

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 8 October 2015 at 7.00 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor Danny Hassell
Councillor Helal Uddin, Councillor Asma Begum, Councillor Andrew Cregan, Councillor
Muhammad Ansar Mustaqim, Councillor Shahed Ali, Councillor Gulam Robbani and
Councillor Julia Dockerill

Deputies:

Councillor Khaled Uddin Ahmed, Councillor John Pierce, Councillor Denise Jones,
Councillor Oliur Rahman, Councillor Md. Maium Miah and Councillor Suluk Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 6 October 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 7
October 2015**

Contact for further enquiries:

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

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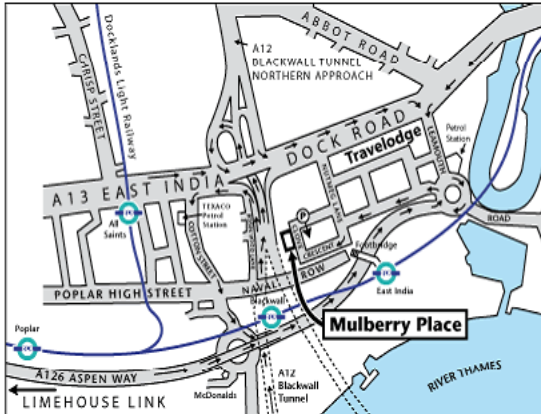
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APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 16)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 27th August 2015.

3. RECOMMENDATIONS

To RESOLVE that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS	19 - 20	
5 .1 Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London (PA/14/03195)	21 - 142	Canary Wharf

Proposal:

The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.

Recommendation:

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

6. PLANNING APPLICATIONS FOR DECISION	143 - 144	
6 .1 Land at 160-166 Chrisp Street (PA/15/00039)	145 - 202	Lansbury

Proposal:

Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide 254 residential units (comprising 99 x 1 bed; 100 x 2 bed; 51 x 3 bed: 4 x 4 bed), together with associated car parking, amenity space, child playspace, gym and infrastructure works (REVISED DESCRIPTION)

Recommendation:

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

6 .2 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641) **203 - 266** **Lansbury**

Proposal:

Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.

Recommendation:

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

6 .3 2 Trafalgar Way, London (PA/15/02668) **267 - 286** **Blackwall & Cubitt Town**

Proposal:

Application for Deed of Variation to section 106 agreement dated 10 Nov 2009 ref PA/08/01321 (as amended by a Deed of Modification dated 9th December 2014), ref: PA/14/01771

Recommendation:

That the Committee resolve to APPROVE a modification under s106A of the 1990 Planning Act of the 2009 Agreement (as modified by the 2014 Agreement) subject to any direction by The London Mayor and the prior completion of a second deed of modification to secure planning obligations.

Next Meeting of the Strategic Development Committee

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Melanie Clay Director of Law Probity and Governance and Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 27 AUGUST 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Julia Dockerill

Other Councillors Present:

Councillor John Pierce

Apologies:

None.

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Beth Eite	– (Deputy Team Leader, Development and Renewal)
Shay Bugler	– (Planning Officer, Development and Renewal)
Tim Ross	– (Deputy Team Leader - Pre-application Team, Development and Renewal)
Alison Thomas	– (Acting Service Head Strategy Sustainability and Regeneration, Development and Renewal)
Gareth Gwynne	– (Planning Officer, Development and Renewal)
David Knight	– (Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

5.1 Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.(PA/14/03548& PA/14/03618)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item reminding Members that the application was initially considered at the 21st July 2015 meeting of the Committee where it was resolved to defer the application to enable Officers to prepare a supplementary report setting out proposed detailed reasons for refusal and the implications of the decision. The Committee noted that Officers had considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan

2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and had concluded that:

- The scheme would provide an employment led mixed use development appropriate in this City Fringe location which has been identified as part of the 'Tech-City' cluster. The scheme provides over 30,000 sq. m. of B1 (Office) space suitable for small and medium-sized enterprises (SMEs) which accords with the Tech City aspirations and supported by both the London Plan and Local Plan policies.
- The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the predominantly vacant and underutilised buildings which currently occupy the site.
- The applications had been subject to extensive consultation with local residents and interested groups. The approach to heritage and design is supported by Tower Hamlets Officers, Historic England, CABE and the Council's Conservation Design Advisory Panel as it is considered to represent a combination of sensitive restoration and retention of heritage assets whilst incorporating high quality new buildings that would preserve and enhance the character and appearance of the Elder Street Conservation Area. Where harm to designated heritage assets is identified this is less than substantial and outweighed by the public benefits of the scheme.
- The development would provide a suitable mix of housing types and tenure including a maximum acceptable provision of affordable housing given the viability constraints of the site.
- The housing would be of suitably high quality, providing a good standard of amenity for the future residents in accordance with housing standards. Subject to conditions, there would be no significant impact upon the amenities of neighbouring residents.
- Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- The scheme would be liable to both the Mayor's and the Borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

In summary, in view of the merits of the proposed development scheme Officers remained of the view that the scheme should be granted planning permission. Members were also reminded of the reasons for refusal and that whilst it was the professional view of the Officers that a refusal could be defended it was commented that the chances of success were limited.

In response to further questions Members indicated that they would have wished to have received a viability study relating to the scheme so as to assist them in making their decisions. The Committee also confirmed their view that there was insufficient provision of housing within the proposed scheme and that the proportion of affordable housing was too low. In addition, the Committee still felt that the impact of the scale and massing of the proposal on the setting of the Elder Street Conservation Area and the loss of Heritage was not acceptable.

Planning Permission (PA/14/03548)

On a vote of 0 in favour of the Officer recommendation to grant planning permission 4 against and 1 abstention the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor John Pierce proposed and Councillor Danny Hassell seconded a motion that the recommendation to grant planning permission not be accepted (for the reasons set out below) and on a vote of 4 in favour; 0 against and 2 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at the Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

Members confirmed their view to refuse the scheme in view of concerns over the loss of heritage and subsequent harm to the conservation area as well as the lack of housing within the scheme, combined with the lack of affordable housing as a proportion of the housing.

Listed Building Consent (PA/14/03618)

On a vote of 0 in favour of the Officer recommendation to grant listed building consent 4 against and 2 abstentions, the Committee did not agree the Officer recommendation to grant consent.

Accordingly, on a vote of 5 in favour, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant listed building consent be **NOT ACCEPTED** at the Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Land at 160-166 Chrisp Street (PA/15/00039)

Shay Bugler (Development Management - Case Officer) presented a report that outlined the proposal for the demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

The Committee heard that:

- 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 (as amended and consolidated March 2015) and national guidance (National Planning Policy Framework) (NPPF) and local guidance along with all other material considerations and has found that the loss of vacant existing industrial buildings onsite was considered by officers to be acceptable onsite given that the surrounding area is predominantly residential in character and the site is located outside a Local Industrial Location. The proposed residential development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child play space;
- The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. There are 55 social rent units proposed. The 4 houses proposed form a terrace (i.e. two are semi-detached and two are terrace dwellings);
- The report explained that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location;
- The proposal would not give rise to any undue detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise nuisance and other amenity impacts would also be mitigated so as not to cause undue detrimental impacts to future residents;
- Whilst the transport matters including parking, access and servicing area are acceptable, the transport contributions through planning charges have yet to be agreed;
- The application is recommended for approval subject to the completion of a Section 106 agreement which would secure 35% affordable housing by habitable rooms and a contribution towards employment

during the construction phase and end use phase skills and training, and a Community Infrastructure Levy payment.

The Chair then invited registered speakers to address the Committee.

Carole O' Keefe local resident spoke in opposition to the application. She objected that the scheme did not properly consider the issue of mixed social housing; the implications for the existing residents of the noise and dust in the adjacent streets caused by the construction of the development and the loss of light for habitable rooms of neighbouring properties once completed.

