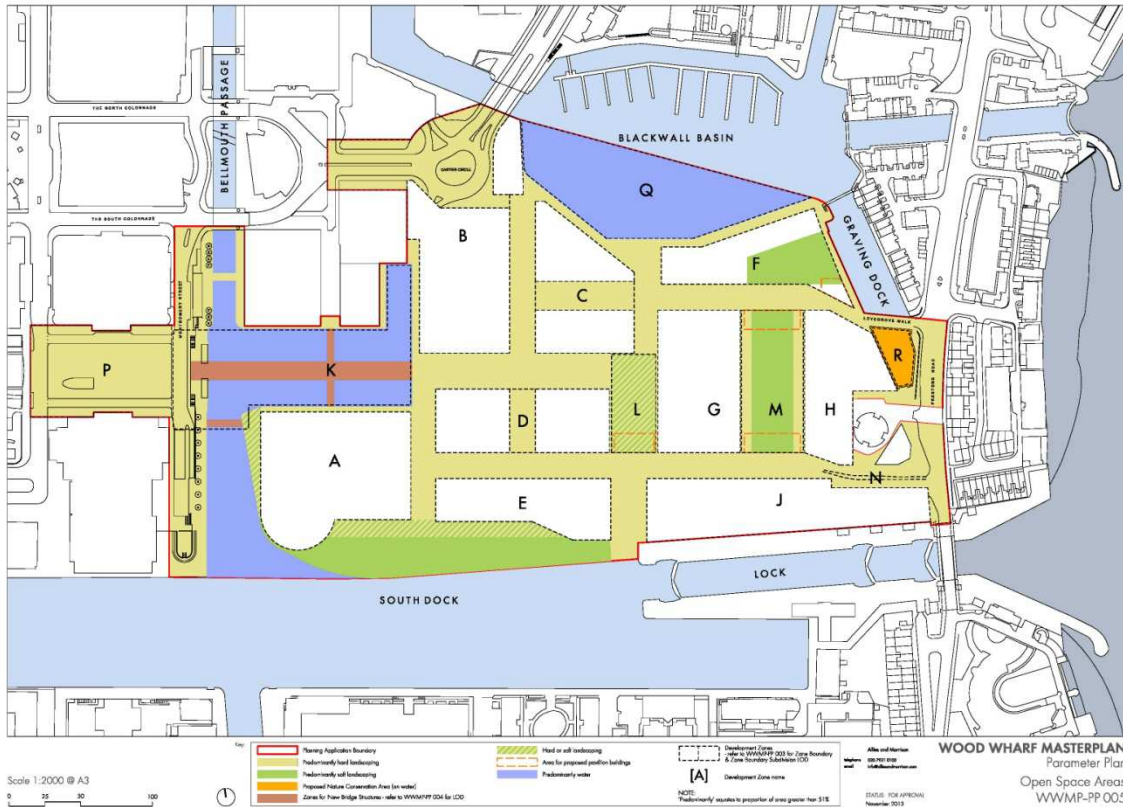


Figure 6: Parameter Plan 005

4.47 Parameter Plan 007 shows the proposed ground level uses and identifies that retail uses will dominate around the central 'High Street': the southern façades of Zones B and C, the western façade of Zone G and the northern edge of Zone D. The ground floors of the remaining zones are 'any permitted use' to allow for a mix of residential and retail uses, lobbies and other appropriate uses. Development Zone K has been described as 'water square' and allows for retail and leisure uses, these are likely to be floating bars and restaurants. Zone Q would contain pontoons and moorings for residential barges.

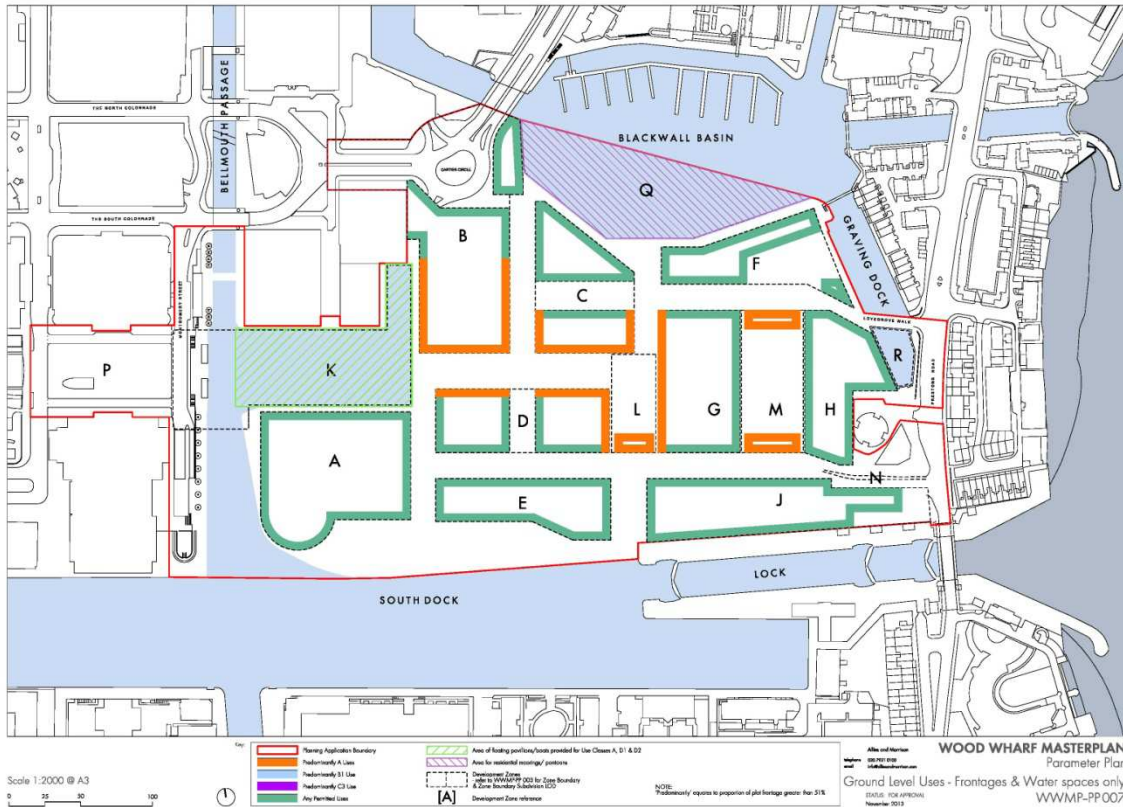


Figure 7: Parameter Plan 007

4.48 The amount of floorspace sought is up to 728,880sqm (GIA) within 16 Development Zones containing 42 Development Plots. The proposed land uses are set out below in Table 2 of the Development Specification and show the dominant land uses would be residential and offices. The social infrastructure delivery is explained elsewhere in the report:

Land Use	Minimum Floorspace (GIA)	Maximum Floorspace (GIA)/Units
Ground and above		
Retail (A1-A5)	15,000sq m	27,500sq m
Business (B1)	165,000sq m	350,000sq m
Hotel (C1)	No Minimum	350 bedrooms
Residential (C3)	1,700 residential units	3,610 residential units
Community (D1)	No minimum	No maximum* **
Leisure (D2)	No minimum	No maximum **
Below Ground		
A1-A5, D1 and D2	No minimum	7,500sq m
Ancillary floorspace comprising Business, Back of	No minimum	No maximum **

House, Enclosed Plant, Storage, Servicing, Car and Cycle Parking Areas, Energy Centres, Electricity Sub Stations etc.		
Ground and above and Below Ground		
Other permitted Sui Generis uses limited to Residential Moorings, Serviced Apartments, Private Members Clubs, Conference Centres, Theatres, and Laundrettes (unless otherwise agreed with the Local Planning Authority)	No minimum	No maximum **

**There is a recognition that a development of this size will need to deliver some social infrastructure and this will be subject to negotiation.*

*** The absolute maximum is determined by the total floorspace less the aggregate of the minimum floorspaces in Table 2.*

Figure 8: Table 2 of Development Specification

- 4.49 The distribution of uses is shown in Parameter Plan 009 Rev A below. As can be seen from the plan, office uses are generally to be located in the north-western section of the site, closest to Canary Wharf. Residential uses are generally to be located along the South Dock edge, on the eastern side of the site by Preston's Road and in the north-eastern side by Blackwall Basin. In the centre of the site the 'G' Development Plots have a flexible use which may have a number of potential uses and allow for community infrastructure such as a health facility and Idea Store, whilst also capable of providing residential and/or commercial floorspace.

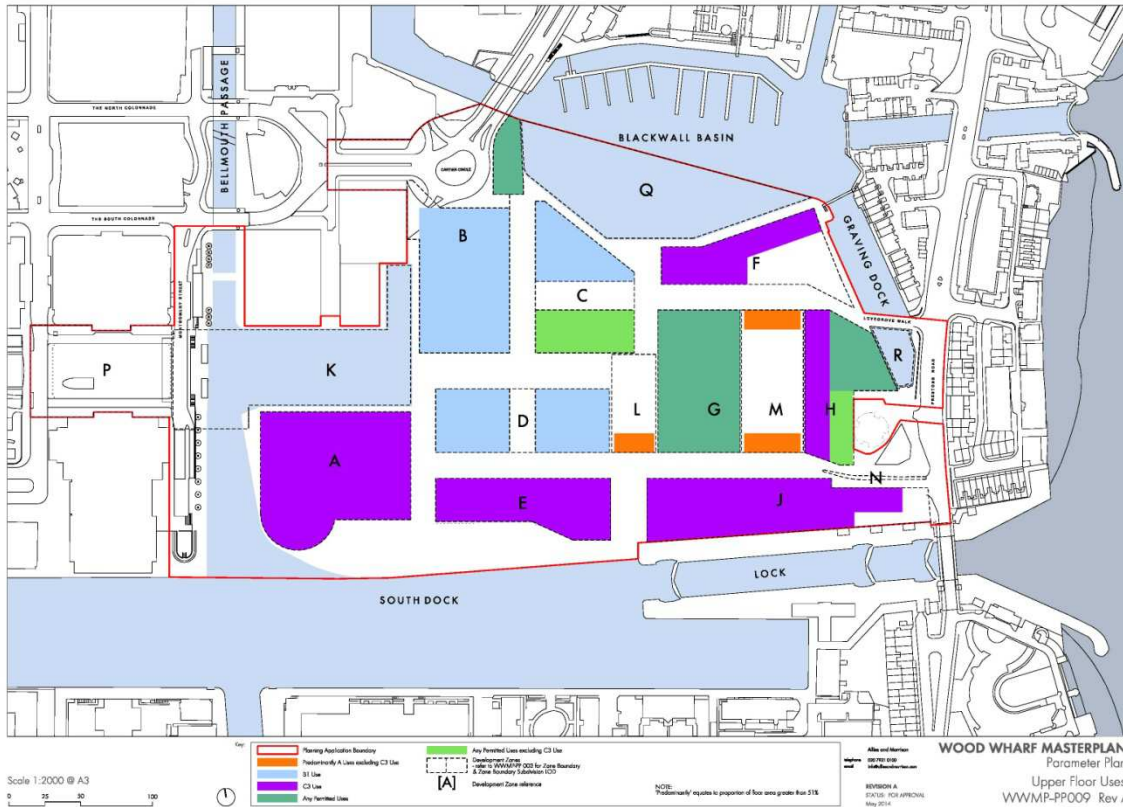


Figure 9: Parameter Plan 009

4.50 Parameter Plan 010 and Development Specification Table 5 show the maximum heights of the Development Plots. The highlighted plots show the buildings above 90m AOD (Above Ordinance Datum). These taller Development Plots are mainly located along the southern edge facing onto South Dock, on the north and western side of the site near Canary Wharf and Blackwall Basin. There is a general reduction in heights from east to west, with the tallest Development Plot on the south-western edge of the site at 211.50m AOD.

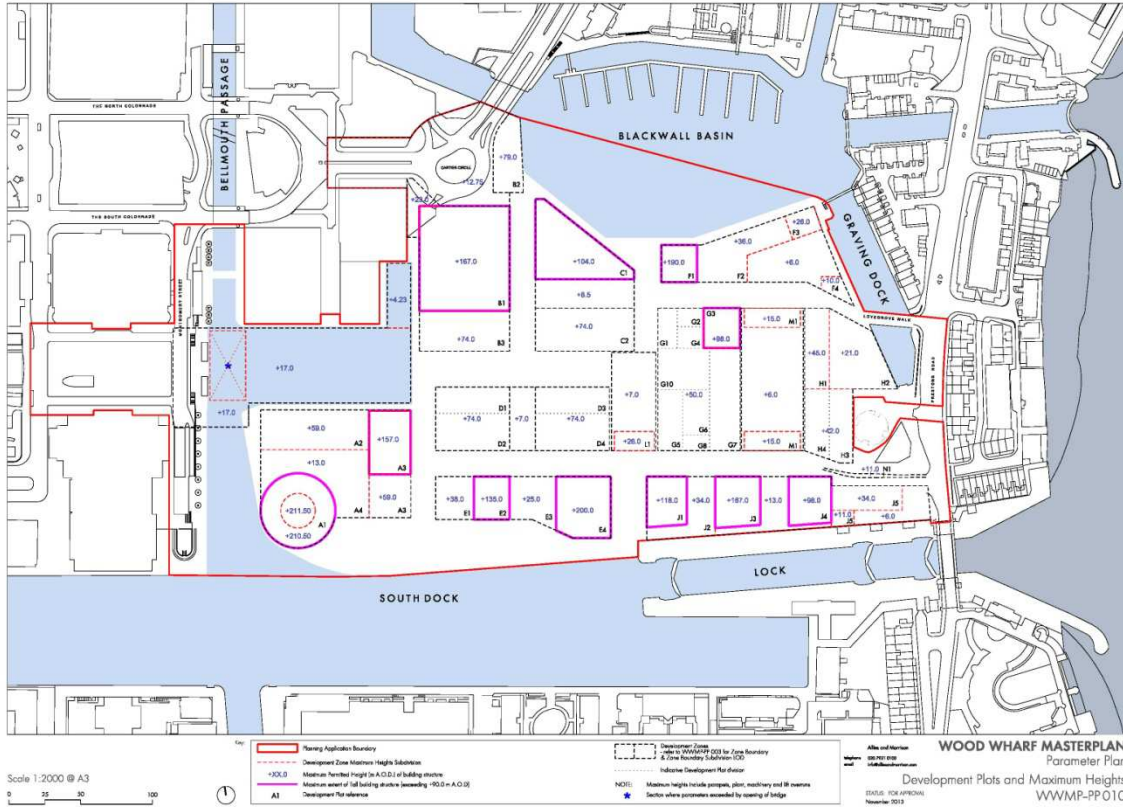


Figure 10: Parameter Plan 010

Development Zone	Maximum Length	Maximum Width	Development Plot	Maximum Height (AOD)
A	105.5	96.5	A1	211.5
			A2	59.0
			A3	157.0
			A4	13.0
B	107.0	68.0	B1	167.0
			B2	79.0
			B3	74.0
C	111.0	74.0	C1	104.0
			C2	74.0
D	122.0	54.5	D1	74.0
			D2	74.0
			D3	74.0
			D4	74.0
E	124.0	49.0	E1	38.0
			E2	135.0
			E3	25.0

			E4	200.0
F	134.5	60.0	F1	190.0
			F2	36.0
			F3	26.0
			F4	10.0
G	109.5	62.5	G1, G2, G4	50.0
			G3	98.0
			G5-G8	50.0
			G10	50.0
H	113.0	70.0	H1	45.0
			H2	21.0
			H3	42.0
			H4	42.0
J	179.0	49.5	J1	118.0
			J2	34.0
			J3	167.0
			J4	98.0
			J5	34.0
K	165.5	52.5	K	17.0
L	78.5	40.5	L1	26.0
M	109.5	53.0	M1	15.0
N	55.0	21.0	N1	11.0

All figures in m AOD; Source A&M 04-11-13, Refer to Parameter Plans PS003 & PS010 for clarity

Figure 11: Table 5

- 4.51 Parameter Plan 11 and Development Specification Table 6 show the extent of reclaimed land and build-over in South Dock, Blackwall Basin and Graving Dock. Graving Dock is proposed for a Nature Conservation Area. These should be read in conjunction with PP03 and PP05 which requires Zones K, Q and R to be predominately (defined as 51% or more) waterspace.

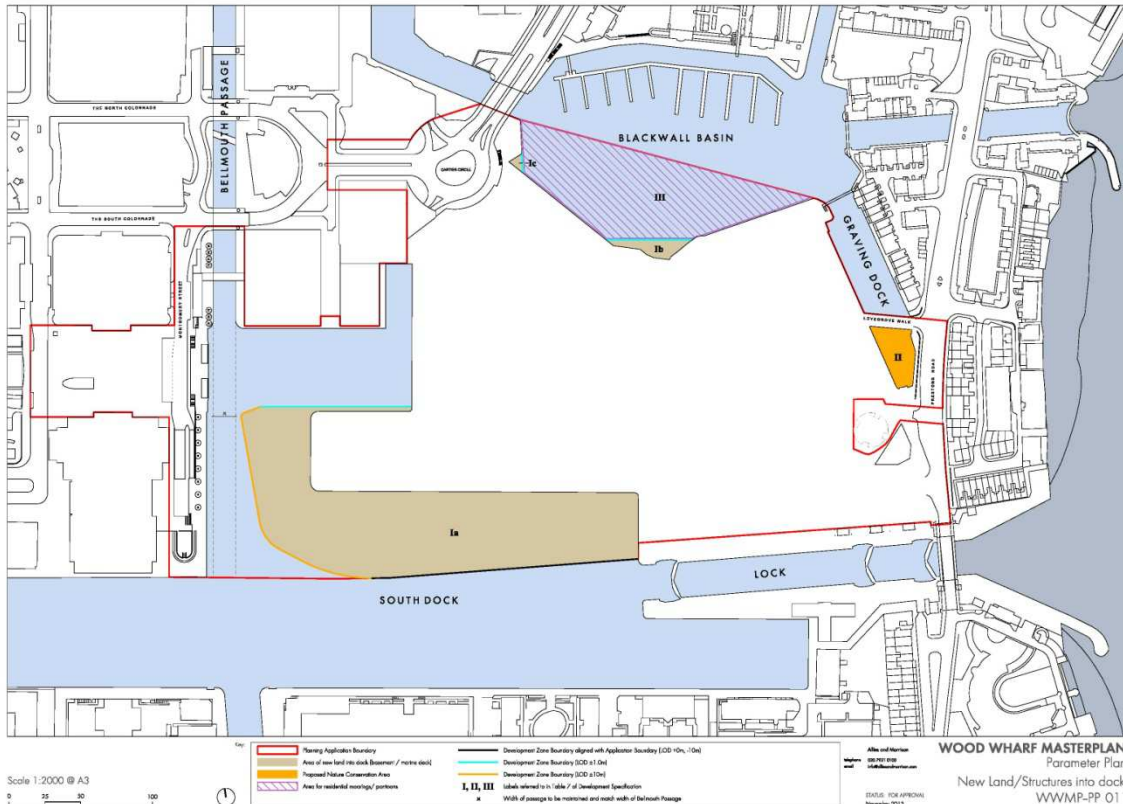


Figure 12: Parameter Plan 011

New Land /Structures into Dock		Maximum Length	Maximum Width	Maximum Height (AOD)
I. Areas of new land into dock (basement / marine deck)	a	286.5	120.5	7.5
	b	63.0	14.5	6.5
	c	14.0	10.0	6.5
II. Proposed Nature Conservation Area		43.5	32.0	7.0
III. Area for residential moorings / pontoons		205.0	82.0	7.0

Figure 13: Table 6

- 4.52 Parameter Plans 12 and 13 show existing and proposed site levels and demonstrate that the existing site is broadly flat at around 5.50m AOD with the exception of Cartier Circle rising up to 12.75m AOD. The proposed levels are also broadly flat at around 1m higher (6.5m AOD), again with the exception of Cartier Circle.
- 4.53 Table 3 of the Development Specification sets out the minima and maxima in respect of car parking and the minima in respect of cycle parking and publicly accessible open space.

Category	Minimum	Maximum
Car and Motorcycle Parking	600 spaces	1300 spaces
Cycle Parking	3000 spaces	No maximum
Public Open Space (excluding areas of water and incidental space) but including publicly accessible play	2.5ha	No maximum

Figure 14: Table 3

4.54 Table 4 of the Development Specification shows the target dwelling mix broken down by tenure and type (number of bedrooms).

Tenure	Type	% by unit
Open Market	Studio	5 – 20%
	1 bed	20 – 40%
	2 bed	20 – 40%
	3+ bed	5 – 20%
Intermediate	1 bed	45-55%
	2 bed	35-45%
	3+ bed	5-10%
Affordable/Social Rented	1 bed	30%
	2 bed	25%
	3 bed	30%
	4+ bed	15%

Figure 15: Table 4

4.55 Along with these applications, an Indicative Scheme has been submitted. It is not submitted for approval rather it represents one way in which the development may be brought forward in accordance the specifications, parameters and guidelines identified. The applicant advises that that the Indicative Scheme represents their favoured approach to development on the site at the current time. It would, inter alia, provide 3,104 homes (604 of which would be affordable), circa 240,000sqm (GIA) of office floorspace and circa 31,500sqm (GIA) of retail uses and provide circa 29.500sqm of publicly accessible open space along with a primary school, Idea Store, Health facility and Leisure centre.

5. Environmental Impact Assessment

EIA Regulations

5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' which has the potential to have significant effects on the environment.

- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 5.3 The 'environmental information' comprises the applicant's Environmental Statement, including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

EIA Scoping

- 5.4 An EIA Scoping Report was submitted to LBTH on the 26th October 2012 to seek a formal Scoping Opinion. The EIA Scoping Report included a description of the proposed development and was accompanied by a location plan of the site and a list of the cumulative schemes to be assessed within the ES.
- 5.5 A formal EIA Scoping Opinion was issued on 11th December 2012 and the ES was informed by this document.

Environmental Information

- 5.6 An Environmental Statement (ES) was submitted by the applicant with the outline planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):
- Chapter 1 Introduction
 - Chapter 2 Approach to Assessment
 - Chapter 3 Area for Development
 - Chapter 4 Description of Proposals
 - Chapter 5 Planning Policy
 - Chapter 6 Socio Economic Analysis
 - Chapter 7 Cultural Heritage and Archaeological
 - Chapter 8 Townscape and Visual
 - Chapter 9 Transport
 - Chapter 10 Waste
 - Chapter 11 Noise and Vibration
 - Chapter 12 Daylight, Sunlight, Overshadowing, Light Pollution and Glare
 - Chapter 13 Ecology and Nature Conservation
 - Chapter 14 Wind Microclimate
 - Chapter 15 Air Quality
 - Chapter 16 Water Resources and Flood Risk
 - Chapter 17 Ground Resources and Contamination
 - Chapter 18 Cumulative Effects and Conclusions
-
- Appendix A Cumulative Schemes
 - Appendix B Construction Management Plan
 - Appendix C Framework Environmental Management Plan
 - Appendix D EIA Visual Impact Study (A3 version)
- 5.7 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate reference was made to other relevant documents submitted with the planning application.

- 5.8 LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 5.9 In response to this, the applicant provided additional information which addressed the identified clarifications. The majority of the potential requests for 'further information' under Regulation 22 were also addressed, and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications. It was however noted, that a small number of the points would need to be addressed as part an ES Addendum, which also updated the EIA in respect to a number of amendments to the application.
- 5.10 The ES Addendum was submitted in May 2014 and was advertised as 'further information'. As with the ES, the ES Addendum was reviewed by LUC who identified a small number of new clarifications and potential Regulation 22 requests of which the applicant was again informed.
- 5.11 The applicant provided additional information which was reviewed and considered to address the new clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 5.12 LUC has confirmed that, in their professional opinion, the ES and ES Addendum are therefore together compliant with the requirements of the EIA Regulations.
- 5.13 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.14 The ES, ES Addendum, other relevant documentation submitted with the planning application, clarification information, consultee responses, representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when assessing this planning application.

The Assessment

- 5.15 The Wood Wharf planning application is in outline with all matters reserved. The outline planning application seeks to establish the principles for the proposed development against which future more detailed 'reserved matters' applications will be considered, in terms of both the general scale of development and the land uses considered appropriate throughout the development site.
- 5.16 Where an EIA is required, the description of the development within the ES must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the likely significant impacts of the proposed development to be identified. A series of parameters therefore provide the context for how the development can come forward. These parameters take the form of a series of spatial Parameter Plans, accompanied by a series of quantitative and qualitative non-spatial parameters which are set out in the Development Specification and in the Design Guidelines. These include, for example, the quantum of floorspace and heights, widths and lengths of Development Plots to create 'building envelopes' within which the development, including detailed building design, will come forward at

reserved matters stages. These documents are to be 'approved' and therefore if the planning application is to be approved, the parameters will become fixed in order to keep the development within those assessed in the ES.

- 5.17 A number of other documents have also been submitted in support of the application and set out additional information. This includes an Indicative Scheme which represents one way in which the development may be brought forward in accordance the specifications, parameters and guidelines identified. The applicant advises that that the Indicative Scheme represents their favoured approach to development on the site at the current time.
- 5.18 In accordance with the EIA Regulations, the EIA focuses on an assessment of the parameters of the proposed development as detailed within the plans and documents. In most cases, the assessment focuses on the Maximum Parameters as this will generally constitute the worst case scenario. A number of chapters have assessed the Indicative Scheme where it is necessary due to the level of information required for a meaningful assessment, or where it presents the worst case for a specific technical assessment.
- 5.19 Each chapter explains the development parameters on which the assessment is based and why they have been used as the basis of the assessment.

Likely Significant Effects

- 5.20 The ES, publicly available on the planning file, identify any likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change. Where the ES identifies harm that requires mitigation, appropriate planning conditions /obligations would be added to the permission and legal agreement. Any changes to effects assessed are addressed by requirements under the EIA regulations relating to subsequent applications.
- 5.21 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Mitigation measures will be secured by way of planning conditions and/or planning obligations as appropriate.

6. NOT USED

7. RELEVANT PLANNING HISTORY

7.1 The full site planning history is a matter of public record. Listed below are the most relevant applications:

7.2 PA/08/01215: Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);

- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

- Creation of canal and other engineering infrastructure.

Granted 18/05/2009.

7.3 PA/08/01218: Listed Building Consent application for partial demolition of a small section of the southern dock wall to Blackwall basin, for the creation of a new canal between South Dock and Blackwall Basin, and the introduction of piled foundations to anchor structures within the Basin, and other associated works as part of a comprehensive mixed use redevelopment of Wood Wharf: Granted 18/05/2009

7.4 PA/09/00909: Conservation Area Consent application for demolition of building to the west of Prestons Road and east of Canary Wharf in connection with the redevelopment of Wood Wharf pursuant to Planning Permission ref. PA/08/1215 dated 18th May 2009. Granted 21/07/2009

7.5 PA/10/00050: Non-material amendment to PA/08/01215 for hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

Creation of canal and other engineering infrastructure.

Amendment comprises the inclusion of Scale Parameters for Building Envelopes W12E, W12F, W12G, W12H, W12J and W12K into condition 8 of planning permission PA/08/1215.

Granted 20/01/2010.

- 7.6 PA/11/02174: Application to replace extant planning permission PA/08/01215 dated 18th of May 2009 for:-

Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

Creation of canal and other engineering infrastructure.

Granted 29/03/2012.

- 7.7 PA/11/03438: Application to replace extant listed building consent dated 18th May 2009, reference PA/08/1218:

Partial demolition of a small section of the southern dock wall to Blackwall basin, for the creation of a new canal between South Dock and Blackwall Basin, and the introduction of piled foundations to anchor structures within the Basin, and other associated works as part of a comprehensive mixed use redevelopment of Wood Wharf.

Granted 12/04/2012.

- 7.8 PA/11/03439: Application to replace extant conservation area consent dated 21st July 2009, reference PA/09/909:

Demolition of building to the west of Prestons Road and east of Canary Wharf in connection with the redevelopment of Wood Wharf pursuant to Planning Permission ref. PA/08/1215 dated 18th May 2009.

Granted 12/04/2012.

- 7.9 PA/12/02829: Request for Scoping Opinion in respect of information to be contained in Environmental Impact Assessment to be submitted in support of an application for:

- Circa 270,000m² Office floorspace (GIA).
- Circa 290,000m² Residential floorspace (GIA).
- Circa 8,000m² floorspace (GIA) for Community and Leisure facilities
- Circa 27,000m² Retail floorspace (GIA).
- A number of buildings which will vary in height across the Site. These will generally be 10 to 14 storeys along principal and secondary streets with taller tower elements ranging in height from 20 to 60 storeys.

- Associated infrastructure, including the creation of structures in and over Blackwall Basin and South Dock.
- A High Street leading from Montgomery Square through to Prestons Road, including a new bridge link.
- Public parks adjacent to Blackwall Basin to the north and South Dock to the south and associated bridge connections.
- Reinstating a canal to connect Blackwall Basin to South Dock.
- Associated car parking, landscaping, services and plant.

Scoping Opinion issued 11/12/2012.

- 7.10 PA/13/02974: Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2,400 sq.m of Class A3 (restaurants and cafes) and A4 (drinking establishments) floor space (including food markets) and sui generis (theatre, outdoor exhibition/sporting uses (falling outside of Class D1) and ancillary uses to comprise no more than 14,999 sq.m of enclosed floor space; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a limited period until 28th February 2016: Planning Permission granted 3rd June 2014.
- 7.11 PA/13/02969: The erection of part of a cofferdam structure in South Dock and ancillary or associated engineering works and operations (“enabling works”): Under consideration.
- 7.12 There are relevant unimplemented planning permissions in the vicinity of Wood Wharf. These are contained with the Environmental Statement and its addendum, which are part of the public file.

8. POLICY FRAMEWORK

- 8.1 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.
- 8.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application[s] such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application[s]:
- 8.3 Core Strategy Development Plan Document 2010 (CS)

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

SP13 Planning Obligations

Annexe 9: LAP 7 & 8: Canary Wharf

8.4 Managing Development Document (2013) (MDD)

Policies:	DM0	Delivering Sustainable Development
	DM1	Town Centre Hierarchy
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM7	Short Stay Accommodation
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM12	Water spaces
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM18	Delivering schools and early learning
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

Site Allocation 16: Wood Wharf

8.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012
Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)
Isle of Dogs Area Action Plan October 2007
Wood Wharf [Masterplan] SPG 2003

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

1.1	Delivering Strategic vision and objectives London
2.1	London
2.5	Sub-regions
2.9	Inner London
2.10	Central Activity Zone
2.11	Central Activity Zone - strategic
2.12	Central Activities Zone - local
2.13	Opportunity Areas and Intensification Areas
2.14	Areas for Regeneration
2.15	Town Centres

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

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

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

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

8.9 London Plan Supplementary Planning Guidance/Documents

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

8.10 Government Planning Policy Guidance/Statements

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

9. CONSULTATION RESPONSE

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

9.2 The following were consulted and made comments regarding the applications:

LBTH Biodiversity Officer

9.3 The Biodiversity Officer

Subject to securing appropriate mitigation and the imposition of necessary conditions, there are no objections to approving this application from an ecology perspective.

(OFFICER COMMENT: The appropriate mitigation will be secured through the recommended conditions and s106 Heads of Terms.)

LBTH Waste Management Team

- 9.4 LBTH Waste Management raises no objections to the application.

LBTH Environmental Health

Contaminated Land

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

(OFFICER COMMENT: The conditions form part of the recommendation.)

Noise and vibration

- 9.6 LBTH Environmental Health raises no objections in respect of noise and vibration subject to conditions.

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

Air Quality

- 9.7 LBTH Environmental Health raise no objections subject to a condition requiring details of mitigation along all residential facades exceeding the NO₂ and PM₁₀ objectives as indicated in the submitted Air Quality Assessment along with a condition ensuring the appropriate mitigation of dust during construction.

(OFFICER COMMENT: Relevant conditions included.)

LBTH Communities Leisure and Culture

- 9.8 Following discussions with the applicant and the subsequent inclusion of relevant social infrastructure in line with the site allocation and Planning Obligations SPD in the draft s106 terms, CLC Strategy & Resources supports the application in principle subject to resolution of remaining issues around trigger points and possible future costs associated with the social infrastructure.

(OFFICER COMMENT: The remaining detailed points will be resolved during the detailed s106 drafting).

LBTH Housing

- 9.9 The applicant proposes an 80:20 tenure split between the affordable rented and intermediate units. Whilst this is not in adherence to the Council's 70:30 target, given the challenges of affordability for family intermediate housing this is a pragmatic response.

(OFFICER COMMENT: Planning officers agree with this judgement. The 80:20 split was actively sought by LBTH planning and housing officers to address the affordability challenges).

The applicant confirms that the affordable rented units will come forward at Pod affordable rent levels [subject to an annual increase of up to RPI+0.5%]. This is

welcome. It is acknowledged at outline stage, detailed discussions with prospective Registered Providers (RPs) would only be in their earliest stages. For the avoidance of doubt any prospective RP will need to be signed up to the Council's Common Housing Register, on the Councils' Preferred Partner framework and will need to be mindful of the fact that the rented units will be [first] let at Pod rents, inclusive of all service charges (including estate service charges). The current (2014-15) Pod Rents for the E14 postcode (this scheme), inclusive of all service charges should not exceed: 1 bed £224 per week, 2 bed £253 per week, 3 bed £276 per week, and 4 bed £292 per week.

Within the Intermediate housing product, the applicant proposes a preference for Intermediate Rented housing. However, it has been agreed that the s106 agreement will capture these units as 'Intermediate Housing' to allow for consideration of other forms of Intermediate products. The applicant has stated, by letter to the Corporate Director on 11th April 2014, that the rents for the Intermediate Rented product will not exceed 50% of Market for one bed, 65% of market for two bed and 60% of market for 3 bed and ensuring that the product is affordable to those earning up to £66,000 for 1 & 2 beds and £84,000 for 3 bed and larger and all the while also ensuring that the renter's total housing costs to not exceed 40% of their income. We would want this to be captured within the s106 agreement.

(OFFICER COMMENT: The s106/conditions will capture the above).

The applicant has provided an indicative unit mix. For the affordable rented units this would be; 28% one bed against a Local Plan target of 30%, 28% two beds against a target of 25%, 30% three beds against a 30% target, and a 14% provision of four and five beds against a 15% target. The level of family sized accommodation at 44% is slightly below our policy target of 45%. However, the mix is broadly in line with targets.

Within the Intermediate, the indicative mix is for a 50% provision of one beds against a target of 25%, 40% target of two beds against a target of 50% and a 10% provision of three beds against a target of 25%. There is an overprovision of one beds and under provision of two and three beds. We appreciate that the under provision of 3 beds is largely due to the difficulties in keeping the intermediate housing affordable in this high value area. We would stress that this is an indicative mix. The Development Specification contains the following parameters: 45-50% one beds, 35-45% two beds and 5-10% three beds. We would be keen to see the applicant deliver the two beds closer to the upper end of that range, i.e. 45%.

(OFFICER COMMENT: Officers agree the proposed mix appropriately balances policy targets and affordability and is supported).

The applicant has not yet provided any detail on unit layouts or where the affordable units will come forward. We appreciate that the detailed element of the scheme, including the layouts will come forward as separate Reserved Matters Applications. It should be stressed that there will be a requirement for all of the units to comply with the Lifetime Homes Standards and for 10% of the units across all tenures to be wheelchair accessible. At the time of the Reserved Matters Applications, we will need to see a schedule of the wheelchair accessible units showing which block they are in, unit size, tenure, floor location and whether they have designated disabled parking spaces. The wheelchair units should be accessible by at least 2 lifts. We will also require the applicant to submit scale 1:50 layout plans for each affordable rent unit for our Occupational Therapist and Access officer to review.

(OFFICER COMMENT: Chapter 4 of the Design Guidelines contain design standards, including ensuring that units will comply with Lifetime Homes and 10% of housing will be adaptable or accessible to wheelchair users. The detailed unit layout will be addressed at Reserved Matters stage).

LBTH Energy and Sustainability

- 9.10 LBTH's Energy and Sustainability Officer supports the application and revised Energy Strategy subject to any shortfall in the 50% reduction in carbon target being offset through a financial payment (to be used elsewhere to deliver carbon savings). The Officer requests the imposition of the BREEAM 'Excellent' standard for the office buildings and the Code for Sustainable Homes standard of 'Level 4' for residential buildings. For retail units less than 500sqm, the BREEAM standard should be 'very good'.

(OFFICER RESPONSE: The financial payment will be secured through the s106 and the requested conditions form part of the recommendation.)

LBTH Employment and Enterprise

- 9.11 Employment and Enterprise seek planning obligations in respect of exercising reasonable endeavours to seek to secure 20% local employment and 20% of contracts awarded to local businesses during both the construction and end-user phases of the development. Apprentice and work placement opportunities in both the construction and occupation phases are requested, as are an end-user engagement strategy and arrangements for future commercial occupiers to enter into Social Compacts to deliver training, employment and skills benefits to local residents. A policy compliant contribution towards construction and end-user skills is also sought within the context of the agreed Employment and Training Strategy Framework.

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

LBTH Highways

- 9.12 Analysis of highways issues was undertaken by the Council's consultants, WYG. LBTH Highways have written to confirm they endorse WYG's conclusions and support the negotiated s106 offer. WYG's conclusions are included in the main body of this report.

LBTH Arboricultural Officer

- 9.13 The LBTH Arboricultural Officer advises that it should be ensured that there is sufficient soil depth [above the basement roof] to successfully establish a range of trees.

(OFFICER COMMENT: The Design Guidelines has been amended to reflect this advice, in particular paragraph 5.9.2 of the Revised Design Guidelines).

NHS Clinical Commissioning Group

- 9.14 Tower Hamlets Clinical Commissioning Group confirm their support for the s106 Health offer, which comprises either the delivery of a facility 1,076sqm for up to 9 GPs or in the event the Council did not exercise its option for physical delivery, a financial contribution in accordance with the Planning Obligations SPD.

(OFFICER COMMENT: This will be secured through the s106 and is in line with the Local Plan's Site Allocation).

London Fire and Emergency Planning Authority (LFEPA)

9.15 LFEPA provides some general advice in respect of fire safety.

(OFFICER COMMENT: It should be noted that LFEPA will be consulted on the detailed design stages).

National Grid

9.16 National Grid raises no objections to the proposal.

National Air Traffic Services Ltd (NATS)

9.17 NATS raise no objections to the proposal.

Environment Agency (EA)

9.18 The EA raise no objections to the application subject to conditions in respect of ensuring the development is carried in accordance with the approved documents, including the compensatory flood storage measures, and in respect of securing a wetland management plan to ensure the wetland area and aquatic habitat are managed in such a way as to protect and enhance the ecological value of the dock.

(OFFICER COMMENT: The conditions are included within the recommended decision).

English Heritage

9.19 English Heritage does not object in principle to the application but have directed the Council to impose certain conditions. They also comment that in view of the loss of historic fabric and harm to the grade I listed structures, the public benefits should clearly identify the benefit to the historic assets and the wider heritage of the West India Docks, in addition to the other benefits that one would expect to secure with a development of this scale.

(OFFICER COMMENT: Officers consider that 'less than substantial' harm is caused to heritage assets. The following wider public benefits have been sought in accordance with English Heritage's advice:

- A 'scheme of Interpretation' for the site to be worked up in conjunction with the Museum of Docklands
- Recording and publication of concealed heritage assets and dock wall
- Re-use of salvaged masonry wherever possible
- Repair of retained listed dock walls to 'conservation standard'
- £100,000 offer to renovate the three cranes outside the site boundary near the 'Blue Bridge'.

The proposed conditions are included within the planning application and listed building consent recommendations.)

English Heritage - Archaeology

- 9.20 The Greater London Archaeology Advisory Service (GLAAS) raise no objections subject to a condition to secure a Written Scheme of Investigation to safeguard assets of archaeological or historic interest.

(OFFICER COMMENT: The requested condition has been included).

Greater London Authority (GLA)

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

- Support the principle of a high density mixed use development within the Canary Wharf Town Centre and Isle of Dogs Opportunity Area.
- The site is within a location identified for tall buildings, and the indicative architecture, form and scale of development is acceptable in principle.
- The scheme includes affordable housing, which is still the subject of discussion and negotiation to ensure the maximum reasonable amount would be delivered.
- Other strategic issues such as inclusive design, climate change mitigation and adaptation and residential quality are generally acceptable.
- This is a very major development of one of the largest sites within the Isle of Dogs Opportunity Area. If delivered, the development will be transformative and have significant regeneration, visual and economic impacts on the area, as well as provide significant new housing and affordable housing.
- The application is broadly acceptable in strategic policy terms however, further information and/or clarification as detailed below is required before it can be confirmed that the proposal is in full accordance with the London Plan:
 - **Principle of use:** The principle of a mixed use scheme with retail, offices, hotel, community uses and homes in the Isle of Dogs Opportunity Area is in accordance with London Plan policies 2.10, 2.11, 2.13, 3.7, 4.2, 4.5, subject to appropriate conditions being secured as part of any planning permission.

(OFFICER COMMENT: Appropriate conditions have been included to secure a mixed-use development).

- **Housing:** The principle of housing on this site is acceptable however, the affordable housing offer is still the subject of negotiation and verification in order to ensure the maximum reasonable amount is secured in accordance with London Plan policy 3.12 and that on-site affordable housing is prioritised. The scheme proposes a range of units in accordance with London Plan policies 3.8, which will need to be secured by condition.

The applicant's design guidelines set out commitments to ensuring that the residential quality is in accordance with the Housing SPG. Extensive areas of play and open space would be provided in accordance with the Mayor's SPG. The density exceeds London Plan guidelines, but optimises development on the site in accordance with London Plan policy 3.4.

(OFFICER COMMENT: Officers can confirm the affordable housing offer has been maximised, with priority given to on-site affordable housing. Appropriate conditions ensure that units as a minimum achieve London Plan standards).

- **Tall buildings, views, urban design:** The design is of a high standard and would provide a positive contribution to the Canary Wharf and London's skyline, without detriment to the views from or the setting of the Greenwich World Heritage Site. The Design Guidelines set out a number of commitments in terms of residential quality, which should be secured as part of any planning permission.

(OFFICER COMMENT: The design guidelines have been secured as part of the permission).

- **Inclusive design and access:** The applicant's commitment towards creating an inclusive environment is welcomed and the access statement and design code set out a number of guidelines which would be adhered to including Lifetime Homes standards, 10% wheelchair accessible units, and in relation to routes, levels, and landscaping. These details should be secured as part of the planning permission to ensure they are adhered to at reserved matters stage.

(OFFICER COMMENT: The aforementioned details are secured as part of the planning permission).

- **Climate change:** The applicant has broadly followed the energy hierarchy to reduce CO2 emissions. Sufficient information has been provided to understand the proposals as a whole and whilst the carbon savings fall short of London Plan standards, a carbon off-setting payment is proposed. Sustainability measures are proposed and should be secured by way of condition.

(OFFICER COMMENT: Conditions have been included to secure appropriate sustainability measures).

- **Blue Ribbon and biodiversity:** The scheme proposes the partial infilling and decking over of waterways and would impact upon existing wildlife habitats. A number of design features and mitigation measures are proposed, including landscaping, biodiversity islands and green/brown roofs to compensate for this loss and as such, the scheme is acceptable in strategic planning terms, subject to the measures being secured by condition.

(OFFICER COMMENT: Appropriate conditions have been included to secure the mitigation measures).

- **Transport:** The proposal is generally acceptable in relation to access, parking levels, and walking routes however further information is required regarding trip generation, modelling, public transport is

required, and appropriately worded conditions and s106 contributions secured.

Some further work on the transport strategy is required together with wider section 106 contributions, in order to ensure that the scheme fully accords with the London Plan.

(OFFICER COMMENT: Since these comments from the GLA on the 5th February, significant additional work has been done in respect of the above. As a consequence, TfL, our transport consultants, WYG, and our Highways Department now support the proposed trip generation methodology and modelling and the s106 package. Appropriate conditions are attached to the recommended decision).

Natural England

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

(OFFICER COMMENT: The advice from Natural England has been noted. LBTH's Biodiversity Officer (see paragraph 9.3 and Chapter 21 of this report) confirms that the scheme including its mitigation measures is acceptable in biodiversity terms.

Historic Royal Palaces (HRP)

- 9.23 HRP concludes that the effect on the setting of the Tower of London World Heritage Site would be minimal.

Transport for London (TfL)

Trip generation

TfL's initial response sought clarifications regarding trip generation. The applicant provided further clarifications. TfL now consider the trip generation predictions to be satisfactory.

Highway Modelling

TfL has reviewed the applicant's TRANSYT modelling and considers it has been produced to a good standard. The model predicts that the development exacerbates existing capacity issues at the Junction of Aspen Way and Preston's Road. This indicates that the impact of the development on the network should be mitigated and/or demand management measures should be secured.

TfL advise that the proposed £500,000 to facilitate post permission traffic, modelling and highway design studies along with a contribution of £2,500,000 towards improvements at Preston's Road roundabout is an appropriate response to the identified capacity issues at this junction.

(OFFICER COMMENT: It is noted the likely costs of the works to the Roundabout will exceed £2.5m, however it is likely that other developments coming forward in the area will also be required to make a contribution towards these works. The contribution secured is appropriate to the scale of impacts that are likely to result from the proposed development.)

Walking and Cycling

TfL confirm that, given the predicted traffic levels and low speed environment that is proposed, cyclists could safely operate on carriageway and there is no requirement for segregated cycle highways.

TfL note that as the scheme is in Outline, any planning permission should ensure clarity with regard to the layout and how it will provide a satisfactory network for all relevant transport modes. The Council should therefore secure an illustrative reconciliation plan to show how all primary and secondary roads, pedestrian and cycle routes will be set out as well as ensuring a bus route is capable of being integrated into the development.

(OFFICER COMMENT: A condition has been recommended to secure the above).

Given the long build out period associated with this development, TfL recommends a site wide walking and cycle strategy prior to the submission of details of each phase or building plot as appropriate and a reconciliation plan of temporary/permanent routes and any management measures that are necessary.

(OFFICER COMMENT: The s106 / conditions as appropriate will secure the above).

For the operational phase of development, TfL notes the applicant's view that the Canary Wharf signage should be installed but maintains that Legible London signage is the most cost effective wayfinding system and therefore recommends that it is secured through the section 106 agreement.

(OFFICER COMMENT: A condition has been recommended to secure an appropriate wayfinding strategy for each of the detailed phases).

Docklands Light Railway

TfL advise that they previously secured £9 million to mitigate the impact of additional DLR trips on the network within the previous application. Since then, 3-car operation has been implemented on all Bank-Woolwich Arsenal weekday services. As such this request for mitigation is no longer considered necessary.

Buses

TfL notes that the indicative design of the site would enable buses to operate from Preston's Road to Cartier Circle and to Montgomery Square via the proposed Montgomery Bridge. As such the potential for increasing bus movement through this part of the Isle of Dogs represents a significant improvement from the previous consented design and is therefore strongly supported.

The forecast bus trip generation indicates demand for up to 9 double deck buses. To mitigate this, a section 106 contribution of £5m is required towards additional bus capacity and a contribution of £250,000 towards the upgrade of bus stands is also required.

In order to ensure that the buses are able to be routed through the site, and to allow for the potential for buses to stand within the site during the earlier phases, conditions should be attached to any planning permission that require details of stops, stands and driver toilets to be provided in consultation with TfL.

(OFFICER COMMENT: Secured as part of the s106).

TfL welcome the s106 offer of £5 million for bus capacity contribution and support the proposal that it would be triggered by phase rather than by plot to enable TfL to front load bus capacity improvements to the earliest possible phase of development.

TfL support the £250,000 sum for bus infrastructure (including stops and stands).

(OFFICER COMMENT: These contributions will be secured as part of the s106).

Underground

The transport assessment predicts that from 2018 rail based trips would be broadly split: 50% on Jubilee Line, 25% on the DLR and 25% on Crossrail. With the planned Jubilee line fleet expansion to enable higher frequency peak services, the impact and also ability of Jubilee line to cope with the proposed development has improved. With relatively little development coming forward prior to 2018, the anticipated transfer of demand to Crossrail will mitigate the impact of additional rail based trips on the capacity of the Underground network.

The proposed construction of the Montgomery Bridge will also impact on TfL's underground infrastructure. TfL is currently in discussion with the applicant with regards to granting appropriate rights to facilitate construction and will incorporate commercial terms as appropriate. There are also operational and maintenance concerns associated with this proposal and TfL will seek to address these within the agreements with the applicant. They include TfL's expectation to secure the obligations in respect of the following matters:

- An operation and maintenance regime for the bridge with LU particularly in the event of an emergency;
- Light the area below the bridge;
- Maintain the area below the bridge in terms of cleaning surfaces, litter picking etc.;
- Ensure the area beneath the bridge does not attract antisocial behaviour;
- Not to undertake any works within the dock without agreement with LU to protect the tunnels and station from damage and / or flooding; and,
- Not to undertake any works within the vicinity of Montgomery Square without agreement from LU to ensure that operational infrastructure and access (fire brigade, ventilation etc) are not adversely affected.

(OFFICER COMMENT: These will be secured as part of the s106).

Cycle Hire

The Wood Wharf development will change demand for cycle hire in this area due to the substantial increase in residential, office and retail space. The installation of new docking stations within the site itself will therefore be necessary to mitigate the expected increase in demand for cycle hire use. Provided the new stations are of a reasonable size, they will overcome any potential issues with redistributing bicycles to serve a mixed use development.

It is therefore recommended that at least 2 large docking stations with a minimum of 90 docking points in total are secured with this development. In addition, it is also

recommended that a docking stations of at least 45 points is located to the north west of the site to manage the demand coming from Canary Wharf along with a 45 point station is to be located in the south east to manage demand to the eastern side of the development as well as tie in to the new pier proposed as part of the Mayor's River Strategy.

Approximately 35 metres are required for a docking station of 45 docking points, however there are many options for splitting docking stations and if there is sufficient space, locating stations back to back. Further discussion is welcomed in order to identify potential locations. Land should accordingly be secured within the section 106 agreement to enable the docking stations to be constructed when necessary.

TfL estimates that the total cost of two 45 docking point stations would be £420,000. This sum would also cover securing planning permission, designs, assets, construction and maintenance costs and be secured through the section 106 agreement.

(OFFICER COMMENT: The s106 will secure the land within the development for 2 large docking stations and a Public Access Plan will secure access to these docking stations. In addition, the s106 will secure £420,000 for TfL to deliver two 45 docking point stations, one to the north-west and one to the south-east of the development).

Travel Plan, Servicing & Construction

TfL welcomes the submission of both a side wide framework travel plan and a residential travel plan. It is noted that the content of both plans have been reviewed using TfL's ATTrBuTE assessment tool and that they are satisfactory.

A Construction Logistics Plan (CLP) has also been prepared by the applicant, which is welcomed. The provision of the final CLP, and its implementation thereafter, should be secured through planning condition.

TfL also welcomes the submission of a delivery and service plan (DSP). As with the CLP above, it should be secured through the planning process.

(OFFICER COMMENT: The above will be secured through conditions or s106 as appropriate).

Crossrail

TfL confirms that the section 106 agreement must trigger a Crossrail contribution by plot, upon commencement and that the sum will be determined in accordance with Crossrail SPG. It is expected that some cases the Mayoral CIL credit will exceed the SPG sum.

(OFFICER COMMENT: Noted. The Crossrail contribution will be secured in a Crossrail SPG compliant manner.)

Metropolitan Police

- 9.24 The Secure by Design officer provided details with regards to good practice which can be taken forward at detailed design stage and requested a condition in respect of Secure by Design standards.

(OFFICER RESPONSE: Advice noted and condition added to recommendation).

Thames Water

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

Thames Water further advises of an inability of the existing waste water infrastructure to accommodate the needs of this application and has requested a condition relating to a drainage strategy.

(OFFICER COMMENT: The requested conditions have been added).

London Underground Limited (LUL)

- 9.26 LUL has referred the Council to the response of TfL and confirmed that their response is incorporated into TfL's.

London City Airport (LCY)

- 9.27 LCY has no safeguarding objection subject to conditions.

(OFFICER COMMENT: Conditions form part of the recommendation).

Crossrail Ltd

- 9.28 Crossrail raised no objections subject to a condition.

(OFFICER COMMENT: Condition form part of the recommendation).

London Legacy Development Corporation

- 9.29 The LLDC write to confirm they have no comments to make on the application.

BBC - Radio and Television Investigation Service

- 9.30 The BBC request that an independent survey is undertaken at the appropriate time and an s106 obligation covers, in full, the rectification of any adverse effects on radio and television service as a result of this development.

(OFFICER COMMENT: Appropriate obligation added).

Network Rail

- 9.31 Network Rail confirms they have no observations to make in respect of the application.

Royal Borough of Greenwich

- 9.32 RB Greenwich raises no objections to the proposal.

Canal and River Trust (CRT)

- 9.33 CRT requests the imposition of certain conditions relating to health and safety and the structural integrity of the dock, details of sound mitigation measures, details of landscaping, lighting, CCTV, surface and ground water, safeguarding the dock walls and investigation for the potential to move freight by barge.

(OFFICER COMMENT: All of these requests have been incorporated into the recommended conditions).

Port of London Authority (PLA)

- 9.34 The PLA raise no, in principle, objections. They make specific comments in regards to navigational safety and request a s106 obligation [capped at £81,500] to mitigate the effects of the development. The PLA encourage the use of barges to transport materials and waste during construction, encourage measures to increase the use of river buses and seek to ensure the development would not fetter operation of the safeguarded Northumberland Wharf.

(OFFICER COMMENT: In respect of navigational safety, an appropriate s106 obligation will be secured. In respect of the use of water to transport construction materials and waste, a condition is recommended to undertake a feasibility study with a view to maximising the use of barges where it is reasonable to do so. In relation to river buses, the target modal share has been increased and will be targeted through travel plans. Finally, in relation to the effect on the safeguarded Wharf, LBTH Environmental Health's Noise Officer considers it unlikely that the effect of this development would materially affect the operation of the Northumberland Wharf).

Sport England

- 9.35 Sport England has written to confirm they have no comments on make on the application.

Conservation and Design Advisory Panel (CADAP)

- 9.36 CADAP minutes were as follows:

Members welcome the use of a traditional street pattern with squares with an informal 'London' grid rather than a more rigid North American one. The masterplan was thought to be considerably richer in content and variety of spaces than the two previous masterplans.

Members acknowledged the attention that has been given to defining the spaces and relating them to other London squares and enclosing views. The height of the surrounding buildings was far greater in this case and the validity of comparison with traditional squares surrounded by four or five-storey buildings was questioned by some.

Defining the role of key buildings and allowing other architects to interpret how this should be done was thought a valid approach. The Design Guidelines should identify key buildings which require "special" treatment, together with a process for ensuring the highest quality design and materials for these buildings.

(OFFICER COMMENT: Development plots such as Development Plots C2 and G10 have been identified as key plots).

Consideration should be given to how architectural diversity can be ensured throughout the life of the development – potentially through a commissioning strategy for the masterplan with input from the Council.

Some members regretted that the central canal was not being reinstated, whilst others recognised the need not to subdivide the site and thus inhibit circulation through it. Those in favour thought it would give a greater connection with maritime heritage, increase waterfront outlook, provide a useful water link and a greater sense of place. In either case, members considered it vital that the grittiness of the site's history as a key part of London's docklands is used more specifically to establish a sense of place.

(OFFICER COMMENT: The justification for the omission of a canal has been addressed in detail in paragraphs 15.39-15.41 of this report. In summary a canal is unlikely to be of practical use, would have the potential to segregate uses and residents on either side of the canal, would reduce the amount of public realm and increase costs to the development which would impact the viability of the development.)

The pontoon walkway in Blackwall Basin allowing the Grade 1 Listed dock wall to be seen from the waterside was supported.

Some members thought that a greater mix of activity should be introduced to the buildings surrounding the two larger park spaces and that they should not be restricted to residential use.

(OFFICER COMMENT: The permission does not restrict uses adjacent to the parks, Development Zone G could be residential and/or commercial and Development Plot H2 may be a school).

More should be made of the parks themselves so that they are not just grass and mounds, e.g. there should be provision of various forms of activities, integrated play, seating.

(OFFICER COMMENT: The intention of the application is to deliver passive and active spaces to perform a range of different roles. Officers are confident this can be secured at reserved matters stage.)

Although only one edge of the roundabout at Cartier Circle is within the application site, some members thought that its scale warranted a more radical re-think of its treatment to give the principal entrance to the site more of a sense of place and reduce vehicular dominance.

(OFFICER COMMENT: Section 2.2. of the Design Guidelines sets out the role of Development Plots B1 and B2 in enclosing and activating Cartier Circle to improve its function as an urban space. It also emphasizes that these Plots should come forward cognizant of their importance as an entrance space to Wood Wharf along with the provision of a connection down to the Blackwall Basin waterside.)

Greater detail on public transport provision including bus, underground / overground, taxi and water transport would be useful at an early stage to inform the public realm parameters.

(OFFICER COMMENT: The development is designed with the intention that TfL will run buses through the site. A contribution of £5.25m will be secured to facilitate this.)

The two larger office buildings were noted as being very large and deep in plan. Further definition of the treatment these would be required to ensure they do not look too overbearing and squat.

(OFFICER COMMENT: Advice noted and will be addressed at the relevant reserved matters stage).

Members were keen to see with such a large development that a proper provision of affordable housing is delivered on site.

The ambition for each phase of the development to be “complete within itself” should be matched by a S106 agreement including triggers for adequate community facilities and public realm to be delivered upfront.

(OFFICER COMMENT: Careful attention has been paid to ensure each phase of the development is complete within itself, in particular in relation to public realm and highways and site-wide links. Appropriate levels of affordable housing, community facilities and public realm will be secured.)

9.37 The following organisations did not provide written representations to the consultation:

EDF, City of London Corporation, London Borough of Southwark, London Borough of Newham, 20th Century Society, Wildlife and Wetlands Trust, Maritime Greenwich Heritage Site, Docklands History Group (Museum of Docklands), Inland Waterways Association, Isle of Dogs Community Foundation, Barkatine Tenant’s and Resident’s Association and the Government Office.

10. LOCAL REPRESENTATION

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

10.2 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: 15 Objecting: 12 Supporting: 3 Comment: 0

10.3 The representations may be summarised as follows:

1) Association of Island Communities register their support for the scheme.

(OFFICER COMMENT: noted)

2) Cubitt Town Bangladeshi Cultural Association registers their support for the scheme, highlighting the ‘wide range of benefits...to the local community.’

(OFFICER COMMENT: Officers agree that the development will provide a wide range of benefits, including a library, leisure centre, health facility, school, a minimum of 25,000sqm of publicly accessible open space and circa 604 affordable homes to support the local community.)

- 3) Poplar Youth and Community Development Association supports the proposal and highlights its beneficial effects on employment and s106 contributions.

(OFFICER COMMENT: Noted. Officers agree the predicted 2000 construction jobs and 16,338 (net) jobs once the development is complete provide a wide range of job opportunities for Tower Hamlets residents).

- 4) Four signed letters have been received raising the following objections:

- The effects of poor quality natural daylight and in particular its detrimental effect on occupant's health;

(OFFICER COMMENT: The development as a whole provides good quality natural daylight, particularly for the high-rise high-density approach endorsed within the Council's Site Allocation.)

- The buildings are excessively tall, without benefiting the local community;

(OFFICER COMMENT: The development is in compliance with the Council's tall buildings policy and provides significant benefits for the local community.)

- The development, as a result of its density, will cause transport congestion and air pollution;

(OFFICER COMMENT: If the application is approved, £10.72m for transport improvements will be secured to mitigate the identified impacts on the transport network, including £2.5m for Preston's Road roundabout. The effects on the transport network are appropriately mitigated. The submitted Environmental Statement identifies no evidence to suggest that this development would result in undue levels of air pollution. The Council's Air Quality Officer has raised no objections to the application.)

- The construction effects (noise, dust) will harm the amenity of neighbouring residents;

(OFFICER COMMENT: The Environmental Statement identifies the effects of construction on neighbouring residents' amenity and advises that mitigation is necessary. This mitigation can be secured through conditions including a Demolition and Construction Management Plan. The effects of construction on neighbouring amenity would not justify refusing permission.)

- The tall buildings will look out of character with surrounding development and harm skyline views from neighbouring properties;

(OFFICER COMMENT: The Design Guidelines set the principles for high quality architecture and the tall buildings will consolidate the existing tall building cluster. The principle of tall buildings in this location is supported by the Local Plan. The development will significantly improve the appearance of the site as compared to the existing low-rise industrial buildings.)

- The tall buildings will cause a loss of daylight and privacy to neighbouring residents;

(OFFICER COMMENT: The effects on neighbouring residents' daylight are assessed within the Environmental Statement. Officers consider the development appropriately safeguards neighbouring properties amenity.)

- The objectors are concerned the development will be constructed from glass, which in their view would not represent the best way to develop the site;

(OFFICER COMMENT: The facing materials for each building will be controlled at reserved matters stage. The Design Guidelines do not imply that buildings will only be constructed from glass.)

5) An objector raises concern that:

- the development has insufficient regard to the dock and no new waterspace is being created.

(OFFICER COMMENT: The development undoubtedly has an impact on the docks and its character. However, inherent in the character of these docks is constant reinvention. The particular reinvention brings many significant public benefits in terms of the relationship of new buildings and opens spaces to the open water and the accessibility the development provides for the public to access and enjoy the waters' edge. New residential moorings will activate the southern side of Blackwall Basin, whilst moorings for visiting vessels are maintained in South Dock.

The omission of a canal has been addressed in paragraphs 15.39-15.41. In summary a canal is unlikely to be of practical use, would have the potential to segregate uses and residents on either side of the canal, would reduce the amount of public realm and increase costs to the development which would impact the viability of the development).

- The bridge from Montgomery Square and floating restaurants/bars in the adjacent Water Square further erode the waterspace and should be reserved for marine uses.

(OFFICER COMMENT: This particular area currently does not provide any significant marine use other than access between South Dock and Blackwall Basin, which is maintained. This area could be perceived as a 'dead' space unless it is activated through 'Water Square'. The Design Guidelines have been amended to ensure that the interventions into this waterspace minimise their impact).

- The design along the South Dock does not allow boats to moor on this dock edge.

(OFFICER COMMENT: The development allows for boats up to 30m long to moor on this dock edge.)

- The biodiversity island in Graving Dock erodes the waterspace around Wood Wharf.

(OFFICER COMMENT: The biodiversity island will cover no more 50% of the waterspace in Graving Dock. It will bring significant ecological benefits and

potentially educational opportunities with the adjacent Development Plot likely to contain a primary school.)

- 6) A property owner on Lovegrove Walk objects to the development as it is not considered that his property [envisaged to be demolished as part of this proposed scheme] is required as part of the development. The same objector raises concern with the use of the bridge connecting Lovegrove Walk to Preston's Road for the purpose of construction and its capacity to accommodate the required volume of traffic for the development post construction and how such traffic may impact on any remaining properties at Lovegrove Walk.

(OFFICER COMMENT: Any permission granted would not affect the objector's property rights. Construction vehicle routing will be controlled by condition. It is likely that the access road near the Blue Bridge will be the primary construction vehicle access/egress to/from the site).

- 7) Another objector argues that local residents do not benefit from these types of proposals as there are insufficient public facilities to accommodate growing demand on facilities such as schools and health facilities.

(OFFICER COMMENT: The development provides for a 420 child school and 9 GP health facility alongside a range of other community facilities and benefits. The development mitigates its impact on local infrastructure and services).

- 8) Save our Water object to the loss of dock heritage, in particular the loss of listed dock wall and waterspace. The objection raises particular concern with the building plot between Cartier Circle and Blackwall Basin and its effect on views of the O2 and loss of listed dock wall on the western edge of Blackwall Basin. They also raise objection on the basis of harm to biodiversity as a result of reclaiming land from the dock and the detrimental impact the cofferdam will have on views during construction. The objection includes concern with the Development Plot, F1, situated on the northern side of the development which could allow for a tower to come forward. The particular concern relates to the effect of its height on overshadowing properties on the north side of the basin and its effect on views from the same properties.

(OFFICER COMMENT: The development undoubtedly has an impact on dock heritage, through the loss of dock wall and waterspace. As set out in the Heritage chapter of this report, the development secures a range of public benefits including heritage benefits to support the proposal and these effects on dock heritage are necessary to optimise the development. It is noteworthy English Heritage, Historic Royal Palaces and the Council's Conservation Officer do not object to the proposal.

The development secures a range of biodiversity benefits set out in Chapter 21 of this report. The proposal is supported by the Council's Ecology Officer and Natural England has made no comment on the application.

Development Plot F1 is up to 190m high (AOD) and 25m wide. The distance from this Plot to the nearest façade of existing residential properties on the north of Blackwall Basin is 144 metres. The Parameters for this Development Plot would deliver a building that is slender in design and transient overshadowing analysis demonstrates the Plot would not have an undue effect on neighbouring properties. The properties on the northern side of basin will continue to have a

pleasant aspect across the Basin with a high quality development with a varied skyline around Blackwall Basin.

Development Plot B2 is adjacent to Development Plot F1 and is up to 79 metres AOD and forms an end-stop to the eastern extent of the Canary Wharf estate. It will perform a key role in defining and improving Cartier Circle as an urban space and provides a positive edge to the west side of Blackwall Basin where currently there is an elevated roundabout. The B2 Plot is appropriately scaled with its existing neighbours within Canary Wharf and the adjacent new buildings within the proposed scheme. Transient overshadowing analysis again demonstrates the Plot will have no undue effects on the existing neighbouring properties. The properties on the northern side of basin will continue to have a pleasant aspect across the Basin with a high quality development with a varied skyline around Blackwall Basin.)

- 9) Another objector considers that the proposal would place too much pressure on local infrastructure and services.

(OFFICER COMMENT: The development provides a range of community facilities and £10.72m towards improvements in the local transport network. The development mitigates its impact on local infrastructure and services).

- 10) Two further objections raise concern with the pressure on infrastructure, including the Jubilee Line station. The letters also believe the development should provide more than 165,000sqm of commercial development. Finally, they request that a condition should be added that no construction works would be undertaken on Saturdays.

(OFFICER COMMENT: Transport Analysis demonstrates that the development would not cause undue pressure on the Jubilee Line and TfL have not objected to the proposal. The development allows for between 165,000sqm to 350,000sqm of commercial development. Market demand will likely inform the amount of commercial floorspace that comes forward between these two parameters. Working hours and hours of use for noisy construction will be controlled through conditions).

- 11) An objector raises concern with tall buildings in the area.

(OFFICER COMMENT: The development provides for a range of low and mid rise buildings along with a cluster of tall buildings. The tall buildings are either located near Canary Wharf and/or near the waterfront).

11.0 ASSESSMENT OF APPLICATIONS

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

12: Land-use

- Principles
- Commercial and Economic benefits
- Hotel
- Retail and Town-Centre Uses
- Community Uses
- Phasing
- Density / Quantum of Development

13: Housing

- Principles
 - Affordable Housing
 - Housing Mix
 - Quality of Accommodation
 - Daylight and Sunlight
 - o Overshadowing, solar glare and light pollution
- 14: Amenity Space and Public Open Space
- Private Amenity Space
 - Communal Amenity Space
 - Public Open Space
 - Child Play Space
- 15: Design
- Principles
 - Streets
 - Spaces (including green grid)
 - Water (including blue ribbon network)
 - Building Typologies (including tall buildings)
 - Townscape
 - Microclimate
 - Secure by Design
 - Inclusive design
 - Security and Zone N
- 16: Heritage
- Introduction
 - Heritage Policies and Guidance
 - Strategic Views
 - Archaeology
 - Coldharbour Conservation Area and the Grade II Listed Gun Public House
 - Grade I Listed Dock Walls
 - Surrounding Conservation Areas, Listed Buildings and non-designated heritage assets
 - Harm and Consideration of Public Benefits
 - Conclusion
- 17: Neighbouring Amenity
- Privacy
 - Outlook / Sense of Enclosure
 - Daylight and Sunlight
 - o Permanent and Transient Overshadowing
 - o Solar Glare and Light Pollution
- 18: Transport
- Trip Rates
 - Vehicular Access
 - Car Parking
 - Cycling and Walking
 - Public Transport
 - o Buses
 - o DLR
 - o Crossrail
 - o Jubilee Line
 - Demolition and Construction Traffic
 - Servicing and Deliveries
- 19: Waste
- 20: Energy and Sustainability
- 21: Environmental Considerations
- Air Quality

- Noise, Vibration and Odour
 - Safeguarded Northumberland Wharf
 - Contaminated Land
- 22: Flood Risk
 23: Biodiversity
 24: Television and Radio Reception
 25: London City Airport Safeguarding Zone
 26: Health
 27: Impact on Local infrastructure and facilities
 28: Other financial considerations
 29: Human Rights considerations
 30: Equalities Act considerations
 31: Conclusion
 32: Appendix

Land-use

Principles

- 12.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as the relevant supplementary guidance.
- 12.2 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1). The London Plan advises that the policies pertaining to the Central Activities Zone are applicable to the Isle of Dogs Opportunity Area in respect of office development. The London Plan recognises, and encourages, the potential for Wood Wharf to be an extension of the Canary Wharf Major Centre to the extent that it would be upgraded to a Metropolitan Centre.
- 12.3 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. Policy 4.2 of the London Plan indicates that the Mayor will seek a significant increment to current office stock through changes of use and development of vacant brownfield sites. A variety of type, size and cost of office premises is also sought to meet the demands of all sectors. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 12.4 The site is allocated within the Council's Local Plan as Site Allocation 16. The allocation envisages a high-rise, high-density, mixed-use development of the site, including provision of an Idea Store and a health facility. Development of the site should also provide a range of publicly accessible open spaces, a new canal through the site, create new walking and cycling routes and, if possible, include a district heating facility. The site is also the subject of a Wood Wharf Masterplan SPG (2003). However, given the more up-to-date site allocation within the adopted Local Plan (Site Allocation 16), less weight is given to this guidance.
- 12.5 The scheme proposes a mixed use development, including residential, offices and retail uses in accordance with the London Plan Isle of Dogs Opportunity Area policies and Local Plan site allocation. The mixed use scheme would deliver jobs and homes, in accordance with relevant London and Local Plan policies.