Ben Thomas then spoke in support of the application on behalf of the applicant and stated that the development was designed so as to minimise the impact for the neighbours in terms of privacy and loss of daylight. The Committee heard that 30 residents had indicated that they supported the scheme. Also the scheme was designed so that bedrooms would not be overlooked by living rooms; there would also be a good quality communal area with 500 sq. metres of well-designed play space; a £50,000 contribution based on an agreed methodology would be made by the developer to the provision of local amenities; £525,973.00 had been secured from the Community Infrastructure Levy for improvements to the local Education/Health Infrastructure; the proposal had also been developed in accordance with the principals of "Secured by Design"; the private amenity space has been set in accordance with policy at 5 sq. metre for 1-2 person dwellings with an extra 1 sq. metre for each additional occupant. However, the combined policy requirement for communal and child play space should be 1321 sq. metres and the development has only 1204 sq. metres on site although the play space would be of a high quality. In addition, Langdon Park is easily accessible from the site being less than 5 minutes walking distance.

In response to further questioning the Committee heard that:

- Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. Whilst the primary method of assessment is through calculating the vertical sky component (VSC). It was noted that this is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that if 'direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants; and the "No Sky Line (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.
- Of the windows that had been tested only two would actually experience any reduction in VSC of more than 20% from existing and these will experience a 30% reduction. Those two windows would experience only a minimal change in number of windows that would

experience reductions in NSL and would be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

- There are also a number of windows that would experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms would be left with sky visibility to more than 50% of the room area 1-11 Rifle Street.
- 49 of the 74 windows assessed do not meet the BRE standard with 33 experiencing reductions of up to 30% from existing and 8 experiencing reductions of more than 30%, with the worst affected window experiencing a reduction of 70% from existing. It is however relevant that the windows most affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.

In summary in view of the merits of the scheme Officers remained of the view that the scheme should be granted planning permission subject to the recommendations set out in the report:

In response to further questions Members indicated that whilst in principal they supported the development of the site but they had concerns regarding the following:

- (i) Height bulk mass;
- (ii) Impact on amenity of neighbouring properties;
- (iii) The lack of a study on the impact upon the social infrastructure;
- (iv) The density; and
- (v) Shortfall of play space.

With regards point (iii) the Committee felt that it should have received more details on the developments impact upon the neighbourhood's social infrastructure (i.e. ability of the local schools and doctor's surgery's to absorb the additional numbers of people it was envisage would be living in these new properties). The Committee took the view that without this information a decision could not be taken.

Planning Permission (PA/15/00039)

On a vote of 1 in favour of the Officer recommendation to grant planning permission 4 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly on vote of 4 in favour, 1 against and 1 abstention it was **RESOLVED** that the Officer recommendation to grant planning permission be **NOT ACCEPTED** in respect of Land at 160-166 Chrisp Street

Members were minded to refuse the scheme in view of concerns over the height; bulk and mass, suitability of the neighbourhood's social infrastructures; impact on amenity of neighbouring properties, density and the lack of play space.

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

6.2 Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP (PA/15/01209)

Gareth Gwynne (Development Management - Case Officer) presented a report that outlined the site location and the existing site use. The Committee noted that the development would require the demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping. The main points of the discussion on this application maybe summarised as follows:

The Committee noted that:

- The impact of the proposal upon these London View Management Framework (LVMF) views had been subject of considerable discussion with officers both during pre-application discussions and since submission;
- The Council's Environmental Impact Assessment - Screening & Scoping Opinions had concluded the proposed development is considered to likely lead to significant effects on views of the White Tower which is situated within the Tower of London and London Wall Scheduled Ancient Monument. The Screening Opinion also considered that the proposed development is likely to lead to significant effect on views looking north east from within the Inner Ward and the north Wall Walk of the Tower of London.
- There had been a number of planning application representations including the Corporation of London, Historic England and Historic Royal Places with comments on the effect of the scheme on heritage assets, and in particular effects on the views of the Tower of London World Heritage Site. All three aforementioned consultation bodies raised concerns regarding the adverse effects of the scheme on LVMF 25A.2 and 25A.3 and objected accordingly. Historic England had also queried that there did not appear sufficient public benefits been included as part of this submission to offset (justify) this harm. Accordingly, following the receipt of revisions comprising of a one

storey reduction and revised wireframe visualisation drawings for the revised scheme, these three consultation bodies individually concluded the proposed development would reduce the adverse effect on these LVMF views, and removed their respective objections.

- There are no existing residential neighbours in close proximity to the proposed building scheme (i.e. within 28m) to the development. The Aldgate Place development when complete will provide the nearest residential neighbour set at a minimum 15.5m distance. This separation distance will be set across a busy arterial road and within this context it is not considered that the minimum separation distance poses any unduly significant additional privacy issues to neighbouring future residents.
- The applicant has also agreed to mitigate the site specific impacts of the development including an upgrade to the public realm on Half Moon Passage and Camperdown Street; provide 14 construction phase and 7 end phase apprenticeships; provide market discounted affordable rent incubator space for small enterprises, delivered by an affordable workspace with individual office/desk space let on a flexible letting basis including very short term contractual lets; and has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.
- The development as with all 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. Accordingly, mitigation measures are proposed including a canopy of trees flanking either side of Half Moon Passage. Furthermore detailed mitigation measures will be required as part of a planning condition, informed by the detailed results of the wind tunnelling modelling of the scheme, and a comprehensive set of mitigation measures need to be provided to the local planning authority and included in the finalised design details of the scheme in terms of treatment of the elevations, landscaping and detailing of the roof terraces for approval.
- That the London Mayoral Community Infrastructure Levy (CIL) became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated to be around £2,312,360 (Crossrail minus Mayoral CIL). In addition, this application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £2,259,350.

Accordingly, the Committee on vote of 6 in favour, 0 against and 1 abstention, it was **RESOLVED**:

- 1 That the Committee resolve to grant planning permission subject to:
- A. Any direction by The London Mayor
- B. The prior completion of a legal agreement to secure the following section 106 planning obligations:

Financial Obligations:

- a) A contribution of £678,979 towards end user employment, skills, training;
- b) A contribution of £157,684 towards construction phase skills and training;
- c) A contribution of £448,200 towards Carbon Offsetting; and
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions **£1,284,863**, plus monitoring contribution.

Non-financial contributions

- e) Public realm/shared surface treatment improvements on Camperdown Street and Half Moon Passage;
- f) Provision of 1,210sq.m of flexible lease affordable rent workspace for the life of development;
- g) At least 14 apprenticeships to be delivered during the construction phase of the development;
- h) At least 7 apprenticeships during end-user phase to be delivered over the first 3 years of occupation;
- i) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough;
- j) 20% of goods/service during construction to be procured from businesses in Tower Hamlets;
- k) Permanent public access/walking route across Half Moon Passage from Camperdown Street and Braham Street; and
- l) License with Transport for London for oversailing highway.

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

The meeting ended at 9.15 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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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>	 Scan this code to view the Committee webpages.
<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). 	 Council’s Constitution

Agenda Item 5

Committee: Strategic Development	Date: 8 th October 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
21 st July 2015	PA/14/03195-Full Planning Permission	Two Sites: Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London	The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.	Insufficient provision of affordable housing and the affordability of the family sized intermediate units. Lack of supporting infrastructure to accommodate the density of the scheme in particularly the additional car parking and servicing from the development.

3. CONSIDERATION OF DEFERRED ITEMS

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

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

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

- PA/14/03195- Full Planning Permission Two Sites: Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Strategic	Date: 8 th October 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Nasser Farooq	Ref No: PA/14/03195- Full Planning Permission
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Two Sites:
Site 1 Land at 3 Millharbour and
Site 2 Land at 6, 7 and 8 South Quay Square, South
Quay Square, London

Existing Uses: A number of low-rise buildings, including a print works,
an engineering company and a vacant Audi sales yard
on Millharbour and the Great Eastern Enterprise
Commercial Centre (totalling approximately 4,692 sqm
of floorspace) and a cleared site to the north on
Millharbour East.

Proposal: The demolition and redevelopment with four buildings:
Building G1, a podium with two towers of 10 - 38 storeys
and of 12 - 44 storeys;
Building G2, a four floor podium with two towers of 34
and 38 storeys inclusive of podium;
Building G3, a tower rising to 44 storeys; and
Building G4, a four floor podium with a tower of 31
storeys inclusive of podium.

The development proposes:
1,513 new homes in a mix of units and tenures (private,
social-rented and intermediate);
a new primary school with nursery facilities;
further education uses (total D1 floorspace 13,525 sqm
with a fall back that 4,349 sqm of this floorspace could
also be used in full or part as D1 or D2 leisure
floorspace, if necessary);
5,820 sqm of flexible commercial floorspace
(B1/D1/D2/A1/A2/A3 and/or A4);
two new public parks including play facilities, a new
north-south pedestrian link and landscaping including
works to conjoin the plots into the existing surrounding
urban fabric;
387 car parking spaces (for residential occupiers, blue

badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

Additional Drawings/ Documents	0204_SEW_MW_1106 01
	0204_SEW_MW_1107 01
	0204_SEW_MW_1108 01
	0204_SEW_MW_1109 02
	0204_SEW_MW_1110 02
	0204_SEW_MW_1111 02
	0204_SEW_MW_1112 02
	0204_SEW_MW_1207 02
	0204_SEW_MH_1303 01
	0204_SEW_MW_1304 01
	0204_SEW_6006 01
	0204_SEW_MH_6303 01

Millharbour Village West G2 Alternative Scheme
Revision 1
Statement of Environmental Impact Assessment (EIA)
Validity Addendum
Millharbour Village – Briefing Note
Response to tentative Highways Reason for Refusal
0204 Millharbour Village Accommodation Schedule

2. BACKGROUND

- 2.1 This application for planning permission was considered by the Strategic Development Committee on 4th June 2015. A copy of the original report is appended.
- 2.2 The Committee deferred the application in order to visit the site, to better understand the proposals and their effect on the surrounding area.
- 2.3 A site visit was carried out on 13th July 2015 and the application was presented to Strategic Development Committee on 21st July 2015. A copy of the deferred report is also appended.
- 2.4 At the Strategic Development Committee of 21st July 2015, members were minded NOT TO ACCEPT officer recommendation for the following reasons:
 - Insufficient provision of affordable housing and the affordability of the family sized intermediate units.
 - Lack of supporting infrastructure to accommodate the density of the scheme in particularly the additional car parking and servicing from the development.

- 2.5 In the intervening period, the applicant has amended the proposal to remove the 19 three bed intermediate units and replace them with a selection of studio, one and two bedroom units, all within the intermediate tenure.
- 2.6 This report has been prepared to discuss the implications of the reasons for refusal and to discuss amendments carried out by the applicant following discussions to the scheme.

3. PROPOSED REASONS FOR REFUSAL

1. The proposed development by providing 26.7% affordable housing fails to represent a sufficient level of affordable housing. The proposal also includes a number of unaffordable intermediate units, as such; the proposed development is contrary to policies 3.11 and 3.12 of the London Plan (2015), policy SP02 of the adopted Core Strategy and policy DM3 of the Managing Development Document (2013)

2. The proposed development by virtue of its excessive density would fail to provide a sustainable form of development and have an unacceptable impact on the local highway network. As such, the proposal would be contrary to the Development Plan, in particular policies 3.4, 3.5, 6.3, 7.4, and 7.7 of the London Plan (2015), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

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

4.0 CONSIDERATION

- 4.1. It is the professional view of officers that the above reasons for refusal could be defended at appeal; however there are a number of constraints that could affect a successful outcome. These are set out below:

Affordable Housing

- 4.2. Comments were raised by members with regard to the lack of affordable housing within the scheme. Policy SP02 of the Core Strategy requires developments to provide 35-50% affordable housing, however this is subject to viability and whether the scheme can afford that percentage of affordable housing.
- 4.3. London Plan (2015) policy 3.12 (Negotiating affordable housing) requires any negotiations on site to take into account their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.
- 4.4. In this case the applicant has submitted a viability assessment that concludes that the development can only viably deliver 26.6% affordable housing. The assessment has included further information requested by the Council via its independent assessor and has demonstrated the maximum level of affordable housing has been provided within the development. This has been independently tested on behalf of the Council and the conclusions found to be sound. As such, given this is the maximum affordable housing that the scheme can provide, a refusal reason based upon the low proportion of affordable housing within the scheme would be challenging to successfully argue on appeal.
- 4.5. In relation to the affordability of the three bedroom intermediate units, this matter was addressed in the deferred report to SDC on 21st July 2015. In summary, officers considered that the 19 three bed intermediate units would be affordable in line with the GLA affordability criteria.
- 4.6. Notwithstanding this, the applicant has agreed to amend the scheme to omit the 19 family sized intermediate units. This is discussed further within the following section of this report.

Lack of supporting infrastructure

- 4.7. The second reason for refusal is based on a lack of supporting infrastructure to accommodate the density of the development in particular in relation to car parking and servicing.
- 4.8. The application as presented to members previously proposed 1500 new residential units (the implications of the increase in units following amendments to the mix are discussed in the following section). Based on the Managing Development Document car parking standards, a total 486 car parking spaces could be provided and they would be considered policy compliant. This equates to 0.32 spaces per residential unit.
- 4.9. In this instance, the applicant is proposing 244 car parking spaces of which 233 would be designated residential spaces (0.15 spaces per unit). This is

significantly below the maximum level of parking that would be allowed by policy. As such, whilst the density proposed within this application is above the maximum level stated within the London Plan, it is difficult to suggest the increase in density above the London Plan Matrix has had a consequential impact on the level of parking.

- 4.10. It is also important to note, the level of car parking proposed within this development whilst being below the maximum level for the density proposed, is also below the maximum level of parking that would be allowed within a scheme that meets the density threshold.
- 4.11. Lastly, the sites already contain 100 car parking spaces. As such, it may be difficult to justify the refusal of 1500 residential units and other associated benefits based on a net gain of 144 car parking spaces. Officers consider an appropriate balance between the number of units and car parking has been struck.
- 4.12. In relation to servicing, both Millharbour East and Millharbour West have been designed to accommodate servicing on site. This is the approach advocated by Council officers as it seeks to minimise servicing directly from the Councils Highways. Both locations are supported by officers, in particular the location on Millharbour East which is the subject of the concerns raised.
- 4.13. With Millharbour East being a rectangular block, four potential options exist to locate the servicing:
- 1) Dock side (Millwall Inner Dock)
This is perpendicular from the Millharbour which is the nearest LBTH highway. It would involve creating a path for vehicles to turn onto the dockside potentially impeding the public realm proposed by the development.
 - 2) Between G1 and the Millharbour East Park
The proposed development has been designed to a pocket park which provides direct access to residential units within G1. To create a new servicing route in this location would not only impede the retail uses which are currently designed to front onto the park, but potential result in a smaller park.
 - 3) Directly from Millharbour
If servicing was to take place directly from Millharbour, it could result in vehicles backing up onto Millharbour which is a scenario that highways officers would be unlikely to support.
 - 4) Service between Pan Peninsular
Off the four options, officers consider this to be the most logical and appropriate solution. The servicing entrance itself is located nearer to the dockside which minimises any potential disruption to the local highway network.
- 4.14. In terms of impact from servicing, it is important to note that Millharbour East is smaller of the two car parks and has 92 spaces for residential units,

Millharbour West on the other hand has 141 spaces. As such, the level of usage for the stretch of private road is likely to be infrequent.