- 12.6 The redevelopment of Wood Wharf will bring back into beneficial use an underused and semi-derelict employment site and will complement the existing commercial floorspace within Central London and Canary Wharf, further enhancing and strengthening London's global city status.
- 12.7 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

Commercial and Economic Benefits

- 12.8 The proposed commercial Development Plots would provide up to 350,000sqm (GIA) of floorspace with a range of floorplates, providing flexibility to match the commercial offer with changing market conditions. The office buildings are generally focussed along the main High Street with a bias to the north and west, nearest the Canary Wharf Estate. This scheme is capable of accommodating up to approximately 16,300 (net) jobs, together with approximately 2,000 construction jobs. The scheme would make a significant contribution towards the indicative employment capacity set out in Annex One of the London Plan and the Council's Employment Strategies.
- 12.9 The jobs created from the commercial development are expected to range from highly skilled jobs to entry level jobs such as secretarial, clerical, administrative and ancillary roles, including cleaning, security and maintenance. Jobs within the retail and hotel sector create further employment opportunities for local people and also include many opportunities that are suitable for people without high level qualifications.
- 12.10 The economic benefits of the scheme, in terms of increased local spending and job opportunities for local people are welcomed. In this respect, the applicant has committed to providing job brokerage, by ensuring that 20% of jobs created by construction and end-user are advertised exclusively to local residents in accordance with the SPD, together with local training and employment, apprenticeships, and procurement. These commitments would be secured as part of the section 106 agreement and include, based on the Indicative Scheme, circa £4.2m towards skills and training. The applicant has committed to achieve a target of 10 apprenticeship years for each year of construction of the Development and, in any event, not less than 125 apprenticeship years over the full construction period. Furthermore, the applicant committed to targeting 68 apprenticeship years in the end-user phase of the development. The applicant has committed to target providing 50 1-2 week work placements for Tower Hamlets' students annually.
- 12.11 The scheme allows for the provision of community uses; a health facility, an Idea Store and a two form of entry primary school, or in the event that the Council did not exercise its option for the physical delivery of any of these facilities, a financial contribution would be made in accordance with the Planning Obligations SPD. Along with this, at least 2.5Ha of publically accessible parks and squares and an extension of the retail and leisure offer to complement the existing Canary Wharf town centre. The proposed social infrastructure would relieve the acute pressure on community

facilities in the Isle of Dogs and the additional retail floorspace would meet the London Plan and Local Plan's aspirations of creating a Metropolitan Centre.

Hotel

- 12.12 The scheme proposes up to 350 hotel beds. Policy 4.5 of the London Plan and policy SP06(4) of the Core Strategy seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the town centres and Opportunity areas which benefit from good access to public transport access to central London; and supports the provision of a range of tourist accommodation, including apart-hotels, and an increase in the quality and quantity of fully wheelchair accessible accommodation. Policy 4.5 of the London Plan (2011) also includes London Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 12.13 Policy DM7(1) of the Council's MDD provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. The Inspector's Report into the Local Plan's Examination In Public which took place in 2012, recognised Tower Hamlet's role in providing for London's strategic supply of over-night guest accommodation.
- 12.14 The GLA Hotel Demand Study (2006) forecasted a requirement for a further 2,800 hotel rooms to be provided in Tower Hamlets (2007-26). At that time, Tower Hamlets had some 2,200 overnight guest bedrooms (2% of the London total). Between 2007 and 2011, evidence indicates that a further 675 guest bedrooms were provided within the Borough.
- 12.15 The pipeline of hotels coming forward/potentially coming forward and the general rate of increase of guest bedrooms being delivered year on year, indicates it is probable that the Borough will exceed forecast requirements by 2026, accommodating a range of overnight accommodation (budget through to high-end hotel rooms). However, existing occupancy rates and the growth forecasts in terms of tourism and corporate demand for overnight guest accommodation suggests that the targets outlined in the GLA Hotel Demand Study should be considered alongside other indicators. In particular, it would generate further employment opportunities, serve the substantial business communities in and around Canary Wharf, and also function as a facility for tourists. The hotel would be a natural addition to the area's ability to be part of the 24 hour global financial city. Accordingly, the principle of the hotel use would be acceptable and in accordance with the requirements of policy 4.5 of the London Plan, policy SP 06(4) of the Core Strategy and policy DM 7(1) of the MDD.
- 12.16 In addition, Policy requires a minimum of 10% of guest bedrooms to be wheelchair accessible. An appropriate condition is proposed within the Committee Report.

Retail and Related Town Centre Uses

- 12.17 The proposed scheme seeks permission for between 15,000sq m and 35,000sqm of retail (A1-A5) floorspace along with an unrestricted level of leisure uses (D2). These will be distributed throughout the site but are focussed on the central High Street between Development Zones B, C, D, E and G.

- 12.18 London Plan policies 2.15, 4.7 and 4.8 seek to encourage retail and related uses in town centres and to maintain and improve retail facilities. Map 5C.1 identifies the network of strategically designated town centres in the north east London sub-region, in which Canary Wharf is designated as a major centre. The London and Local Plan's policies seek Wood Wharf to provide an extension to Canary Wharf Major Centre, commensurate with upgrading its designation to a Metropolitan Centre. Policy SP01 of the Core Strategy envisages 16,600qsm (net) of additional comparison floorspace in the Borough.
- 12.19 Policy DM1 seeks to ensure that the extent and nature of this provision must not compromise the viability and vitality of surrounding centres. Accordingly, the applicant has submitted a retail study, which has been assessed by the Council's retail consultant, Peter Brett Associates LLP.
- 12.20 The Council's consultant confirms that the proposal's comparison goods impact on smaller district and local centres such as Crossharbour, Chrisp Street and Isle of Dogs is likely to be negligible. The study focussed on Stratford, East Ham, Ilford, Lewisham and Woolwich. The study found that the potential effects on trade draw, even assuming a worst-case scenario (i.e. all comparison floorspace with an offer similar to and directly competing with neighbouring centres), would not undermine the ability of surrounding major centres to trade competitively. The Council's consultant advises that the quantitative impacts associated with the modelled levels of comparison goods floorspace are unlikely to be significant, and it is not expected that any of the existing network of centres will suffer any significant adverse impact.
- 12.21 Whilst the proposal would allow for more floorspace than that contained in the Core Strategy, given the Council's consultant's advice it is considered that the proposal would meet the Council's policy intentions of creating a metropolitan centre in this location whilst not having a significant adverse effect on surrounding centres. The proposal is in accordance with relevant policies and guidance when read as a whole.

Community Uses

- 12.22 In support of Local Plan's objectives of creating mixed and sustainable communities, housing is encouraged in suitable locations which offer a range of community facilities. Community facilities should be accessible by a range of travel modes including public transport.
- 12.23 Policy 3.16 of the London Plan seeks to ensure that local planning policies address the need for social infrastructure and community facilities in their area, such as primary healthcare facilities, children's play and recreation facilities, services for young, old and disabled people, as well as libraries, sports and leisure facilities, open space etc. Furthermore, the London Plan policies seek to ensure that the objectives of the NHS Plan and the delivery of health care in the Borough are promoted (policy 3.17).
- 12.24 Policy DM1 of the Local Plan states that the Council will enhance functions of the town centre hierarchy by promoting a complementary mix of uses in town centres, including social and community infrastructure. According to policy DM8, social and community facilities should be designed and located to maximise accessible and inclusive access. Also social and community facilities should be co-located and seeks to ensure that social and community facilities are situated within appropriate locations, based on the likely catchment area, accessibility and needs of the area.

- 12.25 The proposal allows for a 1,076sqm (GIA) shell-and-core health facility which could accommodate up to 9 GPs. The Council's NHS partners confirm that is likely to be the main facility on the eastern side Isle of Dogs. The most likely location would be within the 'G' Development Zone due to its central location in the heart of the development.
- 12.26 The proposal allows for up to 1,150sqm (GIA) shell-and-core Idea Store to accommodate the relocation of the Idea Store from Canary Wharf. It should be noted that the Idea Store at Canary Wharf will continue to operate until a new facility is available. In the event that the Idea Store strategy is made redundant before the delivery of the facility, the facility shall be utilised for an alternative public community use to be determined by the Council. The most likely location would be within the 'G' development zone due to its central location in the heart of the development.
- 12.27 The proposal allows for a two form-of-entry (420 pupils) primary school on the east of the site, adjacent to 'East Park' and Graving Dock. It should be noted that, whereas the Idea Store and Heath Facility are site allocations, the proposed school is not. It is recognised that the Isle of Dogs is severely constrained by its social infrastructure capacity to meet the regional and local aspirations for substantial housing growth in the area. Primary school provision is perhaps the most critically constrained. This primary school will make a contribution to relieving the pressure of primary school places.
- 12.28 The development will also provide a leisure centre. Whereas the infrastructure above would be publicly-run, the leisure centre would be a private facility. Nevertheless a Public Access Plan will be secured which would achieve the following important public benefits:
- Free use of the sports hall for the new primary school between 9.30-11.30 and 1.30-3.30 on all school days;
 - Pay and play access to the sports hall for all LBTH residents at prices commensurate to LBTH leisure facilities; and,
 - Subsidised rates for Tower Hamlets disabled residents, full-time students and old age pensioners.
- 12.29 In addition a contribution of £2.1m would also be made towards the Borough's Leisure facilities. In the event that the Leisure Centre was not provided, an additional financial contribution would be made in accordance with the Planning Obligations SPD.

Phasing

- 12.30 The Local Plan Site Allocation (16) for Wood Wharf requires a mixed-use redevelopment. Officers are confident the development will come forward in such a manner because:
- a) a condition is recommended requiring 40,000sqm of office floorspace to be made available prior to the occupation of the 1,500 residential unit;
 - b) the Design Guidelines require the ground and mezzanine floors of certain Development Plots to come forward with specified proportions of Active Frontages. The definition of Active Frontages includes retail uses. Whilst there are ways to achieve Active Frontages without retail uses, it is highly unlikely that retail uses would not form a very significant part of these Frontages.

Consequently, Officers have sufficient confidence that retail development will come forward concurrently with the development's principal uses – residential and offices; and,

- c) The s106 will secure specific delivery points for the in-kind social infrastructure (i.e. the school, health facility and Idea Store) if the options for physical delivery were to be exercised.

Density/Quantum of Development

- 12.31 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 12.32 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 12.33 The site's location (setting) is within an Opportunity Area and adjacent to Canary Wharf Major Centre and a globally significant office cluster in Canary Wharf. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix.
- 12.34 The site's public transport accessibility is moderate-to-good and is currently PTAL 3 in the eastern half and PTAL 4 in the western half (the proposed Junction Square marking the boundary). When Crossrail opens (circa 2018), this will move the PTAL 4 boundary further to the east. At that point in time the site would be approximately a 70% PTAL 4 site and 30% PTAL 3 site.
- 12.35 The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 12.36 As described elsewhere in this report this application has flexible parameters such that the number of new dwellings may be between 1700 and 3610 and the unit mix. The Indicative Scheme shows how the site could accommodate 3104 units (8224 habitable rooms). The Indicative Scheme is considered to be an appropriate way to calculate the scheme's density, as long as one always has regard to the potential flex within the scheme parameters.
- 12.37 In accordance with the Housing SPG when calculating the density of mixed use schemes the proportion of non-residential floorspace should be deducted from the net site area. The relevant site area excludes Montgomery Square, waterspaces, Cartier Circle, Churchill Place Road, Preston's Road and the Cable & Wireless Building which are not to be redeveloped. It is, however, considered appropriate for a comprehensive strategic redevelopment to include the internal highways. Taking account of the above, the appropriate net site area for the purpose of density calculation for the indicative scheme is 4.58ha. The indicative scheme would thus be built at a density of 1,796hr/ha, exceeding the density matrix recommended range of 650-1100hr/ha.

12.38 Advice on the interpretation of density can be found in the SPG which reads as follows:

“...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions.”

12.39 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

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

12.40 A high residential density does not, in itself, make a scheme undesirable in planning terms and it is not uncommon for development schemes in the northern part of the Isle of Dogs or within the City Fringe to exceed the density suggested by the matrix. The criteria set out in the SPG are considered elsewhere in this report. However, in summary, the outline application allows for, and conditions ensure that, the detailed elements of the scheme to come forward in a manner which are compliant with amenity space and housing quality standards and would not have unacceptable effects on neighbouring residents, social infrastructure or the highway network and these and the SPG considerations (identified above) are assessed in more detail elsewhere in this report.

Housing

Principles

13.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”

- 13.2 The application proposes between 1,700 and 3,610 residential units. The principle of residential development of the site is acceptable. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan. This scheme would represent between 43% and 92% of the Council's annual requirement, depending on the number of units delivered, which could make the single largest contribution to the borough's housing target.
- 13.3 In accordance with policies 5.3, 3.4 and 3.5 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. The need for additional new homes is a key strategic and local objective. The residential component of the Indicative Scheme is predicted to have a population of approximately 5,867.
- 13.4 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a significant contribution to meeting local and regional targets and national planning objectives.
- 13.5 The distribution of the residential Development Zones is along the edge of South Dock, on the eastern side of the site and on the south-eastern edge of Blackwall Basin. Whilst the WWSPG and the IODAAP spatial policies seek to separate the office and residential floorspace, more up-to-date guidance and policies do not seek to segregate uses and such segregation is not considered to help achieve a successful place. The proposed distribution of residential zones makes the most of waterfront aspect and the community park to the east.

Affordable Housing

- 13.6 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.
- 13.7 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;
 - The size and type of affordable housing needed in particular locations; and,
 - The specific circumstances of the site.
- 13.8 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

- 13.9 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 13.10 The affordable housing offer is 25% by habitable room on-site provision and includes a review mechanism which may result in a commuted sum equivalent up to an additional 15% affordable housing by habitable room. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved. Assuming an improvement in viability of the Development over time, the Council will share the benefits of this improvement via the review mechanism. Officers are now satisfied that the offer is the maximum that could be achieved without making the development unviable.
- 13.11 The affordable housing is being offered at an 80:20 split between affordable-rented units and intermediate product units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy is supported in this instance due to the challenges of affordability in the intermediate market on this site, particularly in respect of three-bedroom properties. Due to the longevity of the proposal, the type of intermediate product is not restricted at this point in time, but is left flexible to respond to changing needs and the potential for new products to enter the market.
- 13.12 The affordable rented units are offered at the Council’s preferred ‘POD’ rent levels. The 1-bed flats would be £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week, 4-bed flats at £292 per week and 5-bed flats at £316 per week all inclusive of service charges (all subject to an indexation of up to RPI+2.5% per annum). Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

Housing Mix

- 13.13 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 13.14 Given the long-term nature of this proposal, the exact mix of units is not fixed at this stage; rather there are ranges of unit mixes to respond to varying market conditions and affordable housing priorities in the Borough. The proposed target mix is set out below compared against policy requirements:

13.15 The table below compares the proposed target mix against policy requirements.

Ownership	Type	Policy requirement	
		(%)	Proposed mix
Private	Studio	0	5-20
	1 bed	50	20-40
	2 bed	30	20-40
	3 bed	20	5-20% (3+ bed)
	4+ bed	0	see cell above
Affordable Rented	1 bed	30	30
	2 bed	25	25
	3 bed	30	30
	4+ bed	15	15
Intermediate	Studio	0	0
	1 bed	25	45-55
	2 bed	50	35-45
	3 bed	25	5-10 (3+bed)
	4+ bed	0	see cell above

Figure 16: Table showing proposed target mix and policy requirements.

- 13.16 The affordable-rented units are in accordance with policy. The intermediate units are focussed towards 1 and 2 bed units which is supported due to the challenges around affordability for 3-bed intermediate units.
- 13.17 The private mix is focussed towards studios and 1-and 2 -beds, albeit a proportion of 3+beds are proposed. Consequently, the private housing component of the development is unlikely to come forward in a policy-compliant manner. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply *"housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements"*. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development and provides sufficient flexibility to be able to respond to varying market demand.
- 13.18 The overall mix of unit sizes and tenures makes a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 13.19 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to

dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

13.20 Given this is an application for Outline permission with all matters reserved, there are no designs of buildings to be assessed. In this case, the Design Guidelines and proposed conditions secure appropriate design standards and later Reserved Matters applications will be required to come forward in line with these standards. The following standards are contained in the Design Guidelines:

- All units to meet lifetime homes standards;
- A minimum of 10% of units to be wheelchair adapted or easily adaptable;
- All units to meet, as a minimum, London Plan minimum unit size standards;
- The minimum horizontal separation between residential tower buildings shall be 18 metres;
- Active frontages at ground level;
- A presumption that all units will have private amenity space in accordance with the size standards set out in policy;
- There will be no more than eight units per core;
- There shall be no north-facing single aspect family units;
- The minimum floor-to-ceiling height is 2.5 metres.

Internal Daylight and Sunlight

13.21 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.

13.22 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

13.23 The application is supported by a Daylight and Sunlight Assessment (DSA). The assessment, for internal daylight and sunlight, is based on the Indicative Scheme rather than the Parameter Plans, as the Maximum Parameters represent a 'beyond worse-case' scenario i.e. it could not fully be built out and they do not show elevations to each plot. The Indicative Scheme represents a reasonable worst-case scenario and assessing this Scheme is considered a robust approach.

13.24 As the application is in Outline with all matters reserved, the buildings to be tested have not been designed and consequently the room layouts, façade and window details and locations are not known. Therefore, the Indicative Scheme has been modelled by dividing the facades into 1m wide by 1 storey high squares and a façade map is created to identify the Vertical Sky Component (VSC – the quantum of sky visible taking into account external obstructions (other than trees)) that would be enjoyed by a window in that location. These assessments therefore represent the potential for the Indicative Scheme to be designed in detail to provide good levels of daylight. From this façade map, and based on a number of typical flat layouts prepared by the architects, an Average Daylight Factor (ADF) Matrix table can be created in order to determine which types of units or rooms can be located in that area and/or what level of facade glazing will be required to meet the ADF target. In

this case, as the detailed design and floorplate and room layouts are not known, it is appropriate to focus on VSC rather than ADF values. The cumulative schemes have not been technically considered in the DSA as their scale and distance from the application site is such that they are not anticipated to have significant effects. A similar approach has been undertaken for sunlight.

- 13.25 The Council's consultant, Delva Patman Redler LLP, advise that the approach described above is a robust and credible method of assessing internal daylight for this application.
- 13.26 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of probable sun available across the year and in winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

Daylight

- 13.27 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 have at least 27% VSC to ensure the room the window serves would enjoy good daylight. However, in the context of high-density urban development, Delva Patman Redler (DPR) advises that any VSC value below 15% must be considered to impose constraints on design. The internal daylight potential has been tested for all Development Plots that have the potential for residential use as well as H2 which is identified for the school in the Indicative Scheme. These buildings are A1-A3, E1, E2, E4, F1-F3, H1, H2, H4 G1, G2, G3, G5, G7 and G8, J1-J5, the proposed houseboats and existing Lovegrove Walk. In summary 58.6% of the façade area would receive VSC levels of 27% or more, 29.9% would receive between 15-27% VSC and 11.5% of the façade area would receive less than 15% VSC. The assessment of the Indicative Scheme's Development Plots is discussed in more detail below (see Chapter 32: Appendix for the VSC Key to these images):

13.28 Development Plot A1 – Indicative Scheme

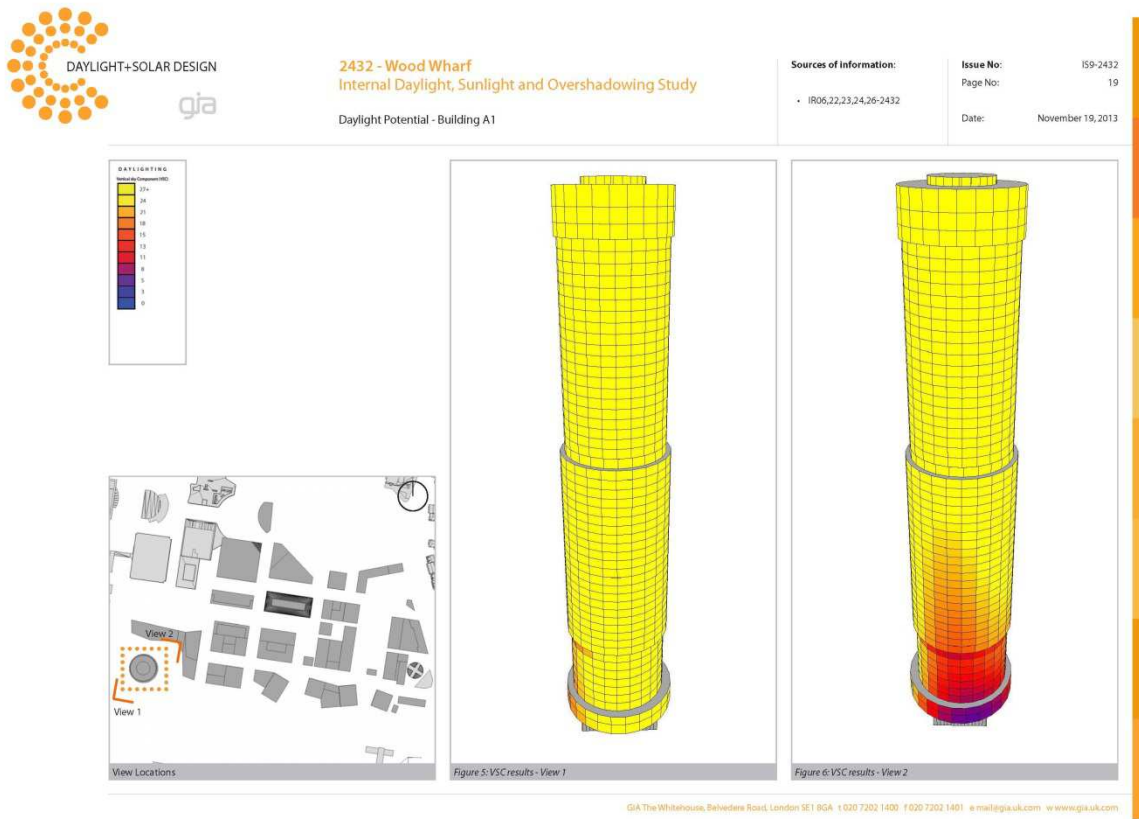


Figure 17: Daylight Potential Image – Development Plot A1

13.29 Due to the location on the south-west edge of the site, it is expected that this Development Plot is likely to receive very good levels of daylight as a whole.

13.30 Development Plot A2 – Indicative Scheme

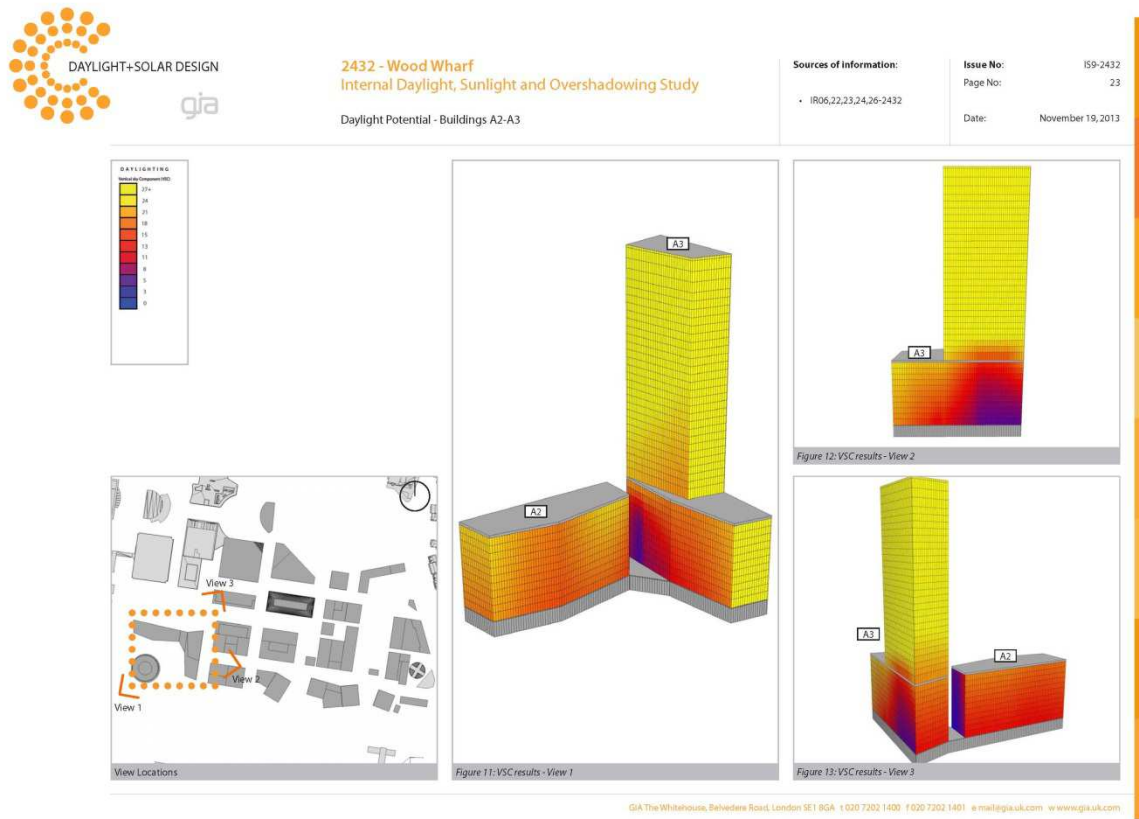


Figure 18: Daylight Potential Image – Development Plot A2

13.31 This Development Plot is likely to have significant challenges to ensure that appropriate daylight standards are met. Development Plot A2 is on an east-west axis; accordingly it may have single aspect north facing flats. Particular challenges are to be found in the centre of this plot, in particular for the first ten stories.

13.32 It may be the case that at reserved matters stage the building within this Development Plot may not be able to come forward in exact accordance with the Indicative Scheme. Officers are confident, however, that an appropriately design building can be achieved at reserved matters stage to provide adequate levels of daylight.

13.33 Development Plot A3 – Indicative Scheme

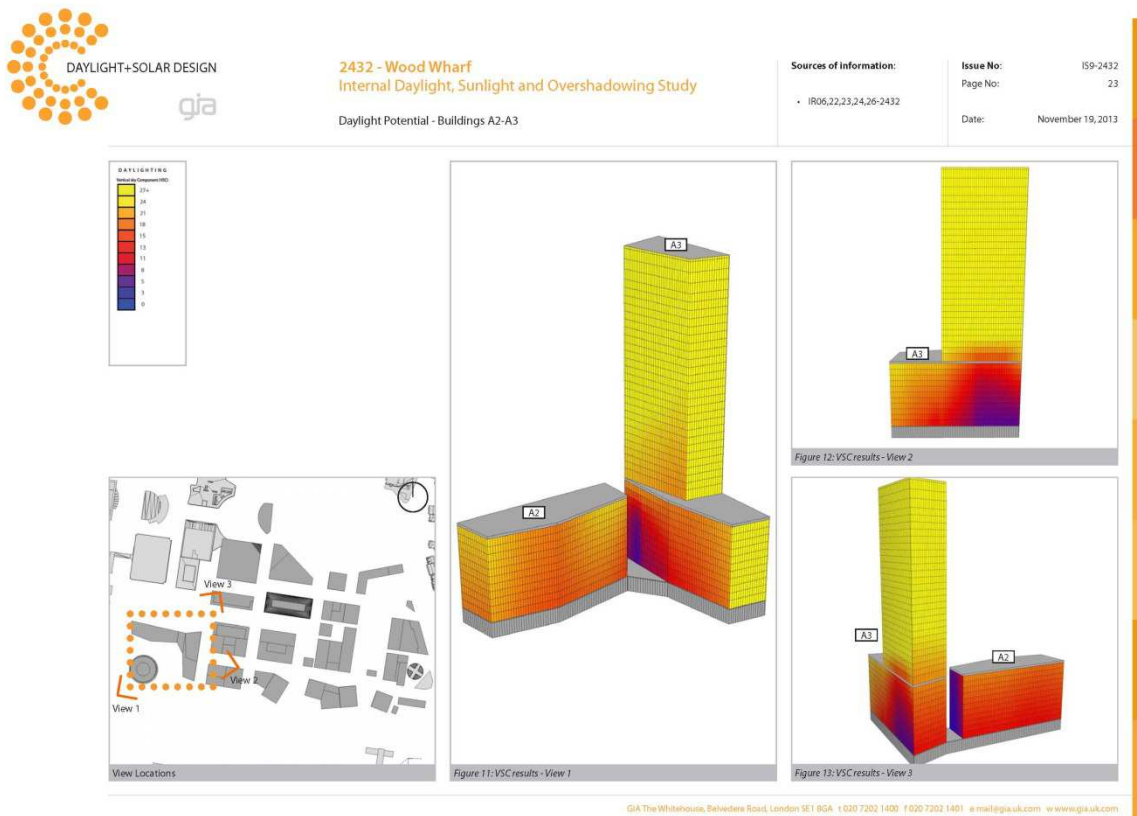


Figure 19 Daylight Potential Image – Development Plot A3

13.34 This Development Plot is likely to face significant challenges to ensure that appropriate daylight standards are met, in particular the northern half of the west facing elevation and the central part of the eastern elevation.

13.35 It may be the case that at reserved matters stage the building within this Development Plot (or its neighbouring plots) may not be able to come forward in exact accordance with the Indicative Scheme. Officers are confident, however, that an appropriately design building can be achieved at reserved matters stage to provide adequate levels of daylight.

13.36 Development Plot E1-E2 – Indicative Scheme

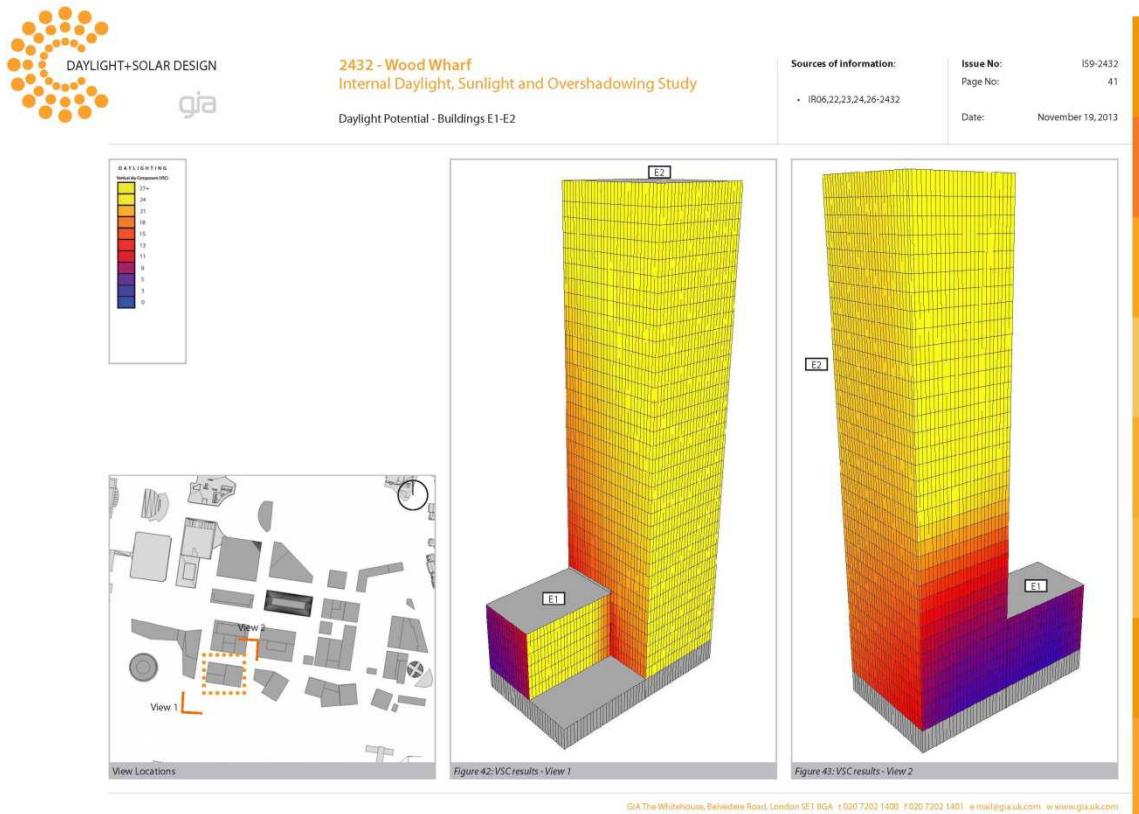


Figure 20: Daylight Potential Image – Development Plot E1-E2

13.37 In general, these buildings have good levels of VSC except at the north elevation to the lower floors, where VSC levels are at 5% or lower and great care will needed to be given to ensure the flats on the lower six floors can achieve appropriate daylighting standards. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.38 Development Plot E4 – Indicative Scheme

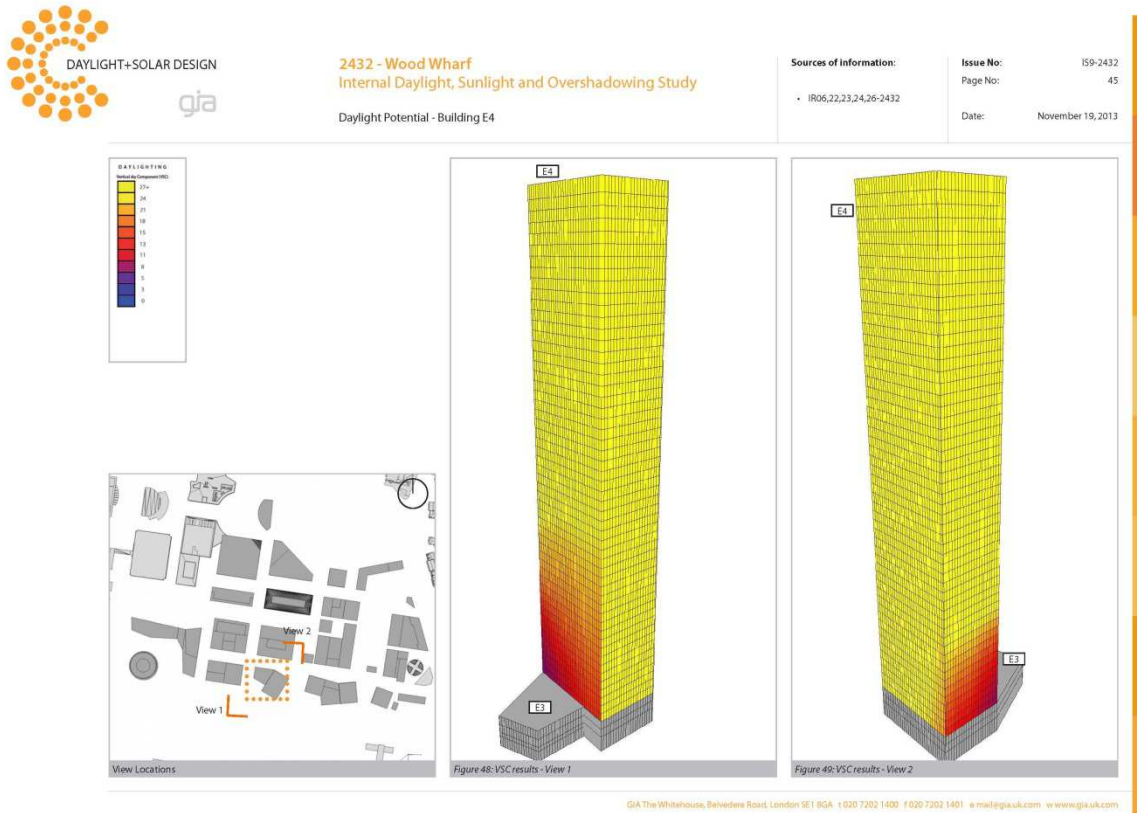


Figure 21: Daylight Potential Image – Development Plot E4

13.39 The orientation of Buildings E4 is such that the two long elevations should receive good levels of daylight and the short south elevation will have very good levels of daylight. Whilst the north elevation is more challenging, the building as a whole is likely to be able to provide good levels of daylight to the proposed units. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.40 Development Plot F1 – Indicative Scheme

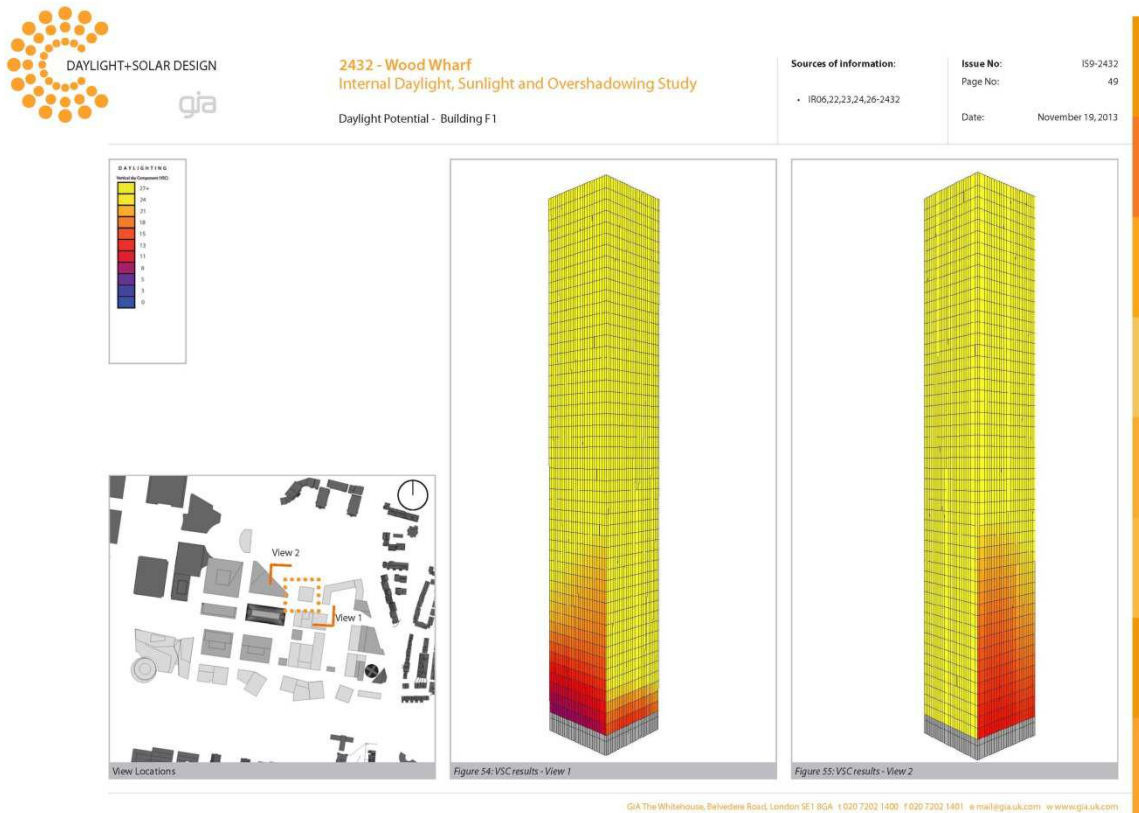


Figure 22: Daylight Potential Image – Development Plot F1

13.41 This building will generally have good daylight potential, in particular on the northern and eastern facades. Lower VSC levels are seen at the bottom storeys of the southern and western facades and care will need to be taken to ensure good levels of daylight in these locations. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.42 Development Plot F2-F3 – Indicative Scheme



Figure 23: Daylight Potential Image – Development Plot F2-F3

13.43 These buildings will generally have good daylight potential, in particular on the northern and eastern facades. Lower VSC levels are seen at the bottom storeys of the southern and western facades and care will need to be taken to ensure good levels of daylight in these locations. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.44 Development Plot G1-3 – Indicative Scheme



Figure 24: Daylight Potential Image – Development Plot G1-G3

13.45 In general, these buildings will have adequate levels of VSC, although the two smaller blocks G1 & G2 have around 13% to most of their elevations. There are areas with poorer levels of daylight, but the internal layout should be capable of being designed so that the elevations with poorest levels of light do not serve to provide primary windows of habitable rooms. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.46 Development Plot G5, G7, G8 – Indicative Scheme

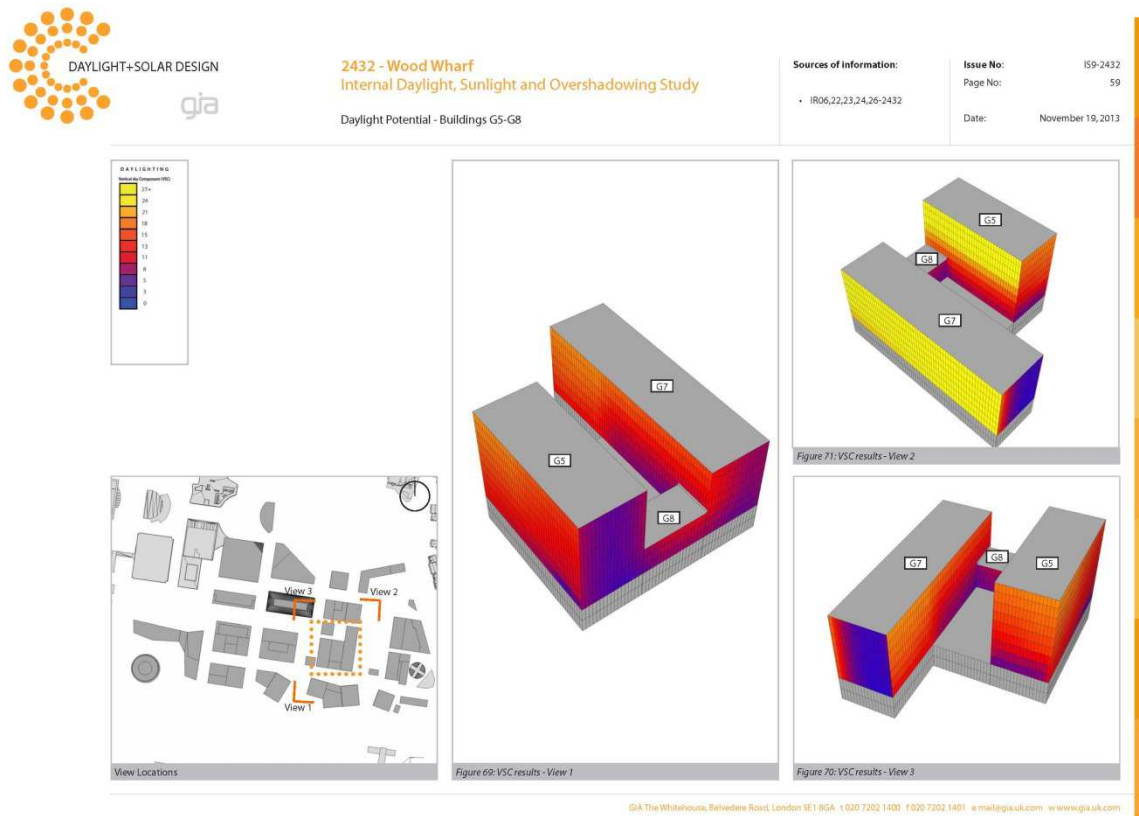


Figure 25: Daylight Potential Image – Development Plot G5, G7, G8

13.47 There is good daylight potential on the eastern façade of G7 and on the upper floors on the eastern façade of G5. Other facades show lower potential due to the obstruction of surrounding buildings. Care will need to be taken in designing flats in these locations to ensure appropriate levels of daylight. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.48 Development Plot H1 and H2 – Indicative Scheme

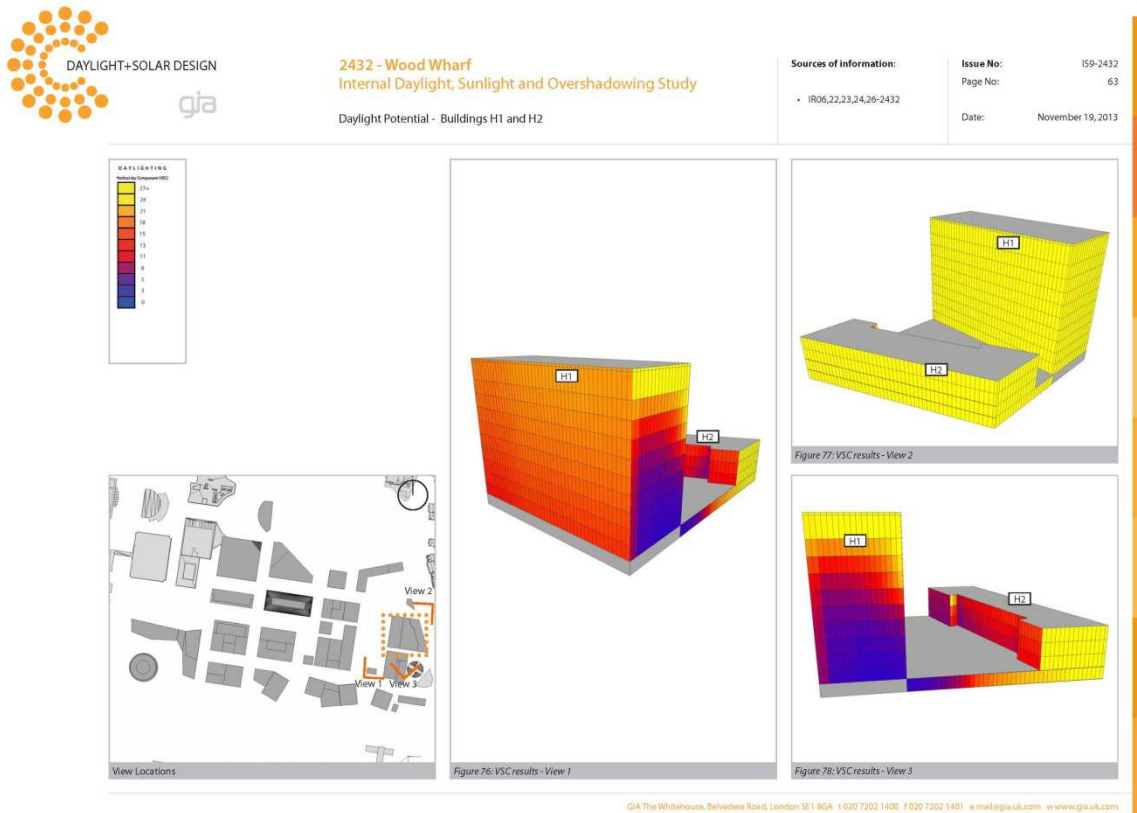


Figure 26: Daylight Potential Image – Development Plot H1 and H2

13.49 The east elevations of these blocks will receive very good levels of VSC. The west elevation will receive moderate levels of VSC at around 10-15%. The south elevation, which is a short elevation of the rectangular block H1 will receive very low levels of VSC to the lower third of the building, below 3% VSC and it will therefore be challenging to design rooms to achieve appropriate levels of daylight from this elevation. However, as this is a short elevation to the rectangular block, it may be possible to design rooms which are not the primary habitable rooms on this elevation. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.50 Development Plot H4 – Indicative Scheme

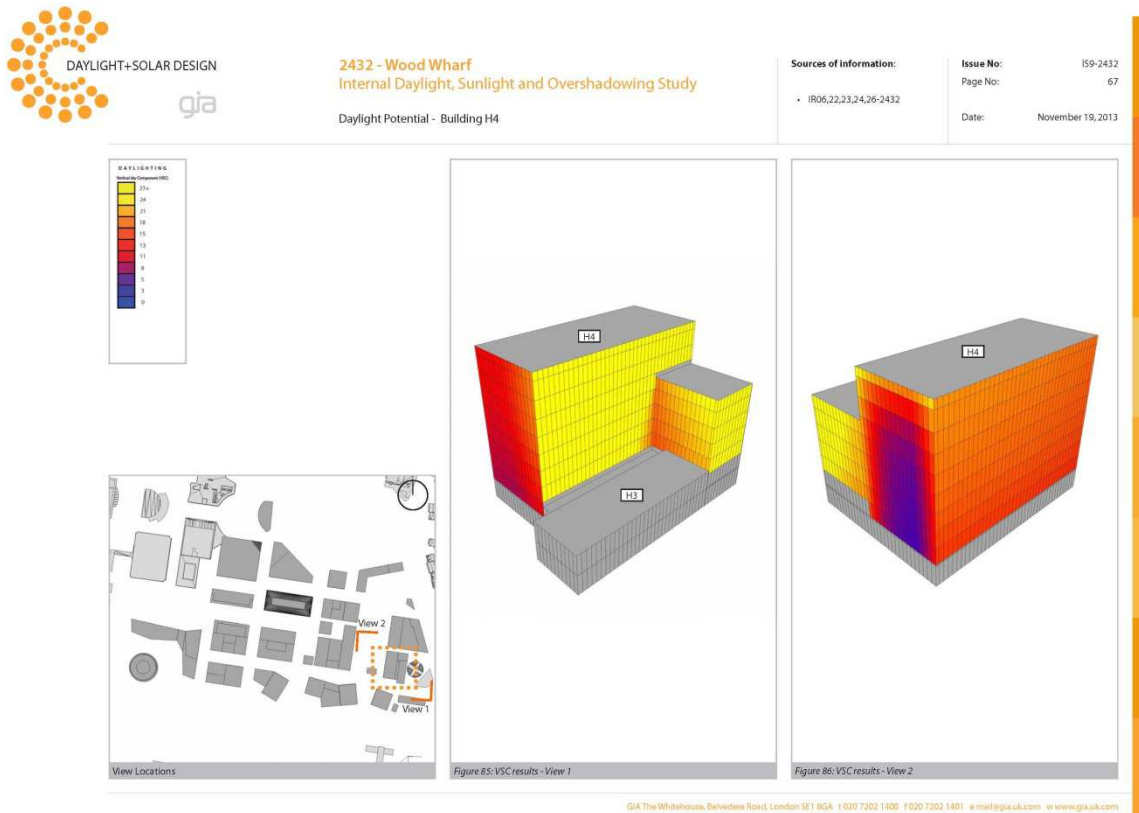


Figure 27: Daylight Potential Image – Development Plot H4

13.51 This building has very good levels of VSC on its east elevation and moderate levels of VSC on its west elevation. On the north elevation there are low levels of VSC in the centre at lower floors, below 3% VSC. However, as this is the short edge of a linear rectangular block, it should be possible for flats in this part of the building to be designed with secondary rooms on that elevation. Main habitable rooms would not be able to achieve good levels of daylight at low level on that north elevation. Officers are confident that this Development Plot can provide adequate levels of daylight.

13.52 Development Plot J1-J3 – Indicative Scheme



Figure 28: Daylight Potential Image – Development Plot J1-J3

13.53 These buildings should be able to provide adequate levels of daylight to the proposed units.

13.54 Development Plot J4 – Indicative Scheme

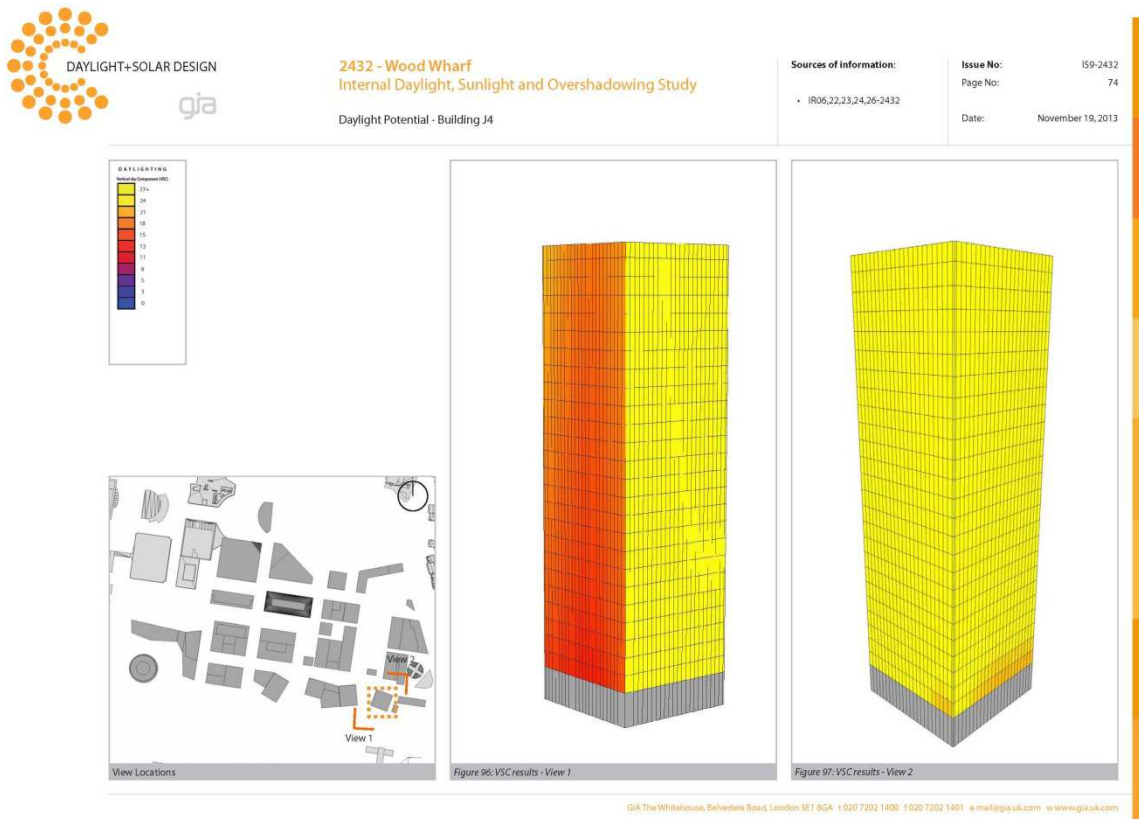


Figure 29: Daylight Potential Image – Development Plot J4

13.55 This building generally has good levels of daylight. The north-west facing elevation has moderate levels of daylight at 15-18% but it should be capable for appropriate flats to be designed.

13.56 Development Plot J5 – Indicative Scheme

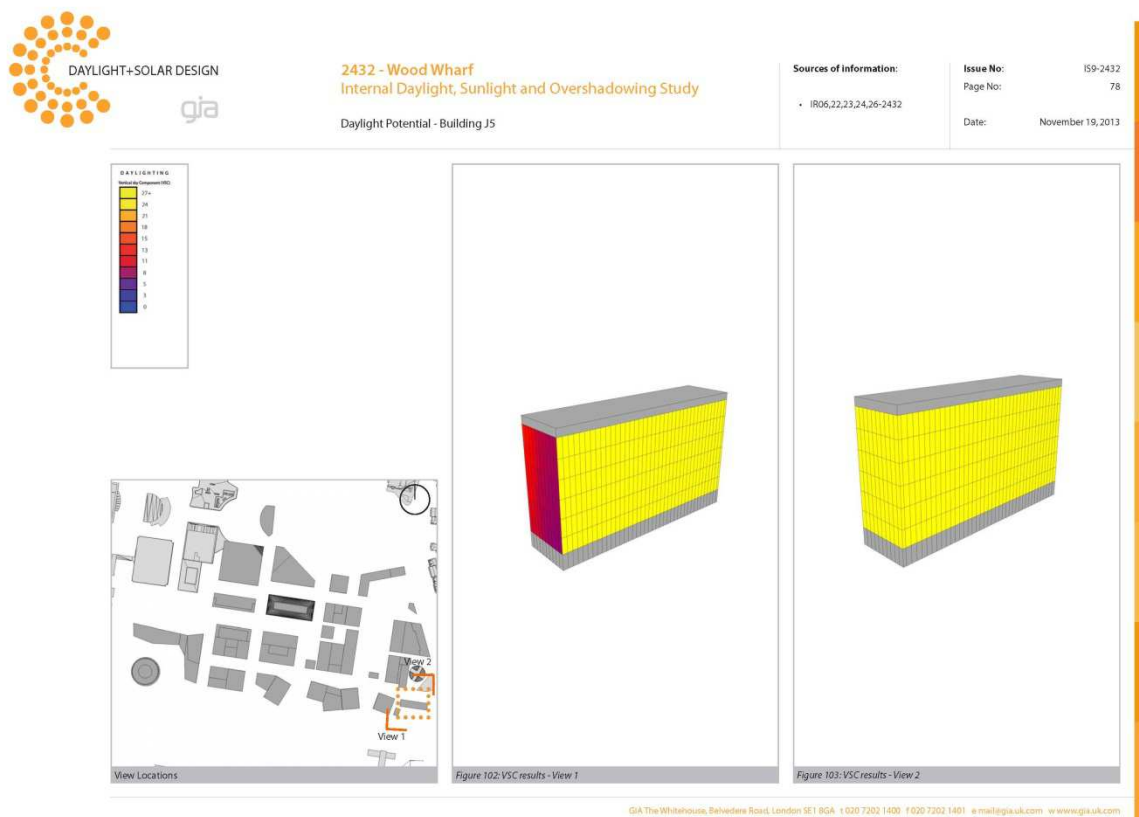


Figure 30: Daylight Potential Image – Development Plot J5

13.57 This building should be able to provide adequate levels of daylight to the proposed flats. The west-facing elevation will receive lower levels of light, but the internal layouts should be able to ensure that habitable rooms are not served by windows solely on this elevation.

Houseboats

13.58 The development proposes houseboats to the southern side of Blackwall Basin. Whilst there are no standards recommended in respect of houseboats, it is evident there would be better light to the north, with poorer light to the south. Given the nature of this and surrounding development, these properties would not enjoy good levels of natural light. However, this is not an arbitrary result rather a natural consequence of the high-density development envisaged for Wood Wharf. Officers are confident that this Development Plot can provide adequate levels of daylight.

Lovegrove Walk properties

13.59 Whilst Lovegrove Walk properties are technically internal receptors the methodology used to assess the effects is that for existing residential units (external receptors methodology i.e. full BRE VSC, NSL and APSH assessments) which is different to the VSC façade studies used for the Indicative Scheme as described above.

13.60 The VSC results show significant reductions of more than 40% VSC from the existing level. When assessing the difference between the baseline scenario against the

Parameter Plans scenario, the NSL (see paragraph 17.10 of this report for a definition of NSL) show losses between 30% to 40% across most rooms. Whilst the Indicative Scheme shows an improvement, the effects remain moderate to major adverse.

- 13.61 The windows and rooms face the currently undeveloped site. Therefore, whilst comparing the baseline with the Parameter Plans and Indicative Scheme provides a snap shot of the effects against the current empty or low-rise site, they do so against a baseline that may be unrealistic for this location. In these circumstances, higher percentage losses are somewhat inevitable.
- 13.62 The Environmental Statement assesses the impacts as short-term, as these properties are proposed to be demolished in due course as a result of this application. However, it should be noted that this would require the remaining property owners to sell their properties to the developer (or CPO powers to be used). Given that neither of these can be certain, the effects are assumed here as permanent.
- 13.63 It is noted that these properties will have a pleasant aspect of the northern aspect of East Park which will, to some extent, mitigate these effects. On balance, the proposed effects are considered acceptable and there would not be an unacceptable material deterioration of daylight conditions for these occupiers.

Conclusion

- 13.64 The daylight potential to the proposed units is likely to be good in general, given the high density nature of the development. There are specific instances where daylight will be more challenging e.g. certain facades on the Development Plots A2 and A3 and great care will need to be applied in these instances at Reserved Matters stage. A condition is recommended to ensure the full range of mitigation measures, including those identified in the Environmental Statement, are appropriately considered and employed at reserved matters stage. Where, adequate levels of daylight cannot be achieved through these mitigation measures, the layout and scale of buildings will need to be considered.

Sunlight

- 13.65 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.
- 13.66 The internal sunlight potential has been tested for all development plots that have the potential for residential use as well as H2 which is identified for the school in the Indicative Scheme. These buildings are A1-A3, E1, E2 and E4, F1-F3, H1, H2, H4 G1, G2, G3, G5, G7 and G10 and J1-J5 and the proposed houseboats and existing Lovegrove Walk are discussed in more detail below.
- 13.67 Sunlight potential images for the Development Plots are shown below. The Annual Probable Sunlight Hours images are shown first, followed by Winter Sunlight images (see Chapter 32: Appendix for the APSH Key to these images):

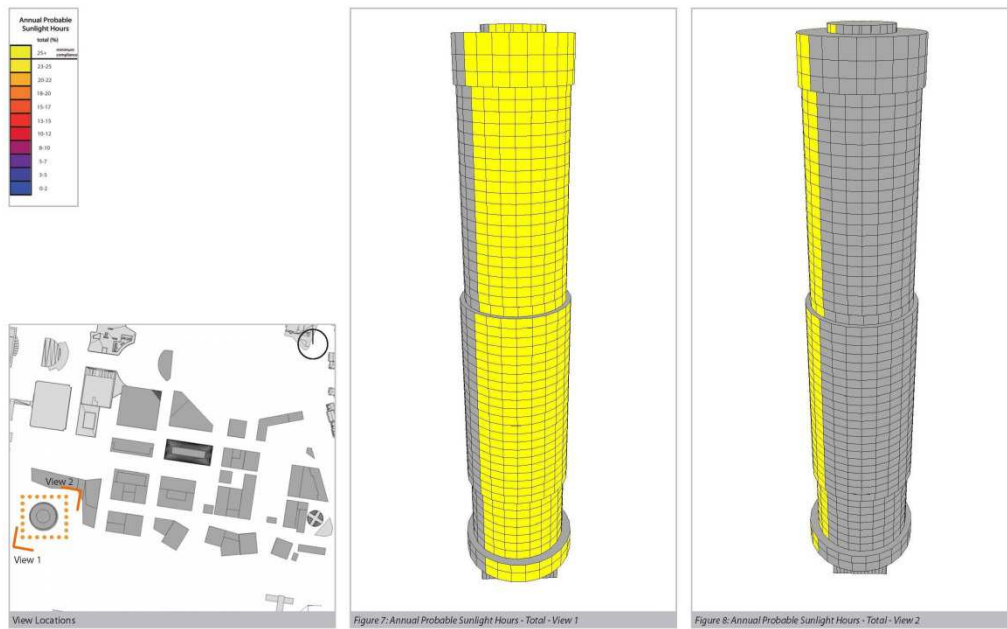
13.68 Development Plot A1 – Indicative Scheme



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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building A1

Sources of Information:
• IRO6,22,23,24,26-2432

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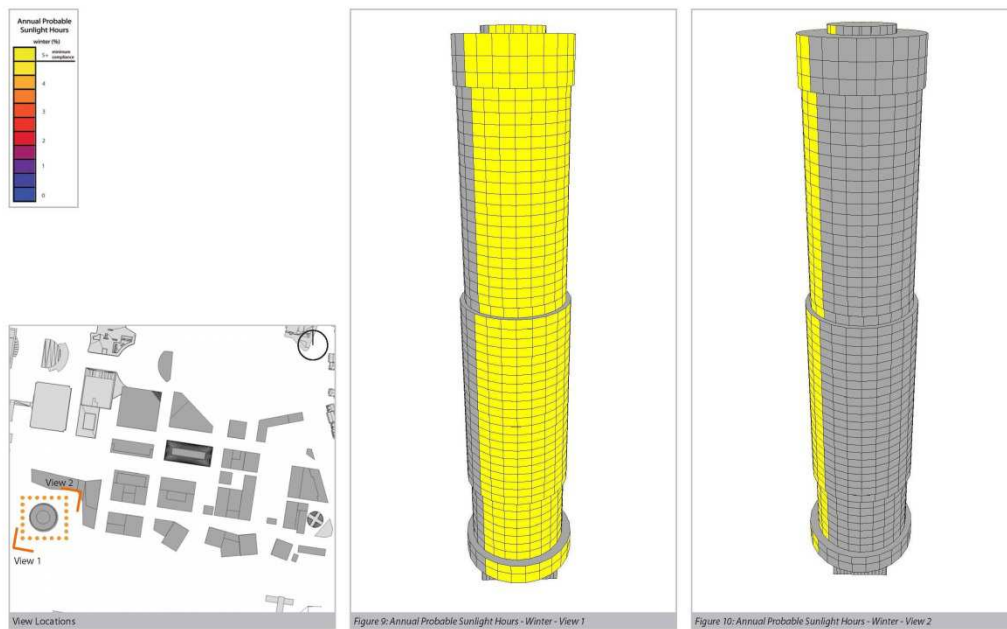
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Sources of Information:
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Figures 31 and 32: Annual and Winter Sunlight Potential Image – Development Plot A1

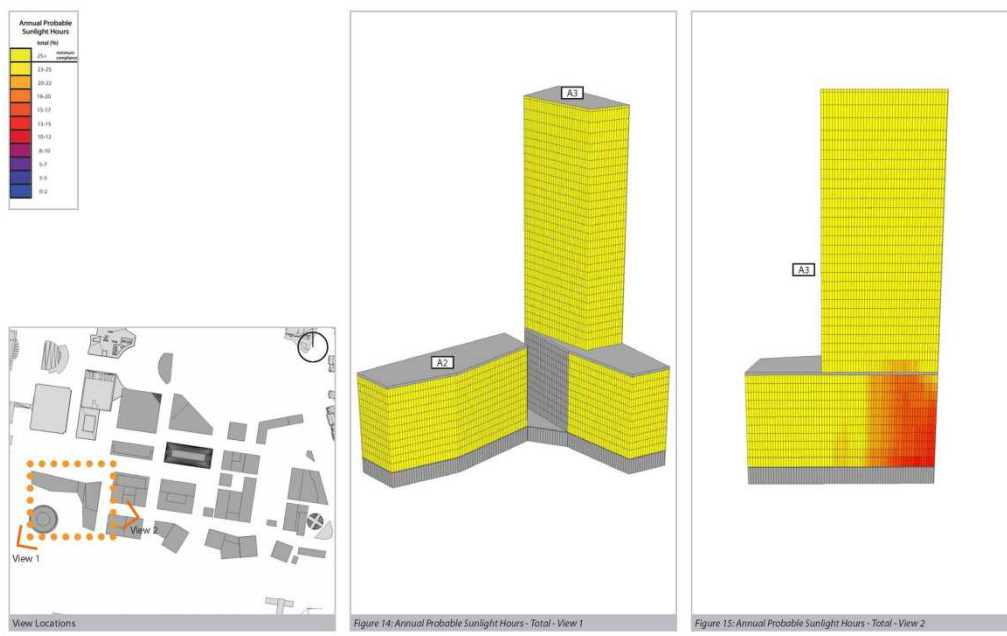
13.69 Development Plot A2-A3



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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings A2-A3

Sources of Information:
• IR06,22,23,24,26-2432

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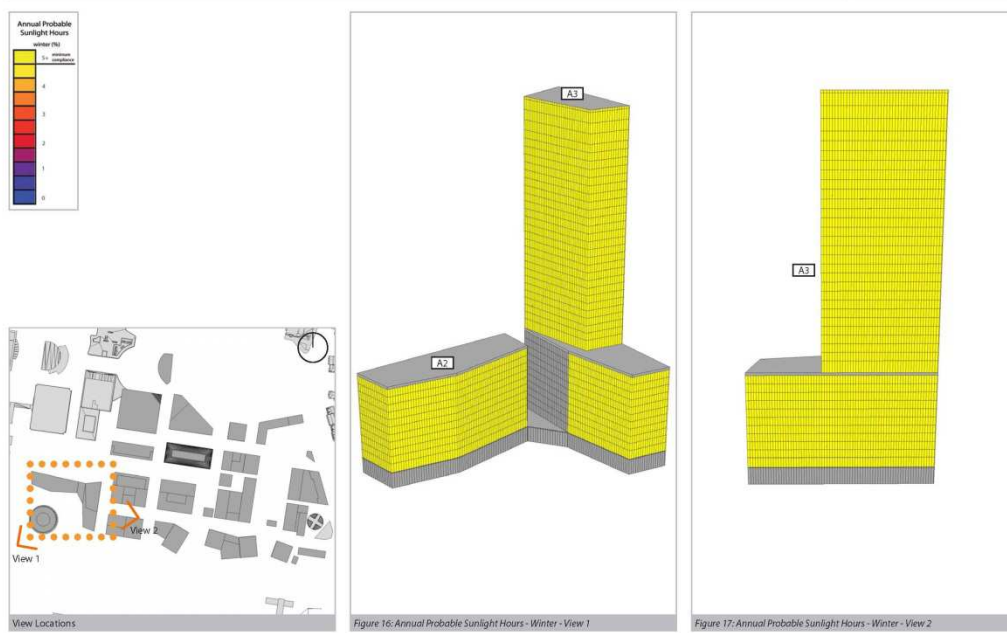
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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings A2-A3

Sources of Information:
• IR06,22,23,24,26-2432

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Figures 33 and 34: Annual and Winter Sunlight Potential Image – Development Plot A2 and A3

13.70 Development Plot E1-E2



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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings E1-E2

Sources of Information:
• IR06,22,23,24,26-2432

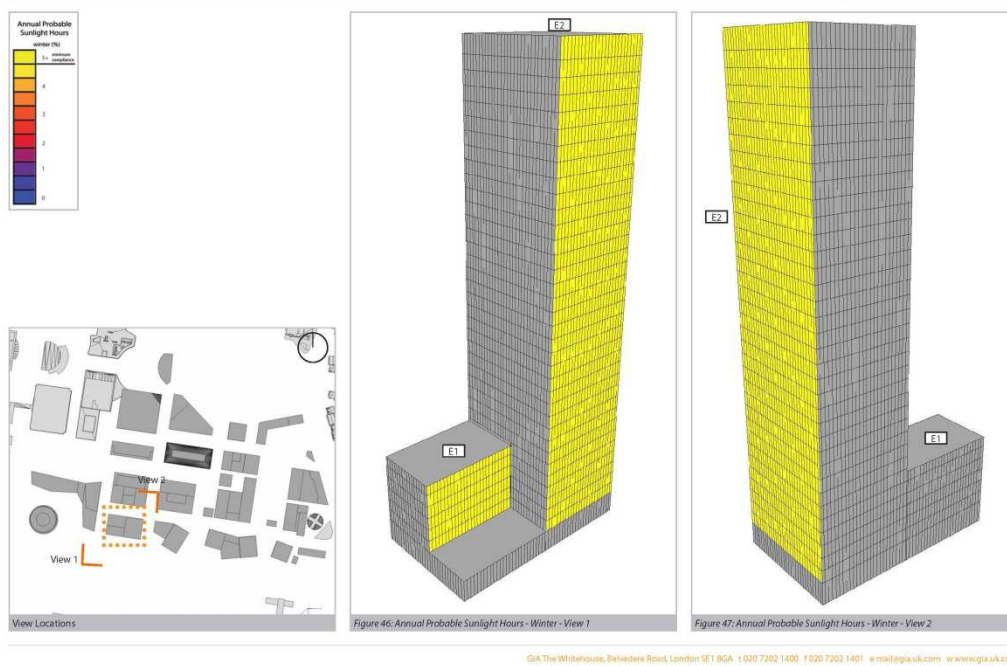
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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings E1-E2

Sources of Information:
• IR06,22,23,24,26-2432

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Figures 35 and 36: Annual and Winter Sunlight Potential Image – Development Plot E1 and E2

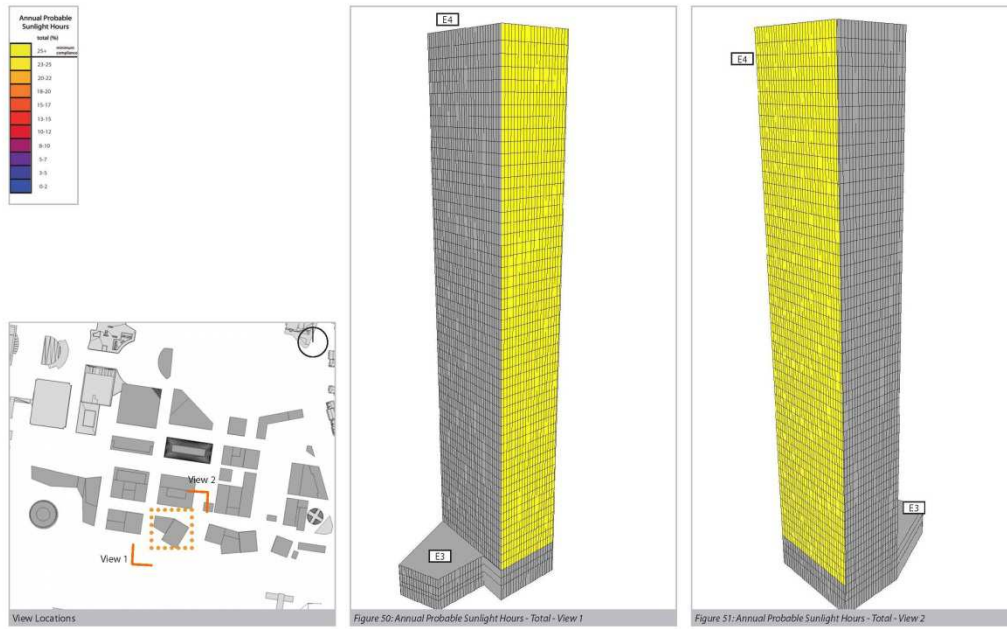
13.71 Development Plot E4



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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building E4

Sources of Information:
• IR06,22,23,24,26-2432

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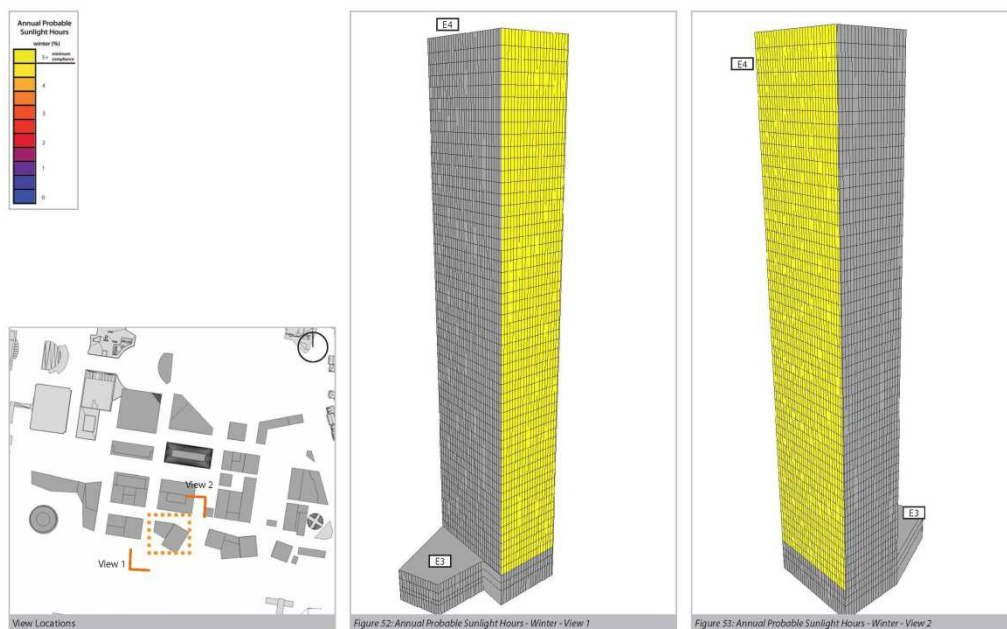
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Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building E4

Sources of Information:
• IR06,22,23,24,26-2432

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Figures 37 and 38: Annual and Winter Sunlight Potential Image – Development Plot E4

13.72 Development Plot F1-F3



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Sunlight Potential - Building F1

Sources of Information:

• IR06,22,23,24,26-2432

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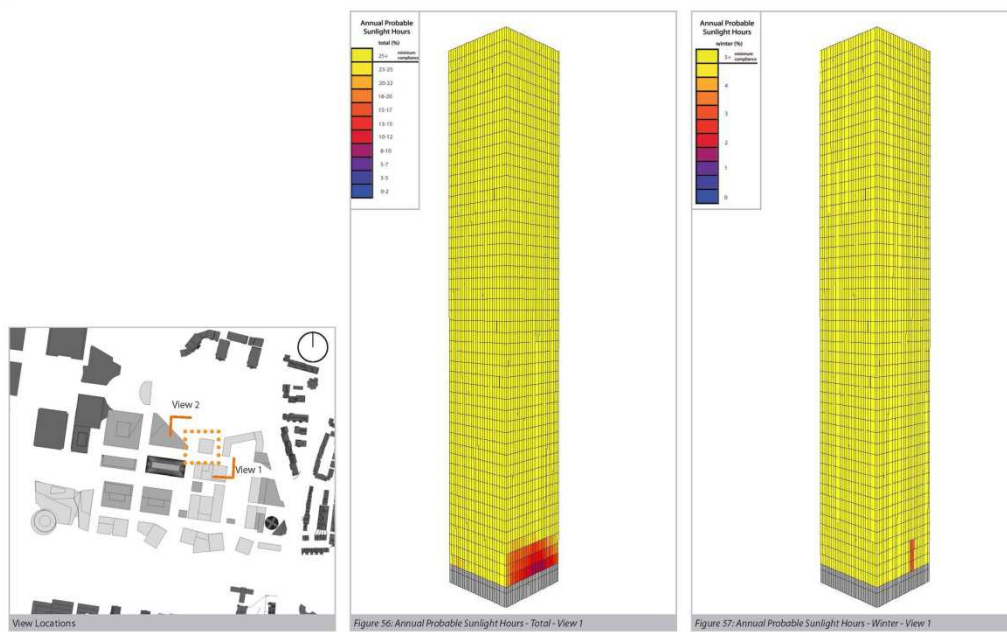
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Sunlight Potential - Buildings F2-F3

Sources of Information:

• IR06,22,23,24,26-2432

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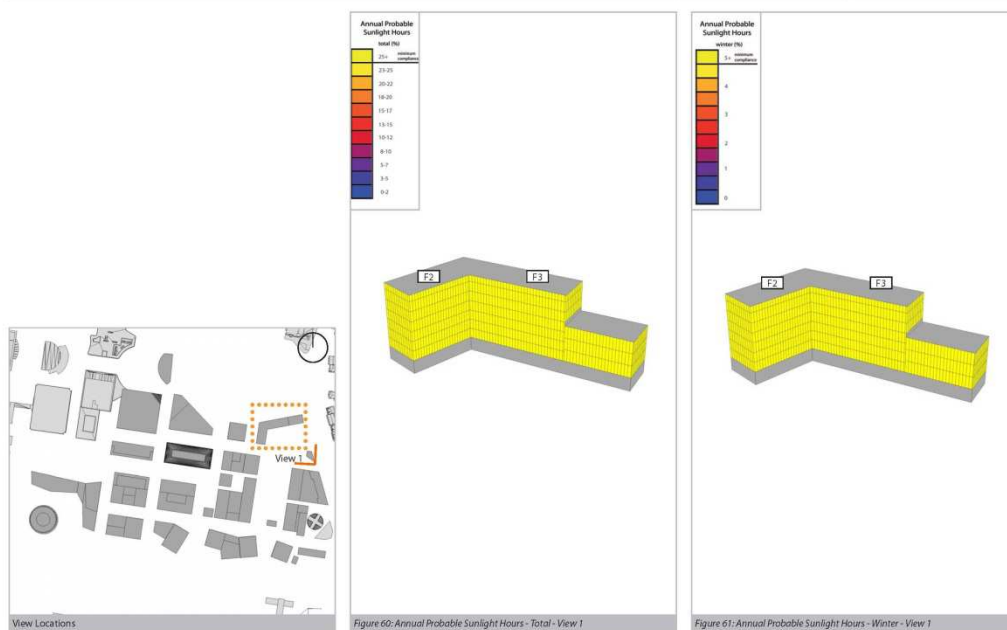
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Figures 39 and 40: Annual and Winter Sunlight Potential Image – Development Plot F1- F3

13.73 Development Plot G1-3



2432 - Wood Wharf Internal Daylight, Sunlight and Overshadowing Study

Sunlight Potential - Buildings G1-G3

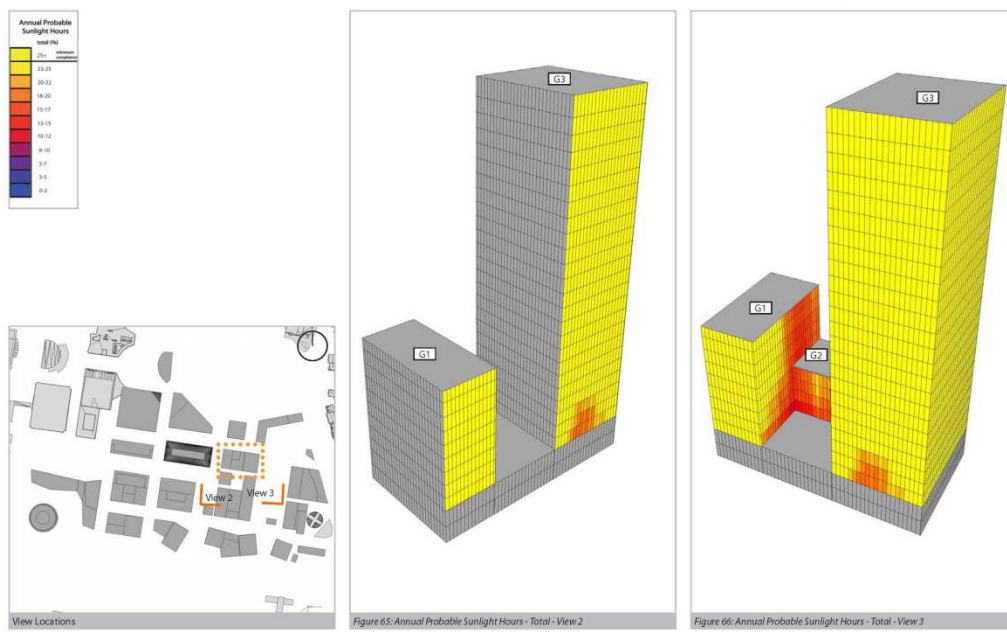
Sources of Information:

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2432 - Wood Wharf Internal Daylight, Sunlight and Overshadowing Study

Sunlight Potential - Buildings G1-G3

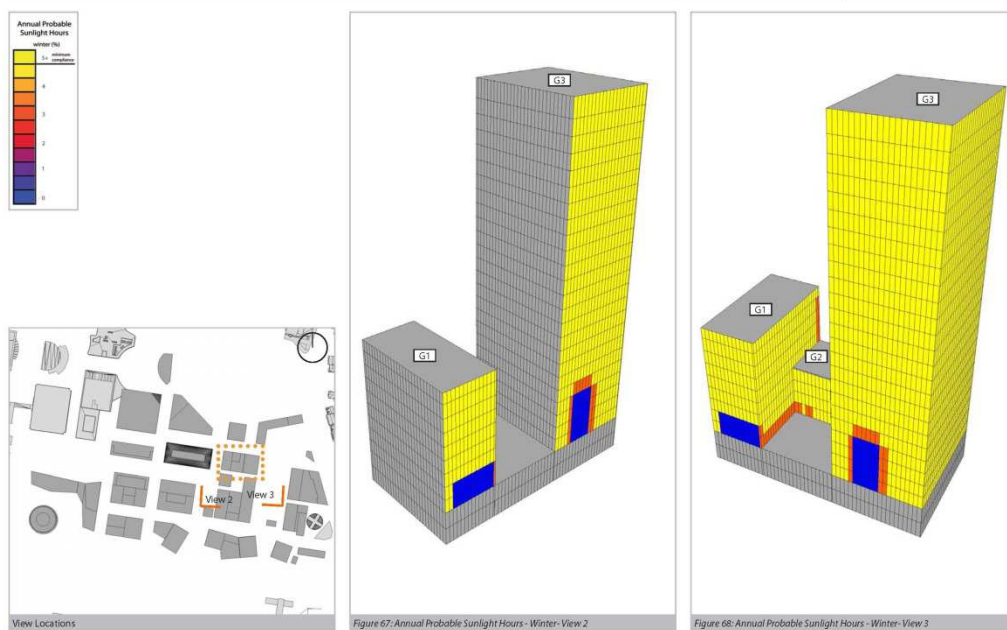
Sources of Information:

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Figures 41 and 42: Annual and Winter Sunlight Potential Image – Development Plot G1-G3

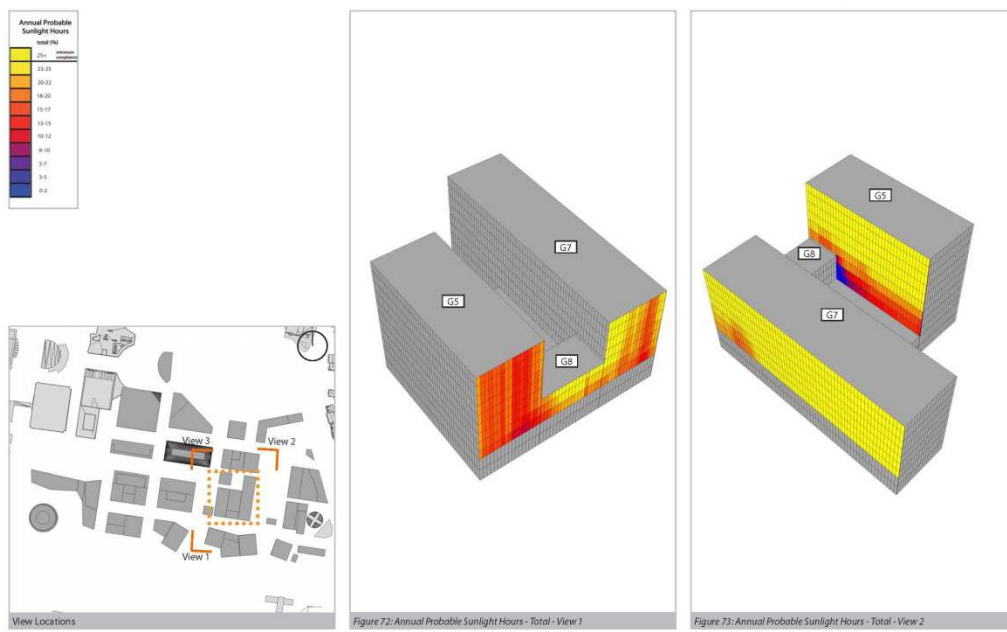
13.74 Development Plot G5, G7, G8



2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
 Sunlight Potential - Buildings G5-G8

Sources of Information:
 - IR06.22.23.24.26-2432

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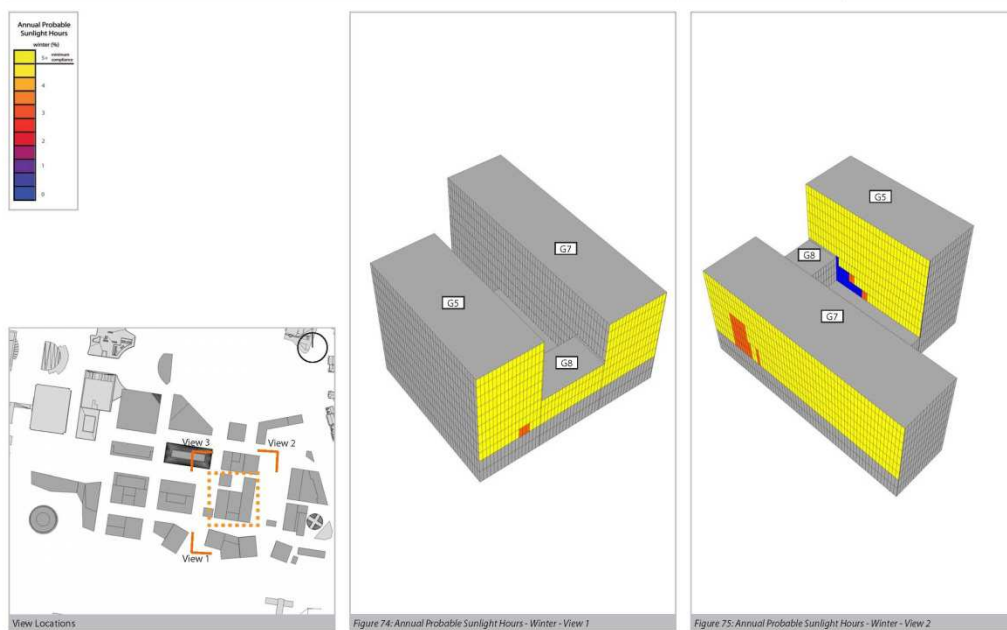
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2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
 Sunlight Potential - Buildings G5-G8

Sources of Information:
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Figures 43 and 44: Annual and Winter Sunlight Potential Image – Development Plot G5, G7 and G8

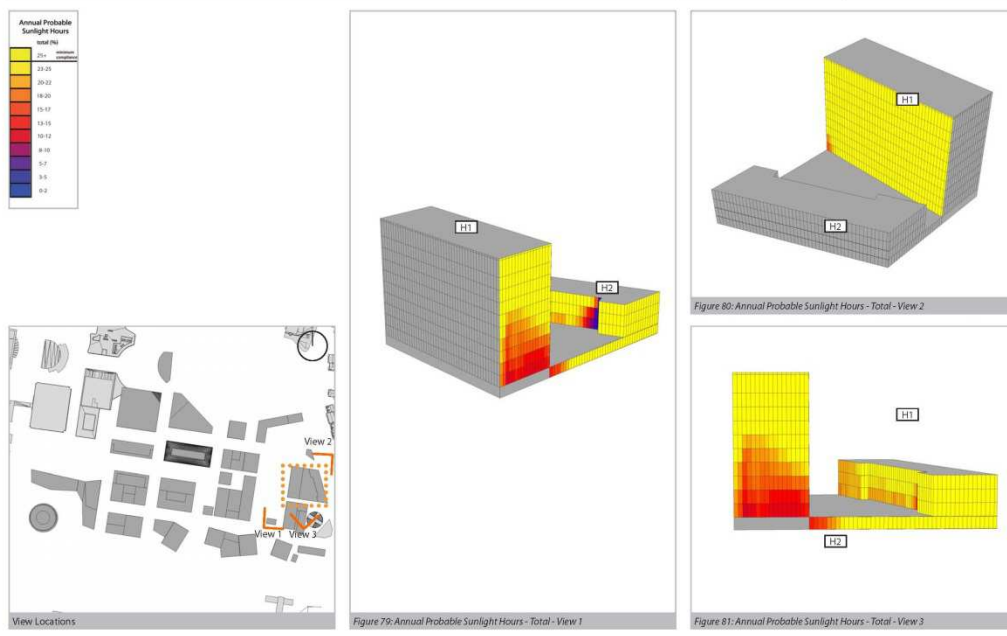
13.75 Development Plot H1 and H2



2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings H1 and H2

Sources of Information:
- IR06,22,23,24,26-2432

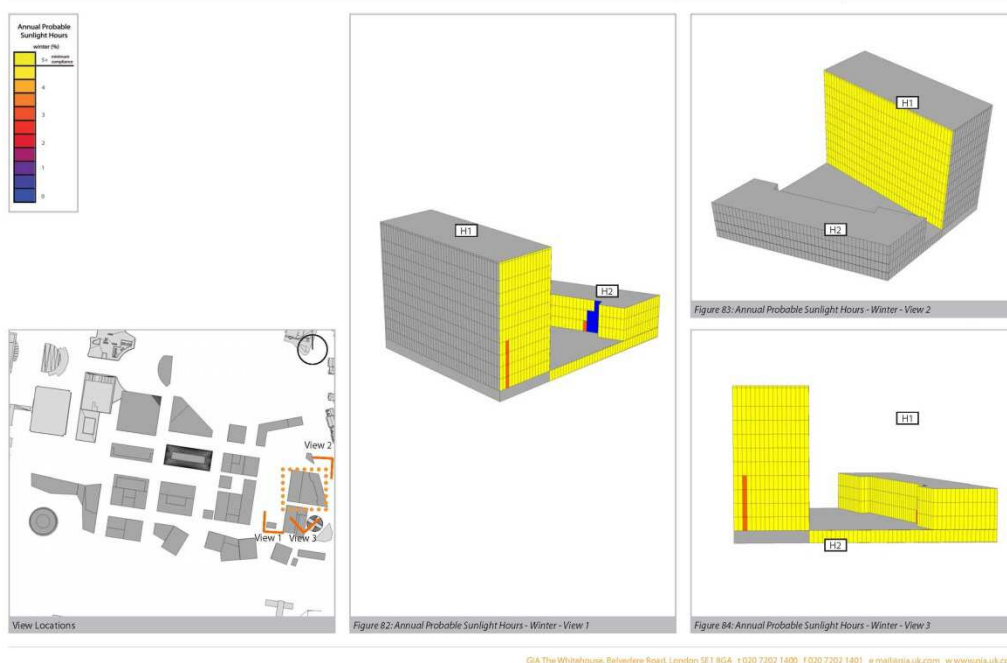
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2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings H1 and H2

Sources of Information:
- IR06,22,23,24,26-2432

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Figures 45 and 46: Annual and Winter Sunlight Potential Image – Development Plot H1-H2

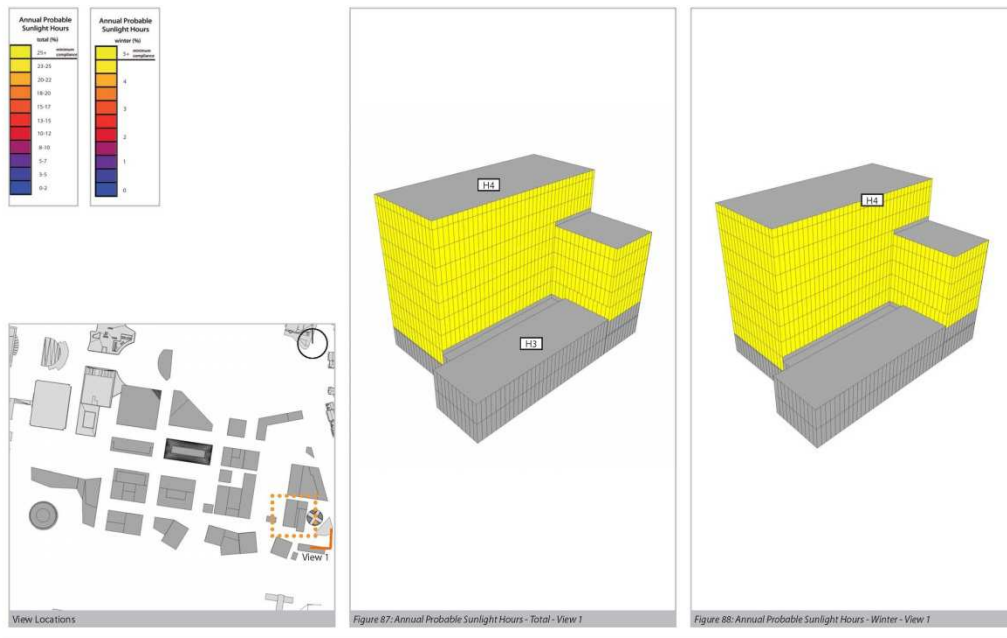
13.76 Development Plot H4



2432 - Wood Wharf
 Internal Daylight, Sunlight and Overshadowing Study
 Sunlight Potential - Buildings H4

Sources of Information:
 - IR06,22,23,24,26-2432

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Figure 47: Annual and Winter Sunlight Potential Image – Development Plot H4

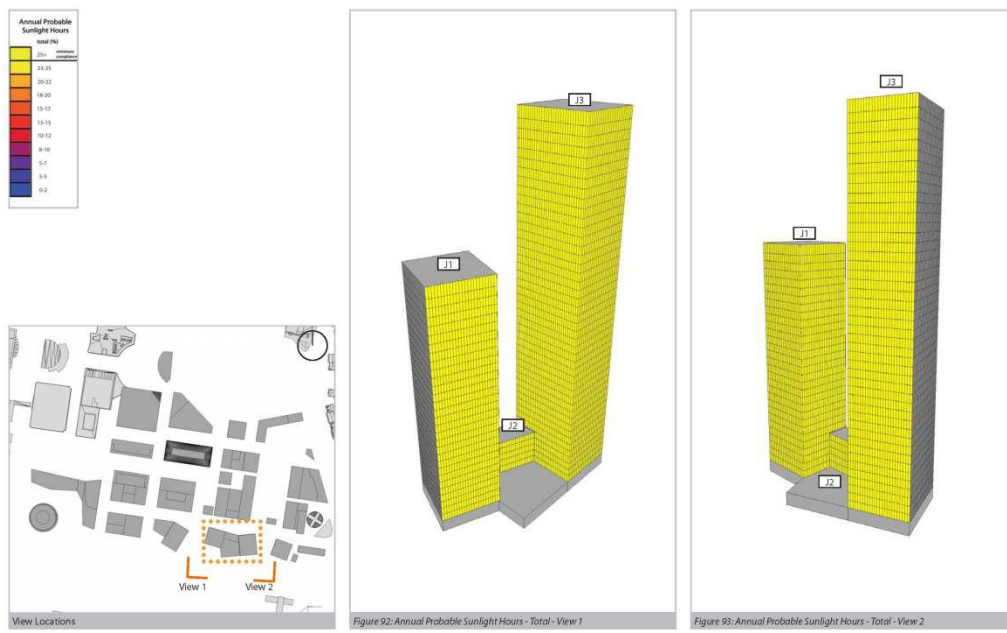
13.77 Development Plot J1-J3



2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Buildings J1-J3

Sources of Information:
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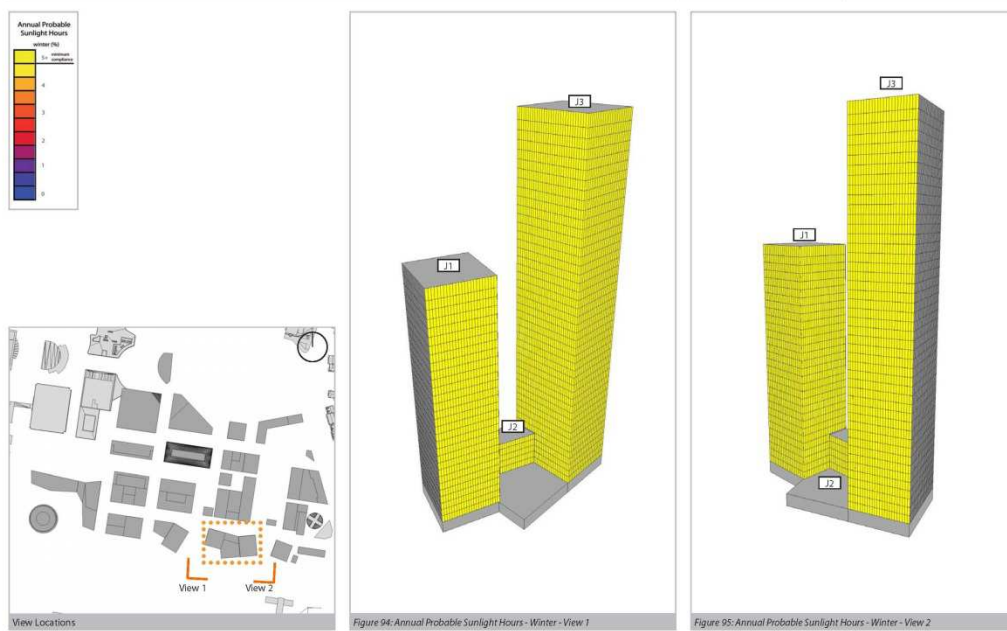
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2432 - Wood Wharf
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Sunlight Potential - Buildings J1-J3

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Figures 48 and 49: Annual and Winter Sunlight Potential Image – Development Plot J1-J3

13.78 Development Plot J4



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Sunlight Potential - Building J4

Sources of Information:
- IR06,22,23,24,26-2432

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2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building J4

Sources of Information:
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Figures 50 and 51: Annual and Winter Sunlight Potential Image – Development Plot J4

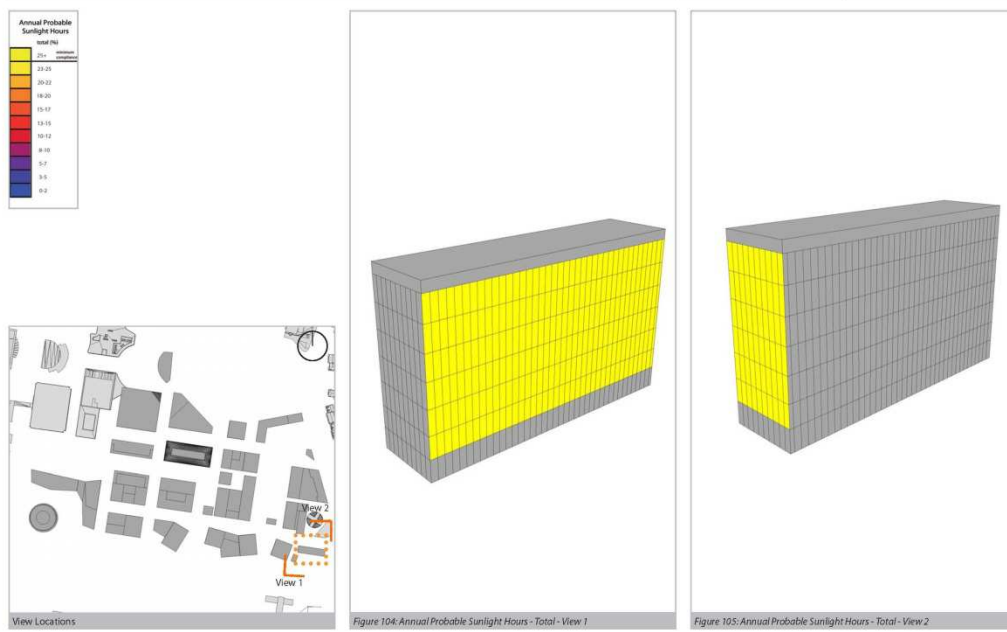
13.79 Development Plot J5



2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building J5

Sources of Information:
• IR06.22.23.24.26-2432

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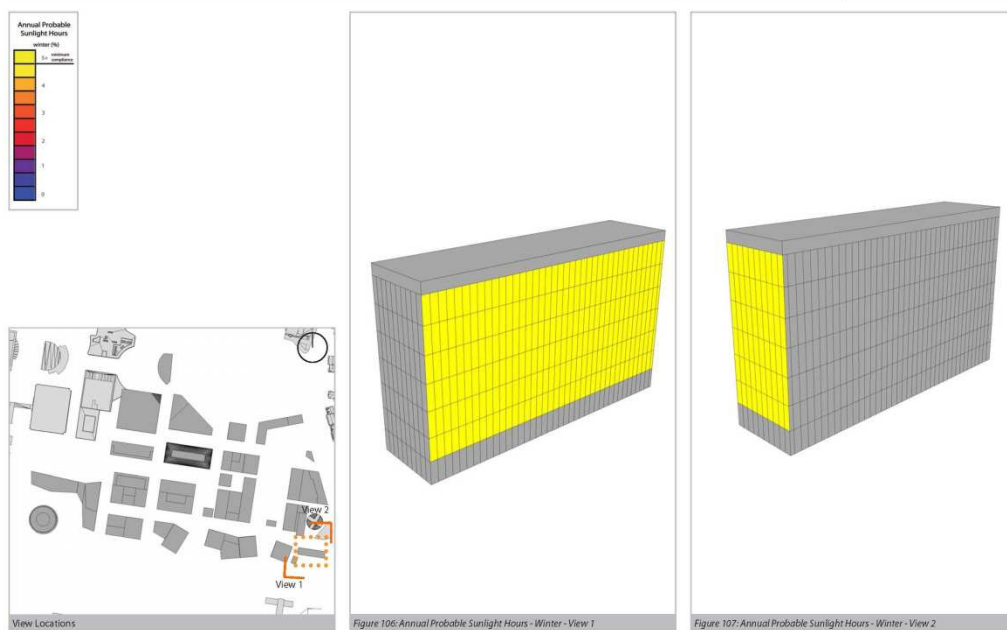
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2432 - Wood Wharf
Internal Daylight, Sunlight and Overshadowing Study
Sunlight Potential - Building J5

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Figures 52 and 53: Annual and Winter Sunlight Potential Image – Development Plot J5

Lovegrove Walk

- 13.79 For the properties at Lovegrove Walk and when comparing the Baseline vs Parameter Plans, 38 of the 109 windows are BRE compliant in sunlight terms. The remaining windows (71) suffer more than 40% reductions in both annual and winter sunlight.
- 13.80 However, for properties at 1-13 Lovegrove Walk, all properties will continue to enjoy reasonable access to sunlight in the context of this urban location. In relation to the properties at 14-21 Lovegrove Walk, there is complete loss of sunlight in connection with 4 kitchens and an additional 2 rooms, which are likely to be bedrooms that are heavily recessed. Recessed windows reduce the light entering windows and, therefore, even a modest obstruction opposite may result in a large relative impact on sunlight. In any event, all other habitable rooms will continue to enjoy reasonable sunlight levels in the proposed condition. For the properties at 94-101 Lovegrove Walk, the windows are not relevant for sunlight assessment as they do not face within 90 degrees of due south
- 13.81 In relation to the Baseline vs Indicative Scheme, 60 of the 109 windows are in line with BRE guidance for sunlight. The overwhelming majority of remaining windows suffer from more than 40% reductions in winter and / or annual sunlight.
- 13.82 All properties will continue to enjoy reasonable access to sunlight in the context of this urban location, albeit not fully in line with BRE guidelines in some instances. There would not be an unacceptable material deterioration of sunlighting conditions for these occupants.

Conclusion

- 13.83 86% of façade areas of the proposed buildings within the Development Plots identified above meet BRE guidelines in relation to APSH and winter sunlight. Areas which fall short of the guidance are, as expected, at lower levels and are spread around the proposed development including:
- the lower stories of the east façade of A2 and A3;
 - the bottom three stories of the south elevation of F1;
 - the east façade of G1;
 - the southern façades of G2, G5-G8 and lower floors of G5;
 - the lowest half of the southern façade of H1 and H2; and,
 - Along with 71 of the 109 assessed windows for Lovegrove Walk.
- 13.84 There is no guidance for sunlight to the houseboats. However, given the location of the proposed houseboats in relation to the massing of the development it is unlikely they would receive good levels of sunlight.
- 13.85 On balance, the effects identified above are largely an inevitable consequence of a high-density scheme. It would not be possible for significant further improvements to sunlight to the proposed occupiers and occupiers of Lovegrove Walk in the context of the Council's aspirations for this site to make a strategic contribution to the Borough's housing supply and jobs growth as part of a high density development. When considering the Development Plan as a whole, the levels of sunlight are adequate and compliant with the Plan, including Local Plan policy DM25.

Shadow analysis of proposed amenity areas

- 13.86 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21st) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.
- 13.87 The applicant has submitted this assessment, supplemented by an assessment at 21st June when the outdoor space is most likely to be utilised. The test has been carried out on the Indicative Scheme as this represents a realistic interpretation of the parameters and specifications and the cumulative effects of surrounding schemes do not have a significant effect.
- 13.88 The image below focusses on amenity areas at ground level and identify that the northern play area of East Park and the area along the southern waterfront perform well. The principal areas that do not perform as well are the majority of East Park below North Wharf Road, around Blackwall Basin, Market Square and Junction Square (see Chapter 32: Appendix for the Sun Hours on Ground Key to this image):

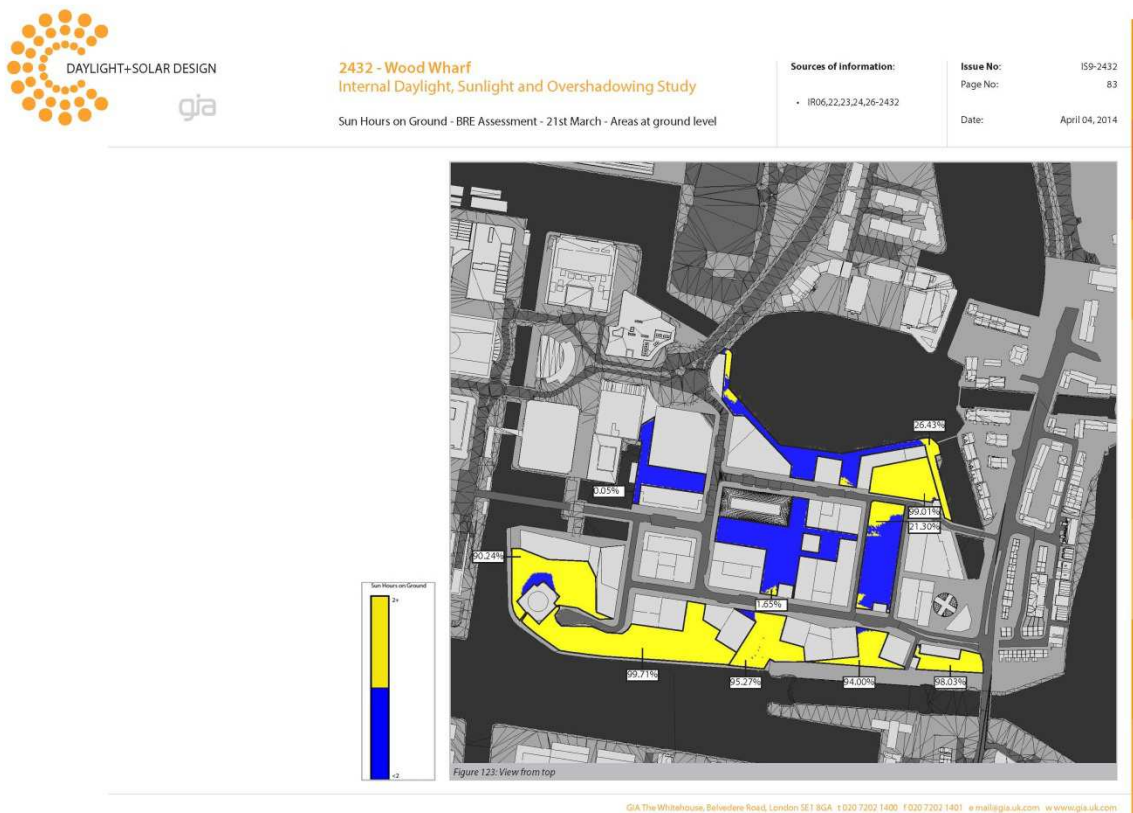


Figure 54: Sun Hours on Ground (21st March)

- 13.89 The following image shows the performance of these areas at June 21st, when the sun is higher in the sky and, unsurprisingly, identifies an improved performance within these areas (see Chapter 32: Appendix for the Sun Exposure Key to this image):

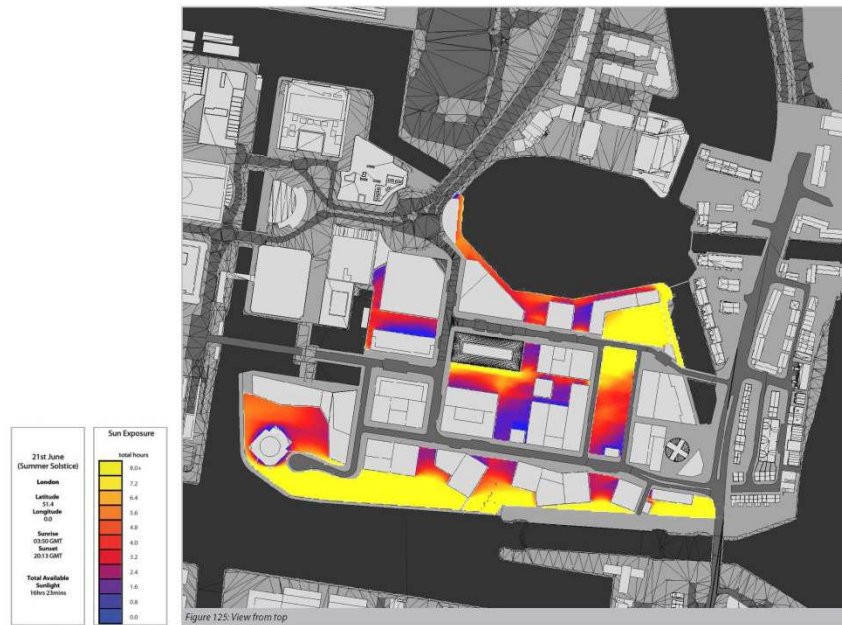


Figure 55: Sun Hours on Ground (21st June)

13.90 The following image focusses on amenity areas above ground level and shows that seven of the twelve areas meet the BRE guidance, including the amenity space for the school. The areas that fall short of the BRE guidance standards tend to be in the commercial district of the proposed development or within the internal courtyards within Development Zone G (see Chapter 32: Appendix for the Sun Hours on Ground Key to this image).



Figure 56: Sun Hours on amenity areas above ground (21st March)

13.91 The results for overshadowing of proposed amenity areas, is typical of what might be expected for a high-density high-rise scheme as envisaged within the Site Allocation for Wood Wharf. It would be difficult to materially improve these results without reevaluating the principle of high density development at Wood Wharf. Nevertheless, careful thought will need to be given at detailed design stage to how these areas are designed and how uses within them are planned.

Solar Glare and Light pollution

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

13.93 Light pollution may be defined as any light emitting from artificial sources into spaces where this light would be unwanted.

13.94 This is an outline application (with all matters reserved), accordingly the buildings which it would contain have not been designed as yet. Solar Glare could be caused wherever there are facades using high proportions of reflective materials. Suitable mitigation will need to be incorporated into the detailed design and a condition is recommended to secure this.

13.95 In respect of Light pollution, internal receptors will be sensitive as will external receptors, in particular those on Lancaster Drive, houseboats, Lovegrove Walk and

the surrounding bodies of water (for ecological reasons). Suitable mitigation will need to be incorporated into the detailed design and a condition is recommended to secure this.

Amenity space and Public Open Space

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

Private Amenity Space

- 14.2 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 14.3 Within the Indicative Scheme, the private amenity space would be provided in the form of recessed or projecting balconies with a minimum width of 1500mm. The application will be conditioned appropriately to accord with Policy DM4 of the MDD in the context of the Plan as a whole.

Communal Amenity Space

- 14.4 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. For the Indicative Scheme this would amount to a requirement of 3,044sqm. The requisite level of communal amenity space will be secured by way of condition.

Public Open Space

- 14.5 Public open space is determined by the number of residents, employees and hotel occupants anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per person (whilst making appropriate reductions for employees). Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces is appropriate.
- 14.6 The Development Specification sets a minimum of 2.5Ha of Publicly Accessible Open Space. For the avoidance of doubt this excludes existing permanent open space i.e. Montgomery Square. Conditions will secure the above and the s106 agreement will secure an appropriate public access plan. The Indicative Scheme envisages 2.95Ha of Publicly Accessible Open Space.

Child Play Space

- 14.7 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Conditions are recommended to ensure that the child play space is provided in full and in accordance with the principles set out in the London Mayor's guidance on the subject e.g. it will be provided across the development for the convenience of residents and for

younger children in particular where there is natural surveillance for parents. The Indicative is predicted to contain 715 children (0-15 years of age), accordingly 7150sqm of child play space would be required. There is sufficient space within the development to meet this requirement and, if necessary, higher levels of child play space having regard to the flexibility within the Development Specification. Conditions will secure the requisite quantity and quality of child play space summarised above.

Amenity Space and the Indicative Scheme

- 14.8 The applicant has set out in the Design and Access Statement (DAS) one way in which the amenity space requirements may be achieved. The Indicative Scheme contains approximately 29,000sq metres of Public Open Space. This is provided principally in an area described as East Park (8,900sqm), South Dock Park (12,000sqm), Junction Square and Market Square (combined area of 4.080sqm). The DAS notes that any shortfall from the Public open space requirements will be mitigated through financial contributions as per the formulae set out in the Council's Planning Obligations SPD.
- 14.9 The Design and Access Statement also sets out how communal and child play space could be provided and discusses some of the qualitative standards expected. These qualitative standards are secured through Chapter 3 of the Design Guidelines and include active frontages to, and enclosure by, surrounding buildings; levels; access and permeability; microclimate; levels of daylight and sunlight on the ground; and, balancing and integrating areas of active and passive playspace.
- 14.10 Finally, the Indicative Scheme shows dual use of space for both communal amenity space and child play space. The Council has some concerns with this approach particularly for older children's play space. Nevertheless, the Indicative Scheme is sufficient to demonstrate that there is sufficient space to meet the guidance. The details and final approach will be secured at Reserved Matters stage.

Design

Design policies

- 15.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 15.2 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 15.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 15.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The Core Strategy identifies this

area as part of one of two locations in Tower Hamlets where clusters of tall buildings will be supported.

15.5 Policy DM26 supports the principle of tall buildings in this area subject to high design quality. Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible; and,
- Not adversely affect biodiversity or microclimates.

15.6 The Local Plan Site Allocation for Wood Wharf seeks a comprehensive mixed-use development to provide a strategic housing development and a substantial amount of commercial floorspace. It seeks a tall building cluster to complement Canary Wharf, new pedestrian and cycling route, range of new spaces, a new canal and activation of the waterside.

Proposed Design

15.7 The application is in outline with all matters reserved. Accordingly, the detailed layout, scale and design of the buildings are matters to be determined at reserved matters stage. However, it is possible to draw conclusions from the Parameter Plans and the Design Guidelines.

15.8 The Parameter Plans and Design Guidelines enshrine the fundamental principles required to guide the development, whilst preserving flexibility for the individual buildings and uses they may contain.

15.9 The parameter plans contain 42 development plots with up to 11 plots exceeding 90m AOD, with the tallest development plot up to 211.5m AOD in the south-west corner of the site. The layout is in an east-west grid pattern that follows the pattern of development on the Canary Wharf Estate but with a finer grain reflecting the mixed-use proposal.

15.10 The fundamental principles are encapsulated in the Design Guidelines. Some of the key principles are set out below:

15.11 Principle – Public Realm: a legible network of high quality streets and safe and accessible spaces:

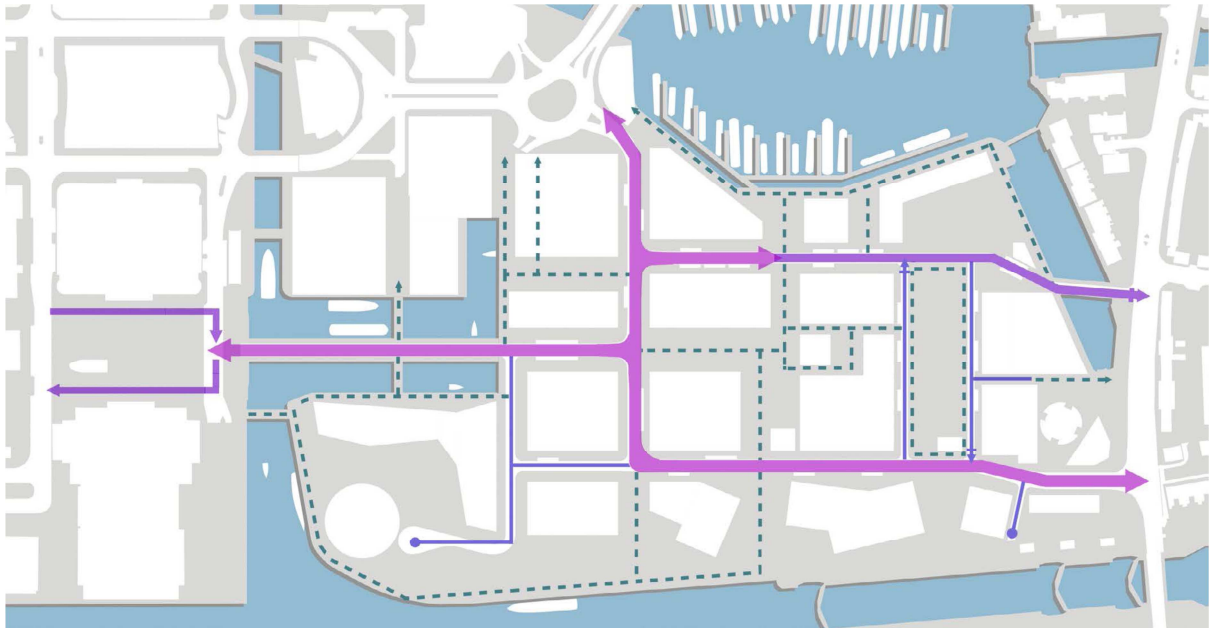


Figure 57: Public Realm

15.12 Principle – Connections: New and existing connections to and through the Masterplan area for pedestrians, cyclists and vehicle users.



Figure 58: Connections

15.13 Principle – Character Areas: Create varied and rich character areas with distinct but complementary neighbourhoods.

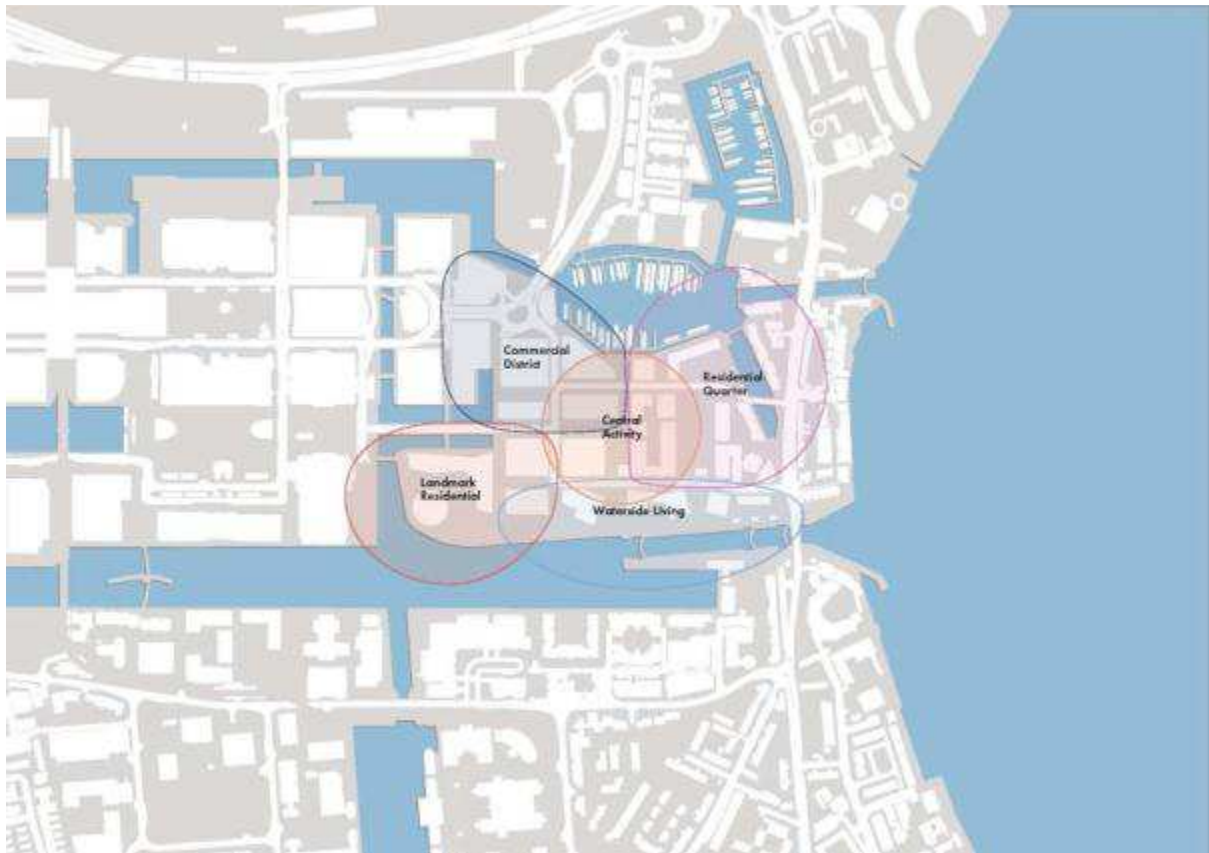


Figure 59: Character Areas

15.14 Principle – Heights and Massing: Building heights and massing should generally transition from the west, adjacent to Canary Wharf, to lower buildings in the east, with urban grain and proportions considered in relation to both the local and wider context.

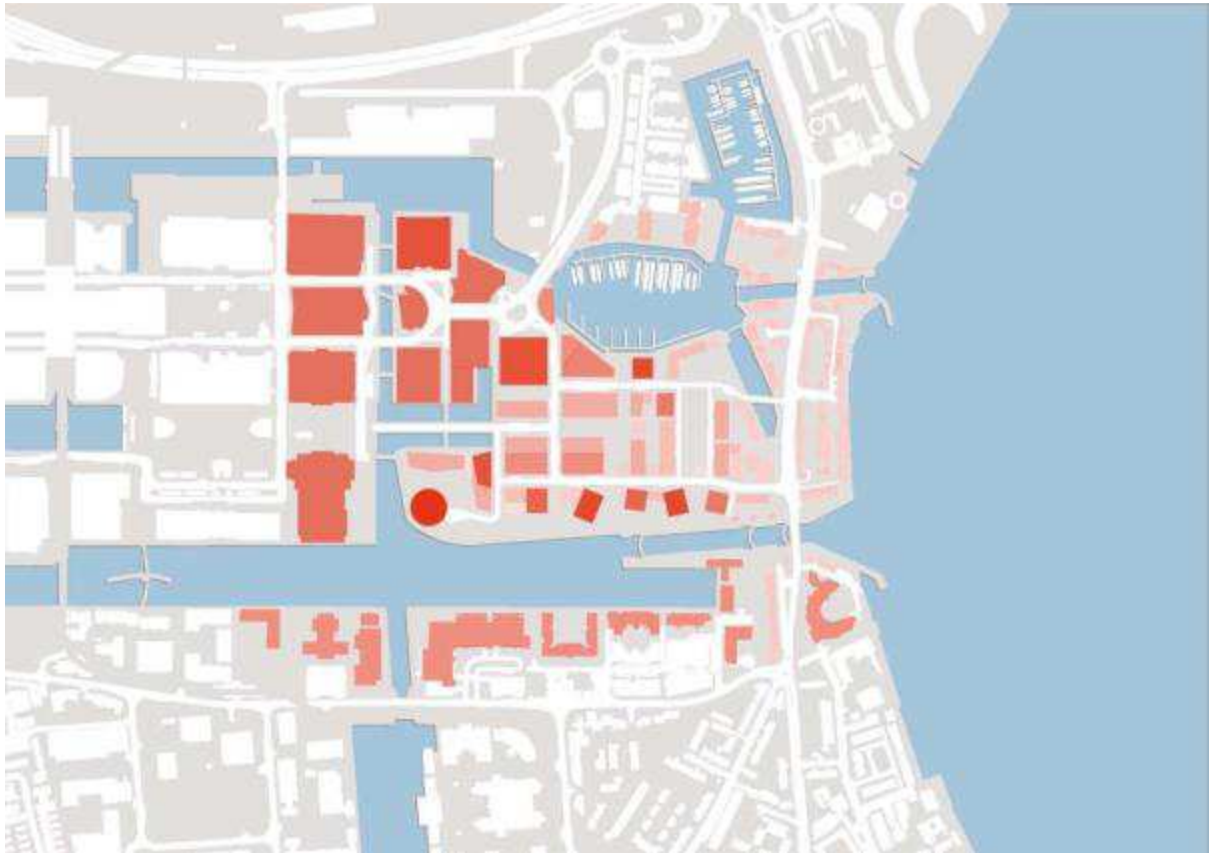


Figure 60: Heights and Massing

15.15 Principle – Holistic Approach: A holistic approach incorporating biodiversity measures and sustainability strategies in response to environmental issues relating to energy, water use, pollution, ecology and habitat, and promotion of health and wellbeing.

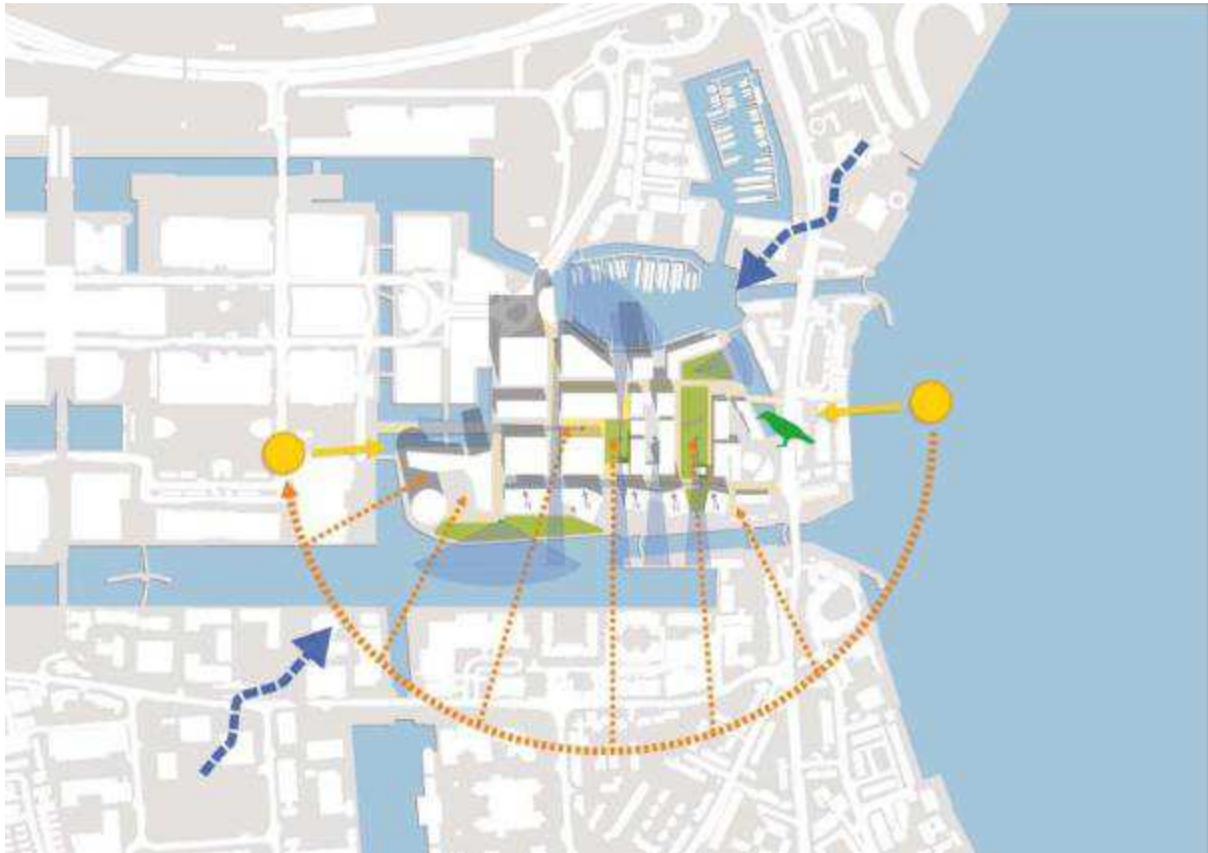


Figure 61: Holistic Approach

15.16 In the context of design, the following area will be explored below:

- Streets;
- Spaces;
- Water;
- Building Typologies; and,
- Townscape.

Streets

15.17 The development is organised in an east-west grid layout, which provides continuity with the urban form of the neighbouring Canary Wharf Estate.

15.18 The new road and street network establishes a hierarchy of highways within the development and creates accesses at Cartier Circle, a bridge across to Montgomery Square and to Preston's Road. The Design Guidelines enshrine appropriate minimum carriageway and footway widths. This proposed network of primary, secondary and tertiary roads would aid legibility and increase permeability and connectivity to nearby public transport links.

15.19 The Design Guidelines secure design quality in respect of the existing and proposed streets, in particular ensuring they are well lit, the development plot frontages provide strong definition to the street, the paving materials, street furniture and landscaping to

be of high quality and that the palette of materials provide continuity between the different places within Wood Wharf.

- 15.20 The Design Guidelines secure a range of pedestrian routes, connecting key spaces throughout the development and, in particular, a near continuous low-level boardwalk circumnavigating the water's edge. The Design Guidelines again secure appropriate design quality e.g. these routes are a minimum 5m wide and should be designed to optimise natural surveillance.
- 15.21 The Design Guidelines also seek to ensure that at ground floor these routes would have predominantly active frontages. This would assist in animating these areas and increasing natural surveillance.
- 15.22 Carriageway widths are designed to ensure cyclists can safely co-occupy these roads with vehicles and the road network is to be managed to create a low speed environment. Cycle routes will be designed to facilitate access to existing cycle routes in the wider area, including Cycle Superhighway 3. The site will contain two cycle hire docking stations, secure residential, employee and visitor cycle parking will also be provided.
- 15.23 The Design Guidelines provide further standards and guidance in respect of character, levels, access, entries & permeability, views, landscape, massing and building lines & frontages for each street or area for the primary road network: Cartier Circle, North-South Street, South Wharf Street and North Wharf Street.

Spaces

- 15.24 The Parameters secure four key spaces: High Street & Market Square; Junction Square; East Park; and, South Dock Park along with a re-imagination of Montgomery Square which is located on the Canary Wharf Estate.

High Street & Market Square

- 15.26 High Street & Market Square lies at the heart of the site with the proposed bridge to Montgomery Square across Water Square to its west and Junction Square to its east. It will perform a vital role in establishing a formal east-west axis to the Canary Wharf estate.
- 15.27 The Design Guidelines envisage High Street as a busy and active high street with generous footpaths with the character of a boulevard. It is intended that this location will be a retail destination. The Guidelines secure appropriate standards in respect of levels, ground floor frontages and views.
- 15.28 Market Square will be a hard landscaped linear pedestrian space, bordered by active frontages to north and south with High Street to the west and Junction Square to the east. It too will be a retail destination and natural continuation of High Street. The Guidelines secure appropriate standards in respect of levels, ground floor frontages, views, landscaping and enclosure.

Junction Square

- 15.29 Junction Square is located in the centre of the site. It is envisaged that it'll be a busy and active space with a mix of uses including shops, restaurants and bars so that it is an active space during day and evening. It will be designed so that it is capable of hosting a range of temporary events e.g. art installations or stage performances. The

Design Guidelines secure appropriate standards in respect of levels, permeability, links to Market Square and routes through to East Park, active frontages, views, landscaping and enclosure.

East Park

- 15.30 East Park will be a key green space located near residential buildings on the eastern side of the development with a formal park envisaged as a contemporary interpretation of a London Square and a significant active play area to the north of North Wharf Street. The buildings to the east and west will be no closer than 50m to ensure that East Park is of sufficiently generous proportions to achieve its intentions. The Design Guidelines secure appropriate standards in respect of levels, permeability, views, landscaping and enclosure.

South Dock Park

- 15.31 South Dock Park is located to south-west of the site adjacent to the water's edge along South Dock and Bellmouth Passage. It will be a soft landscaped, sculptured park, similar in some respects to the Jubilee Park on the Canary Wharf Estate. On its southern and western edge it will be bounded by a low-level boardwalk ensuring a positive relationship with the water. The Design Guidelines secure appropriate standards in respect of levels, permeability, views, landscaping and enclosure.

Montgomery Square

- 15.32 Montgomery Square is an existing public space within Canary Wharf Estate. It is a hard landscaped place, that isn't as successful as other places within Canary Wharf. The intention is to transform the Square into an active public space and establish a strong connection to Wood Wharf. The road network will be remodelled to include an east bound lane to the north and a west bound lane to the south, creating a vehicular link between the estates across Montgomery Bridge. The Design Guidelines secure appropriate standards in respect of levels, permeability, views and landscaping.

Green Grid

- 15.33 Policies SP04 and DM10 of the Local Plan seek to ensure development is required to contribute to an improved network of open spaces in accordance with the Council's Green Grid and Open Spaces Strategies. Development on areas of open space will only be allowed in exceptional circumstances where, inter alia, it is part of a wider proposal where there is an increase of open space and a higher quality open space outcome is achieved. The development provides a range of open spaces, described above, and the Development Specification secures as a minimum 25,000sqm of publically accessible open space. The Indicative Scheme would provide circa 29,500sqm of publicly accessible open space and, consequently, contributions may be in the region of £5.7m to provide and/or improve publically accessible open space in the area. The development is in accordance with the aforementioned policies.

Water

- 15.34 Wood Wharf is largely surrounded by water and is almost an island surrounded by the historic dock system. There are four principal water spaces surrounding the site: Blackwall Basin, Graving Dock, South Dock and the area around Bellmouth Passage / Middle Cut. In this section, the omission of the canal is also addressed.

Blackwall Basin

- 15.35 This body of water lies to the north of Wood Wharf, is bounded in part by listed dock walls and its northern edge is defined by houseboat moorings with residential buildings behind. The proposed development is intended to define its southern and western edge that would highlight its original 'puddle dock' form. A continuous low-level boardwalk would create a positive relationship with the water's edge. The development will also create a floating dock for residential houseboat moorings reflecting that in the north of the basin. The Design Guidelines secure appropriate standards in respect of levels, permeability, views, landscaping and enclosure.

Graving Dock

- 15.36 Graving Dock is a body of water to the east of Wood Wharf. It has a quiet character and is divided by the Lovegrove Walk Bridge which connects Wood Wharf to Preston's Road. A publicly accessible route will border its western edge to the north of the bridge and in its southern part 'eco-islands' will be established as a habitat for water birds and wildlife. The south-western edge of the Dock may be bordered by a school with the potential for learning terrace that engages with the waters' edge. The Design Guidelines secure appropriate standards in respect of levels, permeability, views, landscaping and frontages.

South Dock

- 15.37 South Dock is the large expanse of water separating Wood Wharf from South Quay. The development seeks to reclaim land from South Dock on the south-western edge of Wood Wharf and create the potential for boat moorings along this edge. The proposals would create a straight edge to Wood Wharf in this location (unlike the extant permission which created 'islands' in this section of South Dock). Whilst the proposal does reduce the expanse of water within the docks, this new land assists to maximise the ability of the development to deliver houses and commercial floorspace and adds incremental value to the development which assists in supporting the delivery of affordable housing, open space and community infrastructure.

Water Square (Bellmouth Passage / Middle Cut)

- 15.38 This is the area between the Site and the Canary Wharf estate that will include the bridges to Montgomery Square and Montgomery Street. The proposals seek to connect these two areas and introduce floating bars and restaurants into this space. The Design Guidelines secure appropriate standards in respect of levels, permeability, views, landscaping and enclosure.

Canal

- 15.39 The Local Plan Site Allocation for Wood Wharf sets out Design Principles which includes a north-south canal through the centre of site, broadly where Junction Square is proposed. The proposed development does not include a canal through the development. It is noted that the application was advertised as a Departure from the Plan. However, during the assessment of the application, Officers are now confident that the application does not depart from the Development Plan, when read as a whole. The omission of the canal is considered acceptable for the following reasons:

- The canal would result in a significant reduction in useable space. Whilst it would create a visual amenity, unlike public realm it could not be used as such;

- A canal would have the potential to segregate the site, between the high-value west of the site with the commercial core and the lower value east of the site, where the affordable housing is more likely to be located;
- The site is largely surrounded by water; creating additional 'blue' amenity is not considered a priority given the competing pressures for various uses of the land;
- The Canal is unlikely to provide a significant practical function. Blackwall Basin is already served by a navigational route via Bellmouth Passage and the houseboats tend to be permanent and are not regularly moved;
- The costs associated with in the canal such as service routes, dividing the basement, 'lifting' bridges complicating the road network would affect the ability of the development to maximise it affordable housing and community benefits.

15.40 It is noteworthy that Canals and Rivers Trust do not object to the proposed scheme and the development secures boat access through Bellmouth Passage, thereby ensuring access to and from Blackwall Basin and South Dock.

15.41 It is Officers' opinion that, for the reasons given above, high quality place-making would be hindered and not helped if a canal was provided as part of this development.

Blue Ribbon Network

15.42 According to the London Plan, the Blue Ribbon Network is spatial policy covering London's waterways and water spaces and land alongside them. As mentioned previously, the site is surrounded by water. There is however currently poor public access and little positive use of the water's edge as a public amenity.

15.43 Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to:

- Encourage uses of the Blue Ribbon Network and land alongside it to be prioritised in favour of those uses that specifically require a waterside location;
- To protect and promote facilities for sport and leisure;
- To protect and enhance the biodiversity of the Blue Ribbon Network;
- They state that developments into the water will only be allowed in exceptional circumstances where they add to London's world city status;
- To protect and improve existing access points to, alongside and over the Blue Ribbon Network;
- New sections to extend existing or create new walking and cycling routes alongside the Blue Ribbon Network as well as new access points should be provided as part of development proposals for Opportunity Areas;
- To protect the unique character and openness of the Blue Ribbon Network and requires proposals for new structures to be accompanied by a risk assessment detailing the extent of their impact on navigation, hydrology and biodiversity, and mitigation measures;
- To ensure existing and new safety provision is provided and maintained;
- Development proposals adjacent to canals should be designed to respect the particular character of the canal to reflect London's rich and vibrant history; and,

- To promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for water recreation and promoting their use for transport.

15.44 The proposal seeks to greatly increase access and activities at the water's edge, offering opportunities to connect employees and residents together with the public with the water's edge in contrast to the Canary Wharf estate which largely divorces pedestrians from the water's edge. The development includes provision for boardwalks, pedestrian bridges, mooring points, floating restaurants and ecology islands. These elements are considered to contribute to allowing people to engage with the water. It is considered that the development accords with the intentions of the London and Local Plans' blue ribbon policies.

Building Typologies

15.45 Whilst the design of the buildings is a reserved matter, the Design Guidelines secure some key principles including but not limited to:

- Lobbies to be designed as active frontages;
- To maximise transparency of the base of buildings;
- Level access from the street;
- Cores to be easily accessible from basement car park (where applicable);
- Community amenity space to be provided an entry or podium level and opportunities taken for roof level amenity space;
- Flats to have private amenity space in the form of balconies or winter gardens;
- The height of any one tower should vary by a minimum of four storeys from each of its directly adjacent neighbours;
- Towers shall have a clearly differentiated top, middle and bottom;
- The minimum horizontal separation between residential tower buildings should be 18m;
- Roof-tops as a principle should be treated as a fifth elevation and should have an uncluttered and simple profile;
- Roofs should incorporate either amenity space or green/brown roofs where possible;
- Entrances to buildings should have an appropriate level of prominence, be fully integrated into the architecture of the building and where recessed they should be gated;
- The soffit level of awnings should be a minimum of 2.5m above grade;
- All shopfront shutters may not be fitted externally and solid shutters are not acceptable.

15.46 Whilst Landscape is a reserved matter, the Design Guidelines secure some key principles including but not limited to:

- All spaces should be designed to maximise access to all parts of the development for less-able people;
- Landscaping should be designed to encourage biodiversity and use of local or indigenous species;
- Consideration should be given to the use of landscaping as an effective method of sustainable urban drainage;
- Light spillage should be minimised;
- Suitable soil depth to be provided for trees appropriate to that species, typically the height of the growing medium being between 1000-1100mm.