- 4.15. The applicant’s transport consultant has provided the following table outlining the likely usage during peak hours:

Table 3: Predicted Residential Arrivals and Departures from the Basement Car Parks

Hour Commencing	Millharbour East		Millharbour West	
	Arrive	Depart	Arrive	Depart
07:00	2	5	3	7
08:00	7	14	10	20
09:00	4	6	6	9
16:00	5	5	7	8
17:00	7	5	11	7
18:00	11	6	16	8

- 4.16. These figures are based on greater car usage at the proposed site, than what was measured at two adjoining sites as shown in the following table:

Table 4: Comparison of Parking Provision and Vehicular Trips Rates

Development	Number of Units	Car Park Spaces per Unit	Cars Departing	Departure Rate per Unit
Indecon Court	427	0.407	12	0.0281
Pan Peninsular	762	0.320	30	0.0394
Millharbour Village	1,500	0.153	61	0.0407

- 4.17. As such, whilst members have raised concerns over car parking and servicing, the information provided by the applicants Transport Consultant has been reviewed by both TfL and the boroughs Transportation and Highways Team and considered acceptable.
- 4.18. As advised previously, a service management plan is recommended by condition, and should members not be satisfied with this, a condition requiring a layby to be provided can also be secured.
- 4.19. Lastly, in relation to social infrastructure it is important to note, whilst the scheme does exceed the density range within the London Plan matrix, it proposes significant levels of social infrastructure which would not only benefit this development but also the broader location.
- 4.20. This includes two generously sized pocket parks and the provision of three educational uses, including a new state primary school. There is no obligation within the site allocation to provide this infrastructure and as such, these represent a strong benefit from the proposal.

Third Reason for Refusal

- 4.21. Whilst the third reason was not requested by members, it is recommended to safeguard the Councils position, to secure the requested s106 obligations include affordable housing, should the applicant choose to appeal the decision.

5.0 AMENDMENTS TO THE SCHEME

- 5.1. Following committee, at the request of officers the applicant has agreed to consider amendments to the scheme to address members concerns.
- 5.2. Following consideration of various options, the applicant has agreed to omit the 19 three bedroom intermediate units from the scheme and sought to replace them with a mixture of studios, one bedroom and two bedroom units.
- 5.3. The resulting change to the development is shown in the following tables:

	Studio	1 bed	2 bed	3 bed	4 bed	Total
Open market	153	367	471	181	3	1175
Affordable Rent	0	32	52	146	10	240
Intermediate	1	23	42	19	0	85
TOTAL	154	422	565	346	13	1500
Total as %	17	47	63	38	1	

Table 1: scheme as presented to committee

	Studio	1 bed	2 bed	3 bed	4 bed	Total
Open market	153	367	471	181	3	1175
Affordable Rent (Borough Framework Rent)	0	32	52	0	0	84
Affordable Rent (Social Target Rent)	0	0	0	146	10	156
Intermediate	8	42	48	0	0	98
TOTAL	161	441	571	327	13	1513
Total as %	18	49	63	36	1	

Table 2: Scheme as proposed

- 5.4. As a result of the changes the number of units increase by 13, however the overall number of habitable rooms falls by 13.
- 5.5. The number of habitable rooms per hectare falls from 1785 to 1779, whilst the number of units per hectare increases from 647 to 652.
- 5.6. Due to the loss of 13 habitable rooms within the Intermediate sector the percentage of affordable housing within the development has fallen slightly from 26.7% to 26.4%
- 5.7. The following table shows the resulting mix against policy requirements.

		affordable housing						market housing			
		Affordable rented			intermediate			private sale			
Unit size	unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	STUDIO	161	0	0	0%	8	8	0%	153	13	0%
1 bed	1 BED	441	32	13	30%	42	43	25%	367	31	50.00%
2 bed	2 BED	571	52	22	25%	48	49	50%	471	40	30.00%
3 bed	3 BED	327	146	61	30%	0	0	25%	181	15	20%
4 bed	4 BED	13	10	4	15%	0	0		3	0	
5 bed	5 BED	0	0	0	0%	0	0		0	0	
6 bed	6 BED	0	0	0		0	0		0	0	
Total		1513	240	100%	100%	98	100%	100%	1175	100%	100%

- 5.8. With the changes in the Intermediate sector to omit the three bedroom units, the scheme fails to provide any Intermediate family sized units against a policy target of 25%.
- 5.9. The increase in intermediate units, results in a mix of 71:29 between rented and intermediate and ensures the proposal better complies with the Councils Housing mix target of 70:30.
- 5.10. As the overall number of units has increased the demand for private amenity space has increase by 13sqm. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 1543sqm.
- 5.11. A total of 1934sqm of communal amenity space is provided within the development, and this is located within the four blocks at podium or roof level terraces.
- 5.12. In relation to child play space, the proposed loss of the intermediate three bedroom units, results in a reduction in child playspace requirements from 4504sqm to 4403sqm. In any event, the proposed child play space of 5068sqm exceeds both figures.

Rent Levels

- 5.13. In addition, following committee the applicant has clarified that the viability report undertaken by the applicant has considered the three and four bedroom units within the scheme as social rent as opposed to borough framework rents. As such, the proposed development delivers 146 three bedroom and 10 four bedroom units at social target rents. Given, this is factored within the applicants viability report this does not have any further impact on the viability of the scheme.
- 5.14. For ease of reference the following are the rent levels considered within the application.

	Weekly Borough Framework Levels for E14 Postcode (INCLUSIVE of Service Charges)	Weekly Social Target Rents
1 bed	£224	
2 bed	£253	
3 bed		£148
4 bed		£155

- 5.15. Whilst the housing mix has changed, and the lack of three bed intermediate units move away from policy, officers do not consider this change to materially affect the scheme to an extent that would change officers recommendation to committee .

6.0 IMPLICATIONS OF THE DECISION

- 6.1. Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):
- 6.2. A future “call in” by the London Mayor. There is a chance the scheme could be called in by the London Mayor, given the level of support within the stage 1 response from the GLA.
- 6.3. A “call in” or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents. Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which could potentially result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).
- 6.4. The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

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

- 6.5. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122). Whilst officers consider that the obligations sought do meet those tests, the decision will ultimately fall to the Inspector and so there is the possibility at least that he/she may form a different view.
- 6.6. Whatever the outcome, your officers would seek to robustly defend any appeal

7.0 RECOMMENDATION

- 7.1 Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION**, subject to conditions and the completion of a s106 legal agreement.

Committee: Strategic	Date: 21 st July 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Nasser Farooq	Ref No: PA/14/03195- Full Planning Permission
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Two Sites:
Site 1 Land at 3 Millharbour and
Site 2 Land at 6, 7 and 8 South Quay Square, South
Quay Square, London

Existing Uses: A number of low-rise buildings, including a print works, an engineering company and a vacant Audi sales yard on Millharbour and the Great Eastern Enterprise Commercial Centre (totalling approximately 4,692 sqm of floorspace) and a cleared site to the north on Millharbour East.

Proposal: The demolition and redevelopment with four buildings:
Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys;
Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium;
Building G3, a tower rising to 44 storeys; and
Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.

The development proposes:
1,500 new homes in a mix of units and tenures (private, social-rented and intermediate);
a new primary school with nursery facilities;
further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary);
5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);
two new public parks including play facilities, a new north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric;
387 car parking spaces (for residential occupiers, blue

badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

2. BACKGROUND

- 2.1 This application for planning permission was considered by the Strategic Development Committee on 4th June 2015. A copy of the original report is appended.
- 2.2 The Committee deferred the applications in order to visit the site, to better understand the proposal.
- 2.3 At the time of writing, a site visit is in the process of being arranged w/c 13th July 2015. Members will have the opportunity to report back on their findings at the next meeting of the Strategic Development Committee on 21st July 2015.
- 2.4 At the Strategic Development Committee of 4th June 2015, the following four matters were deliberated in greater detail and this report provides further discussions on these matters.
 1. Child Play Space
 2. Affordability of the Intermediate family sized homes
 3. Re-provision of the existing uses (in particular Lanterns)
 4. Servicing Route on Millharbour East

3. FURTHER REPRESENTATIONS

- 3.1. Following the deferral of the application by the Committee, the Council has received the following additional representations.

Consultation Response

- 3.2. Secure by Design Officer, no objections for the development to proceed as long as it shall incorporate measures to minimise the risk of crime according to the requirements of Secured by Design.
- 3.3. One letter of objection has been received since the June committee. The objection has suggested a communal garden should be built instead of a residential tower on Millharbour East.
- 3.4. The Council has received various correspondents from Lanterns Nursery, Studio Theatre and School of Performing Arts (Lanterns) explaining the nature of the business, upcoming events and endorsements of outside bodies. In addition, the applicant has copied the Council into a letter sent to Lanterns.