Tall Buildings

- 15.47 Given the application reserves 'scale', it must set upper limits for height along with the width and length of each Development Plot within the site boundary to establish a 3-dimensional building envelope within which the detailed design of the buildings could be constructed. These are set out in Parameter Plan PP-003 and PP-010.
- 15.48 The Design Principles section of this Report sets out the key policies when assessing tall buildings. The London Plan defines tall buildings as buildings 30m and/or 10 stories or more in height. The Council's policies refer to the CABI/English Heritage guidance on tall buildings (2007) which defines tall buildings as substantially taller than its neighbours and/or which significantly change to the skyline.
- 15.49 A significant number of development plots exceed 30m in height and the Parameter Plans allow for 11 buildings in excess of 90m AOD in height. The Townscape views analysis clearly shows a significant change to the skyline. Site Allocation 16 (Wood Wharf) within the Local Plan sets out the design principles for the site which require, inter alia, development should complement the tall building cluster in Canary Wharf through appropriate taller buildings and focus tall buildings in the west of the site stepping down to the east.
- 15.50 This scheme approaches this site allocation requirement by having tall buildings fronting the docks and lower buildings in the centre of the site defining streets, open spaces and parks. This approach ensures creating a more clearly defined dockside context whilst maintaining the lower rise blocks along the principal streets. Generally, building heights step down towards Preston's Road in the east, integrating with the more modest heights and urban grain in the Coldharbour area.
- 15.51 The proposed development plots (buildings) would not compete for dominance in the skyline with 1 Canada Square. They have the potential however, to provide new landmarks consistent with the national and international role and function of the area. The new buildings will assist in consolidating the cluster of tall buildings in the North Docklands area and is a coherent location for economic clusters of related activity.
- 15.52 The approach taken with this application is supported by officers and is consistent with relevant policies and guidance.

Townscape

- 15.53 Due to the scale of the development, it has the ability to affect a range of local and strategic views which have been assessed within the Environmental Statement. A development of this scale will have an impact on a range of strategic and local views; in the context of the transforming ambitions for this site set out in the Council's Local Plan this proposal would not be out of context. The Design Guidelines focus on five views which may be particularly sensitive. These are from Greenwich Park, Preston's Road Drawbridge, Coldharbour South, Preston's Road/Steward Road and Blackwall Basin/Poplar Cut.

Greenwich Park

- 15.54 The view at present is dominated in the distance by the Canary Wharf cluster. The Design Guidelines requires that new buildings should preserve or enhance the setting of the identified landmarks within these views and the relationship between them. Consideration should also be given to the definition of individual buildings to ensure they are individually identifiable and do not merge with their neighbours.



Figure 62: View from Greenwich Park – Indicative Scheme shown in blue, cumulative schemes shown in orange

Preston's Road Drawbridge

- 15.55 The view at present is dominated by the industrial cranes with Canary Wharf in the distance. The Design Guidelines require the buildings closest to these cranes to provide an appropriate backdrop and enhance the setting of these cranes and that each building has its own identity with a readily distinguishable top, middle and bottom.

Coldharbour South

- 15.56 The existing view comprises a mix of period terraced housing and contemporary development with the Docklands cluster evident in the background. The Parameter Plans and Design Guidelines secure the reduction in heights of buildings fronting Preston's Road compared to the buildings on the western side which are more similar in height to the Canary Wharf buildings.

Preston's Road/Steward Road

- 15.57 The existing view is dominated in the foreground by terraced housing. The proposed development would be visible above the roofs of these properties. The Design Guidelines ensure that the residential towers would have minimum separation of 18m to ensure they do not merge in these views and in particular J3 and J4 will have a significant component of sky between these buildings when viewed from this location.

Blackwall Basin/Poplar Cut

- 15.58 This view is dominated by the cluster of buildings at Canary Wharf, with Blackwall Basin in the foreground and the low-level warehousing on Wood Wharf evident. The Design Guidelines secure the buildings providing appropriate enclosure to the Basin, the residential towers are at least 18m apart to ensure they do not merge and the design and heights are sufficiently varied to break up the massing of the development when viewed from this location.

Microclimate

- 15.59 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.
- 15.60 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.
- 15.61 The modelling found that the existing site conditions are relatively calm, suitable for sitting, standing or leisure walking throughout the year with the exception of Montgomery Square which is suitable for business walking only.
- 15.62 The modelling tested five scenarios: existing site and surrounds; maximum Parameters with surrounds; Indicative Scheme with surrounds; maximum Parameters with cumulatives; and, Indicative Scheme with cumulatives. Broadly speaking, the most affected areas were similar in all the development scenarios. Generally, microclimate conditions are suitable for the intended range of uses. An increased number of receptors were only suitable for leisure walking during the windiest season for the development scenarios compared to the existing site and a number of areas are in need of mitigation. In particular, the windiest conditions are expected in the vicinity of Development Plots D2 and J5, and mitigation would be required to shelter these thoroughfares from prevailing winds. This mitigation is likely to take the form of sensitive landscaping, consideration of the design and location of building entrances and/or screening. As part of Reserved Matters applications, the wind tunnel modelling will be updated to reflect the detailed design and appropriate mitigation measures will be required to be incorporated. This will be secured by condition. Particular care will need to be given at detailed design stage if balconies rather than winter gardens are proposed on buildings at height.

Secure by Design

- 15.63 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.
- 15.64 Given that this is an outline application with all matters reserved, there are no detailed design elements to assess against secure-by-design principles. Nevertheless, the Metropolitan Police Crime Prevention Design Advisor has provided some general comments about the development which the applicant confirms can be incorporated into the detailed design.

- 15.65 In general the proposed layout, mix of uses and proposed provision of clear, legible routes through the development would help to minimise crime and anti-social behaviour through significant natural surveillance and by creating opportunities for activity through different times of the day and into the evening, with much greater permeability and connectivity with the surroundings than is afforded at present or would be if the site was developed with a lesser mix of uses.
- 15.66 A condition has been attached requiring the detailed elements of the scheme to demonstrate full secure by design accreditation.

Inclusive Design

- 15.67 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.
- 15.68 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 15.69 In relation to the streetscape, 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. The Design Guidelines ensure that shop entrances will be level access. Wayfinding strategies will be designed will less-able and less-mobile pedestrians in mind. Streets will have benches at certain intervals allowing pedestrians to rest and streets will not have a gradient of more than 1:20. Appropriate detailed design and finishes will be secured via conditions and reserved matters applications.
- 15.70 The applicant's Design and Access Statement sets out that all homes will comply with 'Lifetime Homes' standards, and that 10% of housing units will be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes. Alongside this, 10% of parking spaces will be sized so they wheelchair accessible and located conveniently near entrances and lifts. This will be conditioned appropriately and commitments are set out in the Design Guidelines.
- 15.71 10% of all hotel rooms must be wheelchair accessible or capable of being adapted to be wheelchair accessible. The applicant has confirmed that this can be achieved and will be conditioned appropriately. In addition, the feasibility of incorporating a Changing Places facility will be investigated via condition.
- 15.72 The application is in accordance with the aforementioned policies and the detail will be secured through the reserved matters applications and conditions.

Security and Zone N

- 15.73 It is vital that the development integrates into the wider Isle of Dogs area. Unlike Canary Wharf, it would be a residential as well as a commercial area. Accordingly, it is crucial that it does not create the impression (inadvertently or not) of a gated community. The applicant has advised that they would seek vehicular entrance security arrangements in Zone N; by the south-eastern entrance from Preston's Road. They further advise that whilst it would provide a security deterrent its primary function would be to form part of CWG's 'unique' commercial offer to potential residents and business occupiers.

15.74 To secure an inclusive development, officers recommend that a condition to ensure that Zone N is the only entrance/exit security control within Wood Wharf. Officers further recommend a condition to ensure that the security arrangements within Zone N only come forward in accordance with the following principles:

1. They shall not create any perception, reasonably held, of a gated community;
2. They shall result in a 'step-change' from security measures currently in place at Cartier Circle and Heron Quays in that they shall be discreet and welcoming;
3. There shall be no security barrier. Retractable bollards are the only identified acceptable physical barrier;
4. Security control shall only be from foyer of an adjacent building or in a purpose built structure that does not appear designed as a security cabin. Its' design shall integrate into high-quality design of the development and shall be as small and discreet as possible; and,
5. Any CCTV or other camera like structures shall be integrated discreetly into the landscape so as to be unnoticeable to a casual pedestrian entrant.

15.75 Subject to securing such a condition, Officers are confident that the development can come forward in such a way that is inclusive and embodies the principles of good place-making.

Heritage

Introduction

- 16.1 The environmental statement (ES) assesses the likely effects of the proposed development on cultural heritage assets and archaeology on and around the site.
- 16.2 A separate heritage statement has also been submitted that considers the impact of the proposed development on the listed dock walls (including setting), on the setting and character and appearance of the Coldharbour Conservation Area (including the proposed works of demolition), and on the setting of Grade II listed buildings near to the site.
- 16.3 It is noted that the ES identifies a minor adverse effect on the All Saints Conservation Area. This was not addressed in the heritage statement, however Officers are confident that sufficient information is available to reach an informed decision and the impact on this conservation area is addressed within this report.

Heritage Policies and Guidance

Development Plan

- 16.4 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 16.5 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.

NPPF

- 16.6 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The Coldharbour Conservation Area, The Maritime Greenwich and Tower of London World Heritage Sites, the listed buildings on and around the application site and surrounding conservation areas are all ‘designated’ heritage assets, whilst the three cranes adjacent to the south-east of the site and potential archaeological remains are ‘non-designated’ heritage assets.
- 16.7 Annex 2 (Glossary) of the NPPF provides the following definition of heritage assets:
- ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’*
- 16.8 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has provided a heritage statement that includes a statement of significance for the built heritage assets directly affected by the application proposals, although not for All Saints Conservation Area.
- 16.9 Paragraph 128 also says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. A desk-based assessment has been enclosed with the heritage statement.
- 16.10 Under NPPF Paragraph 129, local planning authorities are advised to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. This assessment should take account of the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 16.11 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The 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 vitality; and,
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 16.12 ‘Conservation’ is defined in the NPPF Annex 2: Glossary as ‘The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.’
- 16.13 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the

asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

16.14 Annex 2 (Glossary) of the NPPF provides the following definition of "Significance"

"the value of a heritage asset to this and future generations because of its heritage interest...Significance derives not only from a heritage asset's physical presence but also from its setting"

16.15 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish the relevant tests:

- Paragraph 133 states that where a development proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

16.16 The online National Planning Practice Guidance (NPPG) provides the following advice with regard to assessing whether or not substantial harm is caused to heritage assets:

'What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.'

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example,

when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

- 16.17 This guidance makes it clear that it is not the scale of development that is to be assessed rather it is the harm to the asset's significance. It advises that in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.
- 16.18 However, in considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 16.19 NPPF Paragraph 135 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.20 Specifically relating to archaeology, NPPF Paragraph 139 advises that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 16.21 This section of the report considers the implications for the application in respect of strategic views, archaeology, listed buildings and conservation areas and non-designated heritage assets.

Strategic Views

- 16.22 The development has the potential to affect three views, which are designated as Strategic within the London View Management Framework; the London Panorama's from those from Greenwich Park (LMVF View 5A.1) and Primrose Hill (LMVF View 4A.1) and the River Prospect from Waterloo Bridge (LMVF View 15B.1).
- 16.23 In respect of the Greenwich WHS, English Heritage note that the '*scale and volume of proposed development will... result in a build-up in the appearance of development in the backdrop of the view of Greenwich World Heritage Site (LVMF 5A.1)*'. The Mayor of London's World Heritage Sites – Guidance on Settings notes that 'The towers of Canary Wharf have a profound impact on the setting of the Maritime Greenwich World Heritage Site but they are at sufficient distance to allow the significance of the axial view of the Royal Observatory to be appreciated.'
- 16.24 The view from the General Wolfe Statue is an important consideration in relation to the impact on the Maritime Greenwich World Heritage Site (WHS) – LVMF5A.1. Whilst there are more towers now proposed compared to the 2008 development proposal, they are now narrower in relation to their height and more slender on plan; reducing the overall visual impact of the development in views from the WHS. The

proposed development is also at sufficient distance to allow the significance of the view to be appreciated and the impact is thus lessened. Given the very great significance of a WHS, the impacts of any proposal in strategic views then should be considered with particular care, mindful of the heritage designations. The LVMF and Mayor's special guidance on development in the settings of WHSs are also material considerations.

- 16.25 Due to the distance of the application site from the Primrose Hill LVMF Assessment Point 4A.1, the proposed development is not significantly visible within the existing cluster of tall buildings in the Docklands. Notwithstanding this, the proposed buildings are visible and will add to the strength of the Docklands clusters and the general form of the skyline,
- 16.26 Due to the distance and orientation of the proposed development from the Waterloo Bridge LVMF Assessment Point 15A.1 the proposed development does not appear highly visible from this location, resulting in a negligible effect on this view.
- 16.27 It is noteworthy that the GLA, Historic Royal Palaces, English Heritage and the Royal Borough of Greenwich raise no objections in the respect of the impact on strategic views.

Archaeology

- 16.28 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. As set out above, Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 16.29 This application will affect designated and undesignated heritage assets of industrial archaeological interest forming part of the West India Docks built from 1800 onwards. The national importance of these docks is recognised through listing and their significance is described in the applicant's heritage assessment.
- 16.30 Specifically, the site includes the southern edge of Blackwall Basin, the infilled Junction Dock and part of the infilled Graving Dock. These are likely to survive as below-ground structures in-whole or in-part along with remains of the associated dockside structures.
- 16.31 In addition, the desk-based assessment highlights the discovery of a 'fossil forest' at Blackwall and more recently an early Neolithic burial and Bronze Age timber platform. This indicates the presence of a well preserved buried prehistoric landscape which includes heritage assets of national significance. Within the docks basins themselves such remains will almost certainly have been destroyed but between the basins there could be good survival potential having regard to the local buried landscape topography.
- 16.32 The CgMs desk-based assessment concludes that the sites potential for important prehistoric and post-medieval remains is high. As set out above, such remains could be considered of national significance having regard to NPPF policy 139.
- 16.33 English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature,

depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a Written Scheme of Investigation. The Scheme of Investigation is likely to include targeted trenching and geoarchaeological and/or palaeoenvironmental work coupled with investigation and recording and the post-medieval docks and provision made for analysis, publication and dissemination of the results and archive deposition. Subject to this condition, the impact of the development on archaeology is acceptable.

Coldharbour Conservation Area and Grade II listed Gun Public House

- 16.34 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 16.35 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.36 In the recent case of *East Northamptonshire, English Heritage and The National Trust v. Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd (2014)*, the Court of Appeal clarified that the desirability of preserving the setting of a listed building or the character or appearance of a conservation area should be given "considerable importance and weight" by the Council in making their decision. The Court has stated that there is a strong presumption against granting planning permission for development which would harm the conservation area, listed building or its setting although this presumption may be overridden in favour of development if the decision maker concludes that the development has some advantage or benefit which outweighs the considerable importance and weight that must be given to any harm that would occur.
- 16.37 A small section of the Conservation Area is located within the application site, including the Graving Dock. The proposal seeks to introduce 'eco-islands' into this Dock, which is of historic interest in the context of the Conservation Area. Whilst the eco-islands are not entirely sympathetic to the historic character of the docks which were hard edged, industrial structures; the original form of the dock would remain clearly discernable and the harm would be less than substantial. Moreover, they have the potential to create significant biodiversity improvements and may serve as an ecological learning tool for the proposed school. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.
- 16.38 A small single storey building to the north of the lock to the South Dock is proposed to be demolished. It is not statutorily or locally listed. However, it is within the Coldharbour Conservation Area. The applicant's Heritage Statement sets out that the building was probably a subsidiary building to the former Dockmaster's office which is located on the south side of the lock and east of the road bridge. It is part of the later development of the South Dock east entrance that took place from 1927-9. The building is of limited significance and makes a neutral contribution to the character and appearance of the Coldharbour Conservation Area. It is proposed to replace the building with high quality contemporary architecture and landscape. It is therefore considered that the proposed demolition is acceptable as it doesn't contribute to the

significance of the Conservation Area and would, therefore preserve its character and appearance.

16.39 In relation to the impact of the proposed development on the setting of Coldharbour Conservation Area, it will have an impact on some views from within the northern part of the conservation area. However, it will not be prominent in key views along Coldharbour itself which forms the historic spine of the Conservation Area. Whilst there will be some impact on the setting of the Grade II Listed Gun Public House, this will be minimal given the distance of the development to the west and overall, a more legible urban context. The southern part of the Conservation Area comprises, amongst others things the river lock to the dock, blue bridge and cranes. At this location, the Conservation Area is at such a significant industrial scale that it is considered that the new buildings to the north on Wood Wharf will preserve the special interest and the overall setting of the Conservation Area. The proposals include the restoration of the dockyard cranes (see below), which would result in direct enhancements of the conservation area.

16.40 The development results in less than substantial harm to the Coldharbour Conservation Area and Grade II Listed Gun Public House. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.

Listed Dock Walls

16.41 Listed Building Consent and Planning Permission is sought for the partial demolition and alteration of section of the Grade I listed dock walls to Blackwall Basin and the East Quay of the Export Dock and Middle Cut between the Export Dock and the South Dock.

16.42 The site includes the southern edge of Blackwall Basin which was listed at Grade I in 1983 along with a part of the West India and Import and Export Dock which is was also listed at Grade I in 1983. Grade I structures are of exceptional interest and together the two docks form a key part of the surviving historic dock system within Tower Hamlets.

16.43 The list description relating to Blackwall Basin is brief - it states: *'1800-02 William Jessop engineer. The first non-tidal basin in the Port of London. Same construction as Import and Export Docks with concave buttressed quay walls, the copings, mostly, surviving here, of good ashlar masonry. The locks enlarged in the 1890s follow in the tradition with brick lined chambers and granite quays. The lock into the Poplar Railway Dock dates from the 1890s, see under Preston's Road.'*

16.44 Whilst there has been some debate, over the years with regard to the Grade I status of the Basin, the letter of 22 January 2014 from English Heritage is clear that *'Although Blackwall Basin was altered by subsequent stone walling and the rebuilding of the entrance lock, it is highly significant historically and fully merits its Grade I listed status'*. The historic significance of the Basin is recognised within the relevant Heritage Statement submitted with the Listed Building Consent and Planning Permission applications. That significance lies, however, as much in the Basin's historical associations – as communicated by its plan and extent and location as it does derive from the fabric of the wall itself.

16.45 The listing description relating to the Grade I listed 'Quay Walls, coping and buttresses to Import Dock and Export Dock' states that: *'Following the Act of 1799, the West India Docks were opened in 1802, the first and greatest of the enclosed*

security commercial docks, a pioneering civil engineering design by William Jessop with Ralph Walker, that created the modern Port of London after 1000 and set the precedent for commercial dock design. The Import Dock is the earliest, 1800-02, followed to south by the Export Lock of 1803-06. Totalling 54 acres and 2,600 ft long with an original impounded south of 23 ft, the quay wall are of sophisticated brickwork having a profile and counterfort buttresses, on a gravel bed. The ashlar granite copings have largely been renewed or concealed by jetties. The locks to the Blackwall Basin were enlarged later in the C19 but see West Ferry Road for the Limehouse Entrance lock to the former City Canal subsequently in the 1860s enlarged as the present South Dock. Expenditure on works from 1800 to 1806 amounted to the vast sum of 1.1 million. These docks with Nos 1 and 2 warehouses (qv) are now the only surviving examples of the first intensive period of London dock construction: 1800-10.'

- 16.46 The letter of 22 January 2014 from English Heritage notes that *'The Import and Export Docks have also been altered and much of the ashlar granite copings have been replaced or concealed. However, they remain of great historic significance representing the first intensive period of London dock construction and are also Grade I listed'*.
- 16.47 The Listed Building Consent application provides existing and proposed sections at eight locations along with part plans at a scale of 1:200. The drawings are supplemented by a Heritage Statement which includes an Assessment of Significance (dated March 2007) and Hydrographic Survey (dated June 2007) and are further supplemented by a document entitled 'Structural Summary in Support of Works to Blackwall Basin'.
- 16.48 The dock edges bear physical evidence of their long working history as key components at the heart of London's dock system and are therefore of value. Blackwall Basin, in particular, also exhibits evidence of the prolonged period of relative decline as shipping moved away from the enclosed dock system. The existing 'rough around the edges' character exhibited in this part of the dock complex is now rare as quaysides and docks have been transformed over the last few decades as part of regeneration projects.
- 16.49 Section 16 (2) of Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority when making a determination on a Listed Building Consent application to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 16.50 As set out above, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.51 Chapter 12 of the NPPF provides further guidance, in particular Paragraphs 133 and 134 (set out in detail above), which set out "public benefit" tests to judge whether they are appropriate reasons for approving Listed Building Consent or Planning Permission applications where substantial harm or less than substantial harm to the significance of designated heritage assets has been identified. Paragraph 137 advises Local Planning Authorities to seek opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

- 16.52 In relation to the impact on Blackwall Basin and its setting, it is noted that the broad form and alignment of the feature is retained with the exception of infilling a 'V' shaped section of dock wall that was formerly part of the access from the Blackwall Basin to the Export Dock, as well as part of the former entrance to the Junction Dock (now infilled). The broad shape has survived more than 200 years and is of particular value. The actual physical fabric proposed to be removed has been heavily altered and makes a limited contribution to the significance and special interest of the heritage asset, which are both largely derived from historical associations and their overall form. Whilst some demolition and alteration is proposed it is considered that these works would not cause anything approaching the complete loss of significance of the heritage asset. Consequently, the development would cause *less than substantial* harm. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.
- 16.53 In relation to the impact of the development upon its setting, the current low-grade warehousing on the site is not considered to contribute positively to the significance of the heritage asset. The redevelopment of the warehousing is encouraged under NPPF Paragraph 137, which advises local planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Whilst the detailed design and appearance of the new development is subject to reserved matters applications, it is clear that the Design Guidelines will secure significantly higher quality architecture and landscape than currently exists. Moreover, the proposal would increase permeability and access to the dock edge and water body, and would introduce a scheme of interpretation. These outcomes of the proposed development would better reveal the significance of the heritage asset. On the other hand, the introduction of pontoons for residential moorings is likely to detract from the setting of the Basin as it impinges on the large body of open water. On balance, these effects of the listed building's setting, reaffirms the view that the proposal would cause *less than substantial harm* to Blackwall Basin. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.
- 16.54 Turning to the effects on the East Quay of Export Dock and Middle Cut between the Export and South Docks, the proposal involves the creation of new land and a cantilevered walkway structure. Two bridges would be constructed in this area linking the Canary and Wood Wharf Estates. As a result of these works, along with the alteration to the levels of the dock edge and creation of surface water drainage outfalls, the development would cause harm to the listed asset. Mindful of the advice contained within the NPPG it is not considered that the proposal would have an impact approaching complete loss of significance of the heritage asset and consequently is considered less than substantial harm. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.
- 16.55 The two bridges (in particular the more substantial vehicular bridge) along with the proposed structures in 'Water Square' would be a significant intrusion into the open body of water and harm the relationship between the listed structures either side of Middle Cut, detracting from the setting of these listed structures.
- 16.56 On the other hand, and for the reasons given above in respect of Blackwall Basin, the proposed development (other than the two bridges and water square) has the potential to enhance the setting of the listed building compared to the existing buildings, as the Design Guidelines will secure significantly higher quality architecture and landscape than currently exists. Moreover, the increased permeability and

access to the dock edge and water body, and the introduction of a scheme of interpretation would better reveal the significance of the heritage asset.

- 16.57 On balance, it is considered that the proposal would cause *less than substantial harm* to these listed structures. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.

Surrounding Conservation Areas, Listed Buildings and non-designated heritage assets

Conservation Areas

- 16.58 Given the scale of the proposed development it would be visible in views from other Conservation Areas, namely West India Dock, Naval Row, St Mathais, All Saints, St Fridewide's and Lasbury, and Balfron conservation areas. The effects of the proposed development on these conservation areas are summarised below:
- 16.59 West India Dock Conservation Area is located over 700m from the site. The proposed development is likely to be screened from view by interposing, high scale development at Canary Wharf. The proposed development will, therefore, preserve its setting.
- 16.60 Naval Row Conservation Area occupies an elevated position within the general area and thus affords wider views to the south from the listed wall on which the conservation area is based than the general built environment. The immediate context of the industrial park to the south of Naval Row and Blackwall DLR Station detracts from the setting of the conservation area; however, Canary Wharf provides a visually interesting and modern backdrop in the distance. The development of the scale proposed could potentially harm the setting of this conservation area. However, the proposed development will comprise contemporary architecture, in keeping with the existing character of the Canary Wharf complex. It is considered that the proposal would preserve its setting.
- 16.61 St Mathias Church Conservation Area is located approximately 700m from the site. The focus of the conservation area is the church and terraced housing surrounding the green open space of Poplar Recreation Ground. The immediate setting of the conservation area has a varied character. Canary Wharf has already significantly altered the setting of the conservation area, creating a visual interesting juxtaposition of old and new. A development of the scale proposed could potentially harm the setting of the conservation area. However, the proposed development will comprise contemporary architecture and the high scale development will perpetuate this visually interesting contrast and the profiles and silhouettes of the buildings are likely to be appreciable at this distance. It is considered that the proposal would preserve its setting.
- 16.62 All Saints Conservation Area is located approximately 800m from the site. The focus of the conservation area is the church, churchyard and late Georgian terraces that enclose the square. The conservation area retains much of its original historic character; the modern development at Canary Wharf is largely screened from view, although is visible in a view from the churchyard. The proposed development is likely to be visible from more of the conservation area, including Newby Place and the churchyard. While the profiles and silhouettes of the buildings are likely to be appreciable at this distance, the proposed development will change the historic character of the conservation area. Because the setting of the conservation area has already been changed by Canary Wharf, the effect on the setting of this conservation

area would be considered to be less than substantial harm. Following the NPPF paragraph 134 test, an assessment of whether the public benefits outweigh the identified harm is considered below.

- 16.63 St Fridewide's and Lansbury Conservation Areas are located 1km and over 900m from the site respectively. The effect of the proposed development at this distance is therefore negligible because it will be largely screened from view by interposing development and trees. It is considered that the proposal would preserve its setting.
- 16.64 Balfron Tower Conservation Area is located over 1 km from the site. The effect of the proposed development at this distance is therefore negligible because it will be largely screened from view by interposing development and trees. It is considered that the proposal would preserve its setting.

Listed Buildings

- 16.65 Given the context of the cluster of tall buildings in Canary Wharf and the north-south orientation of the roads on which surrounding Listed Buildings are situated, it is considered that the proposed development will have no impact or minimal impact on the settings of other Listed Buildings in the Coldharbour Conservation Area (other than the Gun Public House) and in the wider area. The likely effects of the proposed development on these listed buildings is summarised below:
- 16.66 The setting of the Poplar Dock and the Accumulator Towers on the west side and south-east corner of the Dock will be significantly altered by the proposed development. A development of the scale proposed could potentially harm the setting of these listed buildings. However, the proposed development will replace the poor quality buildings and townscape currently on the Site with contemporary architecture and landscape. Although the existing development on the Site is largely screened from view by the modern residential development on the west side of Poplar Dock, the taller elements of the proposed development will be visible which will signal the regeneration of the area, and it is likely that it will be possible to appreciate the profile and silhouette of the buildings at this distance. It is considered the setting of these Grade II structures will be preserved.
- 16.67 Bridge House, 26 Prestons Road: Bridge House was constructed for the superintendent of the dock and its relationship to the docks at this key strategic location will not be altered by the proposed development. A development of the scale proposed could potentially harm its setting. Recent residential development detracts somewhat from the setting of Bridge House. The setting has also been changed by the development of Canary Wharf, which indicated the location of the financial district nearby. The taller elements of the Proposed Development are likely to be visible above the residential development in the immediate setting. The proposed development will replace the poor quality buildings and townscape currently on the Site with contemporary architecture and landscape. It is considered the setting of these listed structures will be preserved.
- 16.68 Isle House, No. 1, No.3, No. 5-7, No.15 & Blackwall River Police Station, Coldharbour: The existing buildings on the Site are not visible from most of the streets of Coldharbour, but are screened by interposing development. Given the scale of the proposed development it is likely that some of the proposed buildings will be visible from these listed buildings. Certainly, the proposed development will be prominent in views of the listed buildings from the Greenwich Peninsula where their river frontages are best appreciated. The setting of these listed buildings has already been substantially altered by the development of Canary Wharf, which is prominent

in the backdrop of the view and illustrates the different phases in the historic development of the Isle of Dogs, and provides a dynamic contrast of visual interest. A development of the scale proposed could potentially harm the setting of these listed buildings. However, the proposed development will remove the poor quality buildings at the entrance to South Dock and be replaced with contemporary architecture. It is considered the setting of these listed structures will be preserved.

- 16.69 Warehouses and General Offices at Western End of Northern Quay, West India Dock Road: The warehouses at the western end of Northern Quay are located over 750m from the application site. The proposed development will be screened from view by interposing development at Canary Wharf, which is of a considerable scale. Therefore the proposed development will preserve the setting of the grade I listed warehouses.
- 16.70 St Mathias Church is located approximately 700m from the Site. The churchyard and Poplar Recreation Ground forms the immediate setting of the Church to the north. Modern development at Canary Wharf has already significantly altered the setting of the church. There is a dramatic contrast in the scale and style of the development at Canary Wharf and the church, which illustrates the different phases in the development of this part of London, and provides a visually interesting juxtaposition of old and new. The proposed development will change the setting of the church further, perpetuating the existing contrast between old and the new development. The profiles and silhouettes of the buildings are likely to be appreciable at this distance. The proposed development will preserve its setting.

Non-designated heritage assets

- 16.71 The three cranes to the south-west of the application site derive their significance due to their relationship with the dock edge, rather than the unattractive low-grade warehousing to the north. Whilst the proposed development would result in a build-up in the backdrop of these cranes, it would not harm the relationship between the cranes and the dock.
- 16.72 Turning to the Tower of London WHS, the Environmental Statement Visual Impact Study show that these tall towers would just be visible in the sky-space between the bascules of Tower Bridge (view D9 from HMS Belfast Pier), but their impact would be no more significant than that of the existing tall buildings at Canary Wharf. The effect on the setting of the Tower of London World Heritage Site would therefore be minimal.

Harm and consideration of Public Benefits

- 16.73 NPPF Paragraph 132 notes that when considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The paragraph advises that 'substantial harm to or loss of designated heritage assets of the highest significance, notably...grade I and II* Listed buildings...and World Heritage Sites, should be wholly exceptional.'
- 16.74 It is not however considered that substantial harm would be caused. As set out in this Chapter it is considered that some elements of the development would cause *less than substantial harm* to designated heritage assets.
- 16.75 In this case Paragraphs 133 and 134 of the NPPF apply and advise that where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, such harm (understood in the light of statutory requirements set out above) should be weighed against the public benefits of the proposal.

- 16.76 However, in carrying out this balancing exercise, and following clarification from the Court of Appeal in Barnwell, considerable importance and weight should be placed on the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and in the case of conservation areas the desirability of preserving or enhancing the character or appearance of that area.
- 16.77 Consideration should, therefore be given, to the public benefits (including heritage benefits) arising from the proposal. The applicant has offered a heritage mitigation package which includes funding (£100,000) for repair and restoration works to the three dock cranes located outside the southern boundary of the site, a scheme of interpretation for the site (with input from Museum of London Docklands) and funding for potential public realm improvements. The applicant considers that the enhanced public access to the site particularly along the southern edge of Blackwall Basin adjacent to the listed structure allows greater appreciation of the asset. It is also noted that conditions would ensure a good standard of repair to the retained dock walls and the re-use of masonry wherever possible. Landscape improvements and increased activity in the setting of the heritage assets would also be achieved.
- 16.78 There are substantial wider public benefits associated with the scheme that otherwise could not be achieved. These include additional housing, affordable housing, improved connectivity (in particular with the public transport links on Canary Wharf Estate), improved biodiversity, jobs, community infrastructure etc.
- 16.79 It is considered that whilst having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the listed structures possess and the desirability of preserving or enhancing the character or appearance of the conservation area, and having ascribed considerable weight and significance to those identified instances of harm, this proposal provides significant public benefits that outweigh the less than substantial harm that has been identified to the heritage assets.

Conclusion

- 16.80 Having regard to the heritage impacts as a whole, it is considered that less than substantial harm would result from the proposed development and whilst giving considerable importance and weight to this harm it would significantly be outweighed by the public benefits that would accrue from this development.
- 16.81 The Council, in reaching its conclusions, has assessed the material submitted (in particular the ES and heritage statement) by the applicant along with relevant representations including from statutory consultees and local amenity groups and residents in order to determine the significance to be attached to each asset and the likely impact of the scheme on each asset. In each case, officers have concluded that there is less than substantial harm and have therefore given consideration to the scale of the public benefits arising from the scheme, both in terms of the wider enhancement of heritage assets and the overarching benefits of the scheme as they relate to sustainable development, place making, infrastructure delivery, housing supply and job generation which are considered to be significant.

Neighbouring amenity

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

Privacy

- 17.3 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 17.4 The proposed development is surrounded by commercial development to the west and Blackwall Basin and South Dock to the north and south respectively. Accordingly, the closest development is to the east. Development to the south-east (to the south of the Blue Bridge) is in excess of 40 metres from the nearest proposed Development Plot. To the east (on the far side of Preston's Road) there are three-storey buildings which are at least 40 metres from the nearest proposed Development Plot. To the north-east, the closest development is on Lancaster Drive which is approximately 33 metres from the nearest proposed Development Plot. Accordingly, the development is not considered to result in any undue overlooking issues to surrounding residents, in accordance with Local Plan policy DM25.

Outlook / sense of enclosure

- 17.5 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained elsewhere in this Chapter, there is not considered to be significant detrimental impact in terms of a loss of light or privacy in the context of this location and the proposal is not considered to unduly affect neighbours' outlook or sense of enclosure, having regard to the urban context and the Council's strategic aspirations for Wood Wharf.
- 17.6 Moreover, the proposed development should be considered in context of the extant scheme. The extant scheme proposed six massive floorplate commercial buildings whilst this application proposes Development Plots which promotes much more slender buildings which will vary significantly in height and design. Consequently, outlook and sense of enclosure for neighbouring residents would be improved as compared to the extant scheme.

Effect on daylight and sunlight of neighbouring dwellings

- 17.7 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.

- 17.8 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.
- 17.9 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.
- 17.10 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.
- 17.11 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.
- 17.12 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 17.13 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 17.14 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 17.15 The application is supported by a Daylight and Sunlight Assessment (DSA). There are numerous scenarios presented, however the report focuses on the Parameter Plans with additional results and comment in respect of the Indicative Scheme. Our consultants, DPR, advise that this is a robust approach. DPR further advise that whilst cumulative analysis has been provided, as this consists of only two additional developments, located to one side of the proposed development and of relatively slender form, they do not make a significant difference in any event.

Daylight (Parameter Plans)

17.16 The following properties were assessed:

- 116-417 Poplar Dock;

- 1-16 Landon's Close;
- 1-14 Bridge House Quay;
- Arran House, 1-22 Preston's Road;
- Kintyre House, Coldharbour;
- Lewis House, Coldharbour;
- 1-43 Lancaster Drive;
- 1-21 and 24-38 Vantage Mews;
- 1-5 and 7 Coldharbour;
- 1-22 Concordia Wharf, Coldharbour;
- 1-15 Horatio Place;
- 71-101 and 416 Preston's Road;
- 607-615 Manchester Road;
- 1-67 Stewart Street;
- 1-52 Antilles Bay;
- 1-18 Dollar Bay;
- 1-114 Meridian Place;
- Houseboats moored at Blackwall Basin.

17.17 The table below summarises the results for these surrounding buildings in terms of existing VSC and NSL:

TABLE 12.7: SUMMARY OF BASELINE RESULTS FOR EXTERNAL RECEPTORS			
Address	Total that meet VSC criteria (>27%)	Total no. of rooms that receive NSL in excess of 80%	Total no. of windows that meet APSH criteria
116-417 Poplar Dock	189 of 583 (32.4%)	394 of 474 (83.1%)	341 of 495 (68.8%)
1-16 Landon's Close	23 of 117 (19.6%)	58 of 63 (92%)	70 of 108 (64.8%)
1-14 Bridge House Quay	25 of 96 (26%)	48 of 52 (92.3%)	55 of 83 (66.2%)
Arran House, 1-22 Preston's Road	39 of 72 (54.1%)	48 of 49 (97.9%)	36 of 57 (63.1%)
Kintyre House, Coldharbour	27 of 39 (69.2%)	31 of 33 (93.9%)	30 of 34 (88.2%)
Lewis House, Coldharbour	9 of 17 (52.9%)	13 of 17 (76.4%)	8 of 8 (100%)
1-43 Lancaster Drive	114 of 289 (39.4%)	136 of 142 (95.7%)	169 of 272 (62.1%)
1-21 and 24-38 Vantage Mews	98 of 131 (74.8%)	123 of 125 (98.4%)	37 of 38 (97.3%)
1-5 and 7 Coldharbour	13 of 27 (48.1%)	15 of 21 (71.4%)	N/A
9-19a&b and 35-60 Coldharbour	171 of 250 (68.4%)	164 of 172 (95.3%)	90 of 109 (82.5%)
1-22 Concordia Wharf, Coldharbour	22 of 37 (59.4%)	19 of 33 (57.5%)	2 of 6 (33.3%)
1-15 Horatio Place	18 of 20 (90%)	19 of 20 (95%)	N/A
71-101 and 416 Preston's Road	93 of 147 (63.2%)	113 of 127 (88.9%)	416: 18 of 32 (56.2%)
607-615 Manchester Road	27 of 52 (51.9%)	27 of 30 (90%)	10 of 15 (66.6%)
1-18 Dollar Bay	30 of 46 (65.2%)	34 of 35 (97.1%)	7 of 12 (58.3%)
1-67 Stewart Street	9 of 44 (20.4%)	11 of 29 (37.9%)	10 of 20 (50%)
1-52 Antilles Bay	54 of 92 (58.6%)	80 of 80 (100%)	N/A
1-114 Meridian Place	201 of 363 (55.3%)	166 of 209 (79.4%)	78 of 160 (48.7%)
Houseboats moored at Poplar Dock	29 of 37 (78.4%)	Not assessed	32 of 32 (100%)
Total	1191 of 2459 windows (48.4%)	1499 of 1711 rooms (87.6%)	993 of 1481 windows (67%)

Figure 63: Table summarising Baseline VSC, NSL and APSH results for neighbouring properties

- 17.18 The results show that with respect to VSC 1191 out of the 2459 windows (48.4%) comply with the BRE standard and 1499 out of the 1711 (87.6%) comply with the NSL standard. It is noteworthy that due to the low level nature of development on Wood Wharf currently, these are unlikely to be causing the failures identified above. It is more likely that these are a result of the urban grain outside of the site or where architectural features such as balconies and eaves overhang the windows.
- 17.19 The tables below summarises the VSC and NSL results if the Parameter Plans for Wood Wharf were developed out (the 20-20.9% reduction equates to a minor adverse effect, 30-39.9% reduction equates to a moderate adverse effect and in excess of 40% a major adverse effect):

TABLE 12.8: PARAMETER PLANS VSC SUMMARY BY EXTERNAL RECEPTOR						
Address	Total that meet 2011 BRE Guidelines	Below BRE Guidance				Total no. of windows
		Loss 20-29.9%	Loss 30-39.9%	Loss >40%	Loss Total	
116-417 Poplar Dock	294	87	79	123	289	583
1-16 Landon's Close	58	21	20	18	59	117
1-14 Bridge House Quay	44	22	13	17	52	96
Arran House, 1-22 Preston's Road	64	0	4	4	8	72
Kintyre House, Coldharbour	37	1	1	0	2	39
Lewis House, Coldharbour	17	0	0	0	0	17
1-43 Lancaster Drive	130	21	23	115	159	289
1-21 and 24-38 Vantage Mews	80	41	10	0	51	131
1-5 and 7 Coldharbour	27	0	0	0	0	27
9-19a&b and 35-60 Coldharbour	218	25	3	4	32	250
1-22 Concordia Wharf, Coldharbour	37	0	0	0	0	37
1-15 Horatio Place	6	14	0	0	14	20
71-101 and 416 Preston's Road	59	20	54	14	88	147
607-615 Manchester Road	24	20	4	4	28	52
1-67 Stewart Street	27	5	2	10	17	44
1-52 Antilles Bay	0	1	27	64	92	92
1-18 Dollar Bay	7	20	14	5	39	46
1-114 Meridian Place	217	12	27	107	146	363
Houseboats moored at Blackwall Basin	1	6	10	20	36	37
Total	1347	316	291	505	1112	2459

TABLE 12.9: PARAMETER PLANS NSL SUMMARY BY EXTERNAL RECEPTOR						
Address	Total that meet 2011 BRE Guidelines	Below BRE Guidance			Total	Total no. of rooms
		Loss 20-29.9%	Loss 30-39.9%	Loss >40%		

TABLE 12.9: PARAMETER PLANS NSL SUMMARY BY EXTERNAL RECEPTOR						
Address	Total that meet 2011 BRE Guidelines	Below BRE Guidance			Total	Total no. of rooms
		20-29.9% Loss	30-39.9% Loss	>40% Loss		
116-417 Poplar Dock	433	28	9	4	41	474
1-16 Landon's Close	59	4	0	0	4	63
1-14 Bridge House Quay	52	0	0	0	0	52
Arran House, 1-22 Preston's Road	49	0	0	0	0	49
Kintyre House, Coldharbour	32	1	0	0	1	33
Lewis House, Coldharbour	17	0	0	0	0	17
1-43 Lancaster Drive	92	16	3	31	50	142
1-21 and 24-38 Vantage Mews	123	1	1	0	2	125
1-5 and 7 Coldharbour	21	0	0	0	0	21
9-19a&b and 35-60 Coldharbour	144	27	0	1	28	172
1-22 Concordia Wharf, Coldharbour	31	2	0	0	2	33
1-15 Horatio Place	6	9	5	0	14	20
71-101 and 416 Preston's Road	45	14	18	50	82	127
607-615 Manchester Road	27	1	0	2	3	30
1-67 Stewart Street	13	6	3	7	16	29
1-52 Antilles Bay	63	12	5	0	17	80
1-18 Dollar Bay	32	0	2	1	3	35
1-114 Meridian Place	198	5	2	4	11	209
Total	1437	126	48	100	274	1711

Figures 64 and 65: Tables summarising the effects on neighbouring properties' VSC and NSL if the Parameter Plans were developed out.

17.20 The results show that the required standards are met in terms of the BRE's 0.8 times former value guidance for Lewis House, Coldharbour, and, 1-5, & 7 Coldharbour. In relation to the remaining properties they are discussed in more detail below:

116-417 Poplar Dock;

17.21 Of the 583 windows at these set of properties, 123 experience a VSC reduction of more than 40% from the existing. This is in part due to the limiting effect of these properties balconies and recesses. Only 41 rooms out of 433 do not meet the NSL standard.

1-16 Landon's Close;

17.22 18 of the 117 windows will experience a reduction 40% or more in VSC. 4 of the 63 rooms do not meet the NSL standard.

1-14 Bridge House Quay;

17.23 The results show that 17 of the 96 windows will experience VSC reductions of more than 40%. All of the 52 rooms will pass the NSL standard.

Arran House, 1-22 Preston's Road;

- 17.24 The results show that 8 of the 72 windows do not meet the VSC standard. All of the 49 rooms will pass the NSL standard.

Kintyre House, Coldharbour;

- 17.25 The results show that 2 of the 39 windows do not meet the VSC standard. Of the 3 rooms, 1 does not meet the NSL standard.

1-43 Lancaster Drive;

- 17.26 115 of the 289 will experience a reduction of 40% or more in VSC. 50 of the 142 do not meet the NSL tests. However, the grouping of these properties mask different effects, 7-27 Lancaster Drive experience worse effects than others and in particular 7-9 Lancaster Drive. These two properties experience reductions of between 40-50% VSC and one window experience a reduction of 70%. These properties also experiences significant reductions in NSL around 50% for 6 of the 9 rooms tested.

- 17.27 Further testing was undertaken in respect of 7-27 Lancaster Drive, in particular determining the ADF figures for these rooms. The results demonstrate why there are poor VSC results and why the proposed development can be considered as not having an undue impact. The poor results are substantially to ground floor rooms, which have an overhanging storey above, cutting their sky visibility. As noted on pages 5 and 8 of the BRE Guidelines, a larger relative reduction in daylight may be unavoidable when windows are recessed into buildings or comprise balconies For the Indicative Scheme the NSL results improve, this is logical given that these properties will have an open aspect across the Dock onto open parts of the site (East Park).

- 17.28 On balance, therefore, the effects on these properties is acceptable, particularly when regard is had to the fact the site is low-rise/undeveloped and consequently has unusually high baseline values. It would be difficult to make substantial improvements on sky visibility to these properties without compromising the design concept of the scheme. The development would not cause an unacceptable material deterioration in daylighting conditions to these properties.

1-21 and 24-38 Vantage Mews;

- 17.29 The results show that 51 of the 131 windows will not meet the VSC standard but none more than 40%. Of the 125 rooms, 2 will not meet the NSL standard.

1-22 Concordia Wharf, Coldharbour;

- 17.30 All 37 of the windows pass the VSC standard and 31 of the 33 rooms pass the NSL standard.

1-15 Horatio Place;

- 17.31 The results show that 14 of the 20 windows will experience a reduction in VSC between 20-29.9%. Of the 20 rooms, 14 will not meet the NSL standard, but none by 40% or more.

71-101 and 416 Preston's Road;

17.32 The results show that 14 of the 147 windows will experience a reduction in VSC by 40% or more. Of the 127 rooms, 50 will not meet the NSL standard.

17.33 41-101 Preston's Road comprises a three storey block located directly to the east of the site. The applicant's daylight and sunlight consultant advise that based on an external site inspection the principal habitable rooms face east (away from the site) and the west facing windows are small and appear to be of secondary importance.

17.34 416 Preston's Road is a four-storey block to the south-east of the site. It is noted that many of the west facing windows are located underneath balconies recessed within the façade and are dependent on light received in a horizontal direction across the application site. As previously mentioned, windows with balconies above them typically receive less daylight and because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact.

607-615 Manchester Road;

17.35 The results show that 4 of the 52 windows will experience a reduction in VSC by 40% or more. Of the 30 rooms, 3 will not meet the NSL standard.

1-67 Stewart Street;

17.36 The results show that 10 of the 44 windows will experience a reduction in VSC by 40% or more. Of the 29 rooms, 16 will not meet the NSL standard. It is noted that each of the windows that receive very little daylight in the existing situation because they are recessed within the façade and underneath balconies. Thus, the small absolute changes in daylight will result in a disproportionately large percentage change.

1-52 Antilles Bay;

17.37 The results show that 64 of the 92 windows will experience a reduction in VSC by 40% or more. Most of these windows are located beneath balconies. Of the 80 rooms, 17 will not meet the NSL standard. It is noted however, that these properties are over circa 100m away across South Dock and will, in mitigation, continue to experience a pleasant aspect over the water.

1-18 Dollar Bay;

17.38 5 of the 46 windows will experience a VSC reduction from the existing of 40% or more. In mitigation only 3 of the 35 would not meet the NSL standard.

1-114 Meridan Place;

17.39 The results show that 107 of the 363 windows at these properties will experience a reduction of 40% or more in their VSC. In mitigation only, 11 out of the 209 rooms would not meet the NSL standard.

Houseboats moored at Blackwall Basin.

17.40 The BRE guidance does not propose a test for houseboats. Nevertheless the results show that 20 of the 37 windows will experience reductions in VSC of more than 40%. To some extent this relates to their inherent design i.e. small windows. The NSL standard cannot usefully be applied to houseboats. Whilst the effect on VSC is major

adverse, it would be difficult to reconcile the Council's ambition for a high-density development at this location without significant effects on these properties.

Dollar Bay

- 17.41 In relation to cumulative schemes, the only extant but unbuilt development that could be significantly affected by this scheme is at Dollar Bay. Results demonstrate that the first floor (likely to be the worst affected) would be able to achieve appropriate ADF figures under both the Indicative and Parameter Plan scenarios.

Daylight (Indicative Scheme)

- 17.42 The tables below show the VSC and NSL achieved for the Indicative Scheme (the 20-20.9% reduction equates to a minor adverse effect, 30-39.9% reduction equates to a moderate adverse effect and in excess of 40% a major adverse effect):

TABLE 12.11: INDICATIVE SCHEME VSC SUMMARY BY EXTERNAL RECEPTOR						
Address	Total that meet 2011 BRE Guidelines	Below BRE Guidance				Total no. of windows
		Loss 20-29.9%	Loss 30-39.9%	Loss >40%	Loss Total	
116-417 Poplar Dock	345	85	49	104	238	583
1-16 Landon's Close	70	23	12	12	47	117
1-14 Bridge House Quay	52	24	8	12	44	96
Arran House, 1-22 Preston's Road	64	2	6	0	8	72
Kintyre House, Coldharbour	38	1	0	0	1	39
Lewis House, Coldharbour	17	0	0	0	0	17
1-43 Lancaster Drive	140	31	35	83	149	289
1-21 and 24-38 Vantage Mews	112	19	0	0	19	131
1-5 and 7 Coldharbour	27	0	0	0	0	27
9-19a&b and 35-60 Coldharbour	240	6	0	4	10	250
1-22 Concordia Wharf, Coldharbour	37	0	0	0	0	37
1-15 Horatio Place	18	2	0	0	2	20
71-101 and 416 Preston's Road	64	62	11	10	83	147
607-615 Manchester Road	36	11	4	1	16	52
1-67 Stewart Street	32	1	4	7	12	44
1-52 Antilles Bay	5	12	40	35	87	92
1-18 Dollar Bay	22	14	8	2	24	46
1-114 Meridian Place	226	22	41	74	137	363
Houseboats moored at Blackwall Basin	4	5	17	11	33	37
Total	1549	320	235	355	890	2459

TABLE 12.12: INDICATIVE SCHEME NSL SUMMARY BY EXTERNAL RECEPTOR			
Address	Total that	Below BRE Guidance	Total no. of

	meet 2011 BRE Guidelines	20-29.9% Loss	30- 39.9% Loss	>40% Loss	Total	
116-417 Poplar Dock	463	7	4	0	11	474
1-16 Landon's Close	62	1	0	0	1	63
1-14 Bridge House Quay	52	0	0	0	0	52
Arran House, 1-22 Preston's Road	49	0	0	0	0	49
Kintyre House, Coldharbour	33	0	0	0	0	33
Lewis House, Coldharbour	17	0	0	0	0	17
1-43 Lancaster Drive	133	9	0	0	9	142
1-21 and 24-38 Vantage Mews	124	1	0	0	1	125
1-5 and 7 Coldharbour	21	0	0	0	0	21
9-19a&b and 35-60 Coldharbour	171	0	0	1	1	172
1-22 Concordia Wharf, Coldharbour	32	1	0	0	1	33
1-15 Horatio Place	17	3	0	0	3	20
71-101 and 416 Preston's Road	59	33	22	13	68	127
607-615 Manchester Road	28	0	2	0	2	30
1-67 Stewart Street	17	5	6	1	12	29
1-52 Antilles Bay	76	4	0	0	4	80
1-18 Dollar Bay	33	2	0	0	2	35
1-114 Meridian Place	204	2	0	3	5	209
Total	1591	68	34	18	120	1711

Figures 66 and 67: Tables summarising the effects on neighbouring properties' VSC and NSL if the Indicative Scheme were developed out.

17.43 Comparing them to the Parameter Plans, they show that there are improvements in VSC and NSL across the board. For example 1347 (54%) windows pass the VSC standard under the Parameter Plans whilst this is improved to 1549 (59%) for the Indicative Scheme. For NSL 1437 (84%) pass in the Parameter Plans scenario whilst 1591 (92.9%) pass in the Indicative Scheme scenario. There are no external receptors which have worse results under the Indicative Scheme scenario for either VSC or NSL. In relation to the houseboats moored at Blackwall Basin, there is some variation in the VSC effects, but for the better overall. Again, it is worth considering the effects identified above in the context of the unusually high baseline in an urban location.

Sunlight (Parameter Plans)

17.44 The following properties were assessed:

- 116-417 Poplar Dock;
- 1-16 Landon's Close;
- 1-14 Bridge House Quay;
- Arran House, 1-22 Preston's Road;
- Kintyre House, Coldharbour;
- Lewis House, Coldharbour;
- 1-43 Lancaster Drive;

- 1-21 and 24-38 Vantage Mews;
- 9-19a&b and 35-60 Coldharbour;
- 1-22 Concordia Wharf, Coldharbour;
- 416 Preston's Road;
- 605, 607 and 615 Manchester Road;
- 1-67 Stewart Street;
- 1-18 Dollar Bay;
- 1-114 Meridian Place;
- Houseboats moored at Blackwall Basin.

17.45 Figure 63 summarises the results for these surrounding buildings in terms of existing APSH.

17.46 The results show that with respect to APSH 993 of 1481 (67%) meet the BRE guidance in the existing situation.

17.47 The table below summarises the APSH results if the Parameter Plans for Wood Wharf were developed out (20%-30%, 30%-40% and in excess of 40% reductions represent minor, moderate and major adverse effects respectively):

TABLE 12.10: PARAMETER PLANS APSH SUMMARY BY EXTERNAL RECEPTOR										
Address	Total that meet 2011 BRE Guidelines	No. of windows below the APSH stated in 2011 BRE Guidelines								
		% Below threshold for Winter APSH				% Below threshold for Total APSH				
		20-30%	30-40%	>40%	Total	20-30%	30-40%	>40%	Total	Total no. windows
116-417 Poplar Dock	321	6	5	163	174	14	40	117	171	495
1-16 Landon's Close	69	9	3	27	39	20	8	10	38	108
1-14 Bridge House Quay	50	7	3	23	33	8	8	17	33	83
Arran House, 1-22 Preston's Road	54	0	0	3	3	2	1	0	3	57
Kintyre House, Coldharbour	32	0	0	2	2	1	0	1	2	34
Lewis House, Coldharbour	7	0	1	0	1	0	0	0	0	8
1-43 Lancaster Drive	156	4	2	109	115	3	4	109	116	272
1-21 and 24-38 Vantage Mews	35	0	0	3	3	0	0	3	3	38
9-19a&b and 35-60 Coldharbour	105	0	0	3	3	3	1	0	4	109
1-22 Concordia Wharf, Coldharbour	6	0	0	0	0	0	0	0	0	6
416 Preston's Road	32	0	0	0	0	0	0	0	0	32
605, 607 and 615 Manchester Road	15	0	0	0	0	0	0	0	0	15
1-67 Stewart Street	20	0	0	0	0	0	0	0	0	20
1-18 Dollar Bay	12	0	0	0	0	0	0	0	0	12

TABLE 12.10: PARAMETER PLANS AP SH SUMMARY BY EXTERNAL RECEPTOR

Address	Total that meet 2011 BRE Guidelines	No. of windows below the AP SH stated in 2011 BRE Guidelines								
		% Below threshold for Winter AP SH				% Below threshold for Total AP SH				
		20-30%	30-40%	>40%	Total	20-30%	30-40%	>40%	Total	Total no. windows
1-114 Meridian Place	160	0	0	0	0	0	0	0	0	160
Houseboats moored at Blackwall Basin	26	0	0	6	6	0	0	6	6	32
Total	1100	26	14	339	379	51	62	263	376	1481

Figure 68: Table summarising the effects on neighbouring properties' winter and annual Sunlight if the Parameter Plans were developed out.

17.48 The following properties met the standard required by BRE in respect of AP SH:

1-22 Concordia Wharf, Coldharbour;
 416 Preston's Road;
 605, 607 and 615 Manchester Road;
 1-67 Stewart Street;
 1-18 Dollar Bay; and,
 1-114 Meridian Place.

17.49 The remaining properties are discussed in more detail below:

116-417 Poplar Dock

17.50 The results show that 321 of the 495 windows meet the BRE test for sunlight. 117 windows experience a reduction of more than 40% for annual sunlight and 163 experiences a reduction of more than 40% in winter sunlight. There are some rooms which experience a 100% loss of winter sunlight and 50% of annual sunlight.

1-16 Landon's Close

17.51 69 of the 108 windows tested pass the BRE test. In relation to the windows that do not pass the test it is noteworthy that the existence of balconies overhanging these windows will inhibit sunlight to these windows. 38 windows are unable to meet the standard in the existing, unobstructed situation.

1-14 Bridge House Quay

17.52 50 of the 83 windows tested pass the BRE test for sunlight. The majority of these windows that do not pass the test, already receive low levels of sunlight, so small absolute reductions in their sunlight result in disproportionate percentage reductions.

Arran House, 1-22 Preston's Road

17.53 54 of the 57 windows pass the BRE test. The remaining 3 windows are at lower levels and 2 of those do not pass the test in the existing situation.

Kintyre House, Coldharbour

17.54 32 of the 34 windows pass the BRE test. The remaining two windows already receive low levels of sunlight, so small absolute reductions in their sunlight result in disproportionate percentage reductions.

Lewis House, Coldharbour

17.55 7 of the 8 windows tested pass.

1-43 Lancaster Drive

17.56 156 of the 272 windows pass the BRE test. 109 of these experience a reduction of 40% or more from the existing for both annual and winter sunlight. Some of those experience reductions of in APSH of more than 50% and reductions in winter sunlight of 100%. In particular 12, 13, 14, 15-20, 21, 26 and 27 Lancaster Drive are most significantly affected.

17.57 Given Lancaster Drive are the closest residential buildings to the site and to the north-east of much of the proposed massing, it is unsurprising that they are significantly affected. These failures are not arbitrary but rather a consequence of the Council's intention for a high-density development of the site along with the inherent architectural features (i.e. overhangs and recessed windows) of the properties on Lancaster Drive. Regard must also be had to the unusually high baseline results for an urban location.

1-21 and 24-38 Vantage Mews

17.58 35 of the 38 windows pass.

9-19a&b and 35-60 Coldharbour

17.59 105 of the 109 windows pass.

Houseboats moored at Blackwall Basin

17.60 26 out of the 32 windows assessed pass the BRE test. For the 6 windows that do not pass the test, these face west and as the sun is at a lower altitude a greater effect is to be expected.

Sunlight (Indicative Scheme)

17.61 The table below show the annual and winter sunlight for the Indicative Scheme (20%-30%, 30%-40% and in excess of 40% reductions represent minor, moderate and major adverse effects respectively):

TABLE 12.13: INDICATIVE SCHEME APSH SUMMARY BY EXTERNAL RECEPTOR		
No. of windows below the APSH stated in 2011 BRE Guidelines		
% Below threshold for Winter APSH	% Below threshold for	Total APSH

Address	Total that meet 2011 BRE Guidelines	20-30%	30-40%	>40%	Total	20-30%	30-40%	>40%	Total	Total no. windows
116-417 Poplar Dock	351	3	6	135	144	23	48	71	142	495
1-16 Landon's Close	80	4	4	19	27	14	6	5	25	108
1-14 Bridge House Quay	55	6	2	19	27	9	12	7	28	83
Arran House, 1-22 Preston's Road	56	0	0	1	1	1	0	0	1	57
Kintyre House, Coldharbour	32	0	0	2	2	1	1	0	2	34
Lewis House, Coldharbour	7	0	1	0	1	0	0	0	0	8
1-43 Lancaster Drive	178	1	9	83	93	2	23	69	94	272
1-21 and 24-38 Vantage Mews	35	0	0	3	3	0	2	1	3	38
9-19a&b and 35-60 Coldharbour	106	0	0	2	2	2	0	0	2	109
1-22 Concordia Wharf, Coldharbour	6	0	0	0	0	0	0	0	0	6
416 Preston's Road	32	0	0	0	0	0	0	0	0	32
605, 607 and 615 Manchester Road	15	0	0	0	0	0	0	0	0	15
1-67 Stewart Street	20	0	0	0	0	0	0	0	0	20
1-18 Dollar Bay	12	0	0	0	0	0	0	0	0	12
1-114 Meridian Place	160	0	0	0	0	0	0	0	0	160
Houseboats moored at Blackwall Basin	26	0	0	6	6	0	0	6	6	32
Total	1171	14	22	270	306	52	92	159	303	1481

Figure 69: Table summarising the effects on neighbouring properties' winter and annual Sunlight if the Indicative Scheme were developed out.

17.62 Comparing them to the Parameter Plans, they show that there are improvements in APSH. 1100 (74.2%) windows pass the APSH under the Parameter Plans whilst this is improved to 1171 (79%) for the Indicative Scheme. There are no properties which have worse results under the Indicative Scheme scenario. In relation to the houseboats moored at Blackwall Basin, there is some variation in the APSH effects, but for the better overall. When reading the Development Plan as a whole it is not considered the proposed development results in an unacceptable material deterioration in sunlighting conditions.

Shadow Analysis

Permanent Overshadowing / Sun hours on the ground

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

17.64 There are five sensitive amenity areas: Open courtyard spaces within Fraser Place; Open courtyard spaces within Poplar Dock; Open space adjacent to Poplar Dock Cut; Open space between Landon Close and Bridge House Quay; and Blackwall Basin (including houseboats).

17.65 The results show that all five areas fully comply with the BRE guidance (see Chapter 32: Appendix for the Sun Hours on Ground Key to these images):

- Area 1 (courtyard within Fraser Place) – 81% Parameters Plans to 85% Indicative Scheme;
- Area 2 (courtyard within Fraser Place) – 89% Parameters Plans to 92% Indicative Scheme;
- Area 3 (open space adjacent to Poplar Dock Cut) – 94% Parameters Plans to 94% Indicative Scheme;
- Area 4 (land between Landon Close and Bridge House Quay) – 87% Parameters Plans to 88% Indicative Scheme;
- Area 5 (Blackwall Basin) – 78% Parameters Plans to 82% Indicative Scheme.

17.66 Baseline v Parameters

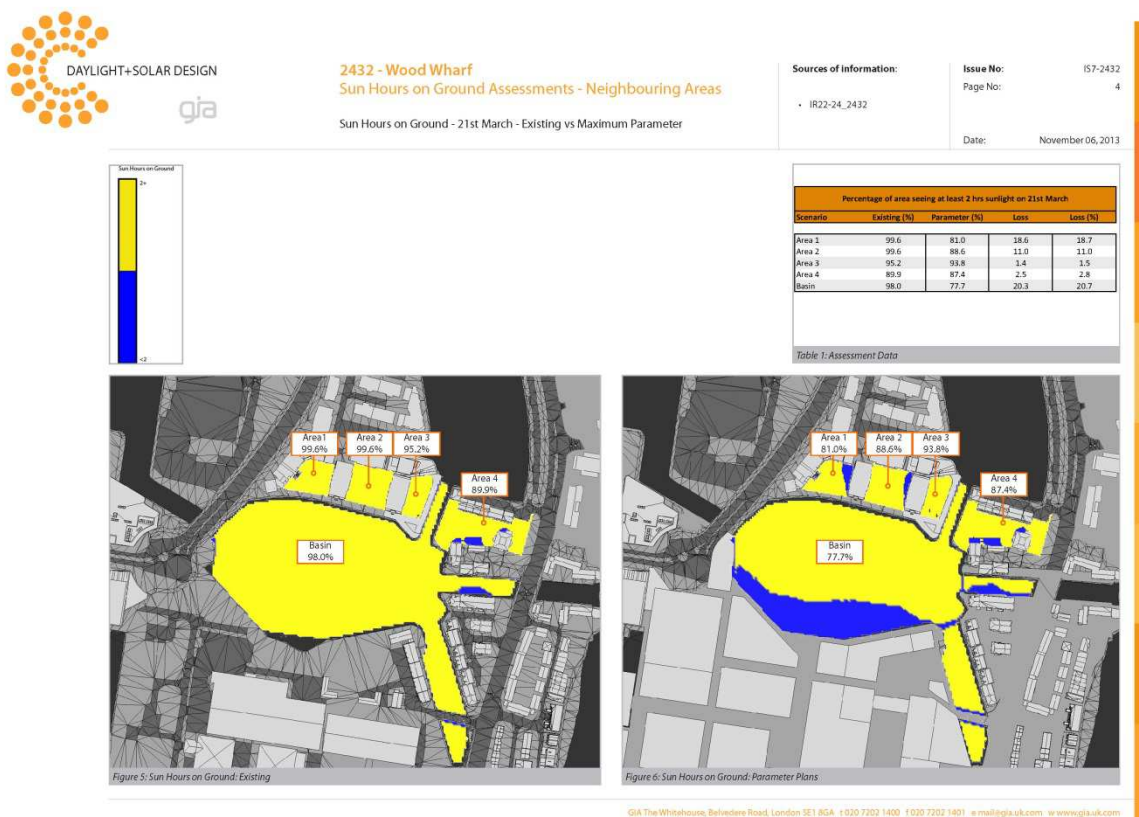


Figure 70: Image showing sun hours on the ground (21st March) – Baseline vs Parameters

17.67 Baseline v Indicative Scheme

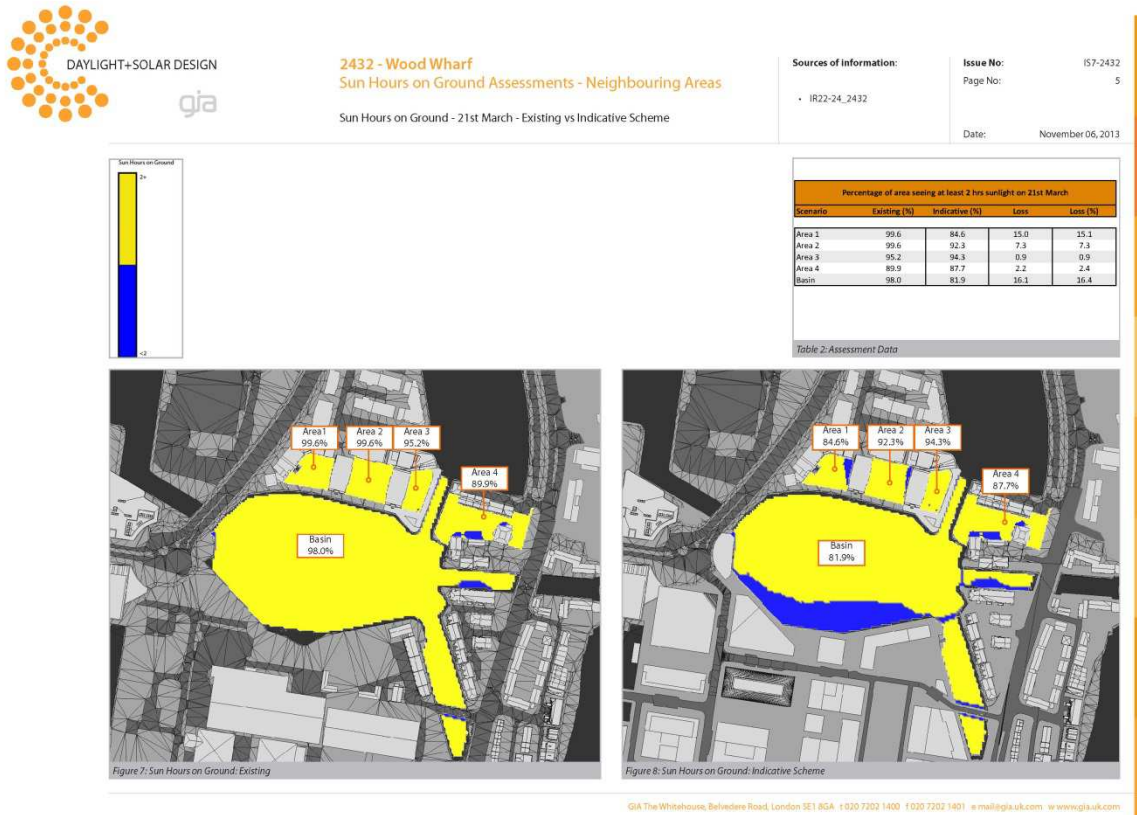


Figure 71: Image showing sun hours on the ground (21st March) – Baseline vs Indicative Scheme

Transient Overshadowing

- 17.68 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 17.69 Transient overshadowing diagrams (on hourly internals throughout the day) have been undertaken at three dates: 21st March, 21st June and 21st December in order to understand the shadowing effects of the development.
- 17.70 The results from the Baseline vs Parameter Plans + Cumulative developments scenario show that on 21st March up to 14:00pm the shadows cast are long and broken. Between 15:00 to 16:00 Blackwall Basin will be completely overshadowed. At around 17:00 the baseline shows that Blackwall Basin is already largely overshadowed and the Parameter shadows would just sit on top of these. There is likely to be additional shadow to the residential properties and associated amenity spaces on the northern side of Blackwall Basin between 12:00 to 16:00. After this time existing surrounding buildings already cast a shadow over these properties and

amenity areas. In relation to properties on the eastern side, there are likely to be additional shadow between 14:00 to 17:00.

- 17.71 On 21st June there is some additional shadow to Blackwall Basin. However, due to the angle of sun in the sky at this time of year, the shadows are much shorter and do not reach the properties on the other side of the Basin and for the most part do not reach the houseboats on the northern side. The properties to the eastern side of the site do receive some additional shadowing.
- 17.72 On 21st December, the effects described above are magnified as a result of the low angle of sun in the sky.
- 17.73 The results from the Baseline Vs Indicative Scheme + Cumulative developments scenario, are similar to the above analysis, however as the buildings are smaller, the shadows are generally thinner and shorter on the ground.

Solar Glare / Light Pollution to external receptors

- 17.74 The same conclusions are reached in respect of this section as for that assessed in the section Solar Glare / Light pollution to internal receptors. It is noted that surrounding waterspace (for ecological reasons) is a sensitive receptor.

Conclusion

- 17.75 Having regard to the effects of this proposed development on neighbouring amenity in regards to microclimate, noise and air quality along with the effects on privacy, outlook, sense of enclosure, daylight, sunlight, overshadowing and solar glare and light pollution it is considered that the development would not result in an unacceptable material deterioration/loss of amenity and would ensure adequate levels of daylight and sunlight, in the context of the Development Plan as a whole and having regard to the principles of the Wood Wharf Site Allocation.

Transport, Connectivity and Accessibility

- 18.1 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.
- 18.2 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment and focus development within areas such as the Isle of Dogs.
- 18.3 As detailed earlier in this report, the site has a moderate to good public transport accessibility level (PTAL) of 3 in the east to 4 in the west. The introduction of Crossrail in 2018 will further improve public transport accessibility, moving the PTAL boundary further east. Blackwall station to the north-east and Canary Wharf and Heron Quay stations to the west are the closest DLR stations to the site. The Canary Wharf station also provides access to the Jubilee line. There are six TfL bus services and one dedicated night bus which serves the site including the D3, D6, D7, D8 135, 277 and the N550. These bus routes provide access to the Isle of Dogs and the wider area. The Canary Wharf Estate are private roads, Preston's Road to the east is a local

road, with Aspen Way, off Preston's Road roundabout, being the closest strategic road, designated as part of the Transport for London Road Network (TLRN).

Trip rates and Impact

- 18.4 The transport assessment is based on the Parameter Plans, Development Specification and Design Guidelines along with the Indicative Scheme. In addition to the Indicative Scheme, two sensitivity scenarios have been considered. The first is for a 'maximum residential' scenario and the second for a 'maximum commercial' scenario to appropriately reflect the flexibility inherent within the application. These sensitivity scenarios have been further sensitivity tested to consider the impacts on re-sizing the residential units to allow for more residential units as a whole.
- 18.5 The Indicative Scheme is forecast to generate around 100,000 daily two-way person trips. The effects of the AM and PM peaks are forecast to have around 13% and 9% of these trips respectively. The tables below show the Indicative Scheme's Forecast trips at AM and PM Peaks broken down by mode:

Indicative Scheme's Forecast trips at AM and PM Peaks by Mode						
Mode	AM Peak (0800-0900)			PM Peak (1700-1800)		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Car/Service Vehicle Driver	326	259	585	172	219	391
Taxi	41	33	74	28	30	58
Car Passenger	146	125	271	76	75	151
LUL	4,173	1,022	5,195	802	3,031	3,832
Bus	489	397	886	253	362	615
DLR	1,854	460	2,314	359	1,348	1,707
Cycle	331	108	439	77	247	324
Walk	1,022	618	1,640	378	569	947
Other	156	25	181	19	112	131
Crossrail	1,736	444	2,181	346	1,266	1,612
Total Person Trips	10,274	3,491	13,766	2,509	7,259	9,768

Figure 72: Table showing Forecast trips at Peak Periods for the Indicative Scheme

- 18.6 The trip generation exercise concluded that the AM peak hour maximum commercial scheme provides a worst case scenario. This scenario (sensitivity tested with an assumption that units are built to London Plan standards) was therefore considered in detail within the TA analysis. The total person trips generated by the sensitivity test are 44% higher than the Indicative scheme in the AM peak and 4% higher in the PM Peak. The table below shows the maximum commercial scheme sensitivity test (assuming units are constructed to London Plan standards) forecast trips for the AM peak:

Maximum Commercial (with LP unit standards) Forecast trips AM Peaks by Mode			
Mode	AM Peak (0800-0900)		
	IN	OUT	TOTAL
Car/Service Vehicle Driver	411	276	687

Taxi	47	33	80
Car Passenger	156	128	284
LUL	6567	1398	7965
Bus	658	427	1085
DLR	2920	627	3547
Cycle	520	138	658
Walk	1260	660	1920
Other	256	40	296
Crossrail	2730	600	3330
Total Person Trips	15526	4327	19853

Figure 73: Table showing Forecast trips at AM Peak for a sensitivity test on the maximum commercial scheme

- 18.7 The Council's Transport Consultant and TfL have reviewed the applicant's modelling and consider it is robust and credible conclusions can be drawn from it. The model predicts, inter alia, that the development exacerbates existing capacity issues at Preston's Road Roundabout. The capacity results show that the Aspen Way (East) arm of the Preston's Road roundabout is significantly over capacity in the AM peak and the Preston's Road arm is even more over capacity in the PM peak.
- 18.8 This indicates that the impact of the development on the network should be mitigated and/or demand management measures should be secured.
- 18.9 The applicant has offered to create a fund of up to £500,000 to facilitate post-permission traffic, modelling and highway design studies to inform the spend of the further offer of £2.5m towards improvements to Preston's Road roundabout and £1.5m for wider highway improvements.
- 18.10 This mitigation package is supported by TfL, the Council's Highway Department and the Council's Transport Consultant, WYG.

Vehicular Access

- 18.11 Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated. Accordingly, the access point areas have been defined and are discussed below.
- 18.12 Vehicular access to the site is proposed to be from a bridge to Montgomery Square to the west, Cartier Circle to the north-west, Preston's Road to the south-east and exit only to Preston's Road to the north-east.
- 18.13 Cartier Circle is a 4 arm junction for which a 5th arm will be added for Wood Wharf access.
- 18.14 At Preston's Road South /Site Junction, the Council is likely to require a traffic signal option for this junction at the junction of Preston's Road with a new road to be created at the south of the development. Indicative s278 works have been sketched up in conjunction with the Council's transport consultants and highways officers. The detailed s278 works will be secured and agreed as part of a condition for a Scheme of Highway Improvement works.

- 18.15 Preston's Road North/Site junction would be a one-way egress only road, over the existing Lovegrove Walk Bridge.
- 18.16 At Montgomery Square, a two-way vehicular bridge is to be constructed over to Wood Wharf. This would entail a remodelling of Montgomery Square such that it is one way with an eastbound northern road and westbound southern road.
- 18.17 As a result of these vehicular accesses, the development is considered to be well-connected to the surrounding road network. This approach is supported by TfL, LBTH Highways and the Council's transport consultants.

Car Parking

- 18.18 Policy SP09 of the CS and Policy DM22 of the Local Plan seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The standards set parking levels for this site should be less than 0.3 for one and two bedroom units and 0.4 for three bedrooms or larger. Parking for office use is 1 space per 1,000-1,500sqm of office floorspace. The parking standards for other uses are generally restricted to operational requirements.
- 18.19 Given that this is an application for outline permission with flexible parameters, the Development Specification sets a minimum and maximum for vehicular parking of 600-1300 spaces. The Indicative Scheme would provide circa 3,100 units, a 0.3 per unit this would result in 932 spaces. The Scheme also would provide 240,000sqm of office floorspace; at 1 space per 1,000sqm of floorspace this would generate a maximum parking provision of 240 spaces. A further 51 spaces have been agreed for various other uses including operational requirements, car clubs etc, resulting in the Indicative Scheme providing 1,229 spaces. This demonstrates that the parking range set out in the Development Specification is credible within the context of prevailing policy requirements. TfL's comments acknowledge that the 1,300 range is within London Plan and Tower Hamlets maxima.
- 18.20 10% of these spaces will be provided as compliant disabled parking bays and for use by blue badge holders. 20% of the car parking provision is actively provided for electric charging and 20% for passive provision. These are to be secured by conditions and are compliant with policy. As detailed applications come forward, appropriate parking for operational requirements will be secured, including for uses such as the health facility.
- 18.21 Whilst not controlled through this outline application, the Indicative Scheme proposes the overwhelming majority of the parking in the basement(s). This is, in practice, the only credible way of delivering this quantum of parking and will be secured at reserved matters stage. Parking at grade, will generally be restricted to car clubs, some operational parking and short-stay parking spaces to support the retail uses in the town centre. The Indicative Scheme envisages access to the basement at four points across the site.
- 18.22 The development would be secured as a permit free development, meaning that residents would not be able to apply for a parking permit for the surrounding (local authority) streets.

Cycle and Walking

- 18.23 Pedestrian and cycle access is the same as for vehicular access with the addition of a pedestrian bridge on the south-west side of the street, connecting to Montgomery

Street quayside and a pedestrian walkway between Development Plots H1 and H4 to Preston's Road.

- 18.24 Pedestrian movements are predicted to increase significantly as a result of this development. The closest local roads are Preston's Road. Improvements to that part of Preston's Road directly opposite the development site will be secured through an s278 agreement. The s106 agreement secures a streetscene contribution (circa £116,000) to make further improvements, which is likely to be focussed on paving in the Coldharbour Conservation Area. A further £500,000 for pedestrian works has also been secured, which is likely to be focussed on Preston's Road further to the north.
- 18.25 The Development Specification proposes as a minimum 3,000 cycle parking spaces. Conditions ensure that as detailed elements of the scheme come forward, the cycle parking provision will be in accordance with current policy standards set out in Appendix 2 of the Local Plan. Cycle spaces for residents, employees and visitors will be secured through condition. Whilst not secured through this outline application, the Indicative Scheme proposes the overwhelming majority of the parking (circa 6,100 spaces) in the basement(s). This, in practice, is the only credible way of delivering this quantum of parking and will be secured at reserved matters stage. Cycle parking at grade, will generally be limited to some visitor spaces as well as TfL run cycle hire scheme ("Boris Bikes") (two docking stations). Conditions and reserved matters applications will also ensure that the location of the parking is convenient as well ensuring there is sufficient lift capacity (where applicable), showers and changing rooms.
- 18.26 Carriageway and footway widths and the network of routes within the site have been secured with the convenience of cyclists and pedestrians in mind.
- 18.27 For all publicly accessible areas, the s106 agreement will ensure public access is secured and maintained by the developer.
- 18.28 Within the development, there will be a continuous network of pedestrian routes at the quayside level adjacent to the water's edge.
- 18.29 The development will significantly improve the environment for pedestrians, as the proposals specifically include new pedestrian routes to stations and stops to create direct and secure facilities and links. Levels, surfaces and wayfinding strategies will be secured with less-able users in mind.
- 18.30 Further to this, discussions have been had with the applicant regarding the delivery of bridge(s) over South Quay to the Canary Wharf estate and / or the Wood Wharf estate. Where Canal and River Trust and Canary Wharf Group have an interest in the delivery of the bridge(s) (bridge landing and air rights), the Council has requested from the applicant their agreement to use reasonable endeavours to assist the Council in bringing these bridge(s) forward where appropriate. Whilst the bridge(s) are not required from a transport planning requirement, it is considered good urban planning and may require safeguarding land at Wood Wharf for the landing of the bridge. This matter will be addressed by s106 obligation.
- 18.31 A travel plan framework and individual residential and commercial travel plans will be appropriately secured through the s106 to encourage residents, employees and other site users to use sustainable methods of transport.

18.32 The s106 will secure an east-west pedestrian and cycle link throughout the various stages of development along with a permanent vehicular link before the second phase is commenced.

Public Transport

Buses

18.33 TfL is seeking to ensure the site is capable of being served by buses. The Indicative Scheme would enable buses to operate from Preston's Road to Cartier Circle and/or to Montgomery Square via the proposed Montgomery Bridge. As such the potential for increasing bus movement through this part of the Isle of Dogs represents a significant improvement from the previous consented design and is therefore strongly supported. Appropriate carriageway widths have been secured through the design guidelines and a condition is recommended to require provision of appropriately located stops, stands and driver toilets.

18.34 The forecast bus trip generation indicates demand for up to 9 double deck buses. To mitigate this, a section 106 contribution of £5m is required towards additional bus capacity and a contribution of £250,000 towards the upgrade of bus stands is also required. The applicant has offered these same sums as part of the s106 package.

Docklands Light Railway

18.35 TfL advises that they previously secured £9 million to mitigate the impact of additional DLR trips on the network within the previous application. Since then, 3-car operation has been implemented on all Bank-Woolwich Arsenal weekday services. The DLR is forecast to continue operating within capacity with the development in place. As such this request for mitigation is no longer considered necessary as the development would not cause undue impacts on the DLR.

Crossrail SPG "Top-up"

18.36 A Crossrail SPG compliant contribution will be secured as part of the s106 package.

Underground

18.37 The development will have an adverse effect on the Jubilee Line. However, when Crossrail opens in 2018 some of the demand will transfer across. The transport assessment predicts that from 2018 rail based trips would be broadly split: 50% on Jubilee Line, 25% on the DLR and 25% on Crossrail. With the planned Jubilee line fleet expansion to enable higher frequency peak services, the impact and also ability of Jubilee line to cope with the proposed development has improved. With relatively little development coming forward prior to 2018 and having regard to the anticipated transfer of demand to Crossrail this will mitigate the impact of additional rail based trips on the capacity of the Underground network.

Demolition and Construction Traffic

18.38 The Transport Assessment (TA) confirms that the river will be used to transport construction material wherever possible. However, a worst case assessment where all materials are imported and exported by road has also been undertaken. This is

updated in the Transport Addendum which considers construction over four phases between 2014 and 2026.

18.39 The TA indicates that Preston's Road is likely to be used for the bulk of construction vehicle access and predicts construction traffic is equivalent to approximately 3% of traffic flows on Preston's Road. The TA Addendum predicts that construction traffic will be at its highest from the fourth quarter of 2019 to the end of 2022. During this time construction traffic flows will be in the region of 54 vehicles per hour (27 vehicles in each direction) and operate between 08:00 – 18:00 on weekdays.

18.40 As each reserved matters application comes forward, a detailed Construction Traffic Management Plan will need to be submitted and agreed by the Council to ensure that as much of this traffic as possible can be assigned to river transport, that the predicted traffic volumes are reasonable and that construction traffic can be managed with minimum disruption to the movement of other road traffic including bus operations, cyclists, pedestrians and in relation to noise and disturbance to local residents.

18.41 Construction vehicles are to be confined to defined and signposted haul routes. River barges should also be used where feasible for the movement of construction and waste material.

Servicing and Deliveries

18.42 Wood Wharf will have vehicular access from Cartier Circle and Montgomery Street to the west and Preston's Road to the east. The access routes will provide connections to internal drop-off, parking and servicing areas. The Indicative Scheme envisages pairs of truck lift accesses at three locations around the site, to provide access to loading/servicing areas located within the basement. The majority of loading and servicing for the office, retail, residential community and hotel use on the western side of the site will take place in the basements. More minor servicing needs may be undertaken at street level.

18.43 Forecast Servicing Trips are shown below:

Forecast Servicing Trips						
Land Use	0800-0900		1700-1800		Daily	
	IN	OUT	IN	OUT	IN	OUT
Residential	12	12	12	12	235	235
Office	38	38	30	30	377	377
Retail (shops)	9	9	0	0	57	57
Retail (Food and Drink)	12	12	0	0	82	82
Hotel	3	3	1	1	24	24
Cultural	0	0	0	0	2	2
School	1	1	1	1	9	9
Total	75	75	44	44	786	786

Figure 74: Table showing predicted servicing trip generation by land-use for the Indicative Scheme

18.44 A Delivery and Servicing Plan is a recommended condition and will ensure each of the detailed phases of the development comes forward in a manner which ensures

the development can be serviced appropriately without harming the safety or free flow of pedestrian, cycle or vehicular traffic.

Waste

- 19.1 A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:
- Waste minimisation, re-use and recycling;
 - Maximising the use of recycled building materials; and,
 - Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.
- 19.2 In terms of construction waste, a Site Waste Management Plan is required by condition to ensure, inter alia, that excess materials are not brought to the site and then wasted and that building materials are re-used or recycled wherever possible.
- 19.3 In terms of operation waste, the proposed Strategy will ensure that residential waste is separated into three separate streams: non-recyclable, recyclable, and compostable, which will be stored in 1,100, 1,280 and 660 litre bins respectively.
- 19.4 In relation to non-residential parts of the proposed development, a different approach is required as collection, handling, treatment and disposal of waste will be contracted out. The Strategy requires the waste to be separated into three streams: non-recyclable, recyclable, and glass. The Indicative Scheme would provide two days of non-residential waste storage and the Strategy envisages 'compaction' wherever possible.
- 19.5 The Council's Waste Officer has commented that the proposed Strategy is satisfactory and no objections are raised. Conditions and detailed design at Reserved Matters stage will secure the necessary detail to deliver the Strategy's objectives.

Energy & Sustainability

- 20.1 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 20.2 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)
- 20.3 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 20.4 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 20.5 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is for all residential development to achieve Code for Sustainable Homes Level 4 and the commercial elements to achieve a BREEAM rating of 'excellent'.
- 20.6 The Energy Statement follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine to provide hot water and space heating requirements for all of the site uses is in accordance with policy 5.6 of the London Plan.
- 20.7 The anticipated CO₂ emission reductions from the CHP system (Be Clean) are 18%. The current proposals for delivering the space heating and hot water are acceptable.
- 20.8 A photovoltaic array is proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 1% carbon savings over the regulated energy baseline. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO₂ emissions through renewable energy technologies is technically challenging and not feasible for all developments. Whilst the proposed development is not meeting Core Strategy Policy SP11, it has been demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 20.9 The total anticipated CO₂ savings from the developments are 31%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO₂ savings are 19% short of where they need to be to meet Policy DM29 requirements. Accordingly, there is an offer of a financial contribution to make up the difference. This would be based on the following formula: Xtonne shortfall * GLA figure. For the Indicative Scheme and based on GLA's current figure, this would result in a contribution of **£4,059,000**.
- 20.10 The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 11,978 tonnes/CO₂;
 - Proposed development is at 8,244 tonnes/CO₂;
 - 50% DM29 reduction would therefore be 5,989 tonnes/CO₂;
 - Shortfall to meet DM29 requirements = 2,255 tonnes/CO₂ x £1,800 = £4,059,000 offset payment to meet current policy requirements.
- 20.11 The proposal is supported by the sustainable development team. It is recommended that the energy strategy is secured by condition and delivered in accordance with the submitted Energy Statement and Addendum.
- 20.12 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating (or future equivalent) and a pre-assessment has been submitted to demonstrate how this level is deliverable for the residential units. The submitted pre-assessments show that achieving BREEAM 'Excellent' ratings in accordance with Policy DM29 is deliverable for all the commercial elements of the

scheme, with the exception of the basement Leisure facility and smaller retail units where it may be the case that only 'very good' is a reasonably achievable standard. Condition(s) will secure the above.

Environmental Considerations

Air quality

- 21.1 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.
- 21.2 In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including green roofs.
- 21.3 Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO₂) and particulate matter (PM₁₀) are in place for the residential units and other sensitive receptions; the scheme, once complete, is not objectionable in air quality terms.
- 21.4 Turning to the potential impact on the proposed school. As presented in paragraph 15.46 of the ES, predicted air quality at Receptor 18 is representative of the proposed school development. Receptor 18 is located at a proposed residential block as part of the development within the vicinity of the school. The results of the air quality assessment indicated that pollutant concentrations in the area of the proposed school development are predicted to be within the relevant air quality objectives, by the opening year. The condition will ensure that any necessary mitigation is undertaken.
- 21.5 It should also be noted that measures to control dust from the site during construction will be addressed through a construction management plan.

Operational noise, vibration and odour

- 21.6 LBTH Environmental Health advise that the submitted Noise Assessment is credible and draws reasonable conclusions in respect of the effect of the development on sensitive external receptors and sensitive internal receptors including the likely locations for community uses such as the school. Given this is an outline application they advise that for the construction and operational phases of the development noise, vibration and odour standards should be secured via conditions. These relate to demolition / construction logistic and management plans, membership of Considerate Constructors Scheme, compliance with the council's Code of Construction Practice, hours of use for retail and leisure uses, control of odour, construction and operational noise and vibration standards; and delivery and servicing plans. These conditions have been recommended.

Demolition and Construction Noise and Vibration

- 21.7 The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods

such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods etc., which would be employed to ensure that the noise levels are acceptable.

- 21.8 A series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice.

Safeguarded Northumberland Wharf

- 21.9 In relation to the safeguarded Northumberland Wharf; it is important to ensure that were the Wharf to return to active [industrial] use, that it would not have an undue effect on the residents of Wood Wharf and, in turn, the efficient operation of the safeguarded Wharf would not be fettered by noise complaints from the residents of Wood Wharf. The Environmental Health Department have concluded, based on their professional judgement, and having regard to the distances involved alongside the pertinent fact that there are sites with approval for residential use closer to the safeguarded Wharf, that it is very unlikely the safeguarded Wharf or Wood Wharf residents would be deleteriously affected by both the implementation of this scheme and the operation of Northumberland Wharf.

Contaminated Land

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

Flood Risk

- 22.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 seeks the appropriate mitigation of surface water run-off.
- 22.2 The site is located in Flood Zone 3. The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, a further Sequential Test is not required to support this application.
- 22.3 The application is supported by a Flood Risk Assessment (FRA) and further supporting information that confirms the flood storage reservoir adequately replaces the lost storage capacity in the dock due to the land encroachment. The development will or has the capacity to raise site level defences to 6.2m AOD in accordance with the Environment Agency's TE2100 plan. Accordingly, it is considered flood risk can be adequately mitigated.
- 22.4 In relation to surface water run-off, storm water discharge from buildings and promenades would be discharged into the docks where possible. This is more sustainable than discharging into the sewer system as the trunk sewer in Preston's

Road is combined, any increase in flows would result in increased volumes of sewage treatment. In addition, it would also increase the risk that combined sewer overflows (CSO's) would discharge foul sewerage into the River Thames during storm events. Secondly, this approach reduces the need to attenuate storm water within the proposed development. On-site attenuation would be required if storm flows from the site are discharged into the sewer system (due to TWUL discharge limits) and stormwater attenuation would require significant land-take. Additionally, reduced stormwater flows should reduce reinforcement costs of the TWUL trunk sewer.

- 22.5 Conditions will ensure that run-off from the road network are appropriately attenuated to ensure that pollutants do not enter the dock system.
- 22.6 Subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

Policies

- 23.1 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.
- 23.2 The application site includes parts of 2 Sites of Importance for Nature Conservation (SINCs). Blackwall Basin is a Borough Grade 1 SINC, which includes an area of open mosaic habitats to the south of the basin. South Dock is part of Borough Grade 2 SINC. Both SINCs would be adversely affected by the proposed development.

Site

- 23.3 The site supports some important species. At least 1 pair of black redstart, a bird protected under Schedule 1 of the Wildlife & Countryside Act, regularly breed on the site. The UK breeding population of this species is around 50 pairs. Several pairs of common terns breed on the rafts in Blackwall Basin. This is one of the two regular breeding sites in the borough for this species, which is a priority species in the Tower Hamlets biodiversity action plan (BAP). Three species of gulls nest on the roof of the big warehouse in the middle of the site, including at least 5 pairs of herring gull, a species on the Amber list of birds of conservation concern, and a pair of great black-backed gull, which is a very rare breeding bird in London. The open mosaic habitat south of Blackwall Basin supports nests of the brown-banded carder-bee, a UK, London and Tower Hamlets BAP priority species. The existing habitats used by all these species would be lost under the proposed development. The docks within the site also support diverse fish populations, including the UK BAP priority species smelt.

Summary of impacts before mitigation

- 23.4 The proposal's impacts if unmitigated would have the following effects:

- A permanent loss of approximately 2.3 hectares of SINC. It is unlikely that any mitigation would lead to the designation of new areas of SINC, so the development would have an adverse effect;
- There would be a permanent loss of about 1.5 ha of water bodies, mostly in South Dock with two small areas in Blackwall Basin. This would reduce the area of habitat available to the fish and aquatic birds using the docks;
- There would be a loss of open water surface in Blackwall Basin, making it unsuitable for nesting common terns and far less valuable to other water birds such as tufted duck and great crested grebe. This would be likely to lead to the downgrading of the SINC from Borough Grade 1 to Local;
- There would be a loss of about 0.8 ha of open mosaic habitats on previously developed land, a UK, London and Tower Hamlets priority habitat, within the Blackwall Basin SINC. This habitat supports nesting brown-banded carder-bee and is important foraging habitat for black redstarts; and,
- There would be a loss of nest sites for at least 1 pair of black redstart, 1 pair of great black-backed gull and 5 pairs of herring gull.

Mitigation

23.5 To mitigate the above effects, the following mitigation measures will be secured:

- Permanent mitigation for the loss of open mosaic habitats will largely be in the form of biodiverse green roofs. The applicant has agreed to provide a minimum of 0.5ha of biodiverse green roofs, designed in accordance with Buglife's 'Creating living roofs for invertebrates – A best practice guide' to meet the definition of open mosaic habitats. Any shortfall in this figure will be provided offsite.
- Temporary mitigation, to ensure continuity of open mosaic habitats on the site throughout construction, will include landscaping temporarily vacant parts of the site to create open mosaic habitats. A minimum of 0.4 ha of open mosaic habitats should be present on site throughout.
- Landscaping at ground level, especially in South Dock Park and Blackwall Basin Park, will include nectar-rich "prairie planting" vegetation, perhaps with native species. This will help offset the loss of foraging habitat for invertebrates such as bees. There will also be an overall increase in trees on the site, including native species.
- The loss of open water cannot be mitigated in terms of area, but significant habitat enhancements are proposed to the remaining water areas. The Indicative Scheme includes a wetland for nature conservation in Graving Dock, and timber-cladding of dock walls in Graving Dock suitable for aquatic invertebrates and elsewhere to provide places for vegetation to establish. The applicant has also agreed to provide at least 400 m² of reed bed within the West India Docks.
- It is proposed to relocate and/or replace the tern rafts in an appropriate part of the docks, to be agreed with the Canal & River Trust. A minimum of 90 m²

(the equivalent of 10 of the existing rafts) will be provided, in a minimum of 3 new rafts.

- The applicant has agreed to incorporate nesting tunnels for sand martins in the dock walls, ledges suitable for falcons and to provide at least 20 boxes for swifts would in appropriate places on the new buildings.

23.6 If all this mitigation is carried out successfully, there should be an overall benefit for biodiversity (though the total area of SINC will be reduced).

23.7 Furthermore, to minimise ecology impacts conditions will ensure that, where appropriate, precautionary bat surveys shall be undertaken and if demolition or vegetation clearance should take place inside the bird nesting season (i.e. March and August inclusive), a survey for nesting birds, including a specialist black redstart survey, shall be undertaken immediately before demolition/clearance.

23.8 Having regard to the recommended conditions and mitigation, the proposal has an acceptable impact on Biodiversity and is in accordance with relevant policies.

Television and Radio Service

24.1 The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.

24.2 In summary, based on the applicant's assessment, the development is likely to have the following impacts during construction phase:

- Cast a terrestrial television reception shadow over existing properties to the north-east;
- Tall structures such as cranes and scaffolding will give rise to satellite shadowing to the north east; and,
- No significant effects on the reception of FM broadcast radio, DAB radio and mobile telephony.

24.3 The effects during operational phases once the development is complete are predicted to be:

- Terrestrial television reception shadowing to the north-east; and,
- No significant effects on terrestrial television reception to the north-west and no significant effects on reception of FM broadcast radio, DAB radio or mobile telephony.

24.4 A more definitive picture of the proposed development's potential effects on telecommunication signals can be obtained by conducting a pre-construction television reception survey ('Before Survey') around the potential areas of effect (identified in the desk-based assessment) and a second, post-construction television reception survey ('After Survey') as soon as the structures are completed and the actual effect of the structures have been deduced by comparing results in the two surveys. The results of these surveys can be used to help demonstrate the level of deterioration experienced by a residential receptor and the form of any mitigation.

24.5 The implementation of mitigation measures commensurate with the level of deterioration experienced can be addressed by appropriately worded S106

obligations and/or planning conditions. Mitigation measures for terrestrial television signals may take the form of provision of Freesat or local boosters to amplify signals or relay transmitters. Mitigation measures for satellite television signals could be relocation of satellite dishes or the provision of cable services.

London City Airport Safeguarding Zone

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

Health Considerations

26.1 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.

26.2 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.

26.3 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.

26.4 The application allows for a health facility (to shell-and-core) with a floor area of up to 1,076sqm (GIA) in accordance with the Site Allocation. This could accommodate up to 9 GPs. The facility would form an important element of health provision within Tower Hamlets and significantly assist the Council's NHS partners rationalise and improve their estate over the coming years. In the event the NHS chose not to exercise the option in respect of facility, a Planning Obligations SPD compliant financial contribution would be made in its place. The relevant NHS organisations, in particular Tower Hamlets Clinical Commissioning Group are fully supportive of this offer.

26.5 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. In particular, the Indicative scheme includes East Park which would contain 0.89Ha of open space, with a likely focus on active playspace in the northern section of the park and South Dock Park which is 1.2Ha in size along with a range of other publically accessible open spaces and communal amenity space.

26.6 It is therefore considered that the proposal will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Impact upon local infrastructure / facilities

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

27.2 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.

27.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

27.4 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.

27.5 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

27.6 The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

27.7 The development is predicted (based on the Indicative Scheme) to have a population yield of 5867, 715 of whom will be aged between 0-15 and are predicted to generate a demand for 390 school places. The development is also predicted to generate 16,330 (net) on-site jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

27.8 In relation to Enterprise and Employment Skills and Training, the developer has offered to commit themselves through the S106 agreement to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs. In addition, the developer has

offered apprentice places and work placements during the full construction period as well as end-user phases. As part of a commitment to skills training for both construction and end-user phases the developer will make a contribution in accordance with formulae within the Planning Obligations SPD. For the Indicative Scheme this would represent a contribution of circa £27.5m.

- 27.9 The s106 also will include an end-user engagement strategy so that the developer will work with end-users to ensure that appropriate commitments are in place to promote employment, enterprise and training opportunities.
- 27.10 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 will be secured at 25% affordable housing by habitable room with an 80:20 split between affordable rented and intermediate product. In addition a review mechanism for a commuted sum up to the equivalent of 15% affordable housing has also been secured. The independent advice concluded that affordable housing has been maximised on this site for this development.
- 27.11 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)(as amended), Core Strategy (2010), Managing Development Document (2013) and Planning Obligations SPD (2012).
- 27.12 The development is making financial contributions in accordance with the planning obligations SPD formulae and guidance. The SPD provides a robust approach basis for assessing and determining the contributions that will be necessary to mitigate the impacts of the impacts of the development coming forward, having regard to the CIL Regulation 122 duty. Applying the SPD to the Indicative Scheme, it would result in contributions of approximately £27.5m, set out in more detail below. It is noteworthy that the transport, streetscene and heritage-related contributions are fixed i.e. they will not vary regardless of the nature of the detailed elements as they come forward:

:
Financial Obligations

Indicative

- A contribution of £4,244,363.60 towards enterprise & employment
- A contribution of £2,118,080 towards leisure facilities
- A contribution of £88,005 towards sustainable transport
- A contribution of £5,440,064.94 towards public open space
- A contribution of £4,059,000 towards off-setting carbon emissions

Fixed

- A contribution of £100,000 towards Heritage works (renovating the three cranes on the northern quayside of South Dock)
- A contribution of £116,376 towards streetscene improvements

- A contribution of £10,720,000 towards transport improvements including £5m towards buses, £2.5m towards Preston's Road Roundabout, £1.5m towards off-site highway improvement works, £500,000 towards pedestrian works, £500,000 towards modelling, £420,000 towards cycle hubs, £250,000 towards bus infrastructure and £50,000 towards travel plan monitoring
- A capped contribution up to £81,500 towards Navigational Safety

Total: £26,967,389.54

- A 2% contribution of the total above towards the planning obligations monitoring fee. This equates to £539,347.79 for the Indicative Scheme

Overall Total: £27,506,737.33

- An estimated combined contribution from the "top-up" Crossrail contribution and Mayoral CIL of approximately £61m

Non-Financial Obligations

- 25% on-site affordable housing by habitable room at a ratio of 80% affordable rent and 20% intermediate housing
 - For the Indicative Scheme this would equate to 1,637 Affordable Rent habitable rooms (444 Affordable Rent Units) (126 x 1-beds and, 123 x 2-beds, 132 x 3-beds, 39 x 4-beds, 24 x 5-beds at Tower Hamlets preferred 'POD' rent levels, subject to indexation up to RPI+0.5% per annum); and, 416 Intermediate habitable rooms (160 intermediate product units) (80 x 1-beds, 64 x 2-beds and 16 x 3-beds)
- Review Mechanism for up to an additional 15% affordable housing by habitable room by way of commuted sum
- Provision of a 2 Form of Entry (420 pupils) primary school to shell and core – circa 2,770sqm GIA for a 125 year lease. In the absence of physical delivery, a financial contribution would be made in accordance with the Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £6.72m
- Provision of 1,076sqm Health facility (9 GPs) to shell-and-core for a 25 year lease. In the absence of physical delivery, a financial contribution would be made in accordance with the Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £4.78m
- Provision of Idea Store 1,050sqm (NIA) and an option for a further 100sqm (NIA) to shell-and-core for a lease up to 2041. In the absence of physical delivery, a financial contribution would be made in accordance with the Planning Obligations SPD. A financial contribution for the Indicative Scheme would be £1.09m
- Leisure Facility; on-site facility with provision for the school to access the Sport England compliant Sports Hall and prices commensurate to LBTH leisure centres for Tower Hamlets residents. In the absence of physical delivery, an

additional financial contribution would be made in accordance with the Planning Obligations SPD. An additional financial contribution for the Indicative Scheme would be £2.29m

- Enterprise, Employment, Apprentice, Training and End User Engagement Strategy (seek to achieve 20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Parking Permit-free development
- Travel Plans
- Land safeguarded for two on-site Barclays Cycle Hire Docking Stations
- Electronic Vehicle Charging Units (20% active : 20% passive)
- Car Clubs
- Safeguard and maintenance of on-site public realm and highways
- Public Art Strategy and confirmation that the value of on-site public art will be no less than £500,000
- 400sqm of reed beds in the docks
- 5,000sqm of biodiverse roofs on or off site
- 90sqm of tern rafts within the docks
- Strategy for providing affordable retail space for local independent retailers
- Assistance in delivering bridge(s) over South Quay
- Mitigation of Radio and Television signal effects
- Any minor amendments or other planning obligation(s) considered by the Corporate Director Development & Renewal should be secured having regard to Regulation 122 of the CIL Regulations.

Other Financial Considerations

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

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

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

- 28.2 Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 28.3 In this context “grants” might include New Homes Bonus.
- 28.4 These are material planning considerations when determining planning applications or planning appeals.
- 28.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards to local finance considerations, 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.
- 28.6 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. Based on Indicative Scheme, the likely net CIL and Crossrail payment associated with this development would be in the region of £60m.
- 28.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 28.8 Using the DCLG’s New Homes Bonus Calculator, and based on the Indicative Scheme this development may generate £4,646,466 in the first year and a total payment of £27,878,798 over 6 years.

Human Rights Considerations

- 29.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 29.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the

determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

29.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

29.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

29.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

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

29.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Act Considerations

30.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

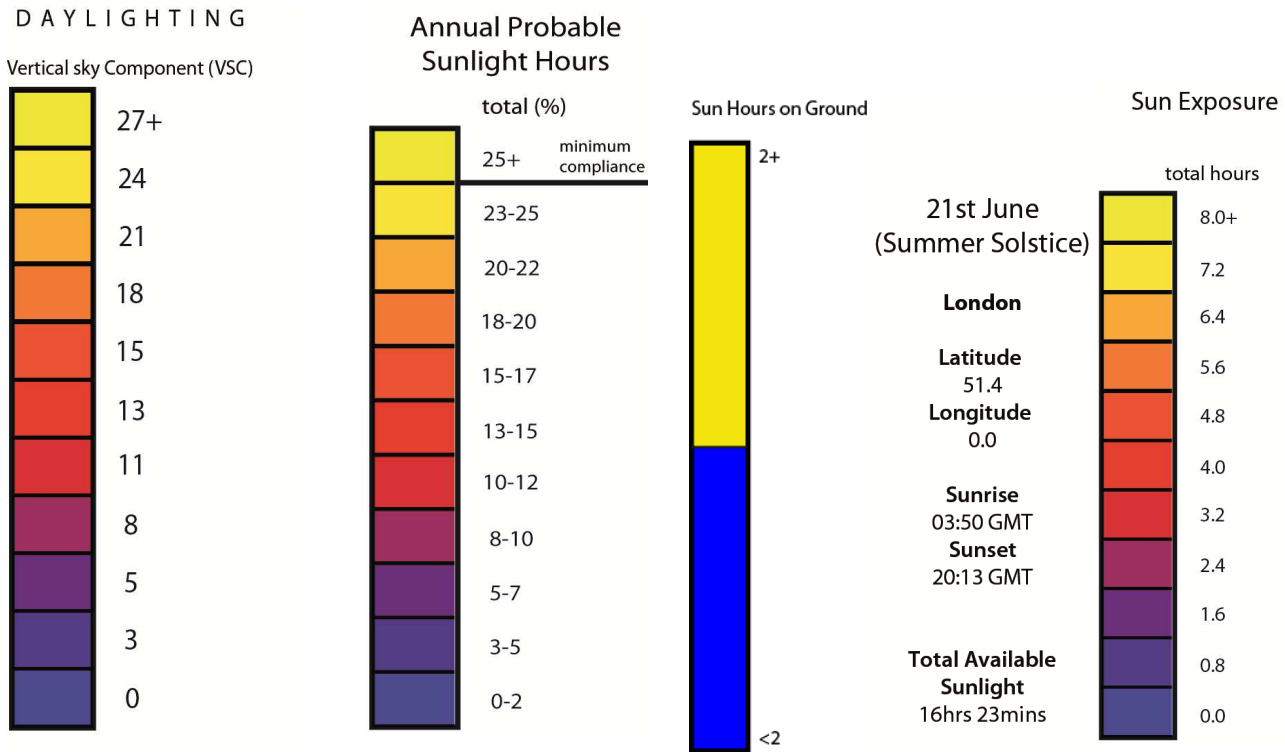
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 30.2 The contributions towards and in-kind provision of various community assets/improvements and infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 30.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 30.4 The community related contributions and in-kind provision 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.
- 30.5 The contributions to affordable housing support community wellbeing and social cohesion.
- 30.6 The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes and hotel rooms.

Conclusions

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

Appendix

32.1 Below are the keys for the Sunlight, Daylight and Shadowing images.



Agenda Item 8.3

Committee: Strategic Development Committee	Date: 21 st July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adam Williams	Ref No: PA/13/03068
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: 28 Ensign Street, London

Existing Use: Retail (Use Class A1) and Education (Use Class D1)

Proposal: Demolition of existing building and erection of a new part 4, 6 and 15 storey building (ground plus 14 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 (amended application).

Drawing No: MLUK/373/P/001;
MLUK/373/P/002;
MLUK/373/P/010;
MLUK/373/P/011;
MLUK/373/P/012;
MLUK/373/P/013;
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MLUK/373/P/475/A;
MLUK/373/P/476/B;
MLUK/373/P/477/A;
MLUK/373/P/478/A;
MLUK/373/P/600/A;
MLUK/373/P/601/A;
MLUK/373/P/602/A;
MLUK/373/P/603/A.

Documents:

Air Quality Assessment (Rev 1), prepared by MLM Consulting Engineers Limited, dated 11 December 2013;
Archaeological Assessment (Issue 2), prepared by Museum of London Archaeology, dated 11 December 2013;
Design & Access Statement, Volume I, dated December 2013;
Design & Access Statement, Volume I, Addendum, dated February 2014;
Design & Access Statement, Volume I, Addendum II, dated June 2014;
Desktop Contamination Assessment (Rev 1), prepared by MLM Consulting Engineers Limited, dated 25 November 2013;
Daylight and Sunlight Assessment, prepared by Waldrams, dated December 2013;
Daylight & Sunlight Report, prepared by Waldrams, dated 3 June 2014;
Ecology Statement (Rev 1), prepared by MLM Consulting Engineers Limited, dated 12 December 2013;
Energy and Sustainable Design Statement (Rev 2), prepared by Waterstone Design Building Services Consultants Limited, dated December 2013;
Letter from Michael Harper of Waldrams, dated 28 January 2014;
Letter from Michael Harper of Waldrams, dated 3 March

2014;
Noise Assessment (Rev 2), prepared by RBA Acoustics, dated 9 December 2013;
Planning Statement, dated December 2013;
Response to LBTH Highways Comments on Planning Application, prepared by JMP Consultants Limited;
Statement of Community Involvement, dated December 2013;
Transport Assessment, prepared by JMP Consultants Limited, dated 12 December 2013;
Travel Plan, prepared by JMP Consultants Limited, dated 12 December 2013;
Vibration Assessment (Rev 2), prepared by RBA Acoustics, dated 9 December 2013.

Applicant:	London and Quadrant Housing Trust
Ownership:	Shanpark Limited Multi Tile Limited London Borough of Tower Hamlets
Historic Building:	NA
Conservation Area:	NA

2. EXECUTIVESUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.2 The proposal is for the demolition of the existing 4 storey building, which comprises a mixture of A1 retail and D1 training facility floorspace, and for the erection of a new building that comprises three main elements that are 4, 6 and 14 storeys in height that will provide 212sqm of flexible commercial floorspace (A1/A2/B1) at ground floor level and 65 residential units on the upper floors.
- 2.3 It is considered that the proposed mix of uses, including active commercial uses at ground level and residential use on the upper floors accords with adopted policy and the proposals are therefore considered acceptable in land use terms. The proposed development has a high residential density of be 1,832hr/ha, which exceeds the 650 – 1,100hr/ha density range set out in the London Plan. However, officers consider that the proposals do not exhibit the adverse symptoms of overdevelopment and that the proposed density level is acceptable in this instance.
- 2.4 The proposed development would provide a policy compliant level of 35% affordable housing by habitable room, including intermediate units and affordable rented units that are to come forward at the Council's preferred (POD) rent targets for the E1 postcode area, which is supported. In addition, the scheme will deliver an appropriate mix of unit sizes across the tenures and provides a high standard of residential accommodation in terms of unit sizes, layouts, provision of private and communal amenity space and the delivery of 10% wheelchair accessible homes, in accordance with adopted policy.

- 2.5 In terms of building heights, it is considered that the proposed 14 storey element of the building is appropriate in terms of the site's local context, located within the Central Activities Zone and in the vicinity of the Thomas More Square complex and (under development) London Dock site, which include buildings of comparable heights. In addition, the proposed building would be of high architectural quality, including a regular fenestration rhythm with deep reveals, appropriate solid to void proportions and the use horizontal banding to give visual interest to the facade, which is welcomed. In addition, the proposed material palette of brick, pre-cast concrete, PPC aluminium casement windows and PPC steel balconies are considered to be sensitive to the setting of nearby listed buildings and visually appropriate within the context of the wider streetscene.
- 2.6 In terms of impacts on surrounding amenity, it is noted that the proposal would result in a noticeable reduction in daylight and sunlight to some neighbouring properties. The submitted Daylight and Sunlight Assessment has been independently reviewed and officers consider that on balance, these impacts are not so severe so as to warrant a reason for refusal in this instance, given the residual light levels and the central urban context of the site and its surroundings. In addition, whilst the daylight levels in some of the proposed habitable rooms on the lower floors of the building will be below guideline levels, overall it is considered that the proposals are acceptable in daylight and sunlight terms.
- 2.7 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4. Accordingly, if planning permission were to be granted it is recommended that the development be secured as 'car free', save for the provision of two disabled parking spaces which would need to be provided on-street. In addition, a policy compliant quantum and layout of cycle parking facilities would be provided, which is supported. Adequate, segregated waste storage facilities would also be provided on-site.
- 2.8 The associated legal agreement would secure an appropriate package of S106 contributions, in accordance with the Council's Planning Obligations SPD (2012), and includes financial contributions towards TfL infrastructure, including bus shelters, cycle hire facilities and Legible London signage.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permissions subject to:

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

3.2 Financial Contributions

- (a). A contribution of £18,547.97 towards Employment & Skills Training
- (b). A contribution of £15,629.54 towards Idea Stores, Libraries and Archives.
- (c). A contribution of £65,280 towards Leisure Facilities.
- (d). A contribution of £205,218.37 towards Education.
- (e). A contribution of £79,743.00 towards Health.
- (f). A contribution of £1,935.90 towards Sustainable Transport.

- (g). A contribution of £99,537.82 towards Public Open Space.
- (h). A contribution of £67,650.00 towards Streetscene and Built Environment.
- (i). A contribution of £9,630.00 towards CO2 Reductions
- (j). A contribution of £7,222.00 towards Cycle Hire Facilities (TfL)
- (k). A contribution of £10,000.00 towards Bus Shelters (TfL)
- (l). A contribution of £15,000.00 towards Legible London Signage (TfL)
- (m). A contribution of £11,907.89 towards Monitoring.

3.3 **Non- Financial Contributions**

- (n). A commitment to provide 35% affordable housing by habitable room within the development comprised of 3 x 1-bed, 1 x 2-bed intermediate (shared ownership) units and 6 x 2-bed, 5 x 3-bed and 2 x 4-bed affordable rented units at POD rent levels.
- (o). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- (p). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- (q). Code of Construction Practice
- (r). Travel Plan
- (s). Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

3.4 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.

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

3.6 **Conditions**

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials
4. Full details of Landscaping

5. Details of the Combined Heat and Power (CHP) System
 6. Development to comply with Lifetime Homes standards
 7. Details of 10% wheelchair accessible units
 8. Compliance with Energy Strategy
 9. Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
 10. Developer to consult with LPA if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.
 11. Construction Environmental Management Plan
 12. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.
 13. Details of residential glazing to meeting 'good' standard of BS 8233
 14. Details of noise insulation between residential and commercial areas
 15. Details of plant machinery to meet LA90 – 10dB(A) noise requirement
 16. All private forecourt/areas to be drained within the site and not into the Public Highway
 17. Scheme of highway improvement works to be submitted.
 18. Details of cycle parking
 19. Delivery and Servicing Management Plan
 20. Waste and recycling storage to be retained
 21. Archaeological and historic buildings recording work
 22. Full details of the extent, design, construction and planting of the living roof
 23. Post-completion noise testing
 24. Secured by design accreditation
 25. Details of NOx filters and mechanical ventilation
- Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.7 Informatives

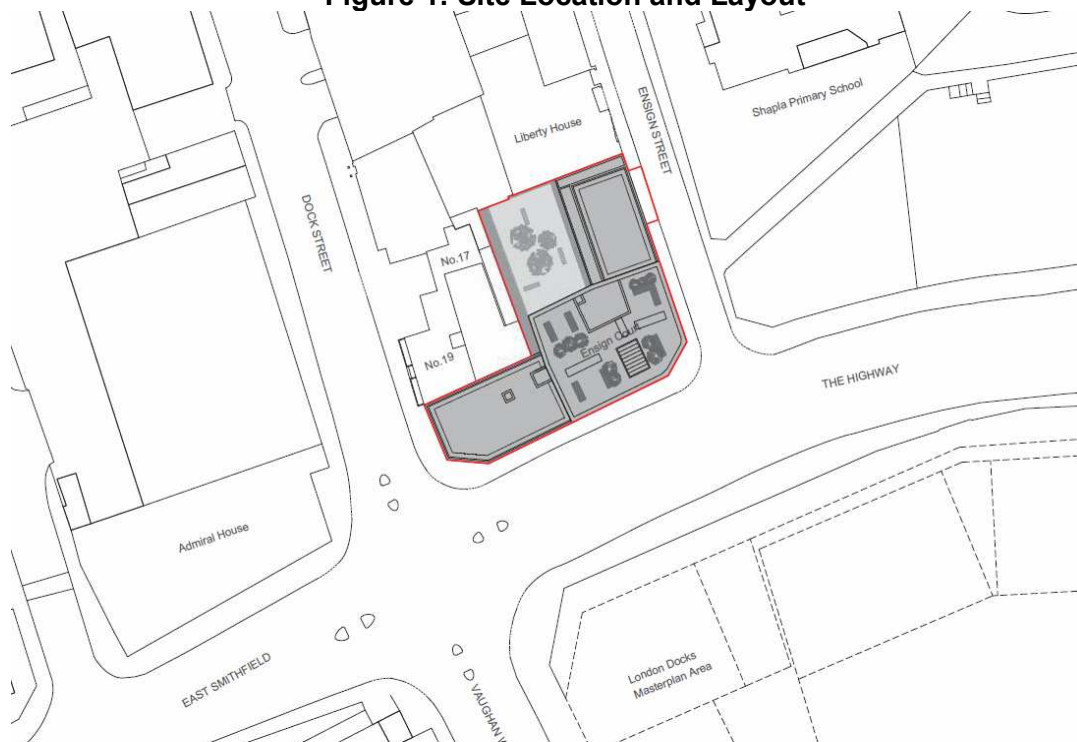
1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
5. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the demolition of the existing 4 storey commercial building and the erection of a new part 4, part 6 and part 14 storey residential-led mixed use building. The tallest block rises to 60.8 metres in height (AOD at parapet) and is situated towards the south-west of the site on the corner of The Highway and Ensign Street. The 4 storey element fronts onto Ensign Street and rises to approximately 15 metres in height and the 6 storey element fronts onto The Highway and Dock Street and rises to approximately 21 metres in height.

Figure 1: Site Location and Layout



- 4.2 The proposal would provide 212sqm of flexible commercial (Use Class A1/A2/B1) floorspace at ground floor level and 65 residential units (Use Class C3) on the upper floors.
- 4.3 The proposed scheme delivers 35% affordable housing by habitable room and includes separate entrance lobbies, lift cores, bin stores and cycle stores for both the market and affordable units, with all units in the building having access to private and communal amenity spaces.
- 4.4 All proposed dwellings are to be built to 'Lifetime Homes' standards and 10% of dwellings have been designed to be wheelchair accessible. All residential units have been designed to a Code for Sustainable Homes Level 4 rating.
- 4.5 The proposed development includes a total of 535sqm of external communal amenity space through the provision of a roof terrace on the taller element of the building and a landscaped courtyard at first floor level.

Site and Surroundings

- 4.6 The site fronts on to The Highway and also has frontages along Ensign Street to the east and Dock Street to the west. The current building is four storeys in height and includes retail (Use Class A1) on the ground floor ('Topps Tiles') whilst the upper floors are currently vacant and were last was in use as a training college (Use Class D1). A car park which serves the retail use is located to the rear of the building and is accessed from Ensign Street. The four storey building at 15 Dock Street is locally listed and lies adjacent to the north-west corner of the application site.
- 4.7 In terms of site context, the site fronts The Highway, which is an arterial A-road that forms part of the Transport for London Road Network (TLRN), for which Transport for London are the relevant highway authority. The site lies to the north-east of the Thomas More Square office complex, which is located at the junction of East Smithfield and Vaughan Way and includes tall buildings that rise to approximately 42 metres in height (AOD).
- 4.8 The site benefits from good access to public transport, being located 630 metres to the east of Tower Hill Underground Station, 520 metres to the east of Tower Gateway Docklands Light Rail (DLR) Station and 820 metres to the west of Shadwell DLR Station. In addition, a number of bus routes operate in the vicinity of the site, with nearby bus stops located on East Smithfield, The Highway and Vaughan Way. As a result, the site has a good Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent.
- 4.9 The former News International print works/office complex and associated car park is located to the south of the site, on the opposite side of The Highway. In March 2014 planning permission was granted for the residential-led mixed use redevelopment of the former News International Site (now known as 'London Dock') to provide up to 1,800 homes, approximately 20,000sqm of flexible commercial floorspace, a new secondary school and new public open space, with the scheme including new buildings ranging between 4 and 25 storeys in height (application reference PA/13/01276).
- 4.10 The existing built form along Dock Street and Ensign Street remains relatively low rise in character, with the majority of buildings in the immediate area generally rising to between 4 and 8 storeys in height. St Pauls Vicarage & Church, which is Grade II listed, is located at 11 Dock Street, a few doors north of the application site and the spire of the church is quite visible in all directions due to the relatively low rise nature of the local townscape.
- 4.11 The application site is not located within a designated Conservation Area. However, the Wilton's Music Hall Conservation Area lies to the north-east of the site and the Tower of London Conservation Area lies to the south-west of the application site. The application site also lies approximately 500 metres to the east of the Tower of London UNESCO World Heritage Site.

Planning History

4.12 The following planning decisions are relevant to the application:

4.13 **PA/00/1248**

A Certificate of Lawfulness was approved for the existing use of Ground Floor: A1/A3 use class & associated parking: (shops class) & 1st/2nd/3rd Floors: B1 (a) (b) (c) use class & associated parking on 5 September 2000.

4.14 **PA/11/0042: Unit 1, 28 Ensign Street:**

An application for Change of use of first floor level from Office use (Class B1) to non-residential institution use (Class D1) with associated works. (Retrospective application) was permitted on 1 March 2012.

It should be noted that the decision notice for this permission explicitly states that this change of use was considered acceptable as the application demonstrated that the B1 unit had been marketed for a significant period of time and the D1 use offered potential for both employment and training provision.

4.15 **PA/12/1908: 28 Ensign Street:**

An application for Change of use of second and third floors from Office use (Class B1) to non-residential institution use (Class D1) with associated works was permitted 26 Nov 2012.

It should be noted that the decision notice for this permission explicitly states that this change of use was considered acceptable as the expansion of City Gateway training facility was considered in accordance with policies DM15, DM16 and DM19 of the MD DPD 2012 (Now MDD 2013) and policy SP06 of the Core Strategy 2010 which seek to maximise employment opportunity and investment, retain employment generating floorspace and supports the expansion of existing further and higher education facilities.

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:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (2012)
Technical Guidance to the National Planning Policy Framework (2012)
National Planning Policy Guidance

Spatial Development Strategy for Greater London (London Plan) (2013)

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment

7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.29	The River Thames
8.2	Planning Obligations
8.3	Community Infrastructure Levy

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

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

Managing Development Document (April 2013) (MDD)

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM3	Delivery homes
DM4	Housing standards and amenity space
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM13	Sustainable drainage
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

Supplementary Planning Guidance/Documents

Planning Obligations Supplementary Planning Document, LBTH (2012)
Housing Supplementary Planning Guidance, Mayor of London(2012)
The Tower of London Conservation Area Character Appraisal and Management Guidelines, LBTH (2008)

Wiltens Music Hall Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
Greater London Authority World Heritage Supplementary Planning Guidance (2012)
London View Management Framework Supplementary Planning Guidance, Mayor of London (2012)
Greater London Authority Sustainable Design and Construction SPG (2014)
Greater London Authority Planning Energy Assessment Guidance (2014)

6. CONSULTATION RESPONSE

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

LBTH Biodiversity

- 6.2 The application site has no existing biodiversity value. It contains no vegetation or soft surfaces, and the existing buildings are unsuitable for roosting bats or nesting birds. The proposed development includes over 300 square metres of green roof, described in the Design & Access Statement as biodiverse green roofs. This would be a significant biodiversity enhancement. A condition should require full details of the green roofs, including extent, design, depth of substrate, planting (including any vegetated mat or blanket) and any other habitat features, such as piles of stones or logs, to be approved by the Council before development commences, and subsequently constructed as approved. Boxes for swifts, sparrows and bats are also proposed, according to the Design & Access Statement. This would be an additional enhancement for biodiversity. A condition should require details of these to be approved by the Council before development commences

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health (Noise and Vibration)

- 6.3 Further to additional information provided by the applicant, the Environmental Health Officer had no objections in regards to Noise and Vibration subject to the inclusion of necessary conditions.

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health Officer – Contaminated Land

- 6.4 No objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed, together with a condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health (Air Quality)

- 6.5 No comments have been received.

LBTH Energy Efficiency Unit/Sustainability

- 6.6 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 current proposals therefore fall short of this policy requirement by approximately 7% which equates to 5.35 tonnes of 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.

The GLA published updated guidance in April 2014 that states that the cost per a tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014. For the proposed scheme it is therefore recommended that a figure of £9,630 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:

Building Regulation 2010 Baseline is 76.5 tonnes/CO2

Proposed development is at 43.6 tonnes/CO2

50% DM29 reduction would therefore be 38.25 tonnes/CO2.

Shortfall to meet DM29 requirements = 5.35 tonnes/CO2 x £1,800 = £9,630 offset payment to meet current policy requirements.

For the proposed scheme it is therefore recommended that a figure of £9,630 is sought for the LBTH carbon offset fund.

The Energy and Sustainable Design Statement identifies that a Code for Sustainable Homes level 4 will be achieved with a score of 71.54. This is supported by the sustainable development team and should be secured via condition for the final Code certificates to be submitted within 3 months of occupation.

(Officer comment: This financial contribution would be secured in the S106 agreement if members resolve to grant planning permission, and a condition would be added to any permission issued to ensure that the development achieves level 4 of the Code for Sustainable Homes)

LBTH Transportation & Highways

- 6.7 It is noted that TfL advise in their response that loading or disabled parking will not be permitted on the Transport for London Road Network (TLRN) as “constraints along The Highway are even more significant and TfL does not support stopping for any purpose along this key route”.

With regards to servicing, it is acknowledged that there are design constraints that make the provision of off-street servicing difficult and we would therefore accept that on-street servicing may be the only operational solution in this instance. The proposal to allow residents of the affordable units to access removal services internally from the proposed Ensign Street loading / unloading bay is welcomed and this should be included in the Service Management Plan.

The proposal for provision of two disabled bays in Ensign Street should be progressed and these bays should be positioned as near to the residential access as possible. It should be noted that the provision of on street disabled bays will mean that they cannot be tied to the development and will be available to any Blue Badge holder who wishes to park there, which doesn't necessarily cater for the requirements of the development.

(Officer Comment: Noted. The provision of the two on-street disabled bays will be secured through a S278 agreement. Full details of servicing arrangements will be secured by condition through a Delivery and Servicing Management Plan).

LBTH Crime Prevention Officer

- 6.8 No comments received.

LBTH Communities, Localities & Culture

- 6.9 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. In accordance with the Planning Obligations SPD, financial contributions should be secured for:

- Idea Stores, Libraries and Archives.
- Leisure Facilities.
- Public Open Space.
- Smarter Travel.
- Public Realm Improvements.

(Officer comment: If permission is granted the legal agreement would secure these S106 contributions in full, in line with the calculation formulae set out in the Planning Obligations SPD, details of which are provided at paragraph 3.2 of this report).

LBTH Waste Policy and Development

- 6.10 Waste management plan is satisfactory for the residential properties, but no plan has been presented for the commercial units. Please ensure that there is a separate storage area for the commercial units too.

(Officer comment: A revised ground floor plan was subsequently provided by the applicant, which shows the location of a separate commercial store within the 'Commercial Servicing' bay, which is accessed directly from the public highway on Ensign Street. Officers consider that the proposed waste and recyclables storage arrangements are satisfactory and recommend the inclusion of a condition to require the refuse stores to be installed prior to first occupation and retained as approved thereafter).

LBTH Directorate of Children's Services

- 6.11 The proposed development adjacent to two primary schools, Shapla and St Paul's Schools, is noted. The application details state that the impact on Shapla School's daylight amenity and on the sunlight amenity to the playground is acceptable. The impact of additional traffic on both the schools, and pupil and parent journeys to and from school should be considered. In particular the construction phase traffic should be managed to avoid deliveries and other traffic movements in the periods

at the beginning and end of the school day. The development should be assessed according to the Planning Obligations SPD to determine any payments required to mitigate the impact of the additional residential units on school places.

(Officer comment: A Construction Environmental Management Plan will be required to be submitted to and approved by the Council to minimise the impact during the construction phase. Financial contributions towards education have been included in the recommended S106 heads of terms in order to mitigate the impact of the additional residential units on school places.)

Environment Agency

- 6.12 The Environment Agency need not be consulted on this application

(Officer Comment: Noted).

LBTH Enterprise & Employment

- 6.13 Proposed employment/enterprise contributions at construction phase:

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

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be 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.

The Council will seek to secure a financial contribution of £16,010 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:

The council seeks a monetary contribution of £2,537 towards the training and development of unemployed residents in Tower Hamlets to access either:

i) jobs within the A1/A2 and B1 uses of the development

ii) jobs or training within employment sectors relating to the final development

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(Officer comment: These obligations would be secured in the s106 agreement if members resolve to grant planning permission)

LBTH Environmental Health and housing

- 6.14 Consideration should be made to the principles contained in BS 5250 (CP for control of condensation in buildings) for the design of the thermal insulation,

heating and ventilation of the dwellings. To prevent excess heat the ventilation system shall be so designed that the benchmark summer peak temperatures [living rooms 28°C & bedrooms 26°C] are not exceeded for more than 1% of the annual occupied hours. See CIBSE Guides. The developer is to demonstrate Policy 5.9 (Overheating & Cooling) of The London Plan has been complied with. Sufficient extract ventilation is required to internal kitchens, bathrooms, and WCs. Where a kitchen is not separated from a habitable room by a close fitting door, the extract ventilation shall be located immediately adjacent to the hob/cooker preferably via a cooker hood. Where the extract vent isn't located immediately adjacent to the hob/cooker - it should be demonstrated that the extract system has an intermittent extract rate of NLT 60 l/s (or NLT 13 l/s when operated at high rate as a part of a continuous system). Suggested air changes: 10 air change per hour for kitchens 3 air changes per hour for bathrooms and w.c.'s Ensure automatic fire detection & alarm system is installed and maintained.

(Officer comment: This has been noted and the information passed onto the applicant and would be addressed at Building Control stage)

English Heritage Archaeology

- 6.15 The Shadwell bath house would be considered an undesignated heritage asset equivalent to a scheduled monument and indicates that the terrace edge was an attractive location for Roman settlement. Significant quantities of Roman pottery and some other artefacts were found in the archaeological excavation at the adjacent 15 Dock Street site, this indicates potential for settlement in the vicinity (albeit there is no clear evidence for high status settlement like the Shadwell bath house), not only dumped deposits. The Dock Street excavation was terminated at 7m OD, above the natural gravel and possible Roman levels; its most significant discovery was an 18th century glass-making furnace. Thus there is in my opinion potential for both significant Roman settlement and post-medieval industrial remains.

The demolition pile caps, ground beams and other works would potentially affect medieval/post-medieval layers quite extensively depending upon the precise levels whereas the deeper buried Roman level would only be impacted by piling, for which I note continuous flight auger (CFA) piles affecting 5% of the site area are proposed. CFA piling can be an acceptable means of preserving archaeological remains in-situ with relatively little harm however English Heritage guidance is that no more than 2% new pile impact should be the target and 5% the upper limit from foundation construction. It also notes that pile clusters should be avoided wherever possible and that the cumulative impact of previous piling schemes should be considered. The preliminary proposed pile design as presented in the DBA is therefore still of concern and may require adjustment.

For mitigation I would therefore propose conditions to secure control over demolition, require archaeological evaluation to inform foundation design, approve foundation design and secure archaeological investigation where effective preservation cannot be achieved.

(Officer comment: This is noted and addressed in the 'Archaeology' section of the report and the recommended conditions would be attached to the planning permission should members resolve to grant permission)

English Heritage

6.16 The application should be decided in accordance with local policy.

(Officer Comment: Noted)

LBTH Public Health Strategist

6.17 The contribution sought to mitigate the healthcare impacts as calculated using the HUDU model.

(Officer Comment: This had been included within the recommended S106 financial contributions).

Historic Royal Palaces

6.18 The Accurate Visual Representations included in the appendix to the Design & Access Statement confirm that the development would not be visible in views of or from the Tower of London World Heritage Site, so we have no comments to make.

(Officer comment: Noted)

LBTH Housing Accessibility

6.19 The wheelchair accessible units must have access to two lifts as if a single lift is provided and it breaks down the tenants would be housebound. With regard to the layout of the units, some units are accessed directly through the kitchen, which is not ideal as it does not provide room for wheelchair users to change to an indoor chair at the point of entry. In addition, whilst the hallways are wide, some are slightly short of a full turning circle, although it is noted that the room sizes appear to exceed Housing SPG standards, which is supported.

Whilst the plans do not appear to show designated charging and wheelchair changing spaces in the hallways, it is noted that the units include some storage cupboards. The access in and out of the rooms is acceptable and the provision for future ensuite access to the shower room is supported.

(Officer comment: This has been noted and it has been confirmed by the applicant that the accessible units will have access to two lifts. This is discussed further in the 'Housing' section of the report)

Transport for London

6.20 To ensure that the proposed development complies with the transport policies in the London plan, the following matters should be addressed:

- Bus stop upgrades [a contribution of £10,000 is sought]
- Secure land and a financial contribution [£187,000 is sought] towards a cycle hire docking station are required
- An obligation for the applicant to enter into a section 278 agreement with TfL to improve the public realm
- Contributions towards the installation of wayfinding, 'Legible London' signs are required [£15,000]
- Provision of a Travel Plan to be secured
- Provision of a Delivery and Servicing Plan to be secured

- Provision of a Construction Logistics Plan to be secured
- Contributions towards the Mayoral CIL are required

These items should be secured via the appropriate planning conditions and obligations.

(Officer comment: This has been noted and the relevant conditions would be placed on any planning permission. The applicant has proposed a reduced financial contribution of £7,222 towards cycle hire facilities on development viability grounds and the contributions and obligations would be secured through the S106 agreement).

London Fire & Civil Defence Authority

- 6.21 Pump appliance access and water supplies for the fire service were not specifically addressed by the supplied documentation in the planning application portal; nonetheless, from other information supplied, they do appear adequate. Our standing recommendation is this proposal should conform to the requirements of part B5 of Approved Document B.

(Officer comment: This has been noted and the information passed onto the applicant)

Crossrail Charging Zone

- 6.22 No comments have been received.

London City Airport

- 6.23 No comments have been received.

Greater London Authority

- 6.24
- The GLA does not have an objection to the principle of the residential-led mixed-use development of the site.
 - The housing mix, density and quality standards are generally supported. Further discussion is needed regarding the viability and the reasonable maximum amount of affordable housing and how the proposed tenure split has been arrived at.
 - The GLA raised concerns about the internal courtyard and the overall quality and attractiveness of the space due. It is recommended that a softer and more playful landscaping approach is considered.
 - The overall height and scale of the scheme is generally supported and the provision of local views are welcomed. Further consideration should be given to the large areas of servicing along Ensign Street and increasing the footway along The Highway.
 - The proposals appear to take inclusive design principles into account and the commitment to providing 10% wheel chair accessible units is welcomed.

- Further discussion, clarification and /or commitments are required to address those issues regarding the exact location of the on-street parking spaces proposed, the safeguarding of land for a Cycle Hire docking station, the entering into a section 278 Agreement under the Highways Act 1980, the financial contributions towards a new bus shelter, the provision of Legible London signage. In addition a Residential Travel Plan should be secured by Section 106 Agreement and a construction logistics plan and delivery servicing plan to be planning conditions.

(Officer Comment: Noted. The above points of clarification will be addressed by conditions and secured through the S106 agreement).

7. LOCAL REPRESENTATION

7.1 A total of 167 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	10	Objecting:	8	Supporting:	2
No of petitions received:	0				

7.2 The following issues were raised in representations in objection to the scheme and are addressed in the 'Design' and 'Amenity' sections of the Material Planning Considerations section of this report:

- Loss of daylight/sunlight
- Loss of visual amenity/increased sense of enclosure
- Loss of uniformity in the townscape/height of the proposal
- Noise and disturbance during the construction stage of the proposal

The following issues were raised in representations in support of the scheme:

- The successful use of an unattractive and underused site
- The creation of new jobs during the construction phase
- The creation of new homes including affordable and family homes
- New retail space for local residents

8. MATERIAL PLANNING CONSIDERATIONS

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

- (a). Land Use
- (b). Housing
- (c). Design and Conservation
- (d). Amenity
- (e). Highways
- (f). Waste and Recyclables Storage
- (g). Archaeological Impacts
- (h). Biodiversity
- (i). Energy & Sustainability

- (j). Planning Obligations
- (k). Human Rights Considerations
- (l). Equalities Act Considerations
- (m). Section 70(2) of the TCPA 1990

Land Use

- 8.2 In terms of land use, the proposed development comprises both flexible commercial and residential uses. The site is located within the Central Activities Zone (CAZ) as designated in the London Plan (2013) and within the Tower Gateway East Employment Area, which is designated as a Local Office Location in the Council's adopted Managing Development Document (2013).
- 8.3 As set out in Policy DM1 of the Council's adopted Managing Development Document (2013), the continued enhancement and promotion of the CAZ is supported and this includes residential development on the upper floors of the building with active uses at ground floor level. Policy DM16(2) also supports the inclusion of residential uses in Local Office Locations (provided, amongst other criteria that the existing office floor space is re-provided on site).
- 8.4 Policy DM16 of the Council's adopted Managing Development Document (2013) seeks to protect office floor space in Local Office Locations. The upper floors of the site were previously in B1 use; however, in 2011 and 2012 planning permission was granted for change of use of the upper floors to D1 use as the applications demonstrated that the B1 unit had been marketed for a significant period of time and that the site was unsuitable for on-going B1 use and that the new use would generate significant employment. The first second and third floors were being occupied by City Gateway training facility and in D1 use. It is therefore considered that that justification is not needed for the loss of employment floorspace.

Figure 2: Existing Building



- 8.5 The proposal will result in the loss of non-residential/community floorspace (Use Class D1). At the time the application was submitted the upper floors of the building were occupied by City Gateway, who provide community training programmes. Policy DM8 of the adopted Managing Development Document (2013) seeks to protect such

facilities where they meet an identified local need and the buildings are considered suitable for their use. The loss of such a facility will only be considered if it can be demonstrated there is no longer a need for such a facility within the local community and the building is no longer suitable, or the facility is being adequately re-provided elsewhere in the borough. The applicant has confirmed that City Gateway is due to relocate to Mastmaker Court and has provided supporting evidence, satisfying the criteria in Policy DM8 of the Managing Development Document (2013).

- 8.6 As set out in Policy DM1 of the Managing Development Document (2013), the continued enhancement and promotion of the CAZ is encouraged which includes residential development on upper floors, as such the principle of the residential development is supported. Policy DM16(2) also supports the inclusion of residential uses in Local Office Locations.
- 8.7 The proposal provides a re-provision of 212sqm of flexible commercial floorspace, comprising retail/professional services/office (Use Class A1/A2/B1) use which is supported on the basis that the site is located within the CAZ and adopted policy seeks the inclusion of active uses at ground floor level within the CAZ.

Proposal Residential Use

- 8.8 At National level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits. Government guidance set out in paragraph 51 of the NPPF (2012) supports proposals for change of use of commercial buildings to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 8.9 The regeneration of sites such as this within East London is a strategic target of the London Plan (2013) as outlined within Policy 1.1 which states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.10 Policy 3.3 of the London Plan (2013) seeks to ensure that the identified housing need in London is met through the provision of new homes, requiring Boroughs to exceed their housing targets.
- 8.11 Policy SP02(1) of the Council’s adopted Core Strategy (2010) seeks the delivery of 43,275 new homes over the plan period (equating to 2,885 new homes per year) in line with the housing targets set out in the London Plan.
- 8.12 The proposed development would deliver a total of 65 new residential dwellings on the site. The site is not designated for any specific use and is not included in the site allocations in the adopted Managing Development Document (2013). Given the strong policy support for the delivery of new homes in the Borough and given that the surrounding area is predominantly residential in character, it is considered that the site will provide a suitable environment for future residents and that the proposed residential use is acceptable in principle in land use terms.

Density

- 8.13 Policy 3.4 of the London Plan (2013) seeks to optimise housing output for different types of location within the relevant density range shown in Table 3.2 (in the London

Plan) taking into account local context and character, the design principles and public transport capacity.

- 8.14 The NPPF (2012) stresses the importance of development making the most efficient use of land and maximising the delivery of housing. This guidance is echoed in the requirements Policy 3.5 of the London Plan (2013), which details design principles for a compact city. Policies S07 and SP02 of the adopted Core Strategy (2010) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.15 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent. The site and surrounding area has a largely 'central' character in terms of the scale of surrounding built form and the proximity to the City to London. Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of between 650 to 1,100 habitable rooms per hectare (hr/ha) and 140 to 405 units per hectare (u/h).
- 8.16 For vertically mixed use schemes, whereby buildings include a mix of residential and non-residential uses on different floors of the building, the residential density can be calculated using the 'Greenwich Method', in which the non-residential floorspace is deducted from the net site area in proportion with the percentage of proposed non-residential floorspace within the scheme. In this instance, by deducting the proposed non-residential floorspace (3.36%) from the overall site area of 0.104ha, it can be seen that the adjusted site area for the purposes of calculating residential density is 0.101ha.
- 8.17 The proposed development would deliver 65 residential units and 185 habitable rooms. Using the Greenwich Method, officers have calculated the residential density of the scheme to be 1,832hr/ha and 644u/h, with an average of 2.85hr per unit, which exceeds the density range as set out in Table 3.2 of the London Plan (2013).
- 8.18 A high residential density (particularly one that exceeds the indicative density range in the London Plan) can be an indicator of overdevelopment. However, a high residential density is not, in and of itself, a reason for refusal. For residential density to be a reason for refusal, a proposed high density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:
- Inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - Sub-standard dwellings (size);
 - Insufficient open space (private, communal and/or publicly accessible);
 - Unacceptable housing mix;
 - Unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - Unacceptable increase in traffic generation;
 - Detrimental impacts on local social and physical infrastructure; and
 - Detrimental impacts on visual amenity, views, character of surrounding area.
- 8.19 Officers consider that the scheme will provide good quality homes, including larger family-sized units, which are of an appropriate mix and include a policy compliant quantum of on-site affordable housing. Officers also consider that the proposed buildings would be of high architectural quality and would positively respond to the local context in terms of the surrounding built form and public realm in both local and longer distance views. It is considered that the proposals do not exhibit the adverse

symptoms of overdevelopment that would provide justification for refusal on density grounds. Further assessment of the above indicators is carried out in the relevant sections of this report.