3.5. This matter is discussed further within the following section of the report.

4. UPDATE ON RELEVANT PLANNING HISTORY

4.1. Following adverse recommendations from the Councils Planning Department, two planning applications at “50 Marsh Wall” and “54 Marsh Wall” listed within paragraphs 4.58 and 4.59 of the original committee report, under the heading of applications ‘under consideration’ have been withdrawn by their applicants. Consequently, they no longer form part of the applications under consideration within the relevant planning history.

4.2. For ease of reference these applications originally proposed the following:

50 Marsh Wall, 63-69 and 68-70 Manilla Street (PA/14/03281)

Application received for demolition of all buildings on site to enable redevelopment to provide three buildings of 63, 20 and 32 storeys above ground comprising 685 residential units (Class C3), 273 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3 and A4), re-provision of open space, provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant (as amended).

54 Marsh Wall (PA/14/002418)

Application received for the demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.

5. ISSUES RAISED BY THE COMMITTEE

Child Play Space

5.1. At the last committee, officers understood there to be two issues in relation to child play space, firstly whether the development mitigates against the collective impact of this development and the adjoining development (2 Millharbour) and secondly whether the quality of the child play space, in particular reference to its various locations was an acceptable approach.

5.2. In relation to the first issue, it is advised that each planning application is considered on its own planning merits. The planning application at 2 Millharbour which has a resolution to grant following the Strategic Development Committee of 23rd April 2015, originally had a deficit of 444sqm of Child Play. Following amendments undertaken by the applicant, that deficit was reduced to 191.5sqm and on balance, when taking into account the

merits of the scheme, the provision of on-site children’s play space was considered acceptable in its own right.

- 5.3. Within this application the proposed child play space exceeds the minimum policy requirements by 564 sqm. As such, whilst both applications are considered on their own merit. Collectively the child play space provided across the sites as considered within the UDF exceeds policy by 372.5sqm. Furthermore, the majority of playspace across all the sites is at ground floor level and enables children from both development to access spaces across both sites.
- 5.4. In relation to the location of the child play space, the table below outlines the distribution of child play space within the development, across the proposed buildings.
- 5.5. For the avoidance of doubt, the proposed communal amenity space also exceeds policy requirements by 394sqm (there is no double counting of either type of open space) and as such, the Child Play Space would not be provided at the expense of Communal Amenity Space.

	Child Play Space			
	0-5 m ²	6-11m ²	12+ m ²	Total m ²
West Park	549	654	147	1350
East Park	0	971	1030	2001
Block G1				
G1 Level 1 Podium	288			288
G1 Level 7	229			229
G1 Level 9	136			136
Block G2				
G2 Level 4	271	134		405
Block G3				
Level 00	159	72		231
Block G4				
Level 1	62			62
Level 2	135			135
Level 3	135			135
Level 27	96			96
Total	2060	1831	1177	5068

Table 1: Showing the distribution of playspace

- 5.6. From the above table, and the applicant’s Design and Access Statement, it is clear that a specific strategic approach has been taken towards planning child play space within the scheme.
- 5.7. Firstly, in relation to the two parks, the West Park has been designed to accommodate a variety of playspaces for different age groups. This is reflected in its designed with various types of play equipment’s to encourage its use as a ‘destination play’. The eastern park has been designed as more open grassland to encourage the elder play groups.

- 5.8. The majority of child play space proposed at podium level and above, is focussed on the 0-5m² age group, which would be a more private, confined environment. Whilst not shown above, in many instances the child playspace is complemented by communal amenity space located adjacent to it to ensure supervisory space is provided.
- 5.9. In addition, the playspace has been equally divided between the two sites and also within each individual block to ensure equal access towards child play space for all tenures within the development. The approach also ensures as each part of the development is built, the requisite amount of child play space is also provided.
- 5.10. Member's raised concerns over the amount of playspace above ground floor level. The table below outlines the percentage of child play space within different levels of the building.

	Total M ²	%
Ground Floor	3582	70.6
Level 1	350	7
Levels 2-10	1040	20.5
Levels 10+	96	1.9

Table 2 Showing % of playspace at various levels

- 5.11. As members will note, the vast majority of playspace is within the lower levels of the development, with just 96m² or 1.9% above level 10 (at level 27 of Block G4)
- 5.12. Officers consider the overall quantum and quality of the child play space to be of a high standard and thus acceptable within the proposed development. This is a view shared by the GLA (on behalf of the Mayor of London), within their stage 1 response, which says::

“44. The applicant has submitted a comprehensive and innovative play strategy, for which it should be commended....45. The overall approach to play and recreation will ensure high-quality facilities will be provided that exceeds the needs of the children of this development. Critically, the development will also provide publically accessible external play opportunities set within areas of public open space, which is strongly supported.”

Affordability of the Intermediate family sized homes

- 5.13. This issue first arose during the course of the determination of 2 Millharbour (PA/14/01246), when the applicant chose to omit the 3 bedroom intermediate units on the basis that they were not affordable to residents.
- 5.14. Since 4th June's Strategic Development Committee, the applicant and housing colleagues have further considered whether the intermediate family are

affordable within this location. Based on the information provided on Indecon Court which is the nearest comparable site having recently been completed, it is considered that the 3 bedroom intermediate units, are currently affordable and meet the upper ends of the GLA affordability criteria.

- 5.15. It is also noted that the requirement to provide a mix of units within the Intermediate tenure is found within policy DM3 of the Managing Development Document, which requires 25% of the intermediate accommodation to be family sized accommodation. In this instance, the applicant by providing just 20% falls below this policy aim. As such, officers do not feel there would be adequate grounds in planning policy terms to insist on the removal of the 19, three-bedroom intermediate units from the scheme, which are already below the level advocated by policy.

Re-provision of the existing uses (in particular Lanterns)

- 5.16. Whilst, the application was deferred from committee to enable members to carry out a site visit, the opportunity was given for Lanterns School(s) and the applicant Galliards to continue discussions over a possible lease to enable Lanterns to move across within the new development.
- 5.17. From various correspondents which officers have been copied into, both parties have indicated a willingness to continue discussions. It is not clear whether these discussions have taken place.
- 5.18. In terms of planning policy, officers have worked closely with the applicant to ensure the application would re-provide the existing D1 floorspace within the development, it is outside the control of the planning system and the Council to target a specific end user for the D1 space, however in recognition of the desire for Lanterns to remain in this location, the space has been designed to accommodate their specific needs including the provision of a bespoke theatre space at basement level. This floorspace and its letting is a private commercial arrangement outside the scope of planning and it is a matter for the applicant and prospective tenants to reach a solution.
- 5.19. In the event any of the existing commercial providers (Lanterns or Montessori) are unable to take the premises provided within the scheme, the Section 106 agreement is to include a planning obligation to ensure the space will be marketed for an alternative education use, thereby ensuring that the education focus of the development is promoted in the first instance.

Servicing Route on Millharbour East

- 5.20. The final issue raised was servicing. Members were concerned whether there was adequate space for two large vehicles to pass along the new access route from Millharbour East.
- 5.21. This was a matter considered by the applicant who advised that the width of the road had been designed to be wide enough based on the dimensions found within the DCLG's Manual for Streets. This was received by the

Councils Transportation and Highways officer who considered the information satisfactory and that this matter can be dealt with via a delivery and servicing management plan condition.

- 5.22. Should members not be satisfied with this, a condition requiring a layby to be provided can also be secured.

6. RECOMMENDATION

- 6.1 Officers do not wish to change their original recommendation to **GRANT PLANNING PERMISSION**, subject to conditions and the completion of a s106 legal agreement.