- 8.20 Taking into account the above, officers consider that the scheme would optimise the residential density of the site and help to create a sustainable place, in accordance with the objectives of Policy 3.4 of the London Plan (2013) and Policies SP02 and SP10 of the Council’s adopted Core Strategy (2010).

Housing

- 8.21 The proposed development will deliver a total of 65 residential units, of which 48 units are market sale, 13 units are affordable rented and 4 units are intermediate (shared ownership).
- 8.22 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units.

Affordable Housing

- 8.23 Policies 3.8, 3.9 and 3.11 of the London Plan (2013) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council’s adopted Core Strategy (2010) requires a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development Document (2013) reiterates the Council’s 35-50% affordable housing target and states that affordable housing provision should be calculated using habitable rooms as the primary measure.
- 8.24 The scheme as originally submitted would have provided 31% affordable housing by habitable room. A viability assessment was submitted with the application which has been independently tested by the Council’s appointed consultants, BNPP. Following independent testing and review the scheme was amended to provide 185 habitable rooms of which 64 are affordable, which increases the overall (on-site) provision of 35% affordable housing, which accords with the Council’s affordable housing policy target.

Mix of Dwelling Sizes

- 8.25 Policy SP02(5) of the Council’s adopted Core Strategy (2010), and Policy 3.8 if the London Plan (2011) require developments to provide a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.26 Policy DM3(7) of the Council’s adopted Managing Development Document (2013) sets out the Council’s targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Figure 3 below:

Figure 3: Dwelling Mix

Market Sale Units			
Unit Size	No. Units	Proposed %	LBTH Target %
1 bed	23	48%	50%

2 bed	25	52%	30%
3 bed	0	0%	20%
4 bed	0	0%	
TOTAL	48	100%	100%
Intermediate (Shared Ownership) Units			
1 bed	3	75%	25%
2 bed	1	25%	50%
3 bed	0	0%	25%
4 bed	0	0%	0%
TOTAL	4	100%	100%
Affordable Rented Units			
1 bed	0	0%	30%
2 bed	6	47%	25%
3 bed	5	38%	30%
4 bed	2	15%	15%
TOTAL	13	100%	100%

- 8.27 LBTH Housing have reviewed the proposals and note that the mix for 'Affordable Rented' units includes no provision of 1 beds, together with an over provision of 2 beds and an above target provision of 3 bed units. However, LBTH Housing confirm that the 'Affordable Rented' mix is acceptable in this instance as it helps to maximise the delivery of larger family sized rented units, for which there is an identified need in the Borough.
- 8.28 With regard to the proposed mix for 'Intermediate' units, LBTH Housing note that the proposal is for 75% one beds and 25% two beds with no provision of 3 beds and larger, resulting in an overprovision of one beds and an under provision of two beds. However, as only 3 intermediate units are proposed, officers note that the percentages are easily skewed. In addition, LBTH Housing advise that a number of Registered Providers have approached the Council due to difficulties in marketing 3 bed intermediate units. As a result, LBTH Housing raise no objections to the 'Intermediate' mix in this instance.
- 8.29 Overall, it is considered that the proposed development provides a suitable mix of unit sizes, including a good overall range of units, as well as a high proportion of family sized (3 bed+) affordable rented units. Whilst it is noted there is a high proportion of 1 and 2 bed market units, it is considered that the overall mix, including a high proportion of family sized units, is acceptable.
- 8.30 Taking into account the above, it is considered that the proposed residential mix is, on balance, acceptable in this instance, in accordance with the objectives of Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (April 2013) and Policy 3.8 of the London Plan (2013).

Tenure Split

- 8.31 Policy 3.11(A) of the London Plan (2013) seeks a tenure split for affordable homes from new development of 60% rented and 40% intermediate. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an overall strategic tenure split for affordable homes from new development of 70% rented and 30% intermediate.

- 8.32 The tenure split for the proposed affordable homes is 86% affordable rented and 14% intermediate. The applicant has confirmed that the rented units will come forward at Affordable Rents in line with the Council's preferred (POD) rent targets for the E1 postcode area. In addition, the application is being brought forward by a Preferred Registered Provider, who has advised that the larger proportion of affordable rented units responds to specific design constraints and the Borough's and ward's housing needs.
- 8.33 LBTH Housing note that the proposals therefore do not accord with the Council's sought 70:30 split, although acknowledge the constraints of the site with specific regard to the requisite separation of the market and affordable residential cores. In addition, the proposal to bring forward the rented units at POD target rent levels is supported as it markedly improves the affordability of the rented units. As such, on balance, it is considered that the proposed tenure split is acceptable in this instance.

Residential Space Standards

- 8.34 Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Managing Development Document (2013) require all housing developments to include adequate provision of internal space in order to provide an appropriate living environment for future residential occupants, meeting the minimum space standards for new development in the London Plan.
- 8.35 The submitted drawings and details of the units show that the overall standard of accommodation is high with all units exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts accord with the standards set out in the Mayor of London's Housing SPG (2012). As such, it is considered that the proposed residential dwellings include adequate internal space so as to provide an appropriate living environment for future residents, in accordance with the requirements of Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

Wheelchair Housing and Lifetime Homes

- 8.36 Of the 65 proposed units, 6 units are wheelchair adaptable, which are located on levels 1, 2 and 3. There are two accessible affordable units and 5 accessible market units. The LBTH Accessibility Officer has assessed the wheelchair adaptable units and has commented that the proposed layouts may not be popular with wheel chair users. It is therefore recommended that a condition requiring full details of the accessible units to be submitted to and approved by the Council.
- 8.37 Details provided at application stage indicate that proposed residential units comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010). It is recommended that a condition is included to ensure that these standards are met during construction.

Design and Conservation

- 8.38 The NPPF (2012) promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.39 Chapter 7 of the London Plan (2013) places an emphasis on robust design in new development and Policy 7.4 specifically seeks high quality urban design having regard

to the pattern and grain of the existing spaces and streets. Policy 7.6 of the London Plan (2013) seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

- 8.40 Policy SP10 of the adopted Core Strategy (2010) and Policy DM24 of the Managing Development Document (2013) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Building Heights

- 8.41 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and/or having a significant impact on the skyline. Policy 7.7 of the London Plan (2013) deals with tall and large buildings, setting out criteria, including appropriate locations such as areas of intensification or town centres, and provides that such buildings should not affect the surrounding area in terms of its scale, mass or bulk; should relate to the urban grain of the surrounding area; improve the legibility of the area; incorporate the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and make a significant contribution to local regeneration.
- 8.42 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.43 Policy SP10 of the Council's adopted Core Strategy (2010) also provides guidance on the appropriate location for tall buildings, requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Council's adopted Managing Development Document (2013) reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.44 The height of the proposed 14-storey 'tower' at the south eastern corner of the site follows discussions with officers and is now one storey lower than originally proposed by the applicant. Officers consider that the result is a well-proportioned element of the design. The two lower elements of the building ensure that the 'tower' is well proportioned and responds to the lower context along Dock Street and Ensign Street as well as The Highway itself. The walls of the roof terrace on the top of the 'tower' create interest at that level as well as being semi-transparent so the tower does not appear as bulky or overbearing in local views. Much consideration has been given to a series of landmark buildings that are dotted along The Highway which is one of the main gateways into The City.

Figure 4: Proposed building looking west along The Highway



8.45 Although not located directly within the viewing corridor of any strategic views within the London View Management Framework (LVMF), the application site is located within the wider setting and background of the following LVMF viewpoints:

- 5A.2 (Greenwich Park to Central London)
- 6A (Blackheath Point to Central London)
- 11B.1 (Eastward from southern end of London Bridge)
- 15B.1 (Eastward from northern viewing plaque of Waterloo Bridge)
- 15B.2 (Eastward from centre of Waterloo Bridge)
- 25A.1 (The Queen's Walk to Tower of London)

8.46 The views assessment indicates the proposed development is not visible within any of the LVMF views, nor within any of the viewpoints around the Tower of London. An assessment has been carried out to establish the potential for any impact on these particular views by the proposed development. A number of viewpoints around the Tower of London have also been assessed to determine the potential for harm to the Outstanding Universal Value of the UNESCO World Heritage Site.

8.47 The views assessment indicates the proposed development is not visible within any of the LVMF views, nor within any of the viewpoints around the Tower of London.

Heritage Assets

8.48 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

8.49 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "with respect to any buildings or other land in a

conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

8.50 Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Paragraph 131 specifically requires that in determining planning applications, local planning authorities should take account of:

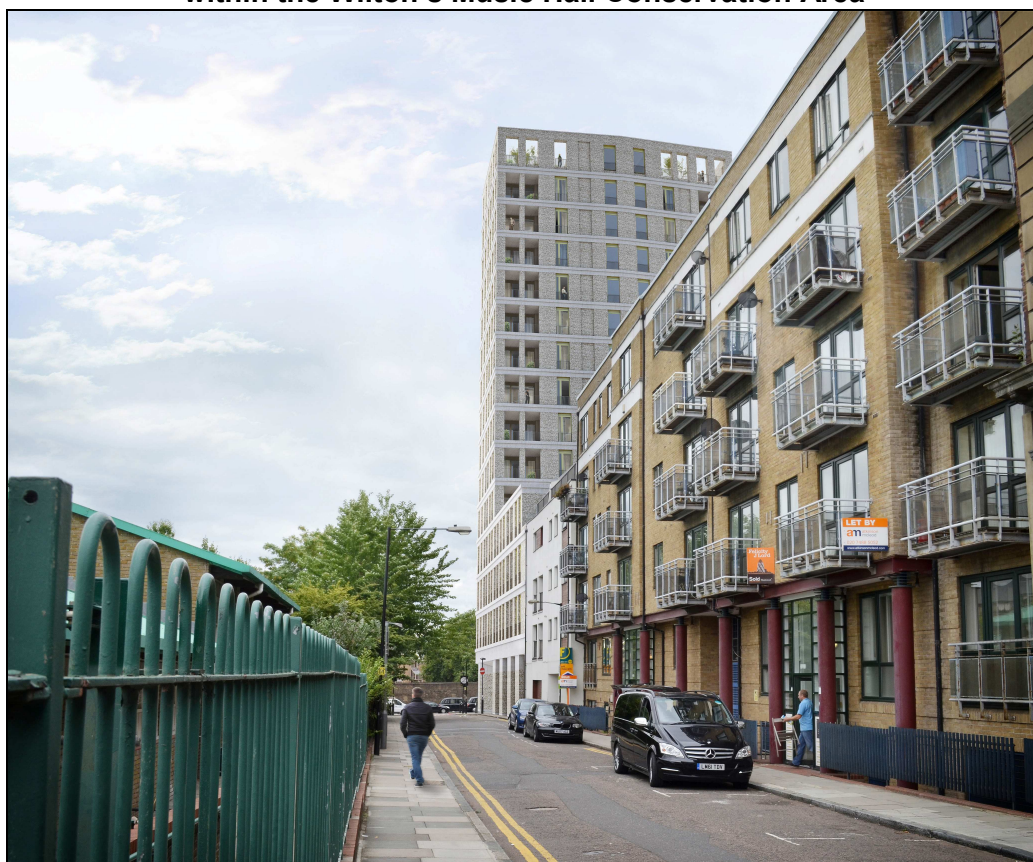
- “desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

8.51 Parts 1-3 of Policy SP10 of the Council’s adopted Core Strategy (2010) provide guidance regarding the historic environment and states at Part 2 of the policy that the Council will protect and enhance heritage assets and their setting. The policy further requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.

8.52 Policy DM27(2) of the Council’s adopted Managing Development Document (2013) provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

8.53 The two lower elements of the design have been taken from the scale and proportion of the street that the elevation faces onto.

Figure 5: Southwards view along Ensign Street from within the Wilton's Music Hall Conservation Area



- 8.54 Ensign Street is largely uniformed in terms of massing, with existing buildings varying between 4 and 5 storeys. The tallest part of the proposed building at 14 storeys is located at the bottom of Ensign Street in order to mark the end of the block and signal the transition between Ensign Street and The Highway.
- 8.55 A lower 'stepped' 3 and 5 storey building is proposed to the north of the taller portion, creating a continuous frontage up to the party wall of the neighbouring 24 to 26 Ensign Street. The three storey set-back abuts the party wall at a lower level reducing impact on the neighbouring building and eliminating overlooking and security issues. Windows are avoided on the north facing gable wall and a green roof and wall are proposed here to create an attractive visual amenity for the residents of the top floor apartment.

Figure 6: View south along Dock Street with the Grade II Listed Church in the Foreground and the Locally listed building at 15 Dock Street further down



- 8.56 Dock Street is characterised by a variation in building heights along its length from 2 to 7 storeys. The proposed development locates the tower towards the east of the site to have less of an impact on the heritage assets along Dock Street. The taller element is slightly visible behind the church; however due to its set-back, proportions and design it blends into the street scene and does not appear over-dominant or detract from the setting of heritage buildings along Dock Street.
- 8.57 The proposed massing on the Dock Street elevation is generally commensurate with the height of no.7 Dock Street, which is the tallest building on the street excluding the church steeple. Figure 6 shows the 6 storey element of the proposed building immediately adjacent to 19 Dock Street, which sits comfortably within the range of heights on the street and within the context of the much taller buildings of the Thomas More Square complex and officers consider that the proposal is in keeping with the overall character and appearance of the street.
- 8.58 The detailed design of the proposal is considered to be of good quality and well thought out. The fenestration rhythm, deep reveals, solid to void proportions and the horizontal banding give visual interest to the facade, which is welcomed. The proposed material palette of brick, pre-cast concrete, PPC aluminium casement windows and PPC steel balconies are considered to be sensitive to the setting of nearby listed buildings and visually appropriate within the context of the wider streetscene.
- 8.59 At ground floor level the application proposes a new active frontage for the commercial unit to maximise the space along The Highway and the corner of Dock Street. The proposed building overhangs the footway and gives shelter to pedestrians and allows a good relationship between the commercial unit and the public realm.
- 8.60 The ground floor frontage along Ensign Street is made up of the substation, commercial servicing, bin storage and the residential lobby. This results in a

predominantly inactive frontage along Ensign Street. Options have been explored to maximise the commercial/active frontages and minimise service elements on this frontage and due to the site constraints and the requirements of the proposed building. It is accepted that the current proposals represent the optimal use of the space.

- 8.61 Taking into account the above, it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would protect the special historic and architectural interest of nearby Locally and Statutorily Listed Buildings and preserve and enhance setting of the nearby Wiltons Music Hall Conservation as well as The Tower World Heritage Site. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

Amenity

- 8.62 Policy SP10(4) of the adopted Core Strategy (2010) and Policy DM25 of the adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.

Daylight / Sunlight

- 8.63 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.64 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.65 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would

constitute a material reduction in sunlight.

- 8.66 A number of objections have been received from neighbouring residents within blocks to the north and west of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions of habitable rooms within their properties. The application is accompanied by a Daylight & Sunlight Report, prepared by Waldrams, dated December 2013, together with updated reports dated 19th March 2014 and 3rd June 2014, which include revised daylight and sunlight assessments to take into account the subsequent revisions to the scheme, which has included reductions in height of the main tower and the block fronting Ensign Street.
- 8.67 The submitted Daylight and Sunlight reports have been independently assessed by Delva Patman Redler (DPR) and details of the assessment and officers' recommendations are provided below.

17 Dock Street

- 8.68 The building at 17 Dock Street adjoins the north/west boundary of the application site and is five storeys in height, comprising commercial use at ground floor level and residential units on the upper floors.
- 8.69 In terms of daylight, of a total of 23 residential windows, 16 windows (69.6% of total) would see VSC reductions greater than BRE guideline levels, of which 3 windows would be subject to VSC reductions of 20-29.9%, 6 windows would be subject to VSC reductions of 30-39.9% and 7 windows would be subject to VSC reductions of over 40%, with the worst affected window being a living/kitchen/dining room window at first floor level (ref: W7), for which the VSC would be reduced by 72%.
- 8.70 Of a total of 19 rooms, 7 rooms (36.8% of total) would see NSL reductions greater than BRE guideline levels, of which 1 room would be subject to NSL reductions of between 20-29.9%, 5 rooms would be subject to NSL reductions of between 30-39.9% and 1 room would be subject to NSL reductions of over 40%.
- 8.71 In terms of sunlight, of the 2 windows facing within 90 degrees of due south, both windows would see significant reductions in APSH of between 80-89.9%. In addition, whilst one of these windows currently receives 0 Winter APSH, the one window that receives 1 Winter APSH would as a result of the development receive 0 Winter APSH.
- 8.72 The rear elevation of 17 Dock Street faces directly towards to the (undeveloped) car park area at the rear of the application site and as such these windows and rooms currently receive very good levels of daylight and sunlight. DPR note that the proposals would result in significant reductions in VSC to a high proportion of windows, which would be noticeable to occupants. Whilst the proposal would also result in material reductions to NSL reductions to 7 rooms, DPR note that the rooms would be left with NSL to over half room areas in most cases, which officers consider represent acceptable residual NSL levels for residential properties in a central urban area.
- 8.73 Whilst not required by BRE guidance, the submitted Daylight & Sunlight Report provides the existing and proposed ADF values for 17 Dock Street. This assessment shows that of the 19 affected rooms, 14 rooms (73.7%) would retain ADF levels that are BS 8206 compliant. It is also noted that of the 5 rooms that fail to meet BS 8206 minimum levels, all 5 rooms have existing ADF values that are below these levels. It

is further noted that the ADF reductions to 3 of the 5 rooms are marginal in nature, with the ADF being reduced by up to only 0.02% in these 3 rooms.

- 8.74 Whilst a number of rooms and windows within 17 Dock Street will be subject to material reductions in daylight, as stated above, officers consider that the residual daylight levels to the majority of windows and rooms are acceptable given the local context of the building within a central urban area. However, the VSC, NSL, ADF and APSH values do show that two rooms will be significantly affected in terms of loss of daylight and sunlight, which are two living/kitchen/dining rooms located at first and second floor level.
- 8.75 Officers acknowledge that the occupiers of the two worst affected properties will be subject to a very noticeable reduction in daylight and sunlight to their living/kitchen/dining rooms. However, on balance, given the range of benefits that would be brought by the scheme, including the delivery new homes, a policy compliant level of affordable housing and a full S106 package, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance.

1-14 Liberty House, 26 Ensign Street

- 8.76 Liberty House is a part four, part five storey building that comprises a secure residential car park and one single-aspect, north facing garden flat at ground floor level with further residential units on the upper floors. DPR note that the location of the building is such that it will only be affected by the new tower building fronting The Highway and not by the infill block on Ensign Street, except to windows on the top floor, which directly face towards the infill block.
- 8.77 In terms of daylight, of a total of 17 windows, 4 windows (23.5% of total) would see VSC reductions greater than BRE guideline levels, of which 2 windows would see VSC reductions of between 30-39.9% and 2 windows would see VSC reductions of over 40%. All 11 rooms would be unaffected in terms of NSL and DPR note that the ADF result would remain high and that there would be a negligible impact on daylight distribution to habitable rooms within Liberty House.
- 8.78 In terms of sunlight, of a total of 14 windows that face within 90 degrees of due south, 4 windows at fourth floor level (28.6% of total) would see APSH reductions greater than BRE guideline levels, with these reductions ranging between 29-43%. In addition, 6 windows at first to fourth floor level (42.9% of total) would see Winter APSH reductions greater than BRE guideline levels, with these reductions ranging between 33-65%.
- 8.79 Whilst it is noted that around a quarter of the windows will be subject to material reductions in VSC, given the layout and aspect of the rooms the windows serve, the internal daylight distribution levels (NSL) would be unaffected and overall officers consider that these properties would retain adequate levels of daylight. In addition, whilst a number of rooms would be subject to material reductions in sunlight, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance.

Shapla Primary School

- 8.80 The Shapla Primary School includes a single storey building located approximately 25 metres to the north-east of the application site.

- 8.81 In terms of daylight, of a total of 6 windows 3 windows (50% of total) would see VSC reductions greater than BRE guideline levels, with these 3 windows seeing minor VSC reductions of between 21-24%. All six windows serve a single room that benefits from multiple-aspect and as a result the reduction in NSL to the room would be BRE compliant at 8%. In addition, in terms of internal illuminance, the resultant ADF value of 4.09% shows that the room would remain well lit. DPR consider that the impact on the daylighting conditions would be minor adverse in nature and on balance officers consider this impact to be acceptable.
- 8.82 In terms of sunlight, of a total of 6 windows that face within 90 degrees of due south, 3 windows (50% of total) would see APSH reductions greater than BRE guideline levels, with these reductions ranging between 35-41%. In addition, all 6 windows would see Winter APSH reductions of over 20%, although for three of the windows the reductions are only marginally over BRE guideline levels at 21%. DPR note that the levels of sunlight to three of the windows serving the room would remain good and that on balance the room will still appear adequately sunlit and that the overall impact on sunlight levels could be considered acceptable.

Nearby Commercial Buildings

- 8.83 The submitted Daylight & Sunlight assessments include analysis of the impacts of the development on the daylighting and sunlighting conditions of nearby commercial buildings.
- 8.84 15 Dock Street is a three storey commercial building located immediately to the north-west of the site, adjoining the northern boundary of 17 Dock Street. The assessment shows that the daylight and sunlight impacts on the windows and rooms at 15 Dock Street would be negligible and within BRE guideline levels.
- 8.85 Admiral House, 66-68 East Smithfield is a five storey commercial building that is located immediately to the west of the application site on the opposite side of Dock Street and forms the southern end of the urban block that is bounded by Flank Street to the north, Dock Street to the east, East Smithfield to the south and John Fisher Street to the west. The assessment shows that the daylight and sunlight impacts on the windows and rooms at Admiral House would be negligible and within BRE guideline levels.

Daylight & Sunlight Levels within the Proposed Development

- 8.86 The submitted assessment shows that a number of habitable rooms within the proposed development on the lower floors of the building will have ADF values below BS 8206 recommended minimum levels. Specifically, of the 114 habitable rooms at first to fifth floor level, 44 rooms (38.6% of total) would fail to meet the target minimum ADF levels. The Council's appointed consultant, DPR, notes that the majority of the ADF failures are to bedrooms. It is noted that bedrooms have a lesser minimum daylight requirement than other type of habitable room, such as living rooms, given the nature of their use and the hours of the day in which they are typically used.
- 8.87 DPR further note that a number of living/kitchen/dining rooms on the lower floors of the building will also fail to meet the target ADF levels, which is largely due to the design of the building, which includes recessed balconies that invariably restrict the levels of light reaching the rooms located at the rear of the balconies. In their letter dated 28 January 2014, the applicant's consultant, Waldrams, confirms that the living/kitchen/dining rooms are deep rooms with the main living areas located closest

to the windows, with the kitchen element to the rear of the rooms. As such, the primary seating areas within the living room would retain a relatively well daylight appearance despite the overall ADF values for the rooms not being compliant.

- 8.88 Officers acknowledge that the internal daylighting conditions to a number of habitable rooms on the lower floors of the building will be poor. However, from the sixth floor upwards, all habitable rooms would be ADF compliant. Taking into account the site's context within a central urban area and in light of the design of the scheme, including the provision of good levels of private amenity space for each unit, officers consider that the daylighting conditions within the development are not so poor so as to warrant a reason for refusal in this instance.

Noise & Vibration

- 8.89 Section 11 of the NPPF (2012) provides guidance for assessing the effect of noise. The document states that planning decisions should avoid noise giving rise to adverse effects on health and quality of life; mitigate and reduce effects arising from noise through conditions; recognise that development will often create some noise, and; protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.90 Policy 7.15 of the London Plan (2013), Policies SP03(2) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse effects and separate noise sensitive development from major noise sources.
- 8.91 LBTH Environmental Health note that The Highway is considered to be one of the noisiest roads in the borough and London and has been highlighted as an area for noise action under the Environmental Noise Directive (END). The proposed development will experience very high levels of noise and vibration from road traffic on The Highway and the site is considered to fall within a SOAEL (Significant Observable Adverse Effect Level), as defined by the NPPL (Noise Planning Policy for England) under the current Planning Framework.
- 8.92 LBTH Environmental Health have reviewed the submitted Noise Assessment, prepared by RBA Acoustics, and raised concerns that the scheme as originally proposed would not meet the required "good" design standard of BS8233 and would likely result in noise disturbance to future residential occupants. The applicant's acoustic consultants subsequently provided further information within the Acoustic Consultant Comments document, dated 18 February 2014, which has been reviewed by LBTH Environmental Health and is considered to be acceptable in demonstrating that the development can be constructed to meet the Council's noise requirements for new residential properties.
- 8.93 In line with the comments from LBTH Environmental Health, it is recommended that a condition be included to require the submission for approval of details of the noise insulation for the residential units, which shall demonstrate that the proposed glazing and ventilation ensure that the "Good" internal design standard of BS8233 is met. In addition, it is recommended that a condition be included to require the submission for approval of details of the sound insulation between the commercial and residential areas, which shall demonstrate that a noise insulation level of at least 60 DnTw will be achieved. Details of all mechanical plant, to comply with the Council's noise requirement of LA90 – 10dB(A), should also be secured by condition.

- 8.94 Taking into account the above and subject to conditions, it is considered that the proposed development would adequately protect future residential occupiers from undue noise disturbance, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Sense of Enclosure / Outlook

- 8.95 The properties that are most likely to be affected in terms of an increased sense of enclosure and loss of outlook are the flats located at 17 Dock Street, to the north-west of the development site. In addition, the south facing windows to habitable rooms on the top floor of Liberty House will have their level of outlook reduced by the four storey element of the proposed building. However, as these rooms are dual-aspect it is considered that adequate levels of outlook would be retained. Whilst it is acknowledged that the outlook from some properties will be reduced as a result of the development, given the design of the proposed building and setbacks from neighbouring windows, it is not considered that there would be any significant detrimental impacts on the outlook of neighbouring residents.

Overlooking and Loss of Privacy

- 8.96 It is noted that a number of objections have been received from neighbouring residents located to the north and west of the site respectively, on the grounds that windows and balconies within the proposed development will result in overlooking and a loss of privacy to neighbouring residents.
- 8.97 Design guidance documents usually recommend a visual separation distance of 18 metres between facing habitable room windows or balconies in order to preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing SPG (2012) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.
- 8.98 The proposals include the formation of a communal amenity terrace at podium (first floor) level. The terrace would be located close to rear (east) facing residential windows of the building 17 Dock Street. In order to prevent any direct overlooking from the terrace to neighbouring residential windows, the proposals include the installation of a 1.84 metre tall (from finished floor level) privacy screen along the western side of the terrace, the appearance of which will be softened through the use of planting. Officers consider that the proposed measures are sufficient to prevent any direct overlooking from the terrace to neighbouring properties within 17 Dock Street.
- 8.99 In terms of any potential overlooking from habitable room windows or balconies within the development into neighbouring properties, officers note that the separation distance between the west facing windows of the eastern block and the east (rear) facing windows at 17 Dock Street is approximately 16.5 metres. Whilst this falls slightly below the recommended 18 metre separation, given the central urban location of the site and the typical characteristics of residential development in such areas, officers consider that the proposed separation distance of 16.5 metres would afford residents adequate levels of privacy.
- 8.100 In order to prevent any direct overlooking from north facing windows within the development to adjacent windows and amenity spaces at 17 Dock Street and to the north, the applicant proposes the use of perforated metal balustrades and privacy

screens, as detailed on pages 14-19 of the submitted Design & Access Statement Addendum II, dated June 2014. Officers consider that the proposed mitigation measures will adequately protect the amenity of neighbouring residents from direct overlooking and it is recommended that full details of the design, specification and location of the balustrades and privacy screens are secured by condition.

- 8.101 Given the urban location and specific context of the site and its surroundings, together with the separation distances between facing habitable room windows and amenity spaces and the proposed mitigation measures, subject to condition, it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents. The proposal therefore accords with Policy SP10(4) of the Council's adopted Core Strategy (2010) and PolicyDM25 of the Council's adopted Managing Development Document (2013).

Private Amenity Space

- 8.102 Policy SP02 (6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every residential development.
- 8.103 Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5sqm of private outdoor space for 1-2 person dwellings, with an additional 1sqm to be provided for each additional occupant, whilst specifying that balconies and private external spaces would have a minimum width of 1,500mm.
- 8.104 Each of the proposed residential units includes a recessed balcony, which have been assessed by officers and the vast majority of balconies have been found to meet or exceed the Council's and Mayor of London's minimum space and design standards for amenity space. Where balcony sizes are below the minimum space standards, the shortfalls are slight and officers consider that the limited number shortfalls are mitigated by the provision of a significant level of communal amenity space within the development, which exceeds the Council's policy requirements. As such, on balance, it is considered that the proposals include adequate provision of private amenity space, in accordance with the objectives of Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Communal Amenity Space

- 8.105 Policy DM4 Managing Development Document (2013) requires the provision of communal amenity space within developments that include 10 or more residential dwellings. This policy requires the provision of 50sqm of community amenity space for the first 10 dwellings and a further 1sqm per additional dwelling. As such, the policy requirement for the current scheme, which would provide 65 new residential units, is for provision of no less 105qsm of communal amenity space.
- 8.106 The proposal markedly exceeds this target through the provision of 535square metres of communal amenity space. This communal amenity space is provided via a roof terrace on top of the main tower of the building and an internal courtyard terrace at podium level. It has been noted that concerns were raised about the quality of this internal scale by the GLA and if planning permission were to be granted it is recommended that a condition be included to require the submission for approval of full details of the landscaping so as to ensure that the communal amenity spaces are high quality and useable.

- 8.107 Taking into account the above and subject to condition, it is considered that the proposal includes adequate provision and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Highways

- 8.108 The NPPF (2012) and Policy 6.1 of the London Plan (2013) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan (2013) also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.109 Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.
- 8.110 The current application is accompanied by a Transport Assessment, which has been reviewed by LBTH Transportation & Highways and Transport for London (TfL), with TfL confirming that the correct method has been used to calculate the trip rate and modal split for the proposed development and that the projected impact on the Transport for London Road Network (TLRN) is considered to be acceptable, in accordance with Policy 6.3 of the London Plan (2013).

Car Parking

- 8.111 Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (2013) also promotes 'car free' development in areas with good access to public transport.
- 8.112 The proposal has been assessed by LBTH Transportation & Highways, who note that the site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent. LBTH Transportation & Highways consider this site to be suitable for a car and permit free agreement, which would be secured through the S106 agreement.
- 8.113 In accordance with Policy requirements, the proposals include provision of two disabled parking spaces, which are proposed to be provided on-street, adjacent to the site. The exact location of the on-street disabled parking bays will need to be agreed with LBTH Transportation & Highways and secured through a S278 agreement.
- 8.114 Subject to the completion of the associated S106 agreement, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2013). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

Cycle Parking

- 8.115 The Council's cycle parking standards, as set out in Appendix 2(1) of the adopted Managing Development Document (2013), require the provision of 1 cycle parking space per 1 and 2 bed residential unit and 2 cycle parking spaces per 3+ bed residential unit. The cycle parking standards also require a minimum provision of 2 cycle parking spaces for commercial (A1/A2/B1) uses, with 1 space to be provided per 125sqm of floor area for A1 use.
- 8.116 The proposed development, which would provide 58 x 1 and 2 bed units and 7 x 3+ bed units would therefore require the provision of at least 72 cycle parking spaces, in line with the Council's adopted standards. In addition, the proposals include 212sqm of flexible commercial floorspace, for which at least 2 cycle parking spaces are required.
- 8.117 The applicant confirms that the development will include 112 residential cycle parking spaces located in suitable, secure cycle store rooms, adjacent to the lift cores, which exceeds the Council's policy requirements. In addition, the applicant's transport consultant confirms in the submitted Transport Assessment that the cycle parking spaces for the commercial uses will be provided on the public highway outside of the development, which must be agreed by Transport for London as the relevant Highway Authority for The Highway and secured through a S278 agreement.
- 8.118 Officers consider that the proposed location and quantum of cycle parking spaces is acceptable. If planning permission is to be granted, it is recommended that a condition be included to require the submission for approval of full details of the cycle parking facilities, which must be installed prior to first occupation of the development and retained and maintained as approved thereafter.
- 8.119 Subject to condition, it is considered that the proposals accord with Policy DM22(4) of the Council's adopted Managing Development Document (2013), and Policy 6.9 of the London Plan (2013). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of safe, secure and usable cycle parking facilities.

Waste and Recyclables Storage

- 8.120 The proposal includes the provision of separate refuse and recyclables storage areas for the affordable rented units, for the intermediate and market sale units and for the commercial unit(s). All three refuse stores are located at ground floor level on the east side of the building and the residential refuse stores can be accessed both from within the building and directly from the public highway on Ensign Street, with all bins located within 10m of the collection point on the public highway, which is supported. The proposed refuse storage arrangements have been reviewed by LBTH Waste Policy & Development and are considered to be acceptable.
- 8.121 If planning permission were to be granted it is recommended that a condition be included to require the waste and recyclables storage facilities as shown on plan to be provided prior to first occupation of the development and to be retained as approved thereafter.
- 8.122 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be

considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Archaeological Impacts

- 8.123 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas. Policy DM27(4) of the Council's adopted Managing Development Document (2013) states that developments located within or adjacent to Archaeological Priority Areas will be required to be supported by an Archaeological Evaluation Report and that any nationally important remains will be required to be preserved permanently in site, subject to consultation with English Heritage.
- 8.124 The application site lies within an Archaeological Priority Area as designated in the Managing Development Document (2013). Accordingly, the current application is accompanied by an Archaeological Desk-Based Assessment & Built Heritage Appraisal, prepared by AOC.
- 8.125 The proposals and submitted Archaeological Statement have been assessed by English Heritage Greater London Archaeological Advisory Service (GLAAS), who consider that there is potential for both significant Roman settlement and post-medieval industrial remains at the site, which could be affected by the demolition pile caps, ground beams and other works.
- 8.126 In order to adequately mitigate any impacts on buried archaeological resource, if planning permission were to be granted GLAAS recommend that a condition be included to secure an Archaeological Mitigation Strategy (to be approved pre-commencement of demolition), together with a post excavation assessment (to be approved prior to first occupation) and a written report of archaeological investigations (to be published within 3 years of completion). Officers consider that the proposed condition is a suitable and proportionate means of mitigation given the potential for buried archaeological remains at the site.
- 8.127 Taking into account the above, subject to condition it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(4) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Biodiversity

- 8.128 Policy 7.19 of the London Plan (2013), Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.129 The application site is not located within a SINC. The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the application site has no existing

biodiversity value, with the site containing no vegetation or soft surfaces and the existing buildings being unsuitable for roosting bats or nesting birds. The proposed development includes the provision of over 300 square metres of biodiverse green roof, as specified in the submitted Design & Access Statement. The proposed development would therefore provide a significant biodiversity enhancement to the site.

- 8.130 If planning permission is granted it is recommended that a condition be included to secure details of the extent, design, construction and planting of the living roof, which is to be approved prior to the commencement of development, installed prior to first occupation and retained and maintained as approved thereafter.
- 8.131 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of buildings, including the use of biodiverse green roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

Energy & Sustainability

Energy Efficiency

- 8.132 At a national level, the NPPF(2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.133 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.134 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).
- 8.135 The current application is accompanied by an Energy and Sustainable Design Statement, which shows that the proposed development follows the energy hierarchy and seeks to minimise CO₂ emission through energy efficiency via a CHP (~40kWe) in order to reduce CO₂ emissions by 43% (116.1 tonnes CO₂) from a building regulation 2010 baseline. This approach is generally supported and the proposals are considered to be in line with the Mayor of London's energy hierarchy.
- 8.136 However, the LBTH Sustainability Officer notes that the proposals will fail to meet the Council's policy target for CO₂ reduction as set out in Policy DM29 of the Managing Development Document (2013), which seeks for development to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010. Specifically, the proposed energy efficiency measures will result in a 7% shortfall on CO₂ reduction, which equates to 5.35 tonnes of CO₂.
- 8.137 Policy 5.2(E) of the London Plan (2013) states "carbon dioxide reduction targets

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

- 8.138 The LBTH Sustainability Officer advises that in this instance the shortfall in CO2 emission reductions should be offset through a cash in lieu payment, with the current identified cost being £1,800 per tonne of CO2, as set out in the GLA Sustainable Design and Construction SPG (2014) and the GLA Planning Energy Assessment Guidance (2014).
- 8.139 The identified shortfall in CO2 emission reductions of 7%, which equates to 5.35 tonnes of CO2, would therefore require a payment of £9,630, which has been agreed with the applicant and will be secured through the S106 agreement.

Sustainability

- 8.140 In terms of sustainability, the London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction are achieved, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.141 The LBTH Sustainability Officer notes that the submitted Energy and Sustainable Design Statement identifies that a Code for Sustainable Homes Level 4 will be achieved with a score of 71.54, which is supported. In order to ensure that Code Level 4 is achieved it is recommended that a condition be included to require the submission for approval of the final Code for Sustainable Homes certificates showing that 'Level 4' ratings have been achieved within 3 months of first residential occupation .
- 8.142 Subject to condition, it is considered that the proposed development will incorporate an appropriately high standard of sustainable design and construction, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).

Contaminated Land

- 8.143 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.144 The current application is accompanied by a Desktop Contamination Assessment, prepared by MLM Consulting Engineers, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections to the proposals subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

Air Quality

- 8.145 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.146 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.

Air Quality Assessment

- 8.147 The applicant has provided an Air Quality Assessment (AQA), prepared by MLM Consulting Engineers Limited, dated December 2013, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 8.148 The submitted AQA notes that the demolition and construction works have the potential to cause dust impacts on nearby sensitive receptors and the surrounding environs. In order to minimise these impacts, the AQA proposes the preparation of a Construction Environmental Management Plan (CEMP), which shall include details of the dust/pollution mitigation measures that are to be put in place, including but not limited to the damping down of rubble, the use of screening, enclosed chutes and skips and the covering of soil mounds. If planning permission is granted, it is recommended that a CEMP be secured by condition.
- 8.149 The AQA also provides an assessment of the impact of the development on local air quality and provides details of the projected air quality (in terms of NO₂ and PM₁₀ concentrations) at various receptor points on the proposed development and nearby buildings in the year 2016. The assessment indicates that the annual average NO₂ levels on receptors at ground to third floor level will exceed the 40 micrograms per cubic metre objective set by the Air Quality Regulations 2000, although concentrations on the above floors will be within target levels. The assessment also indicates that PM₁₀ level will be within target levels on all floors. In addition, the assessment indicates that the proposed development will result in only a marginal increase (i.e. less than or equal to 0.1%) in NO₂ and PM₁₀ levels at nearby receptors at nos.43 and 66 East Smithfield and no.22 Ensign Street.
- 8.150 In light of the projected NO₂ concentration exceedances to rooms between the ground and third floors, the AQA proposes mitigation measures in the form of a NO_x filter, which is to be fitted to the mechanical ventilation (MVHR) unit to ensure that the air quality within all dwellings is acceptable. If planning permission is granted, it is recommended that a condition be included to secure details of NO_x filters to be fitted on the MVHR unit, which shall be installed prior to first residential occupation and be retained and maintained as approved for the life of the development.
- 8.151 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

Planning Obligations

- 8.152 Regulation 122 of the CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Are fairly and reasonably related in scale and kind to the development.
- 8.153 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.154 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13 of the adopted Core Strategy (2013).
- 8.155 The document also sets out the Borough's key priorities as being:
- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.156 The Borough's other priorities include:
- Health
 - Sustainable transport
 - Environmental sustainability
 - Public realm
- 8.157 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development are secured.
- 8.158 The obligations agreed can be summarised as follows:
- Financial Obligations
- (a). £18,547.97 towards Employment & Skills Training
 - (b). £15,629.54 towards Idea Stores, Libraries and Archives.
 - (c). £65,280 towards Leisure Facilities.
 - (d). £205,218.37 towards Education.
 - (e). £79,743.00 towards Health.
 - (f). £1,935.90 towards Sustainable Transport.
 - (g). £99,537.82 towards Public Open Space.

- (h). £67,650.00 towards Streetscene and Built Environment.
- (i). £9,630.00 towards CO2 Reductions
- (j). £7,222.00 towards Cycle Hire Facilities (TfL)
- (k). £10,000.00 towards Bus Shelters (TfL)
- (l). £15,000.00 towards Legible London Signage (TfL)
- (m). £11,907.89 towards Monitoring.

Non-Financial Obligations

- (n). 35% affordable housing by habitable room.
- (o). Car permit free agreement
- (p). 20% local employment/procurement during construction/end user phases
- (q). Code of Construction Practice
- (r). Travel Plan

The above contributions represent 100% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document(2012) and officers consider that these obligations met the tests set out in Regulation 122 of the CIL Regulations 2010.

- 8.159 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.

9.0 Human Rights Considerations

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

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

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

- 9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 9.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will

be legitimate and justified.

- 9.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

10.0 Equalities Act Considerations

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

11.0 Section 70(2) of the Town and Country Planning Act 1990

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

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

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

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

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

11.4 In this context "grants" might include the New Homes Bonus, which for the proposed development that is the subject of this planning application is estimated to total approximately £590,000 over six years.

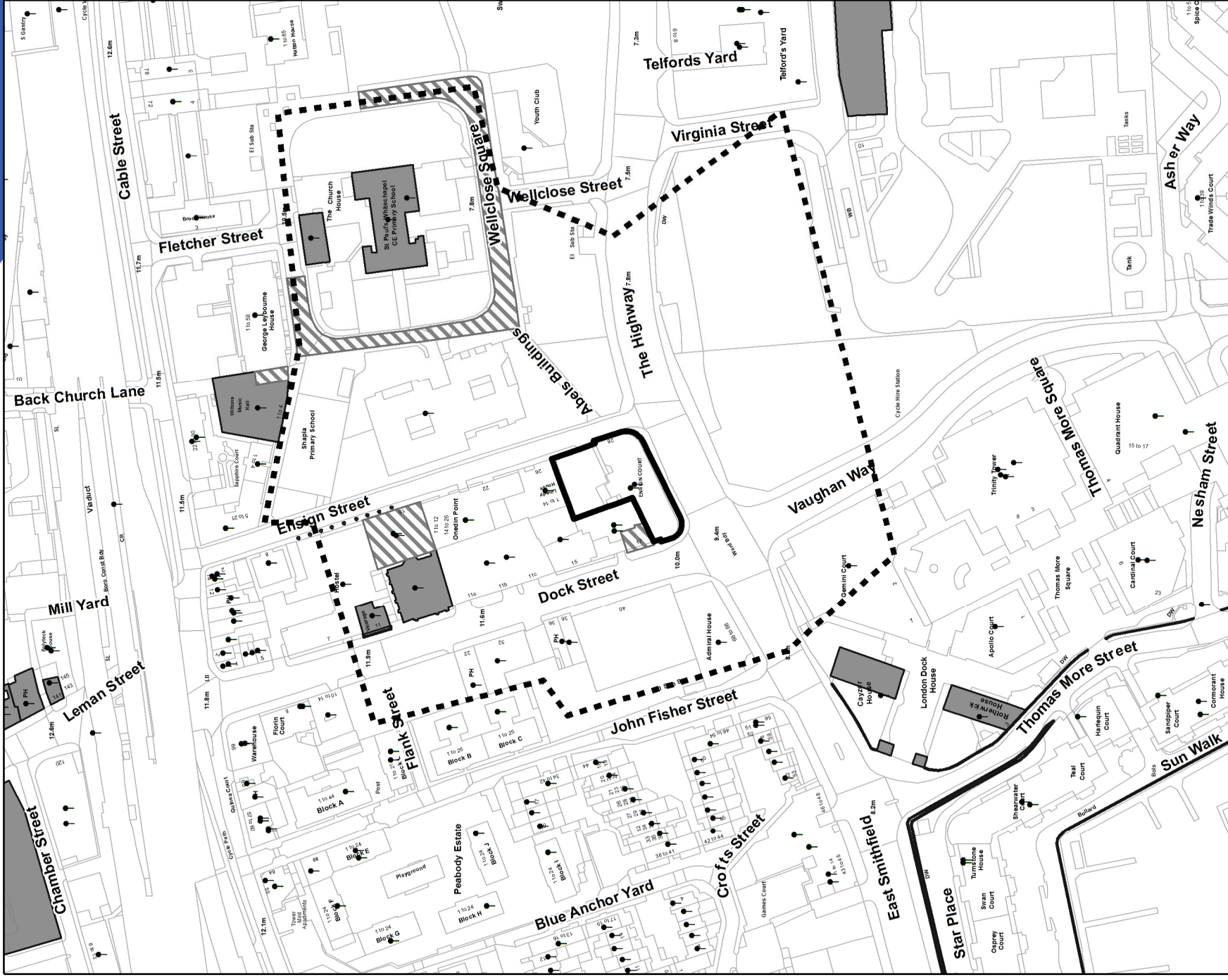
11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.

11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. It is estimated that the Mayoral CIL charge for the proposed development would total approximately £150,000.

12.0 CONCLUSIONS

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

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Planning Application Site Boundary
 Consultation Area



Locally Listed Buildings



Statutory Listed Buildings



Land Parcel Address



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 8.4

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/14/0074
	Ward: Blackwall and Cubitt Town

1. APPLICATION DETAILS

Location: Telehouse Far East, Sites 6 & 8, Oregon Drive, E14 2AA

Existing Use: Vacant site (currently has a hoarding around it)

Proposal: Redevelopment of the site for the erection of a 10 storey data centre building of 66m in height comprising approximately 24,370sqm of floor space including provision of roof top plant and satellite dish at site known as Site 6; reconfiguration of loading bay area to North building; new first floor bridge link to existing North building; erection of a 12 storey office development 65m in height comprising approximately 13,283m² of floor space known as Site 8; provision of 29 car and 128 cycle parking; re-routing of existing cycle path on Sorrel Lane.

Drawing and documents: **Drawing numbers:**

0393-00/00_001 Rev P01; 0393-00/00_004 Rev P04;
0393-00/01_101 Rev P02; 0393-00/01_101 Rev T06;
0393-MF/01_102 Rev P02; 0393-MF/01_102 Rev T05;
0393-01/01_103 Rev P02; 0393-01/01_103 Rev T03;
0393-02/01_104 Rev P02; 0393-02/01_202 Rev T04;
0393-04/01_207 Rev T04; 0393-RL/01_105 Rev P02;
0393-RL/01_106 Rev P02; 0393-RL/01_107 Rev P02;
0303-SE/02_108 Rev P02; 0393-SE/02_109 Rev P02;
0393-EL/03_110 Rev P04; 0393-EL/03_111 Rev P05;
0393-EL/03_112 Rev P05; 0393-EL/03_113 Rev P05;
0393-00/01_501 Rev P02; 0393-02/01_502 Rev P02;
0393-04/01_503 Rev P02; 0393-06/01_504 Rev P02;
0393-08/01_505 Rev P02; 0393-10/01_506 Rev P02;
0393-12/01_507 Rev P02; 0393-SE/02_508 Rev
P020393-SE/03_509 Rev P02; 0393-EL/03_510 Rev
P02; 0393-EL/03_511 Rev P02

- Design and Access Statement dated February 2014 by Nicholas Webb Architects (Rev P2)
- Flood Risk Assessment dated December 2013
- Transport Assessment dated December 2013 by

- TTP Consultancy
- Environment report statement by SLR (Section 1: Introduction; Section 2: Report Structure; Section 3: Site description and proposed description; Section 4: Ecology and nature conservation; Section 5 Town and visual impact; Section 6 Archaeology & Cultural heritage; Section 7- Hydrology and flood risk; Section 8 Drainage; Section 9: Air Quality; Section 10: Pedestrian level; Section 11.Telecommunications; Section 12: Aviation; Section 13: Socio Economic Impact; Section 14. Noise; Section 16. Daylight and Sunlight; Section 17: Sustainability and 18. Closure).
- Delivery and servicing management plan dated November 2013 by TTP Consultancy.
- Energy and Sustainability Statement dated January 2014 Rev A
- Explosive ordinance threat assessment dated November 2013 by Nicholas Webb Architects
- Framework Travel Plan dated November 2013 by TTP Consultants

Applicant:	Telehouse International Corporation of Europe Ltd
Ownership:	Telehouse International Corporation of Europe Ltd
Historic Building:	Grade II Listed wall sits to the east of the site
Conservation Area:	The site is not within a Conservation Area, but lies approximately 280 metres to the north-east of the Naval Row Conservation Area.

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the development plan including 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 and local guidance and has found that:
- 2.2. The proposal would provide an additional data centre to Telehouse Campus and an office building which would provide a supporting role to Blackwall Local Office Location (LOL). The scheme would provide 24,370 sqm of data centre floorspace and 13,283 sqm of Office floorspace. It is envisaged that the proposal would provide approximately 150 full time jobs.
- 2.3. Subject to conditions requiring details of a lighting strategy to the east elevation of the data centre, boundary treatment details for the entire site and materials to be approved in writing by the Local Planning Authority, the overall height, scale and bulk for both buildings is considered acceptable, and would deliver a high quality, architecturally interesting building on the site.

- 2.4. The site lies very near to the A13 (East India Dock Road), Leamouth Roundabout and A1261 (Aspen Way), which are key east/west routes through London and managed by TfL. The impacts of the development upon the safe and freeflow of traffic on these roads have been carefully considered, and the development would not have an adverse impact in this respect.
- 2.5. Cycle Superhighway 1 route currently runs through the site, and would be diverted as part of this application. The final details of this are yet to be finalised with TfL, and TfL have advised that they are content in resolving this by way of a condition preventing commencement of works onsite until such details have been provided and agreed. Furthermore the proposal makes adequate provision for car and cycle parking and the servicing arrangements are considered acceptable.
- 2.6. The nearest residential properties to the site lie to the north, across the A13 at Aberfeldy Estate. Due to the distance between the subject site and these residential properties. The proposal would not result in unduly detrimental loss of daylight and sunlight. In addition, the proposal would not result in unduly detrimental noise disturbance to surrounding properties.
- 2.7. The proposed Energy and Sustainability Strategy would minimise CO2 emissions through energy efficiency, linking to the waste heat network to supply the offices and a PV array to reduce CO2 emissions by 63%. The proposal would have a BREAAAM excellent rating which means the development would be of a suitable design and be energy efficient.
- 2.8. A Grade II Listed wall sits to the east of the site, on the eastern side of Leamouth Road and the Naval Row Conservation Area sits to the south-west of the site. The proposal would not result in significant harm to this Listed wall or its setting, or the Conservation Area, and a full assessment has been undertaken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the case law in Barnwell Manor.
- 2.9. Appropriate planning obligations have been secured in accordance with the Councils Supplementary Planning Document on Planning Obligations to ensure the proposal is sufficiently mitigated against and that the proposal does not place undue pressure on local and social physical infrastructure.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.4. Financial contributions
 - A financial contribution of £109,319 towards construction phase skills and training
 - A financial contribution of £199,464 towards end user phase skills and training
 - A financial contribution of £30,410 towards Idea Stores

- A financial contribution of £118,868 towards leisure facilities and public realm improvements
- A financial contribution of £193,665 towards public open space
- A financial contribution of £361,620 towards streetscene and the built environment
- A financial contribution of £20,266 towards Section 106 monitoring

Total financial contribution: £1,033,612

Non financial

- Access to employment
- 20% Local Procurement
- 20% Local Labour in Construction
- Travel Plan

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

3.6. That the Corporate Director Development & Renewal is delegated authority to recommend the imposition of conditions, variation and informatives in relation to the following matters:

3.7. **Conditions**

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials, trial panels of brick work
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Hours of construction
6. Hours of hammer driven piling works
7. Archaeology
8. Secure by Design
9. Contamination
10. Construction methodology and Management Plan
11. Car Park Management Plan
12. A Delivery management Plan and Construction Logistics Plan
13. Surface Water Drainage Strategy
14. A verification/remediation strategy for contamination
15. Details of the archaeology works
16. Further accessible details
17. Details of boundary treatment
18. Details of Lighting Strategy
19. Provision of 20% passive electric vehicle charging points with monitoring of their use to indicate when further active provision is required
20. Cycle Superhighway CS3 temporary and permanent diversion routes
21. B8 use restricted to data centre

3.8. **Informatives**

- 1) Planning permission required for any external changes
- 2) Planning permission subject to Section 106 legal agreement

4. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 4.1. The Site is located on two vacant plots, referred to as sites 6 and 8, which are separated by Sorrel Lane. The sites are soft landscaped and currently have a hoarding around them. To the north of Sorrel Lane is Site 6 which is located at the south-western corner of the junction between East India Dock Road and Leamouth Road. To the south of Sorrel Lane is Site 8, which is bounded to the south by Saffron Avenue, with Oregano Drive to the west. Leamouth Road forms its eastern boundary and the existing Telehouse campus is to the west. Site 8 also has the Blackwall Tunnel running underneath it.
- 4.2. To the west of the Site are a number of buildings on the Telehouse campus, the Global Switch Building beyond the Telehouse West Building, and there is a major road network surrounding the campus. A Travel Lodge Hotel is located beyond Telehouse North Building and the former Financial Times printing works (now a part of the Global Switch data centre complex). To the south western perimeter of this group of buildings are the larger scale London Borough of Tower Hamlets administrative offices and Town Hall.
- 4.3. Both plots of land have been undeveloped since the former East India Docks were in-filled in the 1980s.
- 4.4. The Site has a Public Transport Accessibility Level of 3, indicating that the Site has a medium level of accessibility by public transport. It is located approximately 450m from East India Docklands Light Railway (DLR) and approximately 900m from Canning Town DLR station to the east of the site, which also provides access to Jubilee line London Underground (LU) services. There is a bus stop located on East India Dock Road adjacent to the site serving route 115. The 277 route is accessible from stops on Saffron Avenue to the south-west of the site, and the 309 service from stops on Poplar High Street 250m to the west.
- 4.5. The existing Telehouse Campus has two vehicular accesses, via Oregano Drive (goods vehicle access and cars plus delivery vehicle egress) and via Nutmeg Lane /Coriander Avenue (access and egress). The proposals associated with this planning application do not affect the existing access arrangements, with all vehicular access to the new Data Centre taken via Oregano Drive. Site 8 has the East India Dock Road Tunnel running underneath it. Oregano Drive, Saffron Avenue, Sorrel Lane and Leamouth road are private roads and East India Dock Road is TfL managed.
- 4.6. The site is not located within a Conservation Area, although the Naval Row Conservation Area lies to the south west of the site. To east of the site and along Leamouth Road is the former East India Dock Wall, which is a Grade II Listed structure.

Relevant Planning History

- 4.7. PA/07/00391: Former London Thames Gateway Authority resolved to grant planning permission at their planning committee on 12/06/2008 for the

erection of nine new buildings; ranging from 8 to 36 storeys in height to provide 796 residential flats (67 studios, 297 one bedroom, 362 two bedroom, 76 three bedroom and 5 four bedroom units), 975 sqm of commercial floorspace (classes A1/A2/A3/A4/A5/B1a), 368 sqm of community floorspace (class D1/D2), a 373 sqm gymnasium, 760 sqm of internal child play space and 203 sqm of energy centre uses plus 236 car parking spaces in two basement levels and associated communal, private and public realm amenity spaces including landscaping and variety of works. Pedestrianization of Sorrel Lane. The Section 106 Agreement was never signed and planning permission was never issued.

- 4.8. PA/06/348: Planning permission was refused on 26/04/2006 for the erection of 10 internal illuminated advertisement hoarding's consisting of 6 x 48 sheet panels, 3 x 96 sheet panels and 1 golden square size panel at various perimeter locations within the two sites.

Detail of proposal

- 4.9. The proposed development comprises of two buildings which comprise of:
- 1) Data Centre
 - 2) Office Building
- 4.10. The proposed data centre would be approximately 66m in height and is located on the northernmost of the two plots. The Gross Internal Area (GIA) for the data centre would be 24,370sqm.
- 4.11. The data centre is an industrial building (Use Class B8), housing technical processing equipment, along with support functions.
- 4.12. The data centre would form part of the existing Telehouse development. At present, Telehouse provides a data centre facilities for several companies and serve as platform for Information Technology system. The applicant advises that it has over 700 customers.
- 4.13. The proposed Office building would be approximately 59m in height and is located on the southernmost of the two plots. The Gross Internal Area (GIA) for the office building would be 13,283.37sqm.
- 4.14. The proposal would provide 128 cycle spaces and 29 car parking spaces onsite.
- 4.15. There are a number of highway works proposed to accommodate the development which include:
- The permanent closure of the private road Sorrell Lane at its junction with Leamouth Road.
 - The applicant notes that the closure is required to create a secure facility for Telehouse and would include the construction of a secure perimeter fence at the edge of the highway. The existing Cycle Superhighway would not use Sorrel lane and be diverted elsewhere.
 - The Sorrel Lane junction with Leamouth Road is currently signalised and incorporated into the signalised pedestrian crossing on LeamouthRoad. The closure of the road to general traffic, with the road only used for emergency egress along with the fuel deliveries to

the new Data Centre, would enable the signal (across Sorrel Lane) to be removed with vehicles on Sorrel Lane giving way to vehicles on Leamouth Road.

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 Policy Guidance (NPPG)

5.3. London Plan 2011

4.1 Developing London’s economy

4.2 Offices

4.10 New and emerging economic sectors

4.11 Encouraging a connected economy

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

5.10 Urban Greening

5.13 Sustainable drainage

5.17 Waste capacity

5.21 Contaminated land

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

6.11 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

7.8 Heritage assets and archaeology

7.14 – Air quality

7.15 Reducing noise and enhancing soundscapes

7.19 Biodiversity and access to nature

7.21 Trees and Woodland

8.2 Planning obligations

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

5.4. 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.

5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP03 Address the impact of noise pollution
- SP05 Provide appropriate refuse and recycling facilities
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
- SP12 Delivering Placemaking
- SP13 Planning Obligations

5.6. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 – Delivering sustainable development
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM16 – Office Locations
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and public realm
- DM24 - Place sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero-carbon borough and addressing climate change

5.7. **Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012

5.8. **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:

Greater London Authority (Stage 1 Response)

- The proposed land use is in accordance with policy and would create employment so is therefore welcomed.
- The proposed height, scale, bulk and massing of the proposal is in keeping with the prevailing character of the area and does not raise any strategic concerns.
- The Eastern elevation is the most prominent elevation and a lighting arrangement for this elevation at night should be submitted and approved in writing by the Local Planning Authority.
- The overall Energy and Sustainability Strategy is considered acceptable. Further information should be provided to demonstrate the extent of the waste heat contribution to the new office building's demands and to clarify how the carbon savings have been calculated.

(Officers comment: The applicant would be required to submit a lighting strategy for the east elevation of the data centre. This would be secured by way of condition. The applicant has submitted further details on the extent of the waste heat contribution to clarify how carbon savings have been calculated. LBTH Energy Officer has reviewed this information and considers it acceptable).

Transport for London

- 6.3. Whilst the proposed buildings would not be constructed immediately over the East India Dock tunnel, site 8 proximity requires TfL to agree a construction methodology prior to works commencing on site, to ensure that the works would not result in an unacceptable impact to TfL structures. As such, a condition preventing commencement of works onsite until such agreement has been reached must be attached to the grant of any planning permission.
- 6.4. A Car Park Management Plan should be secured by condition on any consent for the site, setting out how spaces would be reserved for operational use. Ten percent of spaces should be actively provided with electric vehicle charging points.
- 6.5. A Delivery Management Plan and Construction Logistics Plan (CLP) have been submitted, which is welcomed. These should be secured by condition on any consent and in particular the final CLP would require additional information, particularly around cycle safety given the proximity of CS3.
- 6.6. A framework Travel Plan has been provided in support of the application, and this is welcomed. The applicant would be required to submit a more detailed Travel Plan to be secured in the Section 106 Agreement.
- 6.7. With reference to Cycle Superhighway, Transport for London agree a temporary diversion of the route during construction, which would require a planning obligation or Grampian condition to ensure it would be delivered prior to any development being carried onsite. TfL would also require a similar obligation/condition which would require implementation of a final diversion, to a design agreed in writing by TfL, prior to first occupation of any part of the development.

(Officers comment: The applicant would be required to submit details of the Construction Methodology, a Car Park Management Plan and a Delivery

Management by way of condition. It has been agreed that a Grampian condition is secured to ensure no work commences on site until the Cycle Superhighway re-alignment is agreed).

Environment Agency

- 6.8. The Environment Agency does not object to the proposed development subject to the following conditions:
- A surface water drainage strategy to include details of run-off and surface water storage on site. This is to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.
 - Details of a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. This is to protect the quality of the water environment.

(Officers comment: The above detailed matters would be secured by way of condition).

English Heritage

- 6.9. English Heritage has reviewed the submission and did not raise objection. They noted that *“this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice”*.

Docklands Light Railway

- 6.10. Dockland Light railway has reviewed the submission and note that there would be low risk to the DLR and therefore do not object to the proposed development.

London Fire & Emergency Authority

- 6.11. The proposed vehicle access arrangement appears acceptable. The applicant should confirm that hydrants are available within either 90 or 100 metres of each building’s entrance as per paragraph 15.7 of Approved Document B of the Building Regulations.

(Officers comment: The applicant has confirmed that hydrants are available within 90 metres of each building’s entrance as per paragraph 15.7 of Approved Document B of the Building Regulations).

Health and Safety Executive

- 6.12. HSE have confirmed they do not advice, on safety grounds, against the granting of planning permission in this case.

Metropolitan Police

- 6.13. The applicant would be required to submit a Secure by Design Statement to ensure the development is designed to maximise safety and security throughout the site.

(Officers comment: The applicant would be required to submit a Secure by Design Statement to be agreed in writing by the Local Planning Authority).

LBTH Access officer

- 6.14. The proposal is acceptable for the following reasons:
- The proposal makes adequate provision for accessible WC's and showers.
 - The proposal makes provision for 4 accessible parking spaces which is welcomed.
 - The proposal makes provision for an inclusive sliding drum door which is supported for the Office building.

- 6.15. It is recommended that the applicant submit the following by way of condition:

- Details of the proposed turnstiles and pass gates
- Details of accessible WC's and shower facilities for both buildings

(Officers comment: The applicant would be required to submit the above details. This would be secured by way of condition).

LBTH Biodiversity

- 6.16. The proposal does not provide significant biodiversity value on the application site, and therefore, there would not be any significant biodiversity impacts. The applicant should be asked to consider installing biodiverse green roofs. This would be a significant benefit for biodiversity.

(Officers comment: The applicant was asked to consider green roofs. However, external plant area is proposed at roof level and the applicant did not consider it appropriate to try and accommodate this plant area elsewhere. The applicant notes that their landscaping strategy would incorporate biodiversity measures by including annual and perennial plants. Details of the landscaping strategy would be required to be approved in writing by the Local Planning Authority. This would be secured by way of condition).

LBTH Environment Health (noise)

- 6.17. The proposed noise levels and mitigation methods for construction noise and vibration are acceptable.

LBTH Environment Health (air quality)

- 6.18. The Air Quality plan has been assessed and the Environment Health team do not raise any formal objections. It is noted that the applicant would need Clean Air Act approval from Environment Health.

LBTH Energy and Sustainability

- 6.19. The proposed Energy and Sustainability is acceptable and accords with policies which require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

LBTH Highways

- 6.20. The servicing arrangements are considered acceptable.
- 6.21. The proposal makes provision for 29 car parking spaces which is the maximum amount Council policy could support onsite.
- 6.22. The proposal should make provision for 110 cycle spaces in accordance with policy for B1 Office use and 97 cycle spaces in accordance with policy for B8 uses.

(Officers comment: With reference to cycle parking; the proposal makes provision for 110 cycle spaces for the office use and 18 cycle spaces for the data centre use. On balance, Officers consider that is not necessary to provide 97 spaces for the Data Centre. At present, there are approximately 100 staff at Telehouse (which encompasses circa 45,000sqm of floorspace) excluding the contractors the majority of which work in the administration building and very few working in the actual data centres themselves. The number of cycle spaces proposed is considered reasonable for the data centre use. The applicant would not be permitted to change the data centre to another B8 use which could lead to the requirement for additional cycle parking spaces. This would be secured by way of condition).

LBTH Waste Management

- 6.23. The proposed waste management arrangement is considered acceptable.

LBTH Environment Impact Assessment (EIA)

- 6.24. The development was screened to determine whether the planning application would require an EIA. The Councils Environment Impact Assessment Officer notes that no significant effects were anticipated and therefore the proposed development was not considered to require an EIA.

LBTH Policy

- 6.25. The proposed land uses are supported by the Councils Planning policy teams as they accord with the LBTH Local Plan.

LBTH Directorate of Communities, Localities and Culture (CLC)

- 6.26. The increase in population as a result of the proposed development would 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.

(Officers comment: Contributions have been secured towards Idea store, libraries and archives and open space in accordance with the Councils SPD on planning obligations).

LBTH Employment & Enterprise

- 6.27. 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, with 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.28. A financial contribution of £109,318 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 of £119,464 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 should be secured.

(Officers comment: The above contributions would be secured by the Section 106 Agreement).

7. LOCAL REPRESENTATION

- 7.1. A total of 605 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	0	Objecting:	0	Supporting:	0
No of petitions received:	0				

- 7.2. Officers have not received any representations from members of the public.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are
- Land use
 - Design
 - Environmental considerations (daylight and sunlight; noise and air quality)
 - Transport and access
 - Sustainability and Energy efficiency
 - Planning Obligations
 - Local finance considerations
 - Equalities considerations

Land Use

- 8.2. The NPPF (2012) states that there is a “*presumption in favour of sustainable development*” which should be the golden thread running through all plan making
- 8.3. Policy 2.13 “Opportunity Areas and Intensification Areas” of the London Plan states that development proposals within opportunity areas should contribute towards meeting and where appropriate exceeding the minimum guidelines for indicative estimates for employment capacity. The London Plan Annex 1 identifies an indicative employment capacity of 50,000 jobs in the Lower Lea Valley Opportunity Area.
- 8.4. Policy 4.1 of the London Plan promotes and enables the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers. Policy 4.2 of the London Plan notes that Local Development Frameworks should enhance the environment and offer of London’s office locations in terms of physical attractiveness, amenities, ancillary and supporting activities as well as services, accessibility, safety and security
- 8.5. The Council’s Core Strategy sets out the strategic objective to support growth of existing and future businesses in accessible and appropriate locations. Spatial policy SPO5 seeks to support, maximise and promote the competitiveness of the economy and promote the creation of a sustainable, diversified and balanced economy by ensuring a sufficient range, mix and quality of employment uses and spaces.
- 8.6. As identified in the Core Strategy, the site falls within the place of Blackwall, which provides spatial guidance to facilitate and guide place making. The vision for Blackwall is to deliver a “*mix use area with a new town centre and the Town Hall as its commercial and civic hearts*”. The proposed land use accords with Blackwall’s vision for ‘civic and commercial’ uses.
- 8.7. Employment is managed in accordance with SP06 of the Core Strategy, which seeks to maximise and deliver investment and job creation in the borough. This is further reiterated in the Managing Development Document (MDD), policy DM15 which sets out how new development would contribute to delivering growth in locations outside designated employment areas. Policy DM16 of the MDD stipulates that there are four Local Office Locations (LOL) within the borough located at Whitechapel , Mile End, Wapping and Blackwall.
- 8.8. The site is adjacent to the Blackwall LOL and the surrounding uses are commercial in nature which aligns with the proposal. Although the site lies outside of the LOL, the redevelopment of the site for employment uses outside of the spatial policy area would provide a welcomed supporting role to the Local Office Location.
- 8.9. The applicants operation as a data centre (Telehouse International Corporation of Europe) has been established at the East India Dock since the late 1980’s and expanded operations over time as a result of growth in Information Technology and has a strategic data centre build programme which aims to deliver incremental space to meets its business needs. The applicant has stated that proposed development for an office building and

data centre would be an addition to the applicant's existing campus to the west and will enable Telehouse to expand and provide significant benefits to the UK digital economy by maintaining the competitiveness of London and the UK as a whole. LBTH Policy team note that there is a justified demand for an additional data centre in Telehouse Campus.

- 8.10. The proposal would promote economic activity in Tower Hamlets. The scheme would provide a total of 37,653 sqm of commercial floorspace of which 24,370 sqm would be for the data centre and 13,283 sqm would be for offices. Collectively, it is envisaged that the proposed would provide approximately 150 full time jobs.
- 8.11. As such, the proposal accords with policies 2.13, 4.1 and 4.2 of the London Plan (2011), policy SP06 of the Core Strategy (2010) and DM15 and DM16 of the Managing Development Document (2013) which seek to ensure commercial development promotes job opportunities and the creation of a sustainable economy.

Design and heritage

- 8.12. The NPPF 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.
 - preserve heritage assets- any harm or loss to a heritage asset requires clear and convincing justification.
- 8.13. Chapter 7 of the London Plan places an emphasis on robust and place sensitive design in new development.
- 8.14. The Council's policy SP10 of the Core Strategy (2010) 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. The policy also seeks to protect and enhance the Conservation Areas; Locally Listed Buildings and Archaeological remains.
- 8.15. Further design guidance is provided in policy DM24 of the Managing Development Document (MDD). Policy DM26 of the MDD gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 of the Core Strategy (2010) and DM23 of the MDD 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.

Layout

- 8.16. The site comprises two vacant plots located to the west of Leamouth Road and south of East India Dock Road. The proposed office building would be located on the southern site adjacent to the roundabout at the junction of Leamouth Road, the Lower Lea Crossing and Aspen Way. It would be positioned to the north west of the site, with car parking and landscaping situated to the south east and security fencing surrounding the perimeter. The applicants have explained that the presence of the Blackwalltunnel running underneath the southern part of the site is a significant constraint, limiting the position of the building to the north west of the site.
- 8.17. Vehicle access to the site would be from the Telehouse campus, using the existing access from Coriander Avenue that currently serves Telehouse North building. The existing delivery area would be extended to provide delivery access to the loading bay of the new building which would have a delivery dock of 800mm above road level. Ramps, together with steps, would be provided at this change in level. Within the existing Telehouse North building delivery area is a ramp down to the basement car park. This would be removed and the area levelled to provide the extended delivery area for the new development. A secondary delivery access would be provided from Saffon Avenue, using Oregano Drive. There would be no exit from the site via Sorrel Lane, a vehicle gate would be provided at the junction with Leamouth Road but would be kept closed.
- 8.18. Pedestrians would access the data centre from the west elevation via the existing Telehouse North building from the proposed new bridge at mezzanine floor level (first floor existing building). This would retain the current security strategy as all visitors entering the site from Coriander Avenue, entering the building from the administration building. The floor layouts of the data centre would be broadly similar to the existing layouts as the existing layouts of Telehouse buildings.
- 8.19. The siting of the office building, to the south of the site is considered to be acceptable, subject to suitable hard and soft landscaping arrangements, which would be secured by way of condition.
- 8.20. The proposed data centre would be located on the northern site, at the junction of East India Dock Road and Leamouth Road. Its rectangular plan form would be aligned north to south, following the building line of the existing campus buildings along East India Dock Road. It would be connected to the existing campus by a first floor level walkway and would have similar floor plan arrangement. It's principal façade faces east toward Leamouth Road. Again the siting is considered acceptable subject to suitable hard and soft landscaping arrangements.
- 8.21. A higher quality boundary treatment is sought for the entire development, preferably an innovative or bespoke system incorporating public art. The applicant would be required to submit further of the boundary treatment, secured by way of condition.