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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

21st July 2015

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal / Title
7.1	PA/14/03195	Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London	<p>The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.</p> <p>The development proposes: 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);</p>
8.1	PA/14/03548 and PA/14/03618	Land bounded by Elder Street, Folgate Street, Blossom Street, Norton Folgate, Shoreditch High Street and Commercial Street, E1	<p>Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed use purposes comprising buildings of between 4 and 14 storeys to provide B1 (office), A1 (retail), A3 (restaurants and cafés), A4 (public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and all necessary ancillary and enabling works, plant and equipment.</p>
8.2	PA/15/01229	Thirly-Eighth Floor, One Canada Square, London, E14 5AA	<p>Change of use of Level 38, One Canada Square from Class B1 (Offices) to Class D1 (Non-Residential Institution).</p>

8.3	PA/15/0039	Land at 160-166 Chrisp Street	Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thlrteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.
8.4	PA/15/01208	Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP	Demolition of all existing structures and erection of a mixed use development comprlsng flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maxlimum height of 88.15m AOD to parapet, and associated public realm landscaping

Agenda Item number:	7.1
Reference number:	PA/14/03195
Location:	Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London
Proposal:	<p>The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.</p> <p>The development proposes: 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);</p>

1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Since the publication of the deferral report, various representations have been received from the applicant and the director of Lanterns Arts Nursery/Lanterns Studio Theatre/Lanterns School of The Performing Arts. In addition, a comment has been received from local ward Cllr Andrew Wood.
- 1.2 In summary, the representations explain the position of both the applicant and director of 'Lanterns' following the previous Strategic Development Committee. They confirm a meeting has taken place to discuss the retention of Lanterns within the development. However, to date an agreement has not been reached.
- 1.3 Officers welcome the discussion that has taken place, however maintain the discussions are separate matters outside the scope of this planning application.

2 Typographical Error

- 2.1 Section 3.3 of the original report to committee (6th June 2015) lists under non-financial obligations, an obligation for 'Alternative Employment uses' this should read 'Alternative Education uses'. The purpose of this obligation is to require the D1 use to be marketed for a defined period for education uses to ensure the education led designed is maintained in the event the existing operators are unable to occupy these spaces.

3 RECOMMENDATION

- 3.1 Officers' original recommendation to **GRANT** planning permission for the proposal as set out in the report to the Development Committee remains unchanged

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Committee: Strategic	Date: 04/06/2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Nasser Farooq	Ref No: PA/14/03195- Full Planning Permission
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Two Sites:
Site 1 Land at 3 Millharbour and
Site 2 Land at 6, 7 and 8 South Quay Square, South
Quay Square, London

Existing Uses: A number of low-rise buildings, including a print works, an engineering company and a vacant Audi sales yard on Millharbour and the Great Eastern Enterprise Commercial Centre (totalling approximately 4,692 sqm of floorspace) and a cleared site to the north on Millharbour East.

Proposal: The demolition and redevelopment with four buildings:
Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys;
Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium;
Building G3, a tower rising to 44 storeys; and
Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.

The development proposes:
1,500 new homes in a mix of units and tenures (private, social-rented and intermediate);
a new primary school with nursery facilities;
further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary);
5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);
two new public parks including play facilities, a new

north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric;
387 car parking spaces (for residential occupiers, blue badge holders and for a car club);
cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

Drawing and documents:

General drawings:

0204_SEW_MH_0001 00 and 0204_SEW_MH_0002 00

Masterplan drawings:

0204_SEW_MH_6000 01, 0204_SEW_MH_6001 01,
0204_SEW_MH_6002 00, 0204_SEW_MH_6003 00,
0204_SEW_MH_6004 00, 0204_SEW_MH_6005 00,
0204_SEW_MH_6006 00, 0204_SEW_MH_6022 00,
0204_SEW_MH_6047 00, 0204_SEW_MH_6301 00,
0204_SEW_MH_6302 00, 0204_SEW_MH_6303 00,
0204_SEW_MH_6304 00, 0204_SEW_MH_6305 00,
and 0204_SEW_MH_6306 00

Millharbour East Drawings:

1501_HG_ME_1100 01, 1501_HG_ME_1101 01,
1501_HG_ME_1102 00, 1501_HG_ME_1103 00,
1501_HG_ME_1104 00, 1501_HG_ME_1105 00,
1501_HG_ME_1106 00, 1501_HG_ME_1107 00,
1501_HG_ME_1108 00, 1501_HG_ME_1109 00,
1501_HG_ME_1110 00, 1501_HG_ME_1111 00,
1501_HG_ME_1112 00, 1501_HG_ME_1113 00,
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1501_HG_ME_1303 00, 1501_HG_ME_1304 00,

Millharbour West Drawings:

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0204_SEW_MW_1104 00, 0204_SEW_MW_1105 00,
0204_SEW_MW_1106 00, 0204_SEW_MW_1107 00,
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0204_SEW_MW_1207 01, 0204_SEW_MW_1301 00,
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0204_SEW_MW_1306 00, 0204_SEW_MW_1307 00,
0204_SEW_MW_1308 00

Landscape Drawings:

0204_SEW_MH_7000 00, 0204_SEW_MH_7001 00,
0204_SEW_MH_7002 00, 0204_SEW_ME_7100 00,
0204_SEW_MW_7100 00, 0204_SEW_ME_7200 00,
0204_SEW_ME_7201 00, 0204_SEW_ME_7202 00,
0204_SEW_ME_7203 00, 0204_SEW_MW_7200 00
and 0204_SEW_MW_7201 00.

Documents

- Environmental Statement Addendum April 2015
- Environmental Statement Addendum 2 19th April

2015

- Environmental Statement Non-Technical Analysis April 2015 prepared by Signet Planning
- BRE Daylight/ Sunlight Report dated October 2014 prepared by GVA
- Planning Statement dated November 2014 prepared by Signet Planning
- Energy Strategy dated 30.10.2014 rev 5 prepared by Hoare Lea
- Health Impact Assessment dated October 2014 prepared by Public Health by Design
- Obtrusive Light Assessment prepared by Hoare Lea Lighting
- Retail and Economic Assessment dated November 2014 prepared by Signet Planning
- Statement of Community Involvement October 2014 prepared by Signet Planning
- Sustainability Statement dated 30.10.2014 rev5 prepared by Hoare Lea
- Telecommunications and Electronic Interference
- Utilities Summary Report dated 5.11.14 prepared by Hoare Lea
- Millharbour Village Design and Access Statement 2014
- Flood Risk Assessment
- Transport Assessment dated November 2014 prepared by URS
- Environmental Statement
- BS5837 Arboricultural Report, Arboricultural Implications Assessment and Method Statement dated 4th September 2014 prepared by Arbor Cultural
- Pedestrian Level Wind Microclimate Assessment dated October 8th 2014 prepared by RWDI
- Ground Investigation Phase 1 dated February 2013 prepared by BWB
- Preliminary Ecological Appraisal January 2014 prepared by URS
- Phase 1 and 2 Preliminary geotechnical and geo-environmental assessment dated September 2014 prepared GB Card & Partners

Applicant:	Millharbour LLP
Ownership:	Millharbour LLP plus LBTH (Highway between the two sites)
Historic	None

Building:
Conservation None
Area:

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) consolidated with alterations since 2011 including the National Planning Policy Framework and has found that:
- 2.2. The proposed redevelopment of this vacant brownfield sites for a residential-led development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the site's Millennium Quarter Site allocation within the Managing Development Document (2013).
- 2.3. The scale and form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/consented buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local views.
- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. The development, which has been designed to retain the existing educational uses and the provision of a 2Form primary school with a nursery is strongly supported and would help provide additional infrastructure on site to cater for educational needs arising from this and surrounding developments.
- 2.7. Transport matters, including parking, access and servicing are on balance considered acceptable. Whilst the parking is higher than the level sought by LBTH Transportation and Highways it is below the adopted policy requirements.
- 2.8. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.

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:

Financial Obligations:

- a) A contribution of £431,714.00 towards employment, skills, training and enterprise.
 - b) A contribution of £30,021.00 towards End User
 - c) A contribution of £411,133.00 towards Carbon Offsetting
 - d) A contribution of £ (2%) of the total financial contributions would be secured towards monitoring.
- Total Contribution financial contributions £890,325.00

Non-financial contributions

- e) Delivery of 26.6% Affordable Housing comprising of 240 rented units and 85 Shared ownership units.
 - f) Phasing Plan to ensure timely delivery of affordable housing
 - g) Permit Free for future residents
 - h) S278 agreement for highway works including: financial contribution for loss of trees
 - i) Public Art
 - j) 72 Apprenticeships and work placements
 - k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
 - l) Public access retained for all public realm
 - m) Implementation and monitoring of Travel Plan
 - n) Delivery of public access route across site (2 and 3 Millharbour)
 - o) Delivery of education building shell and core
 - p) Alternative Employment uses
 - q) Viability Re-appraisal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 - 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
 - 3.6. Conditions
Prior to Commencement' Conditions:
 1. Construction management plan

2. Risk Assessment
3. Feasibility for transportation by water
4. Surface water drainage scheme
5. Ground contamination
6. Tree Survey

Prior to completion of superstructure works conditions:

7. Location of ground floor cycle spaces
8. Secured by design measures
9. External materials
10. Biodiversity enhancement measures.
11. Public realm / landscaping details
12. Odour mitigation for A3 use
13. CCTV and lighting plan
14. Mechanical Ventilation to proposed schools
15. Wind mitigation measures
16. Section 278 agreement including
17. Relocation of Cycle docking stations/ Coach Parking
18. Waste Management Plan

Prior to Occupation' Conditions:

19. Contaminated land
20. Access strategy
21. Education uses
22. Management plan including hours for D1 Use
23. Delivery and servicing plan
24. Code for sustainable homes
25. Verification report on groundwater conditions

'Compliance' Conditions –

26. Permission valid for 3yrs
27. Hours of use of A3/A4
28. Restriction on Retail uses
29. Development in accordance with approved plans
30. Energy
31. Heat network
32. Renewable energy
33. Electric vehicle charging points
34. Very Good Internal Noise Standards
35. No Gates Means of Enclosure
36. Cycle parking
37. Lifetime homes

3.7. Informatives

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames water informatives
- 5) Environmental Health informatives

- 6) London City Airport
- 7) Real time departure screens

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the sites to provide 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses; commercial floorspace two new public parks including play facilities, a new north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric; car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.
- 4.2. In relation to the housing, 1175 is to be market, 85 intermediate units and 240 rented units. This provision is set out below, as well as the mix by tenure.

Number and Percentage of units and habitable rooms by tenure

	Number of units	%	Habitable Rooms	%
Open Market	1175	78	3039	73
Affordable rent	240	16	854	21
Intermediate	85	6	249	6
TOTAL	1500	100	4142	100

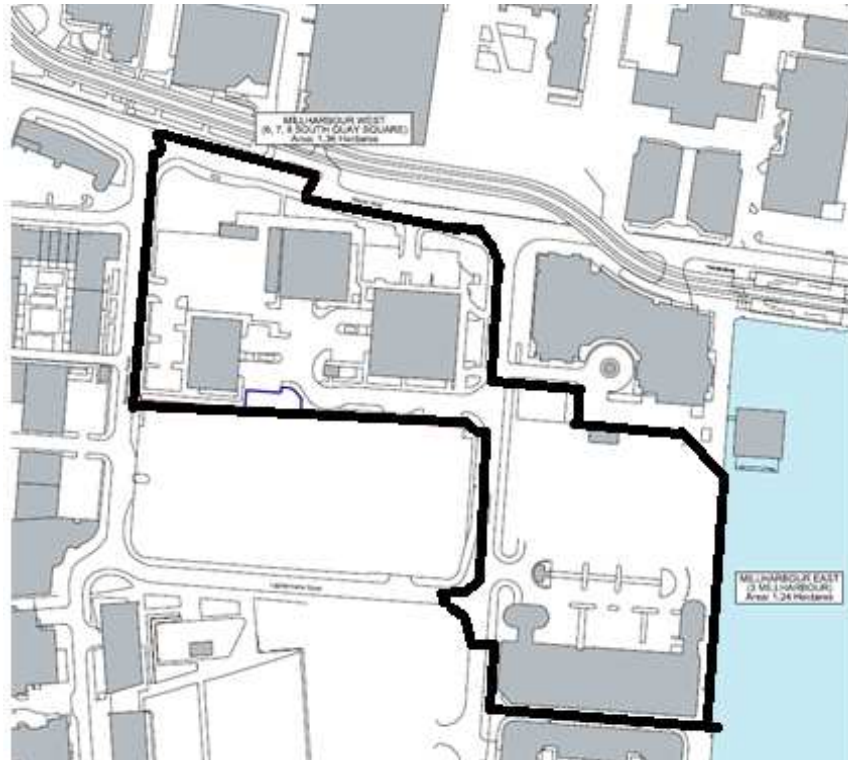
Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open market	153	367	471	181	3
Affordable Rent	0	32	52	146	10
Intermediate	1	23	42	19	0
TOTAL	154	422	565	346	13
Total as %	17	47	63	38	1

- 4.3. The proposal would also contain a basement containing car parking, ancillary residential space and space for refuse and plant.

Site and Surroundings

- 4.4. The application site is located within the Isle of Dogs and involves 2.58 hectares of previously developed land. The site is located on two plots of land on either side of Millharbour (“Millharbour West” and “Millharbour East” respectively).
- 4.5. Millharbour West is bound by Marsh Wall to the north, the 2 Millharbour site to the south, Mastmaker Road to the west and the Millharbour East site and Pan Peninsular to the east.
- 4.6. Millharbour East is bound by Pan Peninsular to the north, the docks are to the eastern edge of the Site and Ability Place to the south. The western boundary of the Site is bound by Millharbour; the Millharbour West site.
- 4.7. The following plan shows the extent of the site.



- 4.8. To the south lies 2 Millharbour, referred to as 'Millharbour South'. This site along with the application site are shown in the following aerial photograph. The Council has been engaged in pre-application discussions for the redevelopment of all three sites as part of an Urban Design Framework ("UDF") known as 'Millharbour Village'. The main aim of the UDF was to ensure a holistic approach is taken for all three sites so they are developed comprehensively. Millharbour South has a resolution to grant planning permission following SDC on April 23rd 2015.
- 4.9. The following aerial view, shows the relationship of the three Millharbour village sites in relation to surrounding developments.



- 4.10. To the north of Millharbour East site lies Pan Peninsula, comprising two residential towers of 38 and 48 storeys. To the west of Millharbour West lies Phoenix Heights, a mixed-tenure residential building ranging in height from 3 to 23 storeys, situated at 4 Mastmaker Road.
- 4.11. A development referred to as 'Indecon Court' is located further to the south west off Lighterman's Road. It comprises a recently completed residential-led development set around a landscaped square.
- 4.12. Lincoln Plaza, comprising two towers of 12 and 32 storeys and a 10-storey 'Rotunda' building is currently under construction on the southern side of Lighterman's Road. This development will deliver a mix of residential, hotel/serviced apartments, leisure and commercial floorspace.
- 4.13. Smaller-scale and older commercial development, comprising two-storey 'warehouse' buildings, occupy land to the west of the Site. This site is currently being used as a school.
- 4.14. South Quay DLR station, located on Marsh Wall is situated to the north east of both sites, there are also four bus routes operating within close proximity of the Site.
- 4.15. The Site is currently occupied by a number of low-rise buildings, including a print works, an engineering company and a vacant Audi sales yard on Millharbour West (totalling approximately 4,034 sqm of floorspace) and the Great Eastern Enterprise Commercial Centre (totalling approximately 4,692 sqm of floorspace) and a cleared site to the north on Millharbour East.

- 4.16. The Great Eastern Enterprise Centre houses River House Montessori Primary School and the Lanterns Arts Nursery, Lanterns School of Performing Arts and the Lanterns Studio Theatre (hereinafter referred to as the “Montessori School” and “Lanterns School” respectively).