Scale, bulk and mass

- 8.22. Both buildings accord with the context of other large footprint buildings found on the campus and elsewhere in the East India Dock complex in terms of their overall height, scale and massing.
- 8.23. The applicant has submitted a series of views and has undertaken a views analysis from key areas including the northern side of East India Dock Road, adjacent to Abbot Road, Southern side of Barking Road and Canning Town Docklands Light Railway platform.
- 8.24. The proposal would have an effect on the townscape character both within and around the site, however in this respect, the proposal would not have an adverse impact on the existing townscape as it does not obstruct any protected views and follows a similar pattern of development within this area.
- 8.25. To the north of the site is a residential development at Aberfeldy Estate, which is partially under construction. Existing new build development at Aberfeldy estate to the north east extends to 10 storey's in height. To the far south west is an 11 storey development (Switch House) and outside East India DLR station is a residential development which extends to 22storeys in height.
- 8.26. The heights of the Telehouse buildings to the west of the site range from 30metres to 62 metres in height. The proposed data centre would be 66 metres and the office centre would be 65 metres in height. As such, it is considered that the proposed heights of the buildings sit comfortably within the existing context.
- 8.27. The overall scale of the development is similar to the scale of developments at Telehouse campus and would not present symptoms of overdevelopment such as excessive loss of daylight and sunlight. Accordingly, the development is in character with the established pattern of development in the area. The overall scale of development proposed is substantially less than the scale of residential development which London Thames Gateway Authority were resolved to grant at their committee in June 2008.
- 8.28. The design approach to the office is unique and of high design quality. It is clearly defined as an office use and provides visual interest. The bulk of the office building would be alleviated by the extensive use of glazed curtain walling. The data centre has been broken down into a number of different elements expressing the different functional parts of the building, which assists with articulating the mass of this building. Both buildings also benefit from a spacious setting in terms of the wide roads adjacent to them. As such, the scale and massing of the proposal can be considered acceptable as agreed by the GLA who note in their Stage 1 report that: *"The proposed height and massing of the proposal is broadly in keeping with the prevailing character of the area and does not raise any strategic concerns"*.

Elevation treatment and materials

- 8.29. With reference to the elevational treatment for the office building, extensive areas of glazed curtain walling would feature to include an exposed internal structure. In addition, there would be large areas of grey steel cladding framing the building. These elevational treatments and materials are typical of Office buildings of this nature and are generally in context with the many of the other buildings found on the campus and elsewhere in the East India

Dock complex. The slanted south-east façade would give the building a distinctive profile. The elevational aspect of this part of the scheme is considered to be acceptable subject to the precise nature of the material finishes. This would be secured by way of condition.

- 8.30. The data centre is a more complex structure featuring a number of different elements, the elevational treatment of which seeks to express the different functional parts of the building. Of particular importance is the east elevation, which would be highly visible in a range of shorter and longer views. This façade has been the subject of extensive pre-application discussions with both the GLA and the Council. The applicant proposes the use of low-level up-lighting to illuminate the façade at night, however this is not supported by officers as it is not considered that this approach would achieve the high standard of design required for such a prominent and important part of the building. As an agreed approach moving forward, the applicant would be required to submit a lighting strategy for the development prior to the commencement of works onsite to be agreed by the Local Planning Authority, in consultation with the GLA, to ensure that the development has a high standard of architecture on this important façade.
- 8.31. The remaining elements of the data centre would be clad in a variety of materials including black glass rainscreen, aluminium mesh, powder coated aluminium louvres and blue engineering brick. Prominent exhaust flues in the north-east corner of the building would be finished in stainless steel. The proposed material palette would provide a degree of variety and interest to a large utilitarian structure and can, on balance, be considered acceptable subject to a suitably worded condition requiring prior approval of the precise material finishes, including the submission of samples.

Impact on the significance of nearby heritage assets

- 8.32. Paragraphs 132 & 134 of the NPPF emphasises 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.
- 8.33. Policy 7.8 of the London Plan (2011) 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.
- 8.34. 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.
- 8.35. 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. It is acknowledged that Section 66 also concerns a listed building itself but as

this application is not an application to develop a listed building only the setting of the listed building is considered to be relevant.

Impact on setting of East India wall

- 8.36. East India Dock wall and gateway is located immediately to the east of the proposed development within the central reservation of the adjacent Leamouth Road dual carriageway. The wall consists of the early 19th century, stock brick built 15ft high boundary wall with interval chamfered buttresses. A gateway is situated centrally within the wall area.
- 8.37. The wall is considered to be a designated heritage asset as it is a Grade II Listed structure.
- 8.38. The applicants submitted statement concluded that the proposal would result in 'very slight' impact to the Listed Wall. Harm to the setting of a Listed Building requires the local planning authority to give considerable importance and weight to the desirability of preserving the setting of the listed building when carrying out the balancing exercise in Section 66 of the planning (Listed Buildings and Conservation Area) Act 1990 in accordance with Barnes Manor Court of Appeal judgement. In carrying out this balancing exercise, Officers examined the historic and present day context of the wall.
- 8.39. The site lies on the eastern side of the East India 'Import' Docks. The current development is situated on an area which historic mapping indicates was partially occupied by the dock, but also warehouses. Many of the warehouses around East India Docks were demolished in the early 1990s. The area has significantly changed over the past 30 years. Large scale commercial and residential development together with a dual carriageway road form its present day context.
- 8.40. The data centre is located approximately 30 metres from East India Dock Wall. The distance between the closest point of the office building and the listed building would be approximately 33 metres. Given the already less than favourable location of the East India Dock wall on a busy road and opposite Telehouse Campus, any development on the site is likely to have some impact, and the proposal put forward has been developed in such a way to provide adequate separation distance whilst meeting the commercial needs of the applicant.
- 8.41. The proximity of the development to the listed wall has been assessed by both English Heritage and the Councils Design and Conservation team and no objections are raised to the proposal with relation to the preservation of the heritage asset. The proposal would have less than substantial harm to the listed wall having given appropriate weight to the statutory duty under Section 66 of the Planning Act 1990.
- 8.42. The proposal is therefore considered acceptable in respect of the impact on the setting of the Listed Wall.

Impact on the setting of Naval Row Conservation Area

- 8.43. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.44. The site is not located within a Conservation Area, however Naval Row Conservation Area is located approximately 280 metres to the southwest of the site. The character of the Naval Row Conservation Area and therefore the proposal would not result in harm to the characterised by the surviving structures associated with the historic port and shipbuilding activities of the 19th Century.
- 8.45. The conservation area is defined to the north by the perimeter wall of the East India Docks. Officers consider that the development would potentially introduce a degree of change to the setting of the conservation area, as it would be partially visible along the eastern view, at the eastern end of the site. Moreover, the development would also further reduce the links between the south-western and eastern sections of the docks perimeter wall. However, given the changing character of the area in general which is increasingly characterised by large scale commercial and residential developments, it is not considered that the proposal would not have an adverse impact on the setting of Naval Row Conservation Area, and therefore the proposal would not result in harm to the Conservation Area. Unless harm has been identified, there is no apparent need to apply the Barnwell Manor case.

Area of Archaeological Importance

- 8.46. The site is located within an Area of Archaeological Importance. As such, it is recommended that a detailed archaeological investigation be undertaken prior to the commencement of works onsite. This would be secured by way of condition.

Conclusion on design and heritage matters

- 8.47. The overall design, height, scale and bulk of the development is considered acceptable subject to the following:
- A suitably worded condition requiring prior approval of hard and soft landscaping, to ensure that the development has a high standard of landscape design.
 - Amendment of the plans and supporting information to indicate the use of a higher quality boundary treatment, as opposed to the continuation of the wall and fencing used for the rest of the campus, to ensure that the development has a high standard of landscape design and makes a positive contribution to the public realm. The precise nature of the boundary treatment could be controlled by a suitably worded condition.
 - A suitably worded condition requiring prior approval of the lighting strategy for the development, to ensure that the development has a high standard of architecture.
 - A suitably worded condition requiring prior approval of materials (including the submission of samples), to ensure that the development has a high standard of architecture.
 - The proposal would cause 'very slight' harm upon the Grade II East India Dock Wall, and considerable importance and weight has been given to the desirability of avoiding that harm. The proposal is considered acceptable in this respect.

- The proposal would cause no harm to the Naval Road Conservation Area.

Amenity (daylight and sunlight)

- 8.48. 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.
- 8.49. 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 specifies 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. In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) 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.
- 8.50. The applicant submitted a Daylight and Sunlight report to determine the impact the proposed development on future residents directly facing the development at Aberfeldy Estate. The assessment concluded that all windows tested on the Aberfeldy development would receive VSC values exceeding 27% and would not be less than 0.8 times their former value, which is in accordance with the BRE guidelines. Therefore, no further assessment/evidence is required as the proposals accord with the BRE Guidelines.
- 8.51. It is therefore considered that the future occupiers and surrounding properties would not suffer from undue loss of daylight and sunlight in accordance with policies SP10 of the Core Strategy and DM25 of the Managing Development Document (2013) which seeks to protect amenity of future and existing residents.

Noise

- 8.52. 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) and policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 8.53. The applicant has submitted a noise report which was reviewed by the Councils Environmental Health Officer who confirmed that the noise levels would not have a detrimental impact on amenity in accordance with the abovementioned policies.

Air Quality

- 8.54. 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.
- 8.55. The submitted air quality plan was reviewed by the Council's Environmental Health Officer who did not raise any objections. The proposal would therefore comply with the above mentioned policies.

Transport, access and highways

- 8.56. 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.
- 8.57. 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.
- 8.58. 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.
- 8.59. As noted in paragraph 4.4 of this report, the site has a Public Transport Accessibility Level of 3 which means the site has a medium level of accessibility by public transport. It is located within close proximity to both East India and Blackwall DLR stations, bus routes 15, 115, D6, 309 and D8 are located within close proximity.
- 8.60. The existing Telehouse Campus has two vehicular accesses, via Nutmeg Lane/Coriander Avenue (access and egress) and via Oregon Drive (goods vehicle access and cars plus delivery vehicle egress). The proposals associated with this planning application do not affect the existing vehicular access arrangements, with all vehicular access to the new data Centre taken via Oregon Drive/Sorrel Lane which officers welcome.

Trip generation

- 8.61. The applicant has submitted details of the number of assumed trips for both buildings by foot, cycle, rail, DLR/Underground and car. It is assumed that the majority of people would travel to the site via DLR/Underground or rail. Whilst the minority of workers will travel by car.
- 8.62. Currently, there are three data centres in Telehouse East, Telehouse North and Telehouse West with approximately 100 car parking spaces. Although the proposed new Data would be relatively large when compared to the existing facilities, it is not anticipated that there would be a pro-rata increase in trips primarily on the grounds that some of the maintenance functions and security functions would be shared with the existing facilities. As such, it has been assumed that the trip rates for the new facility would be approximately half of that associated within the existing 3 Telehouse buildings. Furthermore, it is anticipated that car travel would be constrained due to the proposed level of car parking which is approximately 1/3 of the existing.
- 8.63. LBTH Highways have not raised concerns on this matter. Furthermore, TfL note in their Stage 1 report that “the trip generation methodology is considered appropriate, and it is considered that the trips associated with the new development would not result in an unacceptable transport impact”.

Car parking

- 8.64. Policy DM22 of the Managing Development Document (2013) sets out a maximum provision for car parking for both B1 and B8 uses of 1 space per 1250 sqm for commercial vehicles only.
- 8.65. In accordance with policy, the maximum provision for a B8 and B1 uses would be 19 and 10 car parking spaces accordingly. As such, policy would not permit more than 29 car parking spaces onsite. The proposal makes provision for 29 car parking spaces; 4 of these units would be accessible spaces which are supported. All of the car parking spaces are located on the grounds of site 8.
- 8.66. In accordance with London Plan and the Council's parking standards, the development makes provision for 20% electric vehicle charging points.

Cycle parking

- 8.67. The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development.
- 8.68. With regards to cycle parking the MDD policy requirements are:
- B8 use: 1 space per 250 sqm which equates to a minimum of 97 spaces and;
 - B1 use: 1 space per 120 sqm, which equates to a minimum of 110 spaces.
- 8.69. The main area of cycle parking provided is on the centre of a roundabout, surrounded by car parking in site 8. The proposal makes provision for all 110 cycle spaces in the form of Sheffield stands for the Office Building which are all located within site 8.
- 8.70. As noted in paragraph 6.22, it is not considered necessary to provide 97 spaces for the data centre as this applies to general B8 uses. The applicant

has advised that there is approximately 100 existing staff at Telehouse (which encompasses circa 45,000sqm of floorspace) excluding the contractors the majority of which work in the administration building and very few working in the actual data centres themselves. The proposal makes provision for 18 cycle spaces in the form of Sheffield stands, located within site 6, at the junction of Sorrel Lane and Oregano Drive. It is considered that 18 cycle spaces is reasonable given the applicant's experience of the campus and the nature of the proposed use. Given the unique design and demand for the data centre, it is unlikely that the data centre would be converted to another B8 use where more cycle spaces may be sought. Notwithstanding, a condition would be attached to the approved application which would restrict the B8 use to a data centre only.

Cycle Super Highway (CS3)

- 8.71. At present there is an established through route for pedestrians and cyclists down Sorrel Lane although this is a private road.
- 8.72. Due to the need for security for the proposed new data centre, it is proposed to close Sorrel Lane at its junction with Leamouth Road. This would necessitate alterations to this junction and the permanent diversion of CS3. The applicant proposes a 'red' route via Leamouth Road and Saffron Avenue.
- 8.73. The applicant is currently negotiating with the applicant to agree a temporary diversion during construction and a permanent diversion post construction. It is likely that temporary diversion south onto Leamouth Road.
- 8.74. Officers have been advised that the permanent diversion is likely to be to the north of the site onto the A13. This has not been confirmed as yet. It is recommended that the temporary diversion is agreed prior to construction and permanent diversion is agreed prior to occupation of the development. This would be secured by way of condition in consultation with TfL.

Servicing arrangements

- 8.75. At present, the proposed servicing takes place from a dedicated area accessed at the corner of Coriander Avenue and Oregano Drive adjacent to the Telehouse North building. The servicing area includes turning space to wait away from the highway and is the main store of waste collection containers.
- 8.76. Servicing of the existing buildings at Telehouse takes place over a 24 hour period. Figures provided by Telehouse show that weekdays 08:00 to 10:00 and 16:00 to 18:00 are the busiest periods. It is proposed to have the site serviced at all times.
- 8.77. Delivery vehicles would approach the Campus via Leamouth road, Saffron Avenue and then into Oregano Drive. Drivers would be instructed that vehicle engines must be switched off whilst goods are being loaded/unloaded. LBTH Highways and TfL have confirmed that the servicing arrangements are acceptable.

Refuse and recycling

- 8.78. Deliveries for the new data centre would take place from the existing service area/loading bay at the northern end of Oregon Drive. Vehicles would approach drive via Saffron Avenue, pass through the various security gates then depart via the same route. LBTH waste management team do not object to the proposed refuse and recycling arrangements.

Conclusion on highway matters

- 8.79. Subject to conditions and appropriate S106 contributions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 and 6.3 of the London Plan (2011), SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Energy and Sustainability

- 8.80. At a national level, the NPPF 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.

- 8.81. 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 Efficiency (Be Clean) and Use Renewable Energy (Be Green).

- 8.82. The proposals for Development at Sites 6 and 8 have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency, linking to the waste/excess heat network to supply the offices, and a PV array to reduce CO2 emissions by 63% from a building regulation baseline. Some of these measures include the following:

8.83. Data centre

- The data centre cooling system would use an indirect air optimisation system with evaporative cooling which uses the same energy sources as a heat pump (ie ambient air);
- There would be a Variable Refrigerant Flow system servicing the office spaces and other occupied areas of the data centre

8.84. Office Building

- The office buildings envelope would be designed to perform significantly better than the minimum Building Regulations standards with low U values and design air permeability.
- Natural daylighting to the building would improve occupants comfort and reduce the requirement for artificial lighting.

- Good solar control would be provided by the selection of glazing/shading so as to avoid overheating in summer and increase passive gains in winter.
- 8.85. The submitted energy strategy identifies that a Combined Heat and Power (CHP) was given due consideration through the design of the energy strategy, however it was discounted due to the limited residual base heat load. This is accepted, as in order for a CHP to be viable a scheme requires a significant base heat load (space heating and hot water) to allow sufficient run hours for the CHP. The data centre would have a very low requirements for heat, therefore without the run hours the CHP would be too inefficient to operate.
- 8.86. The proposal would have a BREAAAM excellent rating which means the development would be of a sustainable design and be energy efficient. Overall, the proposed energy and sustainable strategy is acceptable subject to conditions.
- 8.87. Subject to conditions, the proposal complies with chapter 5 of the London Plan (2011); policy SP11 of the Councils Core Strategy (2010) and DM29 of the Managing Development Document (2013) which seeks to mitigate against climate change and to minimise carbon dioxide emissions.

Planning Obligations

- 8.88. 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.
- 8.89. Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.90. 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.
- 8.91. 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 which include:
- Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
 - Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability

8.92. In order to ensure that the impacts of the proposed development is sufficiently mitigated, the following contributions would be sought if permission was granted:

- A financial contribution towards of £109, 318 construction phase skills and training £109,319
- A financial contribution of £199,464 towards end user phase skills and training
- A financial contribution of £30,410 towards Idea Stores
- A financial contribution of £118,868 towards Leisure facilities Public realm improvements
- A financial contribution of £193,665 towards public open space
- A financial contribution of £361,620 towards Streetscene and the Built Environment
- A financial contribution of £17,889 towards monitoring of the Section 106 Agreement
- A financial contribution of £20,266 towards Section 106 monitoring

Total financial contribution: £1,033,612

Conclusion on Section 106 matters

8.93. The proposal makes provision for the full amount of contributions sought to mitigate against the development in accordance with policies 8.2 of the London Plan (2011) and SP13 in the Core Strategy (2010) and the Councils SPD on seeking to negotiate planning obligations through their deliverance in kind or through financial contributions

Local Finance considerations

8.94. Section 70(1) of the Town and Country Planning Act 1990 (as amended) and 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.”

8.95. 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.

8.96. 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 £1, 468,775.

Human Rights Considerations

- 8.97. 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.
- 8.98. 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".
- 8.99. 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.
- 8.100. 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.
- 8.101. 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.
- 8.102. 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

- 8.103. 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:

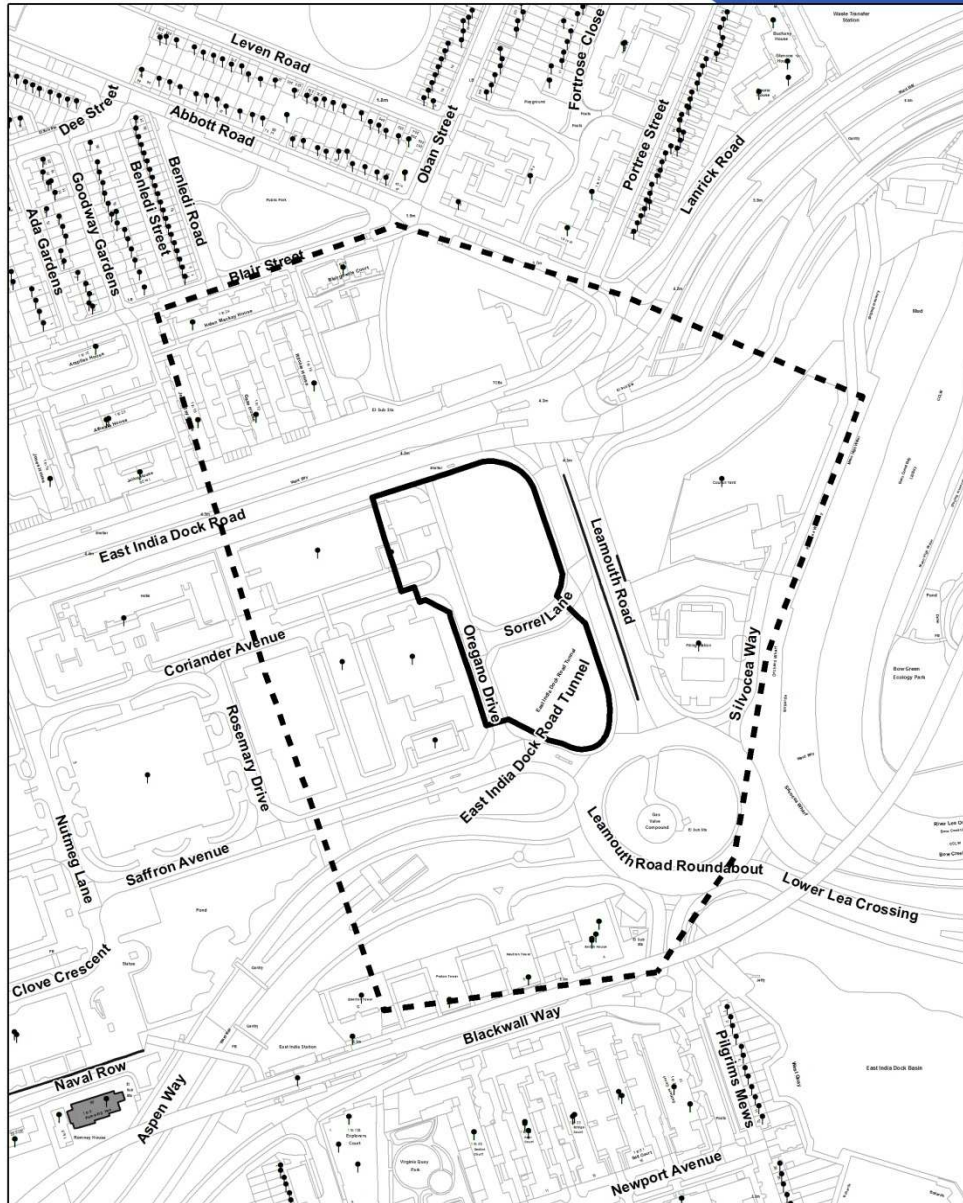
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

8.104. The contributions towards leisure and library facilities, 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, and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support the local community, the wellbeing of future employees of this development and promote social cohesion.

9. CONCLUSION

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

Planning Application Site Map
PA/14/00074



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|------------------------------------|----------------------------|---------------------|------------|
| 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 8.5

Committee: Strategic Development Committee	Date: 21 July 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/13/03053	
		Ward(s): Lansbury	

1. APPLICATION DETAILS

Location: Former Glaucus Works (also known as Leven Wharf), Leven Road, E14 0LP

Existing Use: Derelict (former industrial metal galvanising works (B2 Use Class))

Proposal: Demolition of existing buildings and redevelopment of site to provide a part 6, part 9 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 126 residential units with associated landscaping, children's play facilities and public riverside walkway.

Drawing Numbers: T10E01-Rev. P1, T10E02-Rev. P, T10E03-Rev. P1, T10POO, T20DO1=Rev P1, T20DO2-Rev P3, T20EO1-Rev P7, T20EO2-Rev P7, T20EO3-Rev P7, T20P00-Rev P11, T20P01-Rev P6, T20P02-Rev P6, T20P03-Rev P6, T20P04-Rev P4, T20P05-Rev P4, T20P06-Rev P4, T20P07-Rev P3, T20P08-Rev P3, T20P09-Rev P3, T20P-Rev 11, T20SO1-Rev P1, T20SO2-Rev P1, T70DO1-Rev P3, T70DO2-Rev P3, T70DO5-Rev P3, T70DO6-Rev P3, T70DO7-Rev P3, T70DO8-Rev P3, T70DO9, T70DO10, T70DO11, T70DO12, T70DO13, T70DO14, T70DO15, T70DO16, T70DO17, T70DO18, T70DO19, T70DO20, T70DO21, T70DO22, T90EO1-Rev P1, T90POO-P1, 1522-MW-P-011, 1522-MW-P-007, 1522-MW-P-0008, 1522-MW-P-009

Structural Review of River Leigh Wall (Ref: LRJ/13073 – 20140204)

Flood Risk Assessment (Ref: HLEF28249/001R), dated November 2013

draft Servicing Management Strategy, dated May 2014

Accommodation Schedule, dated 1 May 2014

Transport Assessment containing draft Travel Plan dated December 2013

Waste Management Plan
Sunlight and Daylight Assessment including amenity analysis, dated December 2013
Sustainability Assessment (Ref 13-S063-002v6), dated December 2013
Energy Statement (Ref 13-S063-001v6) dated December 2013
Noise Assessment (Ref 3173/20/13) dated 29 October 2013
draft Waste Management Strategy, dated December 2013
Access Diagrams, dated May 2014

Applicant: Goldcrest Land plc
Owners Goldcrest Land plc
Historic Building: N/A
Conservation Area: N/A

2 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the adopted London Borough of Tower Hamlets Core Strategy (September 2010), Managing Development Document (April 2013) as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 The site falls within the Borough's Site Allocation for Leven Road Gas Works. A residential led scheme with the provision of publically accessible riverside walkway is consistent with the Borough's site allocation objectives as set out in the Managing Development Document (April 2013). The site allocation objective means there is no requirement placed upon the applicant to justify the loss of existing industrial land on the site. With the provision of a residential led mixed use development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance with objectives of the Policy 3.3 and 3.4 of the London Plan (2011); Policies SP02 of Core Strategy (2010); Policy DM3 of Managing Development Document (2013) and Site Allocation 12 in MDD (2013). The proposed development includes floor space for flexible retail, office or community uses which is considered to be appropriate given the future aspirations for redevelopment in this area. The relatively small size of this flexible unit means it is not considered to be a threat to the viability or vitality of nearby town centres.
- 2.3 SPO2 of the Core Strategy and Policy DM3 of the Development Management Document requires new residential development to provide a minimum 35% affordable housing on site. The proposed development would provide 30% affordable housing by habitable room. Whilst this sum represents a shortfall against the Local Plan standard it is considered by officers to deliver the maximum reasonable amount of affordable housing whilst ensuring the viability of the proposal. The housing mix is broadly policy compliant. Although there is an underprovision of one bedroom flats in all tenures, the proposed development provides a generous 61% family units (including 6 x four

bedroom homes provided at social rent levels) for social rent, which is well above the LBTH policy target 45%. Rented family units are the affordable provision for which there is the greatest need. The mix of social rent and affordable rents within the viability constraints has appeared to optimise the maximum share of affordable housing provision to market housing without compromising the preferable social rent tenure in the key family sized rented units. As such the scheme would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provide a mix of housing which meets the needs of the local population, subject to the constraints imposed by scheme viability.

- 2.4 The scheme adequately protects the amenity of future and existing residents and is sensitive to its physical setting. The density of the scheme is 877 habitable rooms per hectare which is broadly comparable with the consented Devon's Wharf scheme that is being built out on the neighbouring site but exceeds the London Plan housing density guidelines for sites with poor access to public transport. However, the scheme would not result in significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development Document 2013 which seeks to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity
- 2.5 Both the quantity and quality of housing amenity space, communal space, child play space and open space are considered to be good, of a well-considered design that effectively meets the needs of the development, in accordance with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.6 The impact of the development on the amenity of neighbours and upon emerging new residential development in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are considered to be relatively limited and not unduly detrimental given the urban nature of the site, and as such the proposal accords with policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document 2013 which seeks to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 The scheme would deliver improved permeability and accessibility across the site through the provision of a section of public river side walkway and a public path on its eastern edge to link up to the river walkway, from Leven Road. Simultaneously the scheme is designed to provide a suitably private, safe and secure environment for future residents of the scheme with the underground car park and refuse areas and the communal external amenity spaces secure from general public access. The development accords with policies SP09 and SP10 of the Core Strategy (2010), policies DM23, DM24, DM27 and the site

allocation of the Managing Development Document (MDD), which require all developments to consider the safety and security of development, without compromising the achievement of good quality design and inclusive environments.

- 2.8 Transport matters, including parking, access, waste collection and servicing are acceptable and accord with policies 5.17 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development Document 2013 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 The scheme lies in Flood Risk Zone 3, however with the details provided, including an 8m clear zone between the substantive built development and the river wall, the Environment Agency are satisfied the scheme poses no threat to flood risk and river water management. Sustainability matters, including energy, are acceptable subject to payment of a financial contribution towards alternative carbon reduction measures in the area and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development Document 2013 which seek to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate contributions towards the provision of on-site affordable housing, open space, community facilities and employment, skills training opportunities for residents, in line with the NPPF, policy SP12 of the Core Strategy 2010 and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3 RECOMMENDATION

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

A Any direction by **The London Mayor**

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

3.2 Financial Obligations

- a) A contribution of £8,684 towards enterprise & employment.
- b) A contribution of £31,298 towards leisure and community facilities.
- c) A contribution of £8,096 towards libraries facilities.
- d) A contribution of £93,214 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £32,681 towards public open space.

- f) A contribution of £41,021 towards heath facilities.
- g) A contribution of £25,100 to carbon off-set contribution.
- h) A contribution of £4,900 S106 monitoring fee (2%).

Total: £245,000

In addition to above s106 contributions £361,935 payment (figure subject to affordable housing relief) to the Mayor of London's Community Infrastructure Levy (CIL).

Non-Financial Obligations

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as social/affordable rent and 29.1% as intermediate:-
 - with 6 in number 4 bedroom units, 5 in number 3 bedroom units and 1 in number 2 bedroom unit all with social rents;
 - 3 in number two bedroom units with affordable rents and 3 in number with 1 bedroom units;
 - 29.1% Intermediate housing, with 5 in number 1 bedroom units and 7 two bedroom units.
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs).
- d) On Street Parking Permits removed for future occupants.
- e) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme.
- f) Travel Plan.
- h) Permanent Public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- i) Development Viability Review Clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in value of the market sales.
- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal including s S278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway.

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

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

CONDITION AND INFORMATIVES

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

Prior to Commencement Conditions:

1. Construction management plan
2. Contaminated land
3. Archaeological investigations
4. Thames Water (water infrastructure capacity)
5. Piling Method Statement
6. SUDS (drainage)

Prior to works about ground level conditions:

7. External materials
8. Landscaping include river walkway and access route and lighting strategy
9. Biodiversity
10. Crane heights / aircraft obstacle lighting

Prior to Occupation Conditions:

9. Waste Management Plan
10. Details of Combined Heat and Pump
11. Delivery and Servicing Plan
12. Code for Sustainable homes
13. Bream Excellence rating
14. Lifetime Homes
15. Secure by Design
16. Details of mechanical ventilation and extraction system

Compliance Conditions –

15. Permission valid for 3yrs
16. Development in accordance with approved plans
17. Energy Strategy
18. Electric vehicle charging points
19. Cycle parking
20. 10% Wheelchair housing
21. Noise mitigation
22. Landscape maintenance
23. Piling
24. Hours of Operation of commercial unit

3.6 **Informatives:**

- Consultation with Building Control
- Thames Water Advice

- Canals & River Trust Code of Practice
 - Operational substation on site
 - S278 agreement required
- 3.7 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The site has an area of approximately 0.45ha and is bordered to the north by the River Lea, bounded on its shortest edge to the south by Leven Road, bounded to the west by Devon's Wharf and bounded to the east by the Leven Road Gas Holder site.
- 4.2 The site is currently vacant, but has been used in the last 2 years as a metal galvanizing works. Recently it suffered from an episode of fly tipping. It comprises poor quality industrial buildings along much of the east side and an open yard on the rest consisting of hard standing. The site falls within Flood Risk Zones 3a. The site lies adjacent to the Bow Creek Bend in the River Lea, which forms a part of Lea Valley Metropolitan Site of Importance for Nature Conservation (SINC). The mud banks to the river at this location serve as an important habitat for birds.
- 4.3 The general character of the site and the surrounding land that is bound by the River Lea to the north and Leven Road to the south is industrial, in contrast the land to the south of Leven Road is generally residential in character. The residential development consists predominantly a mix of Victorian housing and 1950/60's housing, the latter development making up the Aberfeldy Estate. Typically the surrounding residential development to the south is 2 or 3 storeys in height although with some residential blocks rising to 5 and 6 storeys.
- 4.4 The adjoining Devons Wharf has planning approval for the erection of a 66 residential units, 7 affordable B1 industrial units contained within a part 6 part 11 storey block with a publically accessible riverside walkway and a public forecourt.
- 4.5 The eastern boundary of the site is shared with the Leven Road Gas Holder Site that is operated by National Grid. The application site until very recently lay within the consultation zone set around the gas holder site by the Health and Safety Executive (HSE) for reasons of safety in respect of the neighbouring site's storage of gas and the Hazardous Substance Consent (HSC) that did pertain to that site. The Secretary of State confirmed on 20 June 2014 the Order revoking the HSC for Leven Road Gas Holder Site and accordingly the consultation zone is removed by the HSE.

- 4.6 The development site itself plus gas holder site to the east form the Site Allocation 12 (Leven Road Gas Works) within the Borough Managing Development document (MDD). The objectives for the wider site within the MDD document, that forms a part of the adopted LBTH Local Plan are to establish “a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility and other compatible uses. The objective for the local park will be required to incorporate flood mitigation measures.”
- 4.7 The development site and the wider locality known as Poplar Riverside have relative poor access to public transport reflected in a PTAL rating of 1 the development site. It is approximately 17 minute walk to Canning Town Jubilee Line/ DLR Station, a similar walking distance to Langdon Park DLR, All Saints and East India Quay DLR. The site shares with the neighbouring Aberfeldy Estate the attribute of severe community severance to the wider Tower Hamlets and Newham area stemming the lack of convenient pedestrian links across the dual carriageways of the A12 to the north and west of the site, the A13 (East India Docks Road) to the south and a lack of pedestrian bridges across the River Lea.
- 4.8 The site falls within Poplar Riverside as set out in the Core Strategy. The Core Strategy sets an objective to “transform Poplar Riverside into a revitalised and integrated community reconnecting with the A12 and River Lea and change from a largely industrial area to a predominately residential area”. The Lea River Park and FAT Walk will offer connections northwards to the Olympic Legacy area via a regeneration at Bromley-by-Bow and Fish Island and new connections will be forged to overcome the barrier of the A12. “The design of new development will need to ensure it achieves a joined-up street network and connects to surrounding routes. Buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway.”



Proposal

- 4.10 The scheme would involve the demolition of all the remaining disused metal galvanizing works buildings on site and the construction of two physically connected building blocks to provide 126 residential units and a single ground floor commercial unit (of 291sq.m). Figure 1 below shows the proposed layout of the scheme (the red dotted line is the site boundary).

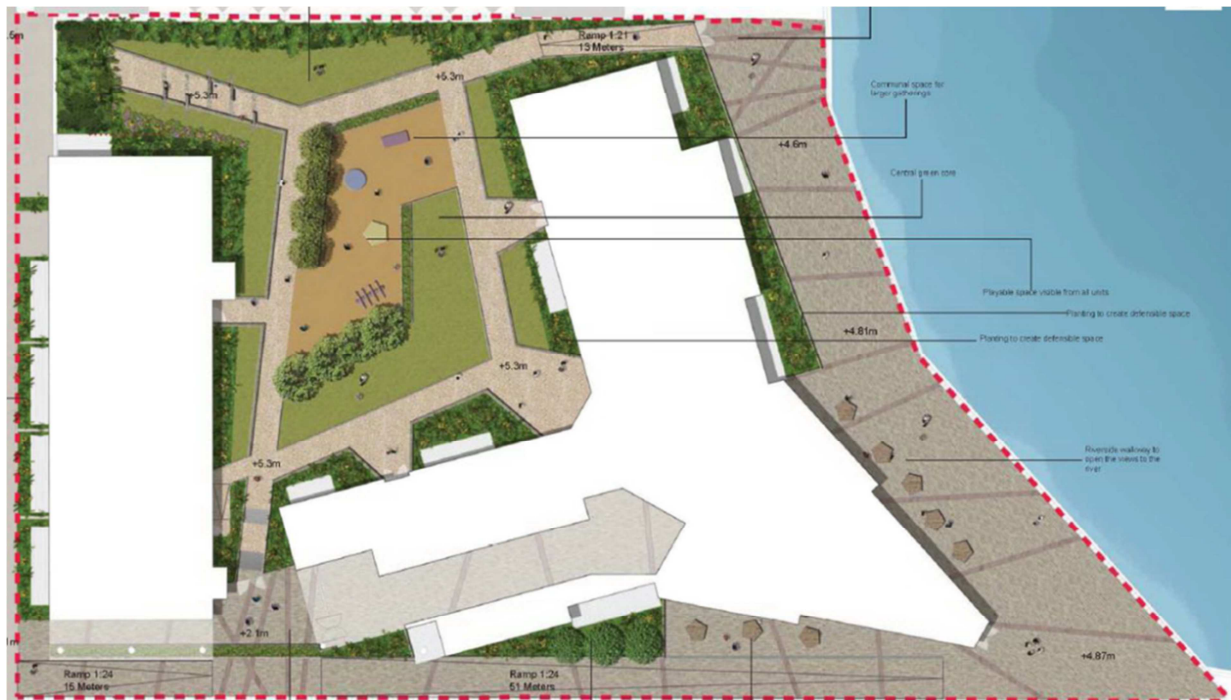


Figure 1 *General Site Layout - with rectangular Block B to the left and the larger two winged Block A. Blocks linked at lower ground floor by the car park and refuse storage area located beneath the central podium (upper ground floor level) landscaped courtyard. River Walkway and public link path from Leven Road shown on right and bottom edge of layout plan*

- 4.11 The smaller block (Block B) would be of a regular rectangular shape and face onto Leven Road and would read as a 6 storey building from its south facing street frontage. Due to changes in ground levels, the rear elevation of this block (facing north) would read as a 5 storey block fronting a raised podium level courtyard (landscaped) that would be constructed between Block B and the larger in footprint and taller in height river side upper block (Block A) which is 9 storeys (plus a lower ground floor).
- 4.12 The car parking for the scheme would be located beneath the courtyard and effectively would serve as a basement car park, although minimal excavation would be required to construct the car park as the design exploits the change of levels across the site (from the higher land towards the northern edge of the site (the River Lea)

and the lower land towards Leven Road. The lower block (Block B) would contain 27 residential units allocated for [affordable rented and intermediate housing provision.

- 4.13 The upper block would be altogether less regular in shape and consists of two arms or wings that meet at the north east corner of the site. One wing of the block would run parallel with the river with a new river walkway running in front it and the other wing would return the building along the eastern edge of the site. The latter frontage would look towards the neighbouring Gas Holder site and with potential views of the park planned for this site. In addition to providing residential accommodation Block A would also contain an upper ground floor commercial space of 291sq.m occupying the north east corner (apex) of the building. The commercial space would have consent to be used as A1, A2, A3 or A4 or B1(a) and D1 Use Classes.
- 4.14 The main communal amenity space for the scheme, including the provision of a children's play area would be located on the podium level courtyard and towards the adjacent Devon's Wharf development, although additional outdoor amenity space would be provided through 3 roof gardens in addition to the individual private balconies and roof terraces provided to each and every residential unit.
- 4.15 The basement car park would be accessed from Leven Road towards the western Devon's Wharf end of the site and provide 25 car parking spaces for the residential accommodation (13 bays allocated for disabled users). The basement (lower ground floor) would also accommodate a plant room, secure cycle parking stores and refuse storage areas for both the residential accommodation and the commercial unit.

5 Relevant Planning History

Application Site

- 5.1 The site has been subject to no planning applications since the early 1980's. These previous historic applications related to development to modernise the very long established metal galvanising industrial works located on the site.

Adjoining Sites

- 5.2 PA/09/00109 - Immediately to the west of site north is Devons Wharf a 0.22 hectare site that was previously used for general industrial use and subsequently a haulage depot that gained consent from London Thames Gateway Development Corporation (PA/09/00109) on 25 June 2009 for a residential led redevelopment scheme, that is currently in the early stages of being built out, for the redevelopment of the site comprising the erection of a part six part eleven storey building to provide 7 affordable B1 units and 66 residential units together with 12 car parking spaces, riverside walkway and public forecourt. Approved on 8 October 2001 (PA/01/01202).
- 5.3 PA/01/01202 – A Hazardous Substance Consent (HSC) was granted deemed consent on 16 November 1992 and a further continuation of

Hazardous Substance Consent (necessitated following a change of site ownership was issued on 8 October 2001 (PA/01/01202)

- 5.4 PA/13/00435 - National Grid who own and operate the Leven Road gas holder site (also known as the Poplar Gas Works Site) formally requested to London Borough of Tower Hamlets, as the Hazardous Substance Authority for the area, to revoke the HSC for the site. The Secretary of State confirmed the revocation Order on 20 June 2014

6 POLICY FRAMEWORK

Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP01 Refocusing on our Town Centres
SP02 Delivering Homes
SP04 Creating a Green and Blue Grid
SP05 Dealing with waste
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering placemaking
SP13 Planning Obligations

Managing Development Document (adopted April 2013) (MDD)

DM0 Delivering Sustainable Development
DM3 Delivering Homes
DM4 Housing Standards and Amenity Space
DM9 Improving Air Quality
DM10 Delivering Open Space
DM11 Living Buildings and Biodiversity
DM12 Water Spaces
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM18 Delivering Schools and Early Learning
DM20 Supporting a Sustainable Transport Network
DM22 Parking
DM23 Streets and Public Realm
DM24 Place-sensitive Design
DM25 Amenity
DM26 Building heights
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
DM30 Contaminated Land
Site Allocation 12 – Leven Road Gas Works

Supplementary Planning Documents (SPD)

LBTH Planning Obligations SPD (adopted January 2012)

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

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Improving Housing Supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreational facilities
- 3.7 Large residential development
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing in individual private and mixed use schemes
- 4.2 Offices
- 4.3 Mixed use development and offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 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
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure

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

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. .

In addition the FALP Policy 7.5 (Public Realm) gives a recognition the quality of the public realm is particularly important in high density development and that public realm that leads into major green spaces, especially for pedestrians is key to the integration of green infrastructure and landscape into the urban fabric, and this should be secured through the planning system where appropriate.

The further alterations are not adopted so carry limited weight however they are a material planning consideration in the determination of this planning application

London Plan Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance (November 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Government Planning Policy Guidance/Statements

National Planning Policy Framework and National Planning Policy Guidance

7 CONSULTATION RESPONSE

- 7.1 The following were consulted and made comments regarding the application
- 7.2 These comments have been taken into account in the MATERIAL PLANNING CONSIDERATIONS section below.:

LBTH Heritage & Urban Design Officer

- 7.3 The scheme would be formed of two blocks, connected by a podium with private amenity space above and car parking below. The proposed ground floor commercial unit, along with residential units set behind amenity buffer strips, will help to activate the new frontage and create a positive relationship with the north and east site boundaries (taking into account the emerging development context).
- 7.4 Block B is considered to respond positively to the scale and massing of existing development along Leven Road and to provide a continuity and sense of enclosure to the street. The Leven Road frontage will present a good level of activity and interest to the public realm and is

on balance considered acceptable notwithstanding the presence of the entrance to the car park and other necessary service doors.

- 7.5 Block A would be accessed from Leven Road by passing underneath an overhanging element of Block B. Significant changes have been made to the design of this part of the scheme to help achieve safe and convenient access, including improving sightlines and creating a better setting for the main entrance.
- 7.6 The simplification of the material palette is considered to have improved the overall appearance of the scheme.
- 7.7 Overall, the proposed development is considered acceptable in urban design terms, subject to suitably worded conditions requiring approval of materials, details and landscaping arrangements.

(Officer response: Noted, the conditions sought be imposed on any approval.)

LBTH Affordable Housing

- 7.8 This scheme provides 30% affordable housing and a rent/intermediate mix of 70.9 / 29.1% by habitable room.
- 7.10 The rented provision has been provided as a mix of social rent and affordable rent, with only 1 and 2 bed units provided for affordable rent at pod levels. The mix of social rent and affordable rents within the viability constraints has appeared to optimise the maximum share of affordable & intermediate housing provision to market housing without compromising the preferable social rent tenure in the key family sized rented units.
- 7.11 The scheme benefits from a standalone block (Block B) for all but 3 of the affordable housing units the affordable housing (Block B) which make it attractive for an RSL, enabling management of services and resultant service charges. Externally the 2 residential blocks are tenure blind which is welcome. The affordable housing block has full and easy access to the podium communal amenity space and play space. Block B also benefits from a prominent street frontage with legible entrances, including individual secondary entrances to the 4 ground floor units off Leven Road. Of the 18 rented affordable units, 5 units will benefit from triple aspect, 9 units from dual aspect and single aspect is restricted to only 4 units which are all south facing. The majority (7) of the intermediate units benefit from either triple or dual aspect, the remaining 5 single aspect units avoid a north facing aspect.
- 7.12 The proposed development would provide a reasonable mix of units by bed sizes. Overall the scheme provides only 22.2% family units. The private market units provide just 18% family units against the target of 20%. There are no family units in the intermediate tenure, but the rented tenure provides a generous 61% family units, all for social rent, which is well above the 45% target, and rented family units are the affordable provision for which there is the greatest need. In the context of the overall financial viability the share of affordable and intermediate

housing, the mix of rented tenures and the mix of unit sizes is considered acceptable. In conclusion no objection to the proposal.

(Officer response: noted)

LBTH Access Officer

- 7.13 The Block A wheelchair accessible units show charging points located in the living space this is bad practice and should be relocated into the hall. The wheelchair charging area for residential unit B.003 benefits from unsatisfactory head height.
- 7.14 The location of the mobility scooter storage/charging in the parking area raises potential difficulties for some disabled people to manoeuvre into and out of. A more open but secure area for this charging activity close to the lifts should be sought.
- 7.15 The applicant should mark on the internal floor plans the capped drainage and power for a future shower if required in the bathrooms, and more details on the intended hoist routes

(Officer response: Comments noted, a condition will be imposed to require further details prior to occupation in respect of Lifetime Home Standards including: details of the final hoist routes; the location of chargeable points; and submission of fully detailed 1:50 floor plan layouts for all the wheelchair units. In line with other comments received from Highways & Transportation a condition will be imposed in respect of more detail in regard the location of the mobility scooter storage/charging in the car park.

LBTH Green Grid Officer

- 7.16 The site is along the Green Grid and also part of a proposal by GLA to develop the Lea Way Walk and provide greater public access to it. On that basis there should be greater elements of green infrastructure in the scheme than in other places. The proposal shall provide a minimum 8m wide open space along the River Lea which will serve as a public open space, connecting to the larger open space proposed to be developed at the Gaswork site and linking back on this development site by publicly accessible footpath to Leven Road. This is welcomed.
- 7.17 The green roofs contained in the scheme are a welcomed feature, as is the revised soft landscaping plants provided for the River Walkway. However we shall seek by planning condition additional green wall planting on flank elevations facing (west) towards Devon's Wharf scheme.

(Officer response: Noted a condition shall be imposed to secure details of green wall planting)

LBTH Land Contamination Officer

- 7.18 No objection subject to imposition of a standard condition that identifies the extent of the contamination and the measures to be taken to avoid

risk to the public, buildings and environment when the site is developed and sets out any necessary strategy of remediation prior to occupation.

(Officer response: Noted and a land contamination condition shall be imposed).

LBTH Environmental Health Officer – Heath & Housing Unit

- 7.19 No objection, the scheme must comply with statutory requirements including the Housing Act 2004, and comply with relevant Building Regulations.

(Officer response: Comments noted, no specific planning conditions or informative arising from these observations)

LBTH Environmental Health Officer – Noise and Vibration Unit

- 7.20 No objection. The noise assessment and other submission documents have been reviewed and their contents are accepted. The glazing specification within the acoustic assessment needs to be adhered to and controlled by condition.

(Officer Response: Noted, a condition requiring compliance with the glazing specification as set out in the submitted Acoustic Assessment)

LBTH Biodiversity Officer

- 7.21 The application site has no significant biodiversity value, and the existing buildings have been assessed as having negligible potential for roosting bats. It is, however, immediately adjacent to Bow Creek, which is part of a Site of Metropolitan Importance for Nature Conservation. Bow Creek is important for birds and could be important for foraging bats.

- 7.22 An 8 metre buffer strip is to be left undeveloped alongside Bow Creek, to accommodate a riverside walk. This provides an excellent opportunity for enhancing riverside biodiversity. With the 8 metre buffer, the only potential adverse impact on the ecology of Bow Creek would be from lighting. If the riverside walk is to be lit, such lighting should be located and designed to avoid any light spill onto the creek.

- 7.23 Other than potential impacts from lighting, there will not be significant adverse impacts on biodiversity.

- 7.24 Green roofs are proposed for most of the roof area, with 3 sedum roofs and one “wildflower roof”. This would be a significant biodiversity enhancement. The landscaping includes areas of nectar-rich planting for wildlife, which will further enhance the site for biodiversity.

(Officer Response: Noted, a condition shall be imposed requiring prior to occupation details of green roofs (contained in landscaping condition) and an external lighting strategy for the scheme that includes the river walkway area to demonstrate how these design elements will be compatible with maximising the biodiversity benefits of

scheme and be compatible with the existing wildlife of Bow Creek (notably birds)

LBTH Planning Policy Team

- 7.25 The vision established for the Poplar Riverside ‘place’ within the Core Strategy is to revitalise a previous industrial area into an integrated residential community. Further to this, the Managing Development Document (MDD) allocates land at Leven Road Gas Works site allocation for the following, “*a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility (where possible) and other compatible uses. The local park will be required to incorporate flood mitigation measures*”. The role of the site allocation is to comprehensively deliver strategic infrastructure requirements to support the anticipated level of growth in the borough. To deliver this vision, the proposal is required to provide and/or contribute towards the principles identified in the site allocation.
- 7.26 A proposed residential-led mix use scheme is acceptable in principle. By reason of the site size and location, on the western edge of the site allocation, it’s unreasonable to seek the delivery of a local park and primary school as part of the proposal. However, appropriate S106 contributions should be sought to contribute towards the provision of the local park and primary school when the remaining area of the site allocation is delivered.
- 7.27 The proposal incorporates design principles such as active frontages on the waterways, walking and cycling connections and contributes to the Green Grid route, which is required to deliver the aspirations of the site allocation.
- 7.28 Provided that the applicant includes a financial contribution towards the local park and primary school, the proposal would be meeting its requirement to deliver the aspirations for the Leven Road Gas Works site allocation.
- 7.29 The London Plan policy 3.4 requires development to optimise housing potential whilst having regard to the London Plan density matrix. The proposal exceeds the highest density range recommended for this area. The London Plan density matrix is a guideline and other principles such as local context and character, good design and transport capacity should also be taken into account. In assessing whether the proposed density is acceptable, it is particularly important to take account of the design, massing, scale and local character. Detailed advice should be sought from a Design Officer to ensure the proposal is of a high quality and the scale and mass is appropriate, given its location and accessibility.

(Officer response: The scheme is considered to comply with the relevant London plan and Local Plan policies, when appropriate consideration is given to the viability appraisal which has been accepted by Officers, following an independent review on behalf of the Council. The full set of s106 financial contributions as prescribed for the scheme by the Planning Obligation SPD cannot be met in views of

the viability appraisal. However those contributions that are to be made accord with the Council's key corporate priorities as set out in the Planning Obligation SPD and with due regard to the specific Leven Road Gas Works site allocation objectives.

LBTH Energy Efficiency/ Sustainability Officer

- 7.30 Local Plan Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.31 In general the broad principles of the energy strategy are supported as the proposals follow the London Plan sets out the Mayor's energy hierarchy. However, the submitted information does not include appropriate details on the CHP sizing, plant rooms and pipework between the buildings. Full details should be dealt with by planning condition in respect of the CHP equipment and the district heat network.
- 7.32 The Sustainability Statement identifies that BREEAM Excellent and Code for Sustainable Homes level 4 will be achieved, consistent with Policy DM29. Code and BREEAM pre-assessments have been submitted to demonstrate how this will be achieved. This is supported by the sustainable development team and should be secured via appropriate conditions.
- 7.33 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 requirements through the cumulative steps of the Energy Hierarchy.
- 7.34 The current proposal falls short of the policy requirement by 8.11% and this equates to 13.95 tonnes of regulated CO2. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment to the LBTH Carbon Offset Fund. The current identified cost for a tonne of CO2 is £1,800 per tonne. This figure is recommended by the GLA (GLA Planning Energy Assessment Guidance April 2014).
- 7.35 For the proposed scheme it is recommended that a figure of £25,110 is sought for LBTH Carbon Offset Fund. The calculation for this figure is as follows:

The calculation for this figure is as follows:

- Building Regulation 2010 Baseline is 172.08 tonnes/CO2;
- Proposed development is at 99.99 tonnes/CO2;
- 50% DM29 reduction would be 86.04 tonnes/CO2;
- Shortfall to meet DM29 requirements = 13.95 tonnes/CO2 x £1,800 = £25,110 offset payment to meet current policy requirements.

(Officer Response: Noted, and the full carbon off set figure of carbon offsetting figure of £25,110 shall be secured by s106 to ensure the

scheme is policy compliant in respect to DM29 and London Plan policies 5.1 and 5.2 and conditions will be applied to secure CHP, ability to connect to future district heat network, Code for Sustainable Homes Level 4 and BREEAM 'Excellent' rating)

LBTH Highways & Transportation Team

- 7.36 An amended plan has been provided showing revisions to the car parking layout and these are welcome. In summary, the Highways and Transportation Group has no objection in principal to this proposal.
- 7.37 Car parking levels are acceptable and it is recommended that parking spaces be offered to the larger units initially. The provision for 12 of these bays to accessible parking is acceptable. Exact details of electric charging points are requested by planning condition. A space for two mobility scooters has been incorporated and this is welcomed. The gradient of the ramp is acceptable set at approximately 1 in 69.
- 7.38 The gates to the car park are set back adequately to prevent vehicles waiting to access the site from having to wait on the public highway whilst (a) the gates open and (b) if another car is exiting the site.
- 7.39 A 'Permit Free' agreement restricting all future residents from parking permits in the surrounding controlled parking zone is required, secured by the S106 agreement.
- 7.40 164 cycle parking are provided which is welcomed. Detailed plans of the type of stand and dimensions of the storage rooms are required. Cycle parking for the commercial unit(s) is also required.
- 7.41 A S278 agreement is required for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway.
- 7.42 A draft Travel Plan has been submitted and this is welcomed at this stage. A Full Travel Plan, which complies with any updated LBTH and TfL guidance will be required as a condition and submitted and agreed prior to occupation.
- 7.43 A Construction Management Plan will be required as a condition and submitted and agreed prior to any works taking place.
- 7.44 A draft Service Management Plan has been provided, a compressive plan will be required as a condition and submitted and agreed prior to occupation.
- 7.45 A Waste Management Strategy has been submitted and this should be referred to colleagues in the Waste Management Group for their approval.

(Officer response: Comments noted. A Travel Plan and Permit Free agreement will be subject of s106. The other outstanding details can be secured by a set of compliance and prior to occupation planning conditions in respect of Service Management Plan, Construction

Management Plan, cycle stand and stores, electric charging points, motor scooter storage and charging points, details of vehicle access gates set 6m away from back of public pavement and achieving a maximum 1:50 gradient of vehicle ramp)

LBTH Employment & Enterprise Team

Proposed employment/enterprise contributions at construction phase:

- 7.46 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 Skills match Construction Services.
- 7.47 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.
- 7.48 The Council will seek to secure a financial contribution of £31,062 (subject to viability) 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:

- 7.49 The council seeks a monetary contribution of £3,447 (subject to viability) towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the B1 uses of the development
 - ii) jobs or training within employment sectors relating to the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(Officer response: Noted and the planning contributions requested will be secured although not in full (pro rata) in light of viability assessment.)

LBTH Communities, Localities & Culture – Strategy Team

- 7.50 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. The requests for s106 financial contributions 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

- 7.51 Therefore, a request has been made for financial contributions [subject to viability] towards:
- Education facilities - £390,359
 - Open Space - £136,858
 - Library / Idea stores – £33,902

(Officer response: Planning obligations have been secured although not in full (pro-rata) in light of review of viability assessment).

Greater London Authority (GLA)

- 7.52 The GLA have provided a stage I response and the main points are summarised below, with the

GLA's Overview/Recommendation

- 7.53 In general strategic terms the principle of a residential-led mixed-use redevelopment is supported, subject to the revocation of the hazardous substance consent on the adjacent gas holder site.

- 7.54 However, specific issues relating to affordable housing, residential density, urban design, inclusive design, sustainable development and transport should be resolved prior to the final decision making stage. As such the application does not comply with the London Plan, but with the possible remedies set out in the Stage 1 report could address these deficiencies

(Officer concluding response: As detailed in the officer response (below) to the individual concerns raised in the GLA Stage 1 response and with the benefit of revised drawings and documentation since submission and Stage 1 referral to GLA, it is considered the deficiencies highlighted by the GLA have been adequately addressed)

Principle of development:

- 7.55 The site is located within the Poplar Riverside Sub-area of the Lower Lea Valley OAPF which identifies the area's potential to deliver a strategic amount of residential development and supporting social infrastructure such as a new school, surgery and community space, and a large park as part of the Lower Lea Valley open space network. These aspirations are also established locally in the Council's Site Allocations DPD for the Leven Gas Works Site. More specifically, based on strategic assumptions of industrial land release along the River Lea Corridor, the OAPF identifies the opportunity to deliver a proportion of the total residential capacity and small scale commercial floor space through mixed use residential development on waterfront sites. Therefore, the principle of a residential-led mixed use development on a waterfront site at this location, is in general accordance with local and strategic planning policy.
- 7.56 The applicant should demonstrate how the scheme will contribute an appropriate and reasonable amount towards delivering the identified strategic and local interventions set out in in the OAPF and the

Council's Site Allocations DPD. This is particularly important given the proposed high residential density of the scheme.

(Officer response: Noted the scheme will provide strategic quantum of housing that is consistent with the site allocation and the objectives of the opportunity areas as well as delivering a section of publically accessible river walkway and a walk way connecting to the local neighbourhood)

Adjacent land use:

- 7.57 Should the existing Hazardous Substance Consent for the adjacent gas holder site not have been revoked prior to the determination and the Council resolves to grant planning permission a Grampian condition will need to be imposed in respect of the HSC.

Housing Mix

- 7.58 The residential mix responds very positively to the strategic aims of London Plan Housing policies 3.8 and 3.11, and strategic guidance set out within the Mayor's Housing SPG (2012).

Residential Quality

- 7.59 All the residential units will meet or exceed with the Mayor's minimum space standards set out and the Housing SPG, which is supported. The layout of the residential units in this building results in a number of north facing single aspect units which is a concern. The applicant should provide further information to demonstrate that the issues faced by such units are mitigated. In addition the applicant should provide further information on the average daylight factor and detailed floor plans for those north facing units in order for officers to make an appropriate assessment.

Residential Density

- 7.60 At this stage, officers remain concerned with regards to the high density nature of the scheme in this location and the applicant is strongly advised to provide a robust justification as to how the scheme takes into account the other factors set out in London Plan Policy 3.4 and Chapter 7. In particular, a scheme of this density would be expected to achieve the highest quality of residential design and therefore the applicant should address the design issues set out in this report in order to help justify the proposed density.

(Office Response: Significant design changes have been received since the scheme was validated and referred to the GLA for a Stage 1 response. Only 7% of the units are north facing. The review of the sunlight/daylight impacts of the scheme demonstrate the scheme provides a high standard of accommodation by BRE criteria on the matter and without any significant adverse impact on neighbouring residential development either. The external amenity and children's play space provision exceeds the London Plan area standards and is of a good quality).

Urban design:

- 7.61 The overall design strategy is generally supported and the applicant has revised certain aspects of the pre-application scheme to positively address the initial design concerns. However, the applicant should reconsider the proposed ground floor layout of the Leven Road building in order to provide more active uses along this route as set out in more detail above and provide more detail how the scheme would appear from the riverside. The applicant is advised to simplify the massing to create a more elegant and legible form, with a clearer distinction between the tall element and the lower.

(Officer response: The entrance and walkway up to Block A from Leven Road has been modified and made more open and legible. The choice of material and landscaping has been adapted at the western end of Leven Road to enliven and make more cohesive the area surrounding the doors to the vehicular entrance and refuse store).

Inclusive Design

- 7.63 Further detailed information is required that demonstrates how the detailed design will meet each of the relevant Lifetime Homes Standards. Given the change in levels across the site, further information and discussion is welcomed regarding how the public realm will be fully accessible, in particular, step free access to the communal courtyard and the provision of accessible seating.

(Officer response: Level access will be provided from all the cores to the podium courtyard and from there to the river walkway. The eastern boundary walkway from Leven Road through to the river walk way will be wheelchair accessible and not exceed 1:20 gradient).

Climate Change:

- 7.64 The proposals approach to climate change mitigation and adaption are generally supported. Further information regarding the sizing of the CHP and information on the proposed site heat network and energy centre should be provided.

(Officer response: Details of CHP will be provided by planning condition)

Transport:

- 7.65 Clarification and/or commitments are required to address issues regarding electric vehicle charging points, visitor cycle parking, contributions towards increasing Cycle Hire capacity, an assessment of local bus stops, a PERS audit the possibility of providing on-site servicing and the submission of a construction logistics plan. All identified improvements from the PERS audit should be agreed with the Council and contributions secured through the Section 106 agreement.

(Officer response: No visitor parking proposed in line with LBTH policies to curb car usage and encourage sustainable modes of

transport. A PERS audit has been undertaken and revealed no serious issues although the links to the local DLR stations could benefit from improved signage. The Council are not aware of a marked deficit in cycle hire capacity within the neighbourhood and in light of the scheme inability to meet all the s106 financial obligations due to viability pressures this £40,000 is not being sought. On site servicing is not feasible without a fundamental redesign of the scheme. The Council's Highway Engineer is satisfied with on street servicing subject to an agreed Service Management Plan and Waste Management Strategy being secured by condition.)

Environment Agency

- 7.66 The river wall report addresses our previous concerns and we are therefore in a position to remove our objection to the proposed development.

Biodiversity Advice

- 7.67 We are pleased to see the green and brown roofs within the development proposals, however we feel that the Riverside Walkway proposed would further benefit from some softer landscaping with native species planted in the 8 metre buffer zone.

Flood Defence Consent Advice:

- 7.68 Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of bank of the River Lea designated a 'main river'.

(Officer response: Noted and further details surrounding landscaping to support biodiversity at the river edge will be secured by planning condition)

Thames Water

- 7.69 No objection subject to conditions that address capacity surrounding water supply infrastructure and impact of any piling including a piling method statement

(Office response: Noted, the recommended conditions will be attached)

Civil Aviation Authority

- 7.70 No objection, the applicant is advised that any crane of a height of 60m or more used in construction is fitted warning lighting.

(Officer response: An informative on use of crane will be attached to any approval)

London City Airport

No response received.

Canal & River Trust

7.71 The Canal & River Trust is Navigation Authority for this part of Bow Creek, but not land or water space owner. After due consideration of the application details, we therefore have no comments to make. If the Council grant planning permission, it is requested that the following informative be attached:

- *“The applicant/developer should refer to the current “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained*

(Officer response: An informative on use of cranes will be attached to any approval)

Metropolitan Police Designing Out Crime Officer

7.72 Following receipt of further information the following observations are made

- a. It is noted there is a central garden / courtyard to the development which is gated and for use by the residents only and which provides the amenity space. The courtyard is overlooked by all the residents. There is gated access to the river walkway again for use by residents of the development *only*.
- b. It is noted the commercial and residential parts of the building are completely separately accessed and serviced.
- c. Need to ensure that all secondary internal security doors from the street are to the same standard as the external door/locks

7.73 *Outstanding concerns from previous observations made:*

- A) *Refuse Stores:* Not enough is being done to prevent crime/and anti-social behaviour to these spaces with, unauthorised tailgating from the ‘temporary’ refuse store [used for collection purpose].
- B) *Entrance Columns:* The undercroft area/cantilevered columns leading up to the entrance door to Block A lobby does not work well together from a crime perspective. The crime problems in this locality are 'challenging' to say the least. A well-lit shelter will not only encourage legitimate use but also illegitimate use. Experience, shows illegitimate use often triumphs due to levels of intimidation from the groups who 'hang around' these spaces. Leven Road is a relatively quiet street which does not assist greatly with natural surveillance.

7.74 A condition is requested to achieve Secured By Design to at least Section 2 (Part compliance) be placed on any planning permission.

(Officer Response: Noted. With regard to issue (A) [the applicant has confirmed the single refuse store with a door to the street will be a controlled by the management company) with future resident’s not having key access to it and therefore the risk is minimal. Regard to

issue an extended response is provided within relevant section of the report. Only to note at this juncture, officers shared these concerns with the original submission drawings and this led to a series of requested revisions and these are considered to address officer concerns. A Secure by Design condition will be applied that it is trusted can resolve any outstanding security concerns.)

Natural England

- 7.75 No objection in respect of statutory nature conservation sites.
- 7.76 [Opportunities for bio-diversity enhancement should seek to secure these if local planning authority minded to approve scheme since the character and local distinctiveness of surrounding natural and built environment.
- 7.77 The local authority should before determination assess the impact of the scheme on local nature/wildlife sites

(Officer Response: Noted and impact on nature conservation officer has been considered separately LBTH with benefit of submitted bio-diversity report)

Leaside Regeneration

- 7.78 No comments received.

Greater London Archaeological Advisory Service

- 7.79 No objection, subject to a suitably worded archaeological condition and an informative in respect of an archaeological project design
- 7.80 An archaeological assessment has been submitted and reviewed. Deep alluvial sequences are present at the site. These likely contain environmental evidence that would inform on the changing land use at the mouth of the Lea. Additionally, an inlet close to or on the site shown on an early map may represent a former channel of the Lea running towards Blackwall.
- 7.81 As the development is likely to have an impact on deposits that would inform on these aspects of the area's heritage, it would be beneficial for any consent to allow for a programme of geo-archaeological boreholing that would retrieve samples of the alluvial sequence for analysis.

(Officer response: A condition and informative will be added. The condition will follow the wording suggested by GLAAS)

Health and Safety Executive - HSE Construction Division

- 7.82 In view of the impending revocation of the hazardous substances consent for Poplar Gasholder Station, the HSE is prepared in this instance to withdraw our advice objecting to the application.

(Officer response: Since receipt of these comments from HSE the Secretary of State has confirmed the HSC Revocation Order).

London Borough of Newham

7.83 No comments received.

LOCAL REPRESENTATIONS

7.84 A total of 60 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and by two site notices. This consultation was undertaken twice, in January 2014 and again in May 2014, following a number of scheme amendments.

7.85 No representations have been received.

8. MATERIAL PLANNING CONSIDERATIONS

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

Land Use
Design
Housing
Amenity
Transportation and Highways
Energy, Sustainability and Environmental considerations including
Flood Risk
Planning Obligations

Land Use

8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits. 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.

8.3 At a regional level, the site is identified in the London Plan as falling within the Lower Lea Valley Opportunity Area Planning Framework (LLV-OAPF) which identifies the area's potential to deliver a strategic amount of residential development and supporting social infrastructure such as a new school, surgery and community space, and a large park as part of the Lower Lea Valley open space network. The LLV-OAPF identifies the scope to strategically release industrial land release along the River Lea to deliver a proportion of the total residential capacity and small scale commercial floor space necessary for mixed use residential development on waterfront sites.

8.4 At a local level, the Local Plan's Core Strategy offers a vision for Poplar Riverside *"as transformed into a revitalised and integrated community, change from a largely industrial area to a predominately residential area, characterised by its reconnection to the River Lea. A*

new large green space, bridges linking to and over the River Lea, and new social infrastructure will make this place a desirable location for families and new communities". Within the Core Strategy for Poplar Riverside it sets out four key principles to achieve this vision, and this includes the design principle that "[new] buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway"

- 8.5 The site falls within the Leven Road Gas Works Site Allocation within the Managing Development Document (MDD). The site allocation objectives are for the delivery of a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, district heating facility (where possible) and other compatible uses.
- 8.6 Given the site falls within the Leven Road Gas Works Site Allocation and with the aforementioned site allocation delivery objectives there is no objection to the loss of existing industrial land. [As stated in the supporting text to policy DM15 (Local job creation and investment) of the MDD (paragraph 15.4) proposals within site allocations do not need to demonstrate evidence for employment loss, therefore Policy DM15 does apply to this application.
- 8.7 The site allocation in the (MDD) sets out a series of design principles that are material to this scheme:-
- *"Development should respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built form and its riverside location.*
 - *Development should be stepped back from the River Lea to avoid excessive overshadowing and enable activation of the riverside.*
 - *Development should successfully include and deliver family homes.*
 - *Walking and cycling connections should be improved to, from and created within the site. These should align with the existing urban grain to support permeability and legibility.*
 - *The public realm should be improved at active site edges, specifically along Leven Road.*
 - *The Green Grid route should be well integrated into the site, helping to activate the riverside and improve access from the local park to the wider Lea River Park, and further north to the Queen Elizabeth Olympic Park.*
- 8.8 The role of the site allocation is to comprehensively deliver strategic infrastructure requirements to support the anticipated level of growth in the borough. To deliver this vision, the scheme is required to provide and/or contribute towards the principles identified in the site allocation. By reason of the site size and location, on the western edge of the site

allocation, it is unreasonable to seek the delivery of a local park and primary school as part of the proposal. However the scheme will contribute towards the site allocation objective with the delivery of 126 new housing units, public realm improvements, and the inclusion of a significant area of new public open space with the River Walkway and the link footpath from Leven Road itself to it. In total the proposed development will contribute 1098sq.m of new public open space which will contribute to realising the 'vision' for a new park for site allocation 12 as contained within the MDD (2013).

- 8.9 Set within the policy context of the Leven Road Site Allocation there is no objection in land use terms to the principle of a residential led mixed use scheme and it accords with national, regional and Local Plan policies, specifically London Plan objectives for Lower Lea Valley Opportunity Area 20 and specifically Policy 2.13 (Opportunity Area and Intensification Areas), London Plan Policy 3.3 (Increasing Housing Supply), and London Borough of Tower Hamlet's Local Plan policies SP02 (Delivering Homes), SP12 (Delivering Place-making) and Site Allocation 12 – Leven Road Gas Works all [policies] that support the principle of the delivery of a residential-led mixed-use development for the development site.

A commercial/community floor space proposed is 291sqm within Uses Classes A1, A2, A3, A4 or B1(a) or D1 is to be set alongside the proposed river walkway. It is also faces towards the potential new park on the neighbouring gas works site which would help animate the scheme at ground level on its river frontage and help draw people and activity to the walkway during the daytime, thereby improving the creation the public realm aspect of the river walkway. Policy SPO6 of the Core Strategy supports and encourages the creation of commercial units of approximately 250sq.m that lend themselves for occupation by small and medium sized enterprises. Policy DM24 of the MDD strives for new development to be sensitive and enhances the local character and setting of the area. Set within this policy context the provision of the commercial space is considered to comply with Policies SP06 and DM24 of the Local Plan.

Policy DM2 (Local shops) of MDD (2013) requires

- "2. Development of local shops outside of town centres will only be supported where:*
- a. there is demonstrable local need that cannot be met within an existing town centre;*
 - b. they are of an appropriate scale to their locality;*
 - c. they do not affect amenity or detract from the character of the area; and*
 - d. they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres"*

The potential occupation of the commercial space by a retail provider is in this instance considered on balance compatible with Policy DM2 given the distance from a town centre, the comparable small size of the unit and the lack of small retail shops within the locality, the unit's location set away from the street and existing neighbouring residential properties thereby minimising amenity issues, and will not compete

with existing town centres and will therefore not compromise their viability and vitality.

Design and Townscape considerations

- 8.10 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.11 National Planning Practice Guidance (2014) sets out seven qualities a well-designed new or changing places should exhibit:-
- *be functional;*
 - *support mixed uses and tenures;*
 - *include successful public spaces;*
 - *be adaptable and resilient;*
 - *have a distinctive character;*
 - *be attractive; and*
 - *encourage ease of movement*
- 8.12 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 8.13 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Layout

- 8.14 Following analysis of the local context, aspect, orientation and the design principles underlying the architectural approach is well considered.
- 8.15 The two proposed residential blocks would step away from the western edge of the site to allow daylight and sunlight to be maintained to the windows in the eastern elevation of the consented Devon Wharf residential led scheme. This space and the associated massing break along the southern Leven Road frontage of the site also offer opportunities for greater sunlight to enter into the podium level landscaped area and more sunlight to fall upon south facing individual balconies within Block A.
- 8.16 The scheme will have public frontages on three of its four site edges with generous expanses of hard and soft landscaping on two of these sides, with the river walkway to the north and river link way route to the east (both contained within the site boundaries). This is capable of forming part of the new park anticipated to come forward when the neighbouring gas works site is redeveloped. This arrangement brings wider public benefits as well as offering the future occupants a good degree of natural surveillance whilst simultaneously not compromising

ground level site security, with access to the private communal central courtyard limited to only two points of gated entry (with electronic keypad control confined to residents).

- 8.17 Due the difference in ground levels at the Leven Road boundary of the site and riverside edge of the site, the layout of the scheme enables a undercroft car par to be integrated within the scheme with a large podium of green amenity space, and child playspace serving the residents (both affordable and private occupiers) of the scheme. The scheme contains nine single aspect north facing units (within private sale), however these residential units benefit from open views over the River Lea or look east in anticipation of being rewarded at a future date with views of the new park set for this site.
- 8.18 The smaller Block B (containing the bulk of the affordable housing units) would benefit from all these residential units enjoying a south facing frontage onto Leven Road and the majority of these units being either dual or triple aspect. With private front doors to the ground floor residential units facing Leven Road and a small series of defensible space set before these street the scheme will echo the building pattern found on the existing terrace housing opposite. Taking this building pattern and provision of a legible communal lobby entrance opening directly onto Leven Road the scheme will provide a welcomed degree of activity and animation to the street.
- 8.19 A ground floor commercial unit is located next to the river at the north east apex of the site. This flexible floor space unit will help bring life to the scheme at ground level towards the river edge with its expansive dual aspect glazed frontage and outside seating terrace.

Materials

- 8.20 The scheme would use brick, distinct galvanised steel on the balconies and weathered (rusty) steel (known as corten steel).
- 8.21 The general palette of material used is considered robust. The choice of brick making an architectural reference to the brick used on long established residential buildings in the area and the choice of galvanised steel balconies and corten steel (the latter surrounding the entrances to the two residential block) as making visual associations with the historic industrial buildings located in the area. The choice of a mixed grey/brown stock brick peppered with more eye catching red/orange bricks is intended to give the building a distinct signature appearance, with the feature red/orange bricks reminiscent of the rusty colour tones associated with historic riverside warehouses.

Height, scale and massing

- 8.22 The massing seeks to respond to the site context with Block B fronting Leven Road proposed at six storeys (which includes the top storey set back)_ in height which responds to the two and three storey residential houses lying opposite and is the same height as approved on the neighbouring Devon's Wharf site. Block A has its highest point with nine storeys in the north east of the site, towards the river at the apex of the two long wings to Block A. The design of Block A (located at the

back of a very pronounced bend in the River Lea) seeks to act as a marker for the site and help define it in relation to the river walkway and the gas holder site located next to it. Block A would remain 2 storeys lower than the consented Devon's Wharf scheme also located by the river on the neighbouring site to the east. Figure 1 below shows how the proposed blocks generally step up in height towards the river.

1.2 Proposed Leven Road View, South East corner



Figure 2 - *View of the proposed development from junction of Leven Road and Abbott Road. (The landscape layout in foreground on gas works site is for illustrative purposes only). Block B is shown towards the left side of the image, fronting Leven Road with the neighbouring Devon Wharf development beyond that and the entrance lobby to the taller Block A in the centre of the image, located to the right of the cantilevered pillar.*

Riverside walkway

- 8.23 The new river walkway is an integral part of the design scheme and contained within the development site red line. The walkway as well as providing a requisite minimum 8 metre separation distance between the new block and the banks of the River Lea, as required by the Environment Agency, will also positively contribute to the public realm helping to open up the banks of River Lea to the public and contribute towards the wider ambitions for a public walkway along the river as part of the River Lea Park and LBTH wide Green Grid project.
- 8.24 The hard and soft landscaping to the river walkway will echo the detailed design approach agreed for the river walkway consented for the Devon Wharf residential led scheme, including a common use of granite paving setts and soft landscaping planting to enhance wildlife and biodiversity along the river banks. The walkway shall remain within the ownership of the developer but with 24/7 uninhibited free passageway for pedestrian and cyclists to use it and this public access will be secured by s106 legal agreement, repeating the legal agreement secured on the river side walkway for the neighbouring Devon Wharf consent.

Detailed Design Revisions

- 8.25 This redevelopment proposal was subject to pre-application discussions which elicited significant improvement to the initial design including:
- A reduction in the overall storey height and more sympathetic massing arrangement to the site and its neighbours.
 - Previously the car parking was at grade between the two residential blocks which was highly visible from Leven Road.
 - Moving the car parking into the lower ground level has enabled the introduction of the attractive and relatively generously sized podium level communal garden/play space.
 - This podium level courtyard also benefits the scheme by helping to unify the two residential blocks together and offers direct level footway access from all the residential units to the river walkway.
- 8.26 Since the planning application was submitted in December 2013 further design changes to the scheme have been negotiated that help address a series of design concerns that LBTH officers had with the scheme and also design concerns articulated in the Mayor of London's Stage 1 response. Other revisions respond to crime prevention concerns raised by the Metropolitan Police crime prevention design advisor.

Proposed River View, North East Corner



Figure 3 *View of the proposed development from neighbouring gas works site (by the riverside) showing the riverside ground floor flexible floor space located at the apex of the 9 storey Block A. The under construction Devon's Wharf scheme (which is 11 storeys) is also shown abutting the proposed development towards the right edge of this image)*

8.27 In respect of the external appearance of the scheme changes since submission have included:-

- Replacement of the anodized aluminium finish panels on the top 2 floors of the 8th and 9th storey element of Block A and substituted with brick.
- Alterations to the two upper storeys to Block A, with the floor plates pulled away from the principal elevation serving the lower storeys, to reduce the visual impact of the upper floors from the ground level and to aid Block A 'read' as two distinct and clear massing elements.
- The range of external materials on the scheme has been generally simplified to make for a less fussy appearance to the scheme (notably on the River Lea and gas works (future park) frontage). Other changes to materials include the introduction of a frosted glazing treatment to the exterior of the lift overhangs to 'sharpen' the appearance of the building and to give assurance in respect of weathering well and general durability.
- Significant changes have been made to the entry and walkway to the main lobby to Block A from Leven Road to improve the legibility and sightlines to the entrance/walkway from the street. Involving a chamfering to Block B and thereby a concealment point, removing a section of retaining wall, reducing the number of cantilevered pillars and introducing a series of feature red corten steel finials surrounding the entrance.
- The feature corten steel details are repeated on the entrance to the smaller Block B to improve legibility of this entrance to and to help provide a visual unity across the scheme.
- Redesign of external appearance of commercial unit (including introduction of corten steel) to give a more solid appearance to the base of the block and to better "announce" the commercial units presence from afar.

Secured by Design

8.28 The applicant has agreed that all the entrances including to the podium courtyard from the river walkway and the entrance car park will have access control systems, with video and audio links. All windows will have internal locks with laminated/toughened double glazed units.

8.29 The applicant has engaged with the Metropolitan Police who have accepted the applicant's response on all issues except two outstanding concerns, namely:

- (i) the refuse stores being a weak link in the site security (with the threat of door left ajar and ensuing tailgating into residential cores) and,
- (ii) the open area beneath the cantilevered edge Block B, that would serve as part of the pedestrian route to the entrance to Block A

and could attract young persons to loiter and undertake anti-social behaviour.

- 8.30 In respect to the latter following the revision made to this entrance area (as detailed in the previous sub-section of this report) it is considered this under-croft space will achieve reasonable levels of natural surveillance and not be unduly vulnerable in terms of attracting anti-social behaviour due to: (a) much improved pedestrian sightlines from Leven Road to the main entrance; (b) improved environmental quality with imaginative architectural detailing; (c) good external lighting; and (d) use of robust & high quality facing materials.
- 8.31 With regard to the external door to the temporary refuse stores permitting unauthorised entrance into the car park through the 2nd internal door serving the store. Officers are now satisfied this threat is minimised with key access to this specific refuse store limited to employees of the management company. Any other potential security weaknesses can be adequately dealt with through the scheme achieving Secure by Design accreditation (which the applicant is agreeable to) that would provide further opportunities to finalise/review the controlled access arrangements and internal CCTV coverage of the basement and residential cores. An external lighting strategy can be secured by planning condition.
- 8.32 With the details provided to date and with the benefit of further details that will follow with the submission and compliance with a Secure by Design accreditation condition, it is considered the scheme can ensure the safety and security of the proposed development and comply with the requirements of Policy DM 23 of the MDD.

Design Overview

- 8.33 Policy DM24 (Place-sensitive design) of the DMM sets out that *“Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:*
- i. scale, height, mass, bulk and form of development;*
 - ii. building plot sizes, plot coverage and street patterns;*
 - ii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;*
 - iv. design details and elements; and*
 - v. natural environment.*

Ensure the use of high quality building materials and finishes.”

- 8.34 Paragraph 1 of Policy DM23 (Streets and the public realm) of the MMD sets out that new *“development should be well-connected with the surrounding area and should be easily accessible for all people by:*
- a. improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities;*
 - b. ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm;*

- c. *ensuring development and the public realm are designed at a human scale;*
 - d. *providing clear definitions and an appropriate degree of enclosure of the public realm;*
 - e. *incorporating the principles of inclusive design; and*
 - f. *ensuring development and the public realm are comfortable and useable.*²
- 8.35 Paragraph 3 of DM23 requires new “*development to improve safety and security without compromising good design and inclusive environments by:*
- a. *locating entrances in visible, safe and accessible locations;*
 - b. *creating opportunities for natural surveillance;*
 - c. *avoiding the creation of concealment points;*
 - d. *making clear distinctions between public, semi-public and private spaces; and*
 - e. *creating clear sightlines and improving legibility of the surrounding area.”*
- 8.36 In conclusion and with regard to Policy DM23 and DM24 of DMM officers consider the scheme to be of good quality in general architectural and urban design terms.
- 8.37 Adjustments made to the scheme since the application submission are considered successful in respect to the massing and to the treatment of the elevations to simplify its appearance, to give it a greater uniformity and simplicity of form, and to provide a stronger degree of visual distinction between Block A (where it reads as 6 storeys from the river and where it reads as 8 storeys, the actual lowest storey (the lower ground floor) is effectively hidden in view from the river).
- 8.38 The height and massing arrangement, the relationship to Leven Road, to the two new public walkways all exhibit a good degree of sensitivity to the site context and neighbouring development, both long established and newly emerging. The newly created open spaces and the juncture these will have with the more private aspects of the scheme are carefully considered. The scheme will bring tangible public realm and open space benefits and will physically help define and contribute to the positive placing making objectives set out for the Leven Road Site Allocation.
- 8.39 The choice of materials and rhythm in the elevations, most particularly on the Leven Road frontage, is reminiscent to what is sometimes described as an emerging ‘new London vernacular’ and is considered a sympathetic addition to the terrace of houses lying opposite. The palate of materials is well considered and attractive and considered will stand the test of time. The feature red bricks, balcony design detail and corten steel finials are considered attractive features that will give the scheme some welcome individual character. More generally the scheme is considered to respond well to its site context with the largest massing located on the river and the lower height profile to street.
- 8.40 The residential layouts all meet London Plan Housing SPG minimum baseline standards with the majority of units benefiting from dual or

triple aspects. Each unit will have its own private balcony or roof terrace, as well as level access to the public river walkway, the private communal courtyard garden and a set of three communal roof terraces. This is considered in more detail later in the report.

- 8.41 The public realm will be attractively landscaped with high quality material and external lighting to create an attractive environment and conducive to enhancing greater biodiversity and safeguarding wildlife habitats to the neighbouring nature conservation area.
- 8.42 A clear physical distinction is made between the external spaces designed for the benefit of individual residents, compared to those communal spaces available to all residents of the development and the public open spaces on the fringes of the site that will be for the benefit of all. The boundary enclosures demarcating these three differing sets of spaces are well defined, robust and appear attractively detailed.
- 8.43 The scheme will open up of the river edge to the public and as such will make a significant positive contribution to the area. The general layout of the scheme including the public open spaces, the children's play spaces and the communal gardens all accord with the principles of inclusive design. Level access from all the residential cores units to these spaces will be achieved and to the river walk and the public will benefit from a maximum 1:20 gradient pedestrian path (i.e. it is wheelchair accessible) from Leven Road to the river walkway.
- 8.44 As such, the scheme accords with Chapter 7 of the London Plan (2011), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MDD which seek to ensure buildings and places are of a high quality of design and suitably located.

Housing

- 8.45 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.46 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 FALP sets a more ambitious target for the Borough of approximately 4,000 new homes per year.
- 8.47 The application provides additional housing pursuant of Policy 3.3 London Plan, Local Plan SP02 and Further Alterations to the London Plan (FALP). The 126 residential units will all be flats, in the following mix 96 market units (private sale), 12 social rented, 6 affordable rented and 12 intermediate housing (shared ownership). 27 of the 30 affordable units would be located in Block B. In external appearance the two residential blocks are tenure blind in respect of the finish materials and treatment of the elevations and all the units in Block B would have a south facing aspect. The main communal amenity and

play space would be readily accessible for residents of both residential blocks.

Density

- 8.48 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate locality.
- 8.49 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in London Plan policy 3.4 which requires development to maximise the potential of site and policy 3.5 which details design principles for a compact city. Policy SO8 and SP02 of the Core Strategy also seek to maximise residential densities.
- 8.50 The site has a PTAL rating of 1 and the proposed residential density is approximately 877 habitable room per hectare which exceeds the London Plan's recommended density matrix, in simple numerical, of 200-450 habitable room per hectare terms for a scheme with a PTAL rating of 1. However the intent of London Plan and Local Plan policies is to maximise the highest possible intensity of use compatible with the local context, good design and high amenity for future occupant and safeguarding the amenity of neighbours. The consented scheme at Devons Wharf is of comparable density with 788 habitable rooms per hectare. Moreover the proposed development demonstrates no typical signs of over-development such as poor access to daylight/sunlight, sub-standard dwelling units (measures against London Plan and Mayor's Housing SPG), undue sense of enclosure, loss of outlook, increase traffic generation, loss of visual amenity to the locality, poor housing mix. Given the scheme is not exhibiting adverse amenity impacts to neighbours and providing a decent standard of accommodation to future occupants (as detailed elsewhere in this report) the scheme is considered consistent in density terms with London Plan policies 3.4 and 3.5 and with Local Plan policy SPO2.

Affordable Housing

- 8.51 The scheme will deliver 30% of the housing provision (by habitable rooms) as affordable housing and the remaining 70% as private units.
- 8.52 Policies 3.10, 3.11 and 3.12 of the London Plan define affordable housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to a viability assessment of the proposed development.
- 8.53 Policy SPO2 of Core Strategy seek to maximise all opportunities for affordable housing on each site with a minimum 35% on-site affordable housing provision being sought, subject to viability.
- 8.54 The applicant has increased the affordable housing offer from 28% to 30% following a review of their Viability Assessment.

8.55 The Council appointed an independent assessor to review this viability appraisal. The independent assessment advised the scheme could support a higher level of affordable housing provision which led to the application increasing their offer. Following detailed negotiations regarding the quantum of units and tenure (e.g., social rented vs affordable rented) it was established the scheme could provide 30% affordable housing by habitable room and total financial contribution of £245,000 necessary to mitigate the impacts of the proposed development (the detail of the latter is discussed elsewhere in this report). In summary the maximum amount of affordable housing and planning contributions the scheme can afford has been secured. On balance, the provision of 30% affordable housing by habitable room is considered acceptable and accords with policy. This conclusion is informed by the final tenure and mix of affordable housing units provided which is addressed in detail below. It should be noted that the scheme delivers much needed affordable family housing units at social rent levels with 5 x 4 bedroom units and 6 x 4 bedroom units. Those rented units not provided at social rent shall be provided at the POD rent levels set for this part of the Borough.

Housing Mix

8.56 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:

Unit size	Total units in scheme	affordable housing						market housing		
		social and Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0		0%	0%		0%	0%	0	0%	0%
1 bedroom	42	3	17%	30%	5	42%	25.0%	34	35%	50.0%
2 bedroom	56	4	22%	25%	7	58%	50.0%	45	47%	30.0%
3 bedroom	22	5	28%	30%	0	0%	25%	17	18%	20%
4 bedroom	6	6	33%	15%	0	0%		0%		
5 bedroom	0	0	0%	0%		0%		0%		
6 bedroom	0		0%			0%		0%		
TOTAL	126	18	100%	100%	12	100%	100%	96	100%	100%

Table 1: Proposed housing mix compared to current policy requirements

8.57 Strategic policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

8.58 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

- 8.59 Within the market sector the scheme over provides 2 bedroom units (47% as opposed to the Core policy target 30%) and under provides against the Council target 1 bedroom units (35% as opposed to 50% target). For larger family sized units the market provision is broadly in line with Council's target, providing 18% as 3 bedroom units against the 20% target for larger family sized units as set out in LBTH policy.
- 8.60 Within the intermediate (shared ownership) the scheme fails to provide any 3 or 4 bedroom units where policy seeks 25% provision and also underprovides in 1 bedroom units with over-provision (58%) in 2 bedroom units.
- 8.61 Within the rented tenure the scheme provides a generous 61% family sized (3 or 4 bedroom) units, all for social rent, which is well above the 45% target. As reflected in the comments from the Affordable Housing team rented family units are the affordable provision for which there is the greatest need.
- 8.62 It is of note that four social rented units are wheelchair accessible units with one in number three bedroom unit and two in number four bedroom units. These larger family sized wheelchair accessible units will respond appropriately to the high demand in the Borough for larger family sized wheelchair accessible units. The applicant has agreed to bear the cost of full adaption to meet the identified need of the end occupier of the four () wheelchair units proposed in social rented tenure when the register social provider is chosen.
- 8.63 In the context of the overall financial viability, the share of affordable and intermediate housing, the mix of rented tenures and the emphasis on a large proportion of the rented units to be larger family sized units, all delivered at social rent the mix of unit sizes is considered acceptable mix and consistent with Policy 3.8 of the London Plan (2011), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seeks to ensure developments provide an appropriate housing mix to meet the needs of the Borough

Housing Layout and Private Amenity Space:

- 8.64 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the Mayor's Housing SPD and Policy DM4 in the Local Plan requires new development to make adequate provision of internal residential space.
- 8.65 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the Mayor of London's Housing Design Guide SPD, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and extra 1 sq. m is provided for each additional occupant.
- 8.66 The proposed development is designed to the Mayor of London's design guidance standards and therefore is acceptable in terms of internal space standards. Each residential unit within the proposed development is provided with its individual outdoor amenity space

(either a balcony or roof top terrace). In total the scheme provide 621sq.m of private amenity space, against the aggregate minimum 518sq.m required by London Plan and local plan policy.

- 8.67 All the units will have a minimal internal floor to ceiling height of 2.5m in compliance with the London Plan space standards.
- 8.68 Block B contains 27 affordable dwellings with 14 out 18 of the social/affordable rented tenure units either double or triple aspect. 4 out of 9 of the intermediate units in Block B are single aspect but all of these single aspect units will be south facing.
- 8.69 Whilst 36% of the market units for sale will be single aspect units, *only* 9 out of these 96 units (this equates to less than 10% of the units) will be north facing units. These single aspect north facing units will benefit from relatively wide external frontages, generous levels of glazing and open and uninhibited views across the River Lea - these combined set of attributes will secure more than adequate daylight amenity levels.

Communal Amenity Space and child play space

- 8.70 Policy 3.6 of the London Plan and policy SP02 of the Core Strategy and policy DM4 of the MDD requires the provision of new appropriate play space within new residential development. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided.
- 8.71 With the provision of three communal roof terraces and a secure courtyard communal garden set between the two residential blocks the scheme provides 553sq.m of communal outdoor amenity space (excluding from this calculation the area of the podium dedicated for children's play space) exceeds the 166sq.m required by policy
- 8.72 Using the Borough's Planning Obligations SPD (2012) and the child yield data sets contained within it (derived from LBTH's *Planning for Population Change and Growth Assessment 2009*) the overall development is anticipated to accommodate 40 children up to 15 years of age. In accordance with Policy DM4 of MDD, LBTH Planning Obligations SPD and Mayor of London's *Shaping Neighbourhoods: Play and Informal Recreation SPD* the development should provide a minimum 10sq.m per child and therefore a minimum of 400sq.m of defined play space for all ages (ages 0-15). The scheme provides 421sq.m of the dedicated child play space in the podium courtyard, although this is likely to predominately cater for younger children but the details of this will be subject to an approval of details application secured by condition on any planning permission
- 8.73 With regard to the provision of appropriate and accessible facilities for older children the London Plan considers existing park and play facilities within 800m to be appropriate for children over 12 in age and 400m for children aged between 5 and 11. The scheme is located within 250m of three play spaces the Aberfeldy Millennium Green, Brithwaite Park and Leven Road Open Space. The latter *Leven Road Open Space* is the nearest of these three play spaces and contains an

all-weather pitch. As such the scheme complies with London Plan and Local Plan policies.

Wheelchair Housing and Lifetime Homes

- 8.74 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.75 The scheme proposes to provide 10 residential units within the market sector that are easily adaptable for wheelchair use (3 x 2 bed units and 7 x 1 bed units) and four easily adaptable for wheelchair use within the rented affordable housing block (1 x 2bed, 1 x 3 bed and 2 x4 bed). This level of provision exceeds the 10% standard. All these units would have level access from building cores (with lift) to the communal amenity space located between the blocks, to the car park and to the river side walkway. 13 disabled car parking spaces would be provided.
- 8.76 All the units will be constructed in line with Lifetimes Homes Standards. A condition will be included to ensure that these standards are indeed secured.
- 8.77 In overall terms, the units comply with Lifetimes Homes Standards and the requisite proportion of units are readily adaptable for wheelchair housing provision. Accordingly the scheme is considered in accordance with the requirement of London Plan policy 3.8 and policy SPO2 of the Core Strategy

Amenity considerations

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

Overlooking/Privacy

- 8.79 Currently the nearest residential properties to the site are Nos. 128 to No 144 (even numbers only) Leven Road. These are residential properties of two and three storeys height and are situated to the south of the site and would look across Leven Road to Block B, situated on the opposite side of road. The minimum distance between the front elevations of these houses and Block B would be approximately 17.5m, which is considered to be acceptable as the public highway runs between them.
- 8.80 No residential properties lie to the east or north of the development. The Devon Wharf consented scheme that is currently in the early stages of being built out would be located to the west of the site. The nearest sections of the two developments would be approximately 4m apart. The Devon Wharf involves a building block that runs the depth of that site (from Leven Road to the newly created river walkway) and

built very close to the western site. A series of habitable room windows face out from the eastern elevation of this consented scheme. However to avoid neutralising the Glaucus Works site these habitable room windows have angled oriel windows. Between the two residential schemes no habitable room windows would face each other within a 20m distance at an angle of 45 degree or less. As such there are not considered to be any significant overlooking issues.

Daylight/Sunlight

- 8.81 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.82 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. Average daylight factor (ADF) is also calculated and the latter is often considered to be a more useful method since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.83 Policy SP10 and policy DM25 of the MDD 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 development.
- 8.84 A daylight/sunlight study was submitted as part of the application and this report included a detailed assessment of the impact of the scheme upon future occupied units within the Devons Wharf consented scheme and also the impact of this consented neighbouring scheme upon future units within this current scheme.

Impact to neighbours

- 8.85 With respect to existing residential premises the report shows the impact is limited to three blocks at 116 to 146 Leven Road (even numbers *only*). The report shows the VSC is fully compliant with BRE recommendations with the exception of two habitable rooms and these are very marginal shortfalls, of under 0.5% (below the 20% value). When the absolute VSC values are applied these two windows achieve a VSC value in excess of 20% value. When the cumulative impact of the Devon Wharf scheme is also taken into account four living rooms will be adversely affected in 130, 132, 134 and 136 Leven Road, but the adverse affect is not considered significant falling only very marginally below the ADF standard set out by BRE.
- 8.86 All the habitable rooms will continue to achieve ADF values in excess of the BRE recommendations when the impact of the scheme is taken in isolation, when the cumulative impact is considered with the Devon Wharf scheme two living rooms will fall marginally below the ADF

standard. The report concludes the negative impact upon existing dwellings is very limited. This view is shared by the Council and is considered does not provide a sustainable reason for refusal.

- 8.87 With respect to the Devon Wharf scheme the results show that with the exception of two rooms all the proposed habitable rooms will achieved the target BRE standard for daylight. One of these failing rooms serves a studio flat that even with the current open yard arrangement at Glaucus works fails. The other failing window, the margin of failure is 0.01% and therefore not significant.
- 8.88 With regard to sunlight the south facing angled oriel windows on the eastern elevation all the rooms will meet the BRE standard except two bedrooms. As the BRE sunlight standard is usually only applied to living rooms this is not considered a significant concern.

Daylight/Sunlight level for the new residential accommodation

- 8.89 With the exception of one room, all the windows in the new development will meet the BRE design standard. Given this room benefits from a balcony that impacts upon the daylight it is not considered this room warrants significant concern.
- 8.90 In terms of sunlight and the BRE standard all the windows that face within 90 degree of due south will comfortably satisfy the BRE annual and winter sunlight standards demonstrating the scheme will achieve very good level of sunlight amenity.
- 8.91 The design of the scheme, in terms of the general massing in regard to neighbours and the internal residential layout shows, that the architects have applied a good degree of thought to minimising daylight/sunlight impacts to neighbours and to achieving high standards of daylight/sunlight to future occupants of the scheme. Informed by results of the daylight/sunlight report the scheme is considered to comply with the daylight/sunlight issues as set out in policy SP10 and policy DM25 of the Council's Local Plan.

Sense of Enclosure, Outlook and Privacy

- 8.92 Policy SP10 of the Core Strategy seeks to protect residential amenity and policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 8.93 In accordance with policy DM25 of the MDD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained at 18 metres. With respect to the dwellings located opposite the site at Nos. 128 to No 144 Leven Road a 17.5m minimum distance would be provided (albeit there be external balconies provided in closer proximity) and this separation distance is considered acceptable in terms of privacy and safeguarding adequate outlook, given the relationship of these properties is across a public street which curtails the existing degree of privacy gained by these homes from their street facing windows. In terms of sense enclosure the new development is not considered unduly imposing to these

properties with Block B of 6 storeys and the top floor set back from the principal elevation to reduce its imposition from the street.

Noise

- 8.94 A noise assessment report accompanied the application. The report concluded the site is subjected to moderately high levels of noise arising from traffic on the local road network, from aircraft and from neighbouring commercial activities. The acoustic report provides a glazing specification to the new residential units to curb external noise transfer and in respect of construction detailing for noise transfer from the commercial unit and the residential unit above. The Council's Noise Team have reviewed the report and accept its conclusions, subject to appropriate conditions.
- 8.95 The proposed commercial unit will be located some distance from Leven Road and thereby minimising noise impact to neighbouring properties. The applicant is agreeable to a set of planning conditions in respect of control of hours of operation for future occupants of the commercial unit, imposition of acoustic noise level controls over installation of any mechanical extract or ventilation equipment and the waste and servicing management plans for the scheme would also pertain to the commercial unit, to control potential disturbance arising from vehicular movements associated with the commercial unit
- 8.96 To conclude, Policy DM25 (Amenity) of the MDD requires development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The scheme is considered to comply with Policy DM25. The proposed development would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents or upon future occupants of the development or the consented Devons Wharf scheme.

Highways and Transportation

- 8.97 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network
- 8.98 Core Strategy policies SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.99 The scheme provides 25 car parking spaces located beneath the podium level courtyard that links the two blocks. 13 of these spaces are allocated for disabled users. Access to the car park will be from Leven Road via security shutters (set 6 metres distance from the back of the pavement) and with a vehicular gradient into the beneath ground

car park of no greater than 1:50. Three secure cycle stores are proposed in the lower ground floor alongside the car parking and the refuse storage area and plant rooms.

- 8.101 The site is approximately 17 minutes' walk away from Canning Town DLR/ Jubilee Line underground station, and a comparable walking time away from the DLR stations of Landon Park, All Saints and East India. Three stopping bus routes serve the A12 and A13. The A12 and A13, both dual carriageway arterial roads, serve as severe community severance barriers to this part of Poplar Riverside, detracting from the enjoyment and impeding the ease of walking to public transport nodes. A PERS audit accompanies the application, following the GLA Stage 1 response and the audit concludes the general pedestrian environment is good quality. There are no significant defects in the walking routes but they would all benefit from pedestrian signing of specific destinations.
- 8.102 The scheme will promote sustainable transport through the cycling and walking provision the scheme will through provide with the Riverside Walkway, through its integration into the Borough's Green Grid with the link walkway to Leven Road and to the River Lea FAT Walk that will subsequently bridge the River Lea, within the adjacent gas works site.

Car Parking Provision

- 8.103 As detailed earlier in this report, the site has a very poor public transport accessibility level (PTAL) of 1 (1 being poor and 6 being excellent) and in light of this and the Transport Assessment submitted the level of car parking provision is considered acceptable. This view is shared by the Council's Transportation officer and in the GLA's stage 1 response, subject to conditions and imposition of a Travel Plan and on-street permit free development by means of s106 legal agreement

Cycle Parking Provision

- 8.104 The scheme will provide a dedicated cycle store for Block A and in total 158 secure cycle stores will be provided that is consistent with London Plan standards. Separate secure cycle storage for the commercial unit will be provided contained within the commercial unit itself. The level of cycle provision is consistent with London Plan standards.

Servicing and Deliveries

- 8.105 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in Core Strategy policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes
- 8.106 The opportunity for on-site servicing of the flexible floor space unit is curtailed by general design approach taken to the scheme. In view of the modest size of the unit, its location on the site and the lightly trafficked nature of Leven Road it is considered by the LBTH Highways officer that on-street servicing arrangement, including refuse collection is acceptable, albeit not ideal. This arrangement complies with London Plan Policy 6.13 subject to an end-user service management plan and

waste management plan being agreed upon and secured by planning condition.

Impact on local highway network

- 8.107 The Transport Assessment submitted with the application concluded the number of vehicular movements arising from this development will have negligible impact on the local highway network. This conclusion is shared by the Council.

Energy, Sustainability and Environmental Considerations including flood risk)

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

The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

- 8.109 The London Plan 2011 also includes the target to achieve a minimum 40% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.110 The information provided in the submitted energy strategy is broadly in accordance with the adopted Local Plan policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures.

- 8.111 The Energy Statement (July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The total anticipated CO2 savings from the development are 40% through a combination of energy efficiency measures, a CHP power system, passive design energy saving measures and thermal performance standard of the construction.

- 8.112 The proposed energy strategy therefore falls short of Policy DM29 which seeks a 50% reduction in CO2 emissions. Therefore a planning obligation will be required to address this deficit with a financial contribution for carbon off setting to make up this shortfall and ensure the scheme is policy compliant in respect to DM29 of MDD. The Site

Allocation seeks a district heating system to be brought forward for the wider site. The scheme's energy strategy has been mindful of that objective and shall be designed to provide the potential for connection to any future district heating network, however in the meantime an energy efficient CHP power system will be installed.

- 8.113 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non-residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets emerging Managing Development DPD.
- 8.114 The submitted Sustainability Statement (including Code Pre-assessment and BREEAM pre-assessment) details how the residential development will achieve a Code for Sustainable Homes Level 4 and site wide BREEAM 'Excellent'. It is recommended that the achievement of a Code Level 4 and BREEAM Excellent ratings are secured through an appropriately worded Condition and Code for Sustainable Homes Final Certificates submitted to the Council within 3 months of occupation

Biodiversity including impact on River Lea SINC

- 8.115 The new buildings will be set 8m back from the River Lea and Bow Creek that falls within the River Lea Site of National Conservation Area (SINC) of Metropolitan Importance.
- 8.116 London Plan Policy 7.19 (Biodiversity) sub-section (C) requires:
- “Development proposals wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity and subsection (E) “when considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest. The following hierarchy will apply:*
- 1 Avoid adverse impact to the biodiversity interest;*
 - 2 Minimize impact and seek mitigation;*
 - 3 Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.”*
- 8.117 Policy SP04 of the Core Strategy and Policy DM11 of the MDD seeks to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 8.118 A habitat survey accompanied the planning application. Shadow diagrams have been produced showing that Bow Creek would only be overshadowed at midday in December. Given this brief occurrence of overshadowing no adverse impacts on the creek are anticipated in respect of wildlife. In line with the comments received from LBTH's Biodiversity Officer the potential adverse habitat

impacts of the scheme are limited to light pollution from external lighting serving the River Walkway. A planning condition will be imposed to provide a lighting strategy to address this issue.

- 8.119 Vegetation on site is very limited. A habitat survey was undertaken and the site was deemed of low ecological value, although just off site Bow Creek supports waterfowl. There is evidence of nesting birds but no evidence of nesting bats, or water body habitats to support amphibians. Through the provision of a landscaping scheme that includes the creation of a biodiversity planting areas, buffer planting, ornamental trees in planters set at ground level and green sedum and wildflower roofs at raised levels the proposed development provides an ecological enhancement to the local area.
- 8.121 The scheme is considered to have adequate regard for safeguarding and enhancing biodiversity on and surrounding the site and accordingly complies with London Plan Policy 7.1 and policies SPO4 and DM11 of LBTH Local Plan.

Flood Risk

- 8.122 London Plan Policy 5.12 requires *“Development proposals must comply with the flood risk assessment and management requirements set out in the NPPF over the lifetime of the development and have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans.”*
- 8.123 Policy SP04 of the Local Plan states that the Council will reduce the risk and impact of flooding with new development through:
- a) Using the Sequential Test to assess and determine the suitability of land for development based on flood risk.
 - b) All new development that has to be located in a high risk flood zone must demonstrate that it is safe and passes the Exceptions Test
 - c) Ensuring that all new development across the Borough does not increase the risk and impact of flooding.
 - d) Ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.
 - f) All new developments must aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off.’
 - g) Seeking to maintain existing flood defences to the appropriate standards and, in the case of riverside development, improve the standard, lifetime and access to such defences.”
- 8.124 The development falls within Flood Risk Zone 3a of the Environment Agency (EA) map, whereby the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. This is the highest risk of flooding in the Borough but protected by the Thames Barrier.
- 8.125 The application is supported by a flood risk assessment and describes various potential flood mitigation measures and contains a structural review of the River Lea flood wall, following a request from the Environment Agency. Site-specific tidal breach flood levels have

been provided for the subject site in the event of a breach of the defences along the River Lea (Bow Creek). 1 in 200 year breach event would affect only the very south eastern corner of the development site, comprising less than 5% of the total site area. The flood hazard for the area of the site affected is classified as 'low'. The mitigation measures include the location of less flood sensitive uses in the lower ground floor of Block A with residential uses located above that and all the residential units located at lower ground floor level of Block B designed as duplex flats with the bedrooms on the upper storey.

- 8.126 With the scheme's flood mitigation measures and following receipt of the comments from the Environment Agency lifting their initial objection to the scheme and in it is considered that the proposed development complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the Core Strategy.

Planning Obligations and CIL

- 8.127 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012) and by the delivery objectives set out for the Leven Road Gas Works Site Allocation, in which the scheme falls, as set out the DMM.

- 8.128 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

- 8.129 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests

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

- 8.131 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- o Affordable Housing
- o Employment, Skills, Training and Enterprise
- o Community Facilities
- o Education

The Borough's other priorities include:

- o Public Realm

- o Health
- o Sustainable Transport
- o Environmental Sustainability

8.132 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 (by habitable rooms) based on 78% of the affordable secured with a social rent tenure. The rented to intermediate split is 70.9% rented and 29.1% intermediate. The independent advice includes a revised appraisal using alternative benchmark values to those used by the applicant. The revised appraisal produces a lower residual land value than the applicants own appraisal therefore the independent advice concludes that: “the development cannot support any additional affordable housing or planning obligations”.

8.133 Within the s106 is contained an Additional Affordable Housing Contribution clause to capture for the Borough any uplift in sales values for the market units that was not estimated in the Viability Appraisal to provide a contribution towards Affordable Housing over and above that included in the Financial Contribution. The trigger to undertake the reappraisal is the sale of the last market sale residential unit or the Long Stop date. Long Stop date is 18 months after the Disposal of the first Residential Unit or 36 months after the commencement date

8.134 The financial contributions are focussed around Tower Hamlets corporate priorities, as set out in the Councils Local Plan and the adopted Planning Obligation SPD and as such recommend planning obligations are centred upon:

- Seeking to maximise the delivery of affordable housing on the site;
- Making a reasonable contributing to the Site Allocation interventions set out for Leven Road Gas Works in the Local Plan, specifically contributing to the open space and the delivery of a new public park within Site Allocation;
- Alongside that of delivery of affordable housing meeting the other three key Corporate priorities of Education, Community Facilities and the delivery of Employment, Skills Training and Enterprise opportunities for local residents and the other priority of health facilities.

8.135 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development and Planning Obligations SPD (2012).

8.136 Factored into this was a maximum financial contribution secured through planning obligations (s106) of £245,000 and in addition to this the application would be liable for the Mayor of London’s CIL charge of approximately £361,935

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

- a) A contribution of £8,684 towards enterprise & employment.
- b) A contribution of towards £31,298 leisure and community facilities.
- c) A contribution of £8,096 towards libraries facilities.
- d) A contribution of £93,214 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £32,681 towards public open space.
- f) A contribution of £41,021 towards heath facilities
- g) A contribution of £25,100 to carbon off-set contribution
- h) A contribution of £4,900 S106 monitoring fee (2%)

Total: £245,000

Non-Financial Obligations

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as rent and 29.1% as intermediate
 - with 6 in number 4 bedroom units and 5 in number 3 bedroom units with social rents
 - 3 in number two bedroom units with affordable rents and 3 in number with 1 bedroom units
 - 29.1% intermediate housing with 5 in number 1 bedroom units and 7 two bedroom units
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) On Street Parking Permits removed for future occupants.
- e) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
- f) Travel Plan
- h) Permanent Public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- i) Development Viability Review Clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in value of the market sales.

- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal including s S278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway
- k) That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- l) That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

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

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

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

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

8.140 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.

8.141 In this context “grants” might include:

- a) New Homes Bonus;
- a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- b. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

Community Infrastructure Levy

8.142 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 £361,935 payment (figure subject to affordable housing relief) to the Mayor of London's Community Infrastructure Levy (CIL).

New Home Bonus

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

8.144 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 £190, 532 in the first year and a total payment £1,143,190 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

8.145 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:-

8.146 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"

8.147 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

8.148 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified

8.149 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.

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

8.151 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.

Equalities Act Considerations

8.152 The Equality Act 2010 provides protection from discrimination in respect of certain characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.153 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce

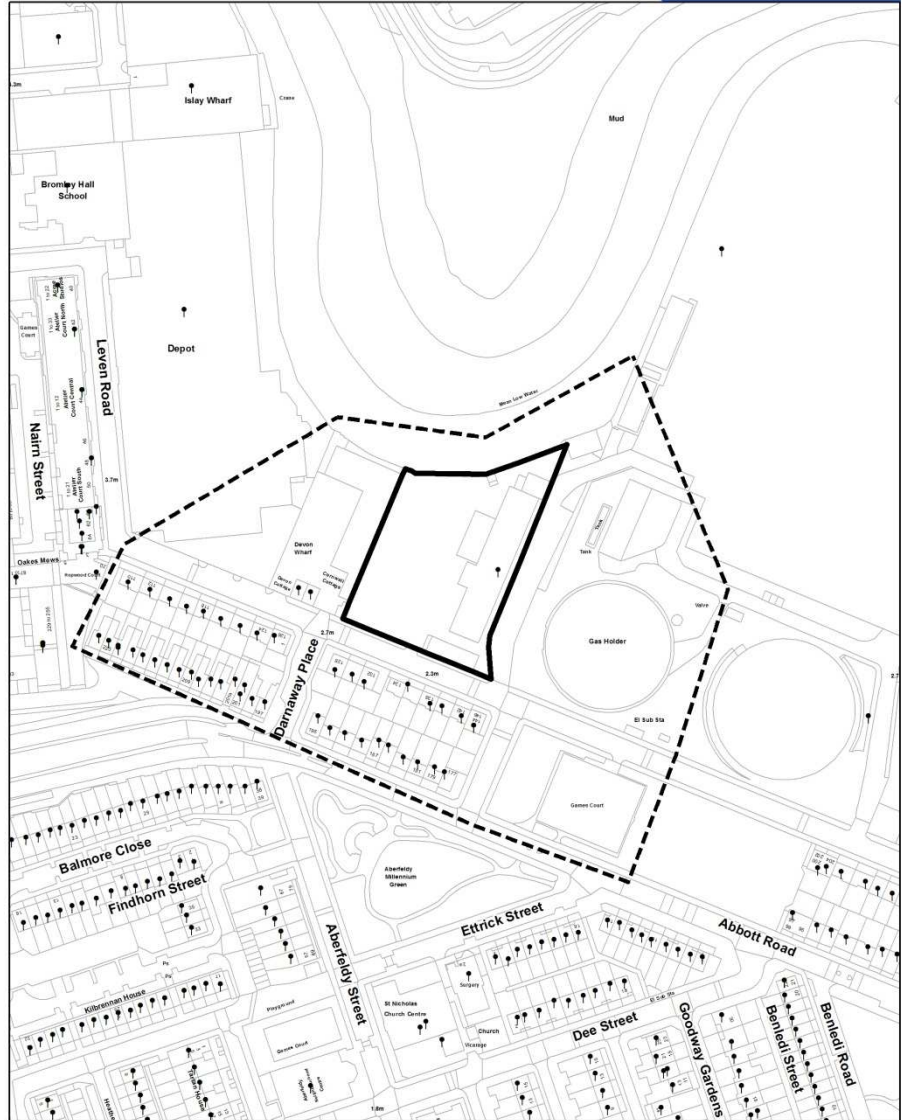
on the local communities, and in the longer term support community wellbeing and social cohesion

- 8.154 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities
- 8.155 The provision of affordable housing and other infrastructure including a publically accessible river walkway and link walkway from Leven Road, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion and wellbeing by ensuring that access to the bank of the River Lea will be opened up to provide opportunities for the wider community to enjoy the open space/ public realm opportunities associated with this development.

Conclusion

- 8.156 The proposed development is consistent with place making objectives Leven Road Gas Works site allocation. The scheme would contribute towards the development of the Lea River Walk Park and the Borough's Green Grid network, and would help deliver the objectives of the Core Strategy including the provision of much needed affordable housing in a high quality, well designed, mixed use development. The proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 8.157 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/03053



	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 8.6

Committee: Strategic Development	Date: 21 st July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Planning Application for Decision
Case Officer: Tim Ross	Ref No: PA/14/00604
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Archway House, 1 Muirfield Crescent and 47 Millharbour, London, E14 9SZ

Existing Use: Office – Use ClassB1(a).

Summary descriptions: Application under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/13/00803, dated 13/12/2013 for a variation to condition 2 to allow substitute plans for the following amendments:

- Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal Area) of covered plant area to the sixth floor; and
- a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height.

Drwg Nos. for approval:

P(99)01 B 'Proposed minor amendments OS map' dated 24 Mar 2014
P(99)02 B 'Proposed minor amendments site survey' dated 24 Mar 2014
P(99)03 Designated Area at Level 00
P(99)04 Site Compound Levels 01 02
P(99)05 Site Compound Level 00
P(99)06 Crane Access & Set-down
P(99)07 Site survey and ground material strategy
P(99)08 New UKPN Switch Room
P(SC)01 B 'Cross section 01' - dated 24 Mar 2014
P(SC)02 B 'Cross section 02' - dated 24 Mar 2014
P(SC)03 B 'Long section 03' – dated 24 Mar 2014
P(EL)04 B 'Elevation 04 (south)' - dated 24 Mar 2014
P(EL)05 B 'Elevation 05 (north)' – dated 24 Mar 2014
P(EL)06 B 'Facade material strategy' - dated 24 Mar 2014
P(EL)07 B 'Context elevation A, B, C' - dated 24 Mar 2014
P(EL)08 B 'Context elevation D, E' - dated 24 Mar 2014
P(-01) Basement Plan - Level -01
P(-01)_Indicative car parking and cycle parking layout
Basement Plan - Level -01_Indicative

P(00) Level 00 Plan
P(01) B 'Level 01 plan' – dated 24 Mar 2014
P(02) Level 02 Plan
P(03) Level 03 Plan
P(04) Level 04 Plan
P(05) Level 05 Plan
P(06) B 'Level 06 (services) plan' – dated 24 Mar 2014
P(07) B 'Level 07 (roof) plan' – dated 24 Mar 2014

Supporting Documents:

Design and Access Statement (O'Mahony Pike Architects/Metropolitan Workshop)
Planning Statement (GVA)
Transport Statement (Steer Davies Gleaves)
Energy Statement (MEIT)
Flood Risk Assessment (Hyder Consulting)
Daylight and Sunlight Report (GVA Schatunowski Brooks)
Noise Assessment (Applied Acoustic Design)
BREEAM Pre-assessment (Norman Disney & Young)
Ecology Assessment (the Ecology Consultancy)
Air Quality Note (MEIT)
Site Waste Management Plan (OCSC)
Design & Access Statement Addendum - dated 24 Mar 2014
Daylight & Sunlight Report – dated 24 Mar 2014
Flood Risk Assessment – dated 24 Mar 2014
Transport Statement – dated 24 Mar 2014
BREEAM data centres (2010) assessment - dated 24 Mar 2014
BREEAM pre-assessment - dated 24 Mar 2014
Acoustic design note - rev A - dated 24 Mar 2014
Air quality note – dated 24 Mar 2014
Energy statement & renewable energy - dated 24 Mar 2014
Planning addendum – dated 24 Mar 2014
Site waste management plan – dated 24 Mar 2014

Applicant: Glengall Bridge Holdings Ltd.;
Linray Ltd.; and
Telecity Group UK Ltd.

Listed Building: N/A
Conservation Area: N/A

2. Executive Summary

- 2.1 This application is for a minor material amendment to Planning Permission PA/13/00803 dated 13 December 2013 for a change of use from business (Use Class B1) to data centre (Use Class B8) extensions to and refurbishment of Archway House to include two additional floors of data centre use with associated plant
- 2.2 If granted, the application would result in a planning consent for a data centre (use class B8) with a total overall increase in Gross Internal floor area (GIA) of 1,066sqm from 9,667sqm to 10,733sqm, and a building with a maximum height of 32.1m from 30m.

- 2.3 The proposed additional floorspace is considered to continue to be consistent with Local Plan policy DM1 and Spatial Policy 01(1b) by complimenting the Canary Wharf major centre.
- 2.4 The proposed additional building height is not considered to unduly impact on the permitted scheme to the north of the site or existing neighbouring properties.
- 2.5 Additional financial contributions have been secured to ensure the impact of the additional floorspace is adequately mitigated by providing a proportionate contribution to towards local infrastructure.
- 2.6 The development makes an appropriate contribution towards reducing Carbon Dioxide emissions helping the borough achieve its ambition carbon reduction targets.

3. **RECOMMENDATION**

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

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

- 3.2 Financial Obligations

- a) An additional contribution of £95,473 towards Millennium Quarter Infrastructure.

Total: £95,387

The proposal will also be liable for Mayor of London CIL calculated at a rate of £35/sq metre and payable on the uplift floor space.

- 3.3 Non-Financial Obligations

No additional

- 3.4 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

- 3.6 CONDITIONS & INFORMATIVES

Compliance Conditions

1. Time limit – three years
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
4. Two disabled parking spaces to be provided in perpetuity.
5. Compliance with Energy Statement.

Pre-Commencement Conditions

6. Approval of full details of facing materials.
7. Approval of full details of landscaping details
8. Approval of CCTV and lighting
9. Approval of BREEAM (Excellent) Pre-Assessment
10. Approval of full details of external plant and ventilation not exceeding maximum noise levels
11. Approval of risk assessment and method statement of any works adjacent to the waterway, in consultation with Canal and Rivers Trust.
12. Approval of Construction Environmental Management Plan
13. Approval of a Waste Management Plan
14. Approval of full details of 20% electric vehicle parking provision
15. Approval of full details of waterside landscaping, in consultation with Canal and Rivers Trust
16. Approval of feasibility study of use of water freight during construction
17. Approval required if surface water run-off proposed to drain into waterways, in consultation with Canal and Rivers Trust
18. Consult London City Airport if carriage height exceeds approved building height.

Prior to Occupation Conditions

19. Secured by Design certificate
20. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Ensure signed up to the Environment Agency's Flood Warning Service
2. Consult "Code of Practice for Works affecting the Canal & River Trust"
3. Comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939
4. Make proper provision for drainage to ground, water courses or a suitable sewer

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

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

4 PROPOSAL

Site and Surroundings

- 4.1 The application site comprises an area of approximately 0.22ha and forms part of a larger commercial development known as Glengall Bridge. The site is bound to the west by Bonnington House and to the east by Bellerive House. To the north of the site is 45 Millharbour, currently a vacant commercial building, which has an extant planning consent for a residential-led mixed use scheme.
- 4.2 The site is a key intersection of an important east-west and north-south route and it is the southernmost crossing point of Millwall Inner Dock. The existing building is situated in a prominent location, visible from Millharbour, Pepper Street and the surrounding

Dockside. The wider area is occupied by buildings of a similar scale and height, although the buildings differ slightly in design and appearance. The site is bounded by the Millwall inner dock to the east, Muirfield Crescent to the south and Millharbour to the west. The closest section of the Transport for London Road Network is the A1261, Aspen Way, 1km to the north.

- 4.3 The site is well served by public transport; Crossharbour DLR station is approximately 50 metres across the Glengall Bridge, and four bus routes operate along East Ferry Road (D3, D6, D8 and 135) which is 350m to the east. The site has a good public transport accessibility level (PTAL) of 4 (out of 6, where 6 is excellent).
- 4.4 The site is not located within a conservation area and does not contain any listed buildings.

Proposal

- 4.5 This application seeks a minor amendment to planning consent PA/13/00803. The proposed changes involve infilling an area of the first floor and enclosing plant on the sixth floor, resulting in an increase in floorspace of 1,066sqm as well as the height increase.
- 4.6 More specifically, this application includes the following amendments:
- Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal Area) of covered plant area to the sixth floor; and
 - a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height.

5 RELEVANT PLANNING HISTORY

Application site

- 5.1 A previous application on the site PA/13/0803 comprising a change of use from business (Use Class B1) to data centre (Use Class B8) extensions to and refurbishment of Archway House to include two additional floors of data centre use with associated plant. This application was granted planning permission under delegated powers on 13/12/2013 with a signed s106 legal agreement which secured the following:

Financial Contribution

- a) *A contribution of £399,371 towards Millennium Quarter Infrastructure*

Non-Financial Obligations

- a) *Enterprise, Employment, Apprenticeship, Training and End User Engagement Strategy*
- b) *Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)*
- c) *Public Art (equivalent to £50,000)*
- d) *Travel Plan*

e) *Code of Construction*

5.2 Other relevant site history is set out in the table below:

Planning reference	Address	Proposed development	Decision	Date of decision
PA/06/0893	Site At 1 To 3 MuirfieldCrescent And 47 Millharbour, Millharbour, London	In outline, redevelopment to provide 143 residential units in buildings of up to 10 storeys in height with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing and landscaping	Permit	10/07/07
PA/10/1177	Site At 1 To 3 MuirfieldCrescent And 47 Millharbour, Millharbour, London	Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission Ref: PA/06/893	Permit	03/09/10 (5 year consent)
PA/07/1785	Site At 45 To 59 Millharbour And 23 To 39 Pepper Street	Outline application for redevelopment to provide an eight storey building plus plant (not exceeding 29.5m in height) comprising retail/restaurant (Class A1/A3) use at ground floor with 89 residential units above and reconfiguration of existing basement car park (including access arrangement over adjoining land at 47 Millharbour, 1 and 2 to 4 Muirfield Crescent), associated servicing and landscaping	Permit	16/04/08
PA/11/0921	Site At 45 To 59 Millharbour And 23 To 39 Pepper Street	Application to replace extant outline permission ref PA/07/1785, dated 16/04/08, in order to extend the time limit for implementation	Permit	29/03/12
PA/11/0798	45 Millharbour	Demolition of all existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking.	Permit	27/02/12
PA/14/0683	Archway House, 1 Muirfield Crescent and 47 Millharbour, London, E14 9SZ	Non Material amendment to PA/13/00803 dated 13/12/13 to condition 7 which relates to noise levels	Permit	10/04/14

6. POLICY FRAMEWORK

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

6.2 Core Strategy Development Plan Document 2010 (CS)

Policies: SP01 Refocussing on our town centres
SP06 Delivering Successful employment hubs
SP10 Creating distinct and durable places
SP11 Working towards a zero carbon borough
SP12 Delivering Placemaking
SP13 Planning Obligations
Annexe 9: LAP 7 & 8: Millwall

6.3 Managing Development Document (2013)

Policies: DM11 Living buildings and biodiversity
DM13 Sustainable drainage
DM14 Managing waste
DM15 Local job creation and investment
DM20 Supporting a sustainable transport network
DM22 Parking
DM23 Streets and public realm
DM24 Place-sensitive design
DM25 Amenity
DM27 Heritage and the historic environment
DM29 Achieving a zero carbon borough and addressing climate change
Site Allocation 17: Millennium Quarter

6.4 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

6.5 Spatial Development Strategy for Greater London (London Plan); (Revised Early Minor Alterations October 2013); (Draft Further Alterations to the London Plan 2014):

4.1 Developing London’s Economy
4.10 New and emerging economic sectors
4.11 Encouraging a connected economy
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
5.10 Urban Greening
5.13 Sustainable drainage
5.21 Contaminated land
6.9 Cycling
6.11 Walking

- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning obligations

6.6 Government Planning Policy Guidance/Statements

National Planning Policy Framework 2012 (NPPF)
 Planning Practice Guidance (2014)

6.7 Background to Minor Material Amendments

6.8 The Planning Practice Guidance makes provisions for minor and non-material amendments to proposals after permission has been granted to allow flexible options for planning permissions.

6.9 The route under s.73 of the Town and Country Planning Act 1990 (as amended) to vary a condition provides a mechanism for allowing minor material amendments to an approved scheme. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.

6.10 The extant permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment. Therefore, the current proposal proposed an amendment to Condition 2 which lists the approved plan numbers of the Permission for the proposed minor-material amendment

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

7.3 These amendments will have no effect on biodiversity

LBTH Environmental Health

Noise and vibration

7.4 Environmental health, environmental protection, do not object to this proposal on the assumption that any mechanical or electrical plant should be at least 10 dB lower than the existing ambient noise level at any residential or sensitive commercial receptor at the required operating times.

7.5 The acoustic consultant's report has set out the existing background noise level and how the applicant will achieve the London borough of Tower Hamlets requirements. The total noise level from all the plant combined should not exceed LAeq 38 dB (5-minutes) at the nearest or agreed representative residential premises.

LBTH Environmental Health (Commercial –health and safety)

7.6 Does not wish to comment.

LBTH Transportation and Highways

7.7 This minor material amendment application does not have significant highway impact to the consented scheme hence our previous comments on PA/13/00803 remain valid. In addition to previous highways comments, cycle stands on the ground floor for visitors to the developments should be provided.

LBTH Waste Policy and Development

7.8 These amendments do not affect the waste strategy and storage arrangements. So there is no need for further comments. Previous comment precedes.

Environment Agency

7.9 No comments to add with regards to the variation of condition 2.

Port of London Authority

7.10 No objection to the minor material amendment.

Greater London Authority (GLA)

7.11 The principle and impacts of the development have been established and the proposed changes do not raise any strategic planning issues. The Council may proceed to determine the application without further reference to the GLA.

National Grid

7.12 It is highly likely that there are gas services and associated apparatus in the vicinity which the applicant should be made aware of.

Thames Water

7.13 Prior approval of Thames Water is required if the applicant proposes to discharge to a public sewer. No objection in terms of sewer infrastructure capacity or water infrastructure capacity,

8. LOCAL REPRESENTATION

8.1 A total of 726 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been placed around the site.

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

No of individual responses:

Objecting: 1
Supporting: 0
Comment: 0

8.3 The objection was received by a planning agent representing the owner of 16 Pepper Street, London, E14 9RP and can be summarised as follows:

- The previous application deliberately circumvented the application being referred to the Mayor of London as it was not over 30m in height or 10,000sqm.
- The additional height will impact upon the light to the windows on the flank of our client's building and it will also increase the sense of enclosure.
- Impact on rights of light, although it is acknowledged that this is not a material planning consideration.

(OFFICER COMMENT: the Mayor of London was consulted on the previous application but declined to comment as it was not considered to be referable. This s73 application was referred to the Mayor of London who considered that it did not raise any strategic issues. The impact on neighbouring properties is considered below)

8.4 The planning permission PA/13/00803 which this section 73 application is seeking to amend also received one objection.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 Application under S73 of the Town and Country Planning Act for a minor material amendment to Planning Permission PA/13/00803 dated 13 December 2013 by way of varying condition 2 to be amended to reflect revised planning drawings set out above to allow the following:

- Infilling of part of the first floor, to provide an additional 400sqm (Gross Internal Area) within the approved building envelope and a further 666sqm (Gross Internal Area) of covered plant area to the sixth floor; and
- a subsequent change in roof profile to accommodate plant equipment, from 30m to 32.1m maximum height.

9.2 In light of the above, if granted the S73 application would result in planning consent for a data centre (use class B8) with a total overall increase in Gross Internal floor area (GIA) of 1,066sqm from 9,667sqm to 10,733sqm, and 1,108sqm increase Gross External Floor Area (GEA) from 9,975sqm to 11,083sqm. The existing office (use class B1) is 5,086sqm (GIA).

9.3 These minor material amendments are to permission (PA/13/00803) which permitted a change of use from business (Use Class B1) to data centre (Use Class B8), extensions to and refurbishment of Archway House including two additional floors of data centre use with associated plant.

9.4 In accordance with Planning Practice Guidance (which accompanies the National Planning Policy Framework), minor material amendments to extant planning permissions can be secured via a Section 73 application provided there is a suitably worded condition on the original permission which refers to the development being carried out in accordance with the approved plans Condition 2 of the extant permission PA/13/00803 such a condition, stating:

“The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.”

9.5 The substitution of plans to vary the permission would raise the following material considerations.

- Land-use Principles
- Design
- Amenity
- Highways and Transportation
- Energy and Sustainability

Land-use Principles

Increase in data centre (B8) floorspace

9.6 The site is located within the Isle of Dogs Activity Area. Policy DM1 of the Managing Development Document (2013) states that the Isle of Dogs Activity Area should provide a transition between the scale, activity and character of Canary Wharf and the surrounding places. The purpose of the borough’s Activity Areas is to consolidate the London-wide importance of those areas as locations for a mix of uses, including uses that support that centre. As such the expansion of an existing data centre that would support the role and function of Canary Wharf is acceptable in this location.

9.7 The principle of providing a B8 data centre development at the application site is supported in principle as it seeks to provide a continued employment use at the site and facilitates the delivery of ICT.

9.8 The proposed use is considered to be in accordance with site allocation 17 as set out in the Managing Development Document 2013 which seeks mixed-use development which includes commercial floorspace. The proposed additional floorspace is considered to continue to be consistent with Local Plan policy DM1 and Spatial Policy 01(1b) by complimenting the Canary Wharf major centre, in line with site allocation 17.

Design

Increase in height from 30m to 32.1m

9.9 The increase in height is not considered to have a detrimental impact on local townscape, strategic views or local views. The proposed height remains subservient to the adjoining Bellerive House which fronts on to the dockside. The additional two meters is not considered to have a material impact on views from Millharbour or Pepper Street particularly as the additional height proposed by the application is contained on the roof and set back from the already approved parapet level which is retained in this application. Indeed from ground floor level, the additional height would have a minimal impact on the experience of pedestrians navigating around the site.

Extended area of covered plant on the roof

9.11 The additional 666sqm of covered plant at the top of the proposed building is set back from the edge and is contained within a pitched roof structure. Local views demonstrate that while the covered plant is more visible from the street in some views due to the

additional height, however the additional floorspace is achieved by enclosing more of the central area of the building which is imperceptible from the street. There is an additional area of enclosed plant where the proposed building meets Bonnington House (western boundary) will not be visible from street level as it is hidden behind the screening at parapet level.

Additional floor area on first floor

- 9.12 In design terms, the external appearance of the building will be unchanged. The internal floor levels will remain appropriate for a commercial building following the proposed infilling at first floor level.
- 9.13 In principle the proposed amendments accord with Local Plan policies, however consideration should now be given to the impact of the additional building height in accordance with policies DM25 and DM26.

Amenity

Effect on daylight and sunlight received by neighbouring dwellings

- 9.14 The original planning permission PA/13/00803 considered the impact of the development in terms of daylight/sunlight, and concluded that *“on balance the [daylight/sunlight] results are considered acceptable, given the dense urban context and wider site allocation aspirations, together with recent consents for nearby proposals which had a similar degree of impact to neighbours”*.
- 9.15 This application is supported by a daylight/ sunlight report which reaches the same conclusions as the one submitted in support of PA/13/00803. The additional enclosed plant area and increase in roof height will not, on its own, result in any further material deterioration of daylight sunlight conditions for neighbouring sites (including extant planning permissions) compared to the assessment submitted in support of the original planning permission PA/13/00803.
- 9.16 As such it is considered that the results remain acceptable, given the dense urban context and wider site allocation aspirations, together with recent consents for nearby proposals which had a similar degree of impact to neighbours 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.

Outlook / sense of enclosure

- 9.17 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. There is not considered to be significant detrimental impact in terms of a loss of light or privacy in the context of this location compared to the extant permission PA/13/00803 as the additional height proposed by the application is contained on the roof and set back from the already approved parapet level which is retained in this application.
- 9.18 The proposed development will be located in a similar position to the existing buildings of Archway House albeit extended towards the neighbouring 45 Millharbour (Prichard House) site which has an extant planning consent for a residential development. The proposed data centre will not present issues of overlooking/loss of privacy as the lightweight cladding system incorporates a pattern of recesses and openings rather than windows.

- 9.19 The adjoining Bellerive House and Bonnington House are employment uses and therefore it is not considered that the proposal will result in any typical amenity concerns such as overlooking/loss of privacy.
- 9.20 The separation distance between the extant consents (as set out in the relevant planning history sections of this report) for residential development at No. 47 and No. 45 Millharbour (to north) is approx. 12 m. The proposed separation distance is increased to approx. 18m.
- 9.21 In summary, the development would not detrimentally overlook existing and potential neighbouring sites and would protect the privacy and amenity of existing and potential neighbouring residential occupants. The development accords with MDD policy DM25 in this respect

Noise Disturbance (Impact on Neighbouring Residents)

- 9.22 The proposals include the installation of plant and ventilation at roof level. The application site is adjacent to a number of residential properties, including properties in Pepper Street and Millharbour. A condition would be placed on any permission to ensure any mechanical or electrical plant is at least 10 dB lower than the existing ambient noise level at any residential or sensitive commercial receptor at the required operating times. The Council's Environmental Health department is satisfied with the submitted noise/acoustic report prepared by Applied Acoustic Design which set outs the existing background noise level and how the applicant will achieve a total noise level from all the plant combined of LAeq 38 dB or below at the nearest or agreed representative residential premises.
- 9.23 The proposal is therefore considered to comply with Policy DM25 of MDD which requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlight or daylight conditions or overshadowing to surrounding open space and will not create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Highways and Transportation

- 9.24 The increase in floorspace is proposed without any change to car parking or access. Vehicular access to the site would be retained as per the original planning permission PA/13/00803 which resulted in an overall reduction in car parking spaces on site from 22 spaces to 8 spaces (including 2 disabled spaces) compared to existing levels which remains in accordance with local plan policy DM22 which seeks a maximum of 8 spaces. This reduction of car parking spaces is considered to be acceptable and in accordance with borough policies to encourage the use of more sustainable forms of transport given the reduction in spaces proposed.
- 9.25 The Framework Travel Plan submitted with the application indicates that an additional 22 cycle parking spaces could be made available. This leads to a total provisional level of cycle parking of 40 spaces which is considered sufficient to provide for the additional employees associated with the uplift in floorspace. The initial level of cycle parking is policy compliant with a degree of future flexibility should the monitoring process identify the need for more cycle parking, to be secured within the Travel Plan

Energy and Sustainability

- 9.26 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency. The proposals aim to reduce CO2 emissions by ~70% through energy efficiency, heat reclaim to supply the offices and free cooling. This strategy is supported by the Sustainable Development Team and is to be secured through an appropriately worded Condition. This exceeds the 50% reduction in CO2 required by Policy DM29 of the local plan.
- 9.27 Policy DM29 within the Managing Development Document 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 commercial development to achieve a BREEAM rating of 'excellent'.
- 9.28 In terms of sustainability, London Borough of Tower Hamlets requires all non-residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document
- 9.29 The submitted pre-assessment demonstrates how the development is currently designed to achieve an Excellent rating. This is supported and the achievement of a BREEAM Excellent rating should be secured via an appropriately worded Condition with the final certificate being submitted to the council within 3 months of occupation.

Planning Contributions

- 9.30 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.31 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).
- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed. The amounts have been negotiated based on the Millennium Quarter tariff which planning obligation monies to deliver local infrastructure.

Financial Obligations

- a) An additional contribution of £95,473 towards Millennium Quarter Infrastructure.

Total: £95,387

- 9.36 This is in addition to the contribution of £399,371 (towards Millennium Quarter Infrastructure) secured on the original consent PA/13/00803 which will be carried forward. The total financial contribution will now be £494,844 towards Millennium Quarter Infrastructure. Officers consider that the financial contributions being secured to be appropriate, relevant to the proposed development and to accord with the relevant statutory and policy tests.

Community Infrastructure Levy

- 9.37 The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April 2012. As outlined above, the proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £37,310. This is an initial estimation. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

Financial considerations

- 9.38 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires local planning authorities (and the Secretary of State) to have regard to the following:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and
 - Any other material consideration.

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

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.39 These issues need to be treated as material planning considerations when determining planning applications or planning appeals.

Human Rights Considerations

- 9.40 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:-

- 9.41 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".
- 9.42 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.
- 9.43 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.
- 9.44 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.
- 9.45 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.46 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.
- 9.47 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

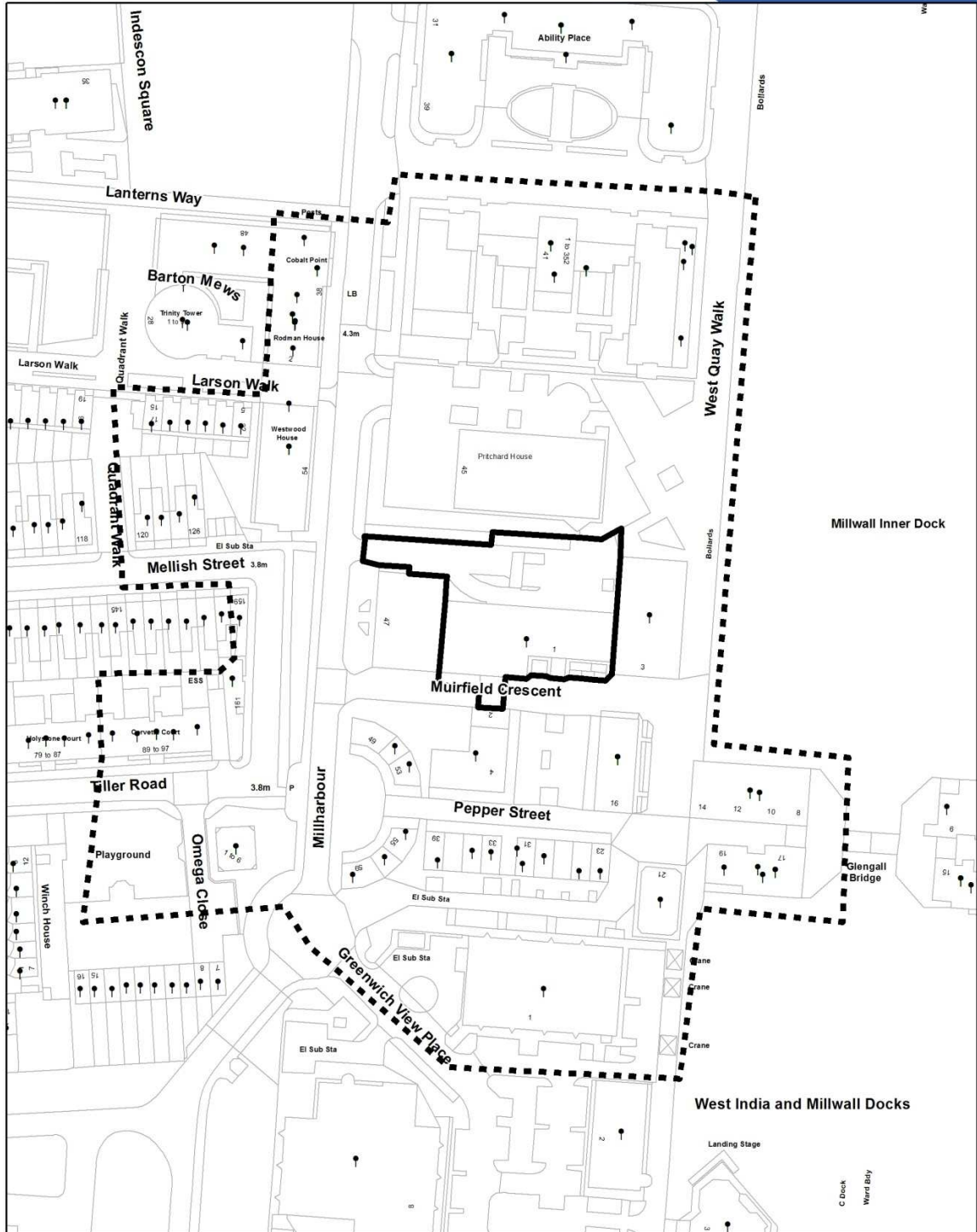
- 9.48 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard 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.

9.49 As discussed above, the proposed development will provide contributions to local infrastructure which are recommended to be secured by a section106 agreement and recommended conditions address, in the short-medium term, the potential perceived and real impacts of construction on the local community, and in the longer term support community wellbeing and social cohesion.

10 CONCLUSIONS

10.1 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out above and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/14/00604



	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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