Designations

- 4.17. The site is within the London Plan’s Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London’s world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.18. The site is allocated within the Council’s Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.19. The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.20. 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.
- 4.21. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.22. The site is within the London City Airport Safeguarding Zone.
- 4.23. The site is within the London Plan Views Management Framework (LVMF), of particular relevance are the views from the General Wolfe Statue in Greenwich Park and the view of the tower of London and Tower Bridge from London Bridge.
- 4.24. The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

Environmental Impact Assessment

EIA Regulations

- 4.25. 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 amended) as

an 'urban development project' and is likely to have significant effects on the environment.

- 4.26. 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.
- 4.27. The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

EIA Scoping

- 4.28. An EIA Scoping Report was submitted to LBTH in December 2013 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 5th February 2014 and the EIA was informed by this document.

Environmental Information

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

- Air Quality
- Archaeology
- Built Heritage
- Ecology and Nature Conservation
- Ground Conditions
- Microclimate – Wind
- Noise and Vibration
- Socio-Economics
- Daylight, Sunlight and Overshadowing
- Townscape & Visual Impact
- Transport
- Waste Management
- Water Resources

- 4.30. 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 (as amended). Where appropriate, reference was made to other relevant documents submitted with the planning application.

- 4.31. 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.

- 4.32. In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 4.33. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 4.34. 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.
- 4.35. The ES, other relevant documentation submitted with the planning application, clarification information, consultation responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 4.36. This application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 3: The Proposed Development of this ES (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 4.37. The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 4.38. Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate. These matters are discussed further within the 'Material Planning Considerations' section of the report.

Relevant Planning History on the application site/surrounding area

Application site

Both sites

PA/09/01942

- 4.39. Redevelopment of both sites to provide a mixed use scheme including 9 buildings reaching between 7 and 46 storeys, comprising 1,643 residential units (Use Class C3), 44,938 sqm of office space (Use Class B1), 2,859 sqm of flexible retail space (Use Classes A1/A2/A3/A4/A5), 2,800 sqm community centre

(Use Class D1), 1,636 sqm leisure space (Use Class D2), 132 serviced apartments (Sui Generis), public open space, car parking and servicing areas, hard and soft landscaping areas, ancillary plant, and alterations to existing vehicular and pedestrian access.

Withdrawn 22/02/2010

Millharbour East

PA/98/00639

- 4.40. Great Eastern Enterprise Centre, 3 Millharbour, planning permission granted for the conversion of office space to health and fitness club.
Approved on 17/09/1998

PA/08/02623

- 4.41. Unit C, Great Eastern Enterprise Centre, 3 Millharbour, London, E14 9XP planning permission granted for the Change of use from business (B1) to education (D1) for a temporary period from 1st January 2009 to 31st March 2011.
Approved with a temporary consent 03/03/2009. This consent has now expired.

Millharbour West

PA/99/01516

- 4.42. Redevelopment to create two office blocks, 13 and 15 storeys high, comprising a total gross area of 65,683 sq.m. with a casino (970 sq. m.) in the basement of Building 6; ground floor retail units totalling 5.075 sq. m. floorspace; basement car parking (105 spaces); new access off Mastmaker Road and a central public piazza. (Outline application-Revised).
No decision made and application closed off.

PA/04/01186

- 4.43. Erection of a 21 storey building to be used for office purposes, a 10 storey 216 bedroom hotel, 5 retail units, 359 residential units in buildings between 8 and 22 storeys together with basement parking and servicing.
Application withdrawn
- 4.44. A number of planning applications have been submitted within the vicinity and these have been referred to within the public representations received for this application.

Built

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

Consented / Implemented but not fully built out

- 4.47. "Hertsmere House (Colombus Tower)" PA/08/02709 granted 2nd December 2009, for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1- A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping (Maximum height 242 metres AOD).
- 4.48. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sq.m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq.m).
- 4.49. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239m AOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.50. "Newfoundland" PA/13/01455 granted 10th June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.51. "40 Marsh Wall" PA/10/1049 granted 15th November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.52. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".
- 4.53. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The

main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5m AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15m AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;

- 4.54. "Arrowhead Quay" PA/12/3315 planning permission granted on 19th February 2015 for the erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.55. "1-3 South Quay Plaza" PA/14/944. Planning permission granted on 31st March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.56. "Meridian Gate" PA/14/01428 planning permission granted on 6th March 2015 for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).

Under consideration

- 4.57. "30 Marsh Wall" PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity

space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

4.58. "50 Marsh Wall, 63-69 And 68-70 Manilla Street

Application received for demolition of all buildings on site to enable redevelopment to provide three buildings of 63, 20 and 32 storeys above ground comprising 685 residential units (Class C3), 273 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3 and A4), re-provision of open space, provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant (as amended).

4.59. "54 Marsh Wall" PA/14/002418

Application received for the demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.

Resolution to Grant

4.60. Land at 2 Millharbour

The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys.

New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.

Resolution to grant following presentation to committee on 23rd April 2015.

5. POLICY FRAMEWORK

5.1. 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.

5.2. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

5.3. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

5.4. London Plan (consolidated with further alterations) adopted March 2015

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education Facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to 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
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Building London's neighbourhoods and communities
 - 7.2 An inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.7 Location and design of tall and large buildings
 - 7.8 Heritage assets and archaeology
 - 7.9 Heritage led regeneration
 - 7.10 World heritage sites
 - 7.11 London view management framework
 - 7.12 Implementing the London view management framework
 - 7.13 Safety, security and resilience to emergency
 - 7.14 Improving air quality
 - 7.15 Reducing noise and enhancing soundscapes
 - 7.18 Protecting local open space and addressing local deficiency
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodland
 - 7.30 London's canals and other river and waterspaces
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
 - SP02 Urban living for everyone
 - SP03 Creating a healthy and liveable neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with waste
 - SP06 Delivering successful employment hubs
 - SP07 Improving education and skills
 - SP08 Making connected Places
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - DM2 Local shops
 - DM3 Delivering Himes
 - DM4 Housing standards and amenity space
 - DM8 Community infrastructure
 - DM9 Improving air quality
 - DM10 Delivering open space

DM11 Living buildings and biodiversity
 DM12 Water spaces
 DM13 Sustainable drainage
 DM14 Managing Waste
 DM15 Local job creation and investment
 DM16 Office locations
 DM18 Delivering schools and early education
 DM20 Supporting a Sustainable transport network
 DM21 Sustainable transportation of freight
 DM22 Parking
 DM23 Streets and the public realm
 DM24 Place sensitive design
 DM25 Amenity
 DM26 Building heights
 DM27 Heritage and the historic environments
 DM28 World heritage sites
 DM29 Achieving a zero-carbon borough and addressing climate change
 DM30 Contaminated Land

5.7. **Supplementary Planning Documents include**

Planning Obligations SPD – LBTH – January 2012
 Draft Sustainable Design and Construction SPG (July 2013)
 Shaping Neighbourhoods: Character and Context - draft (February 2013)
 Housing Supplementary Planning Guidance (November 2012)
 Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
 Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
 London View Management Framework SPG (March 2012)
 London World Heritage Sites - Guidance on Settings SPG (March 2012)
 SPG: Planning for Equality and Diversity in London (October 2007)
 SPG: Sustainable Design and Construction (May 2006)
 SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

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

5.9. **Other Material Considerations**

EH Guidance on Tall Buildings
 Seeing History in the View
 Conservation Principles and Practice
 Millennium Quarter Masterplan Guidance (2000)
 Emerging South Quay Masterplan
 Millharbour Village Urban Design Framework

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:

LBTH Parks and open spaces

6.3. No comments received.

LBTH Arboricultural Department

6.4. The 15 highway trees that are proposed to be removed provide considerable canopy cover/environmental benefits, and if removed, it will take many years to re-establish these benefits, even with a replanting ratio of 2-1. They are also Council assets if they are felled, equivalent replacement trees should be reflected in the planting scheme. These trees are important in the larger composition and it would be preferable if an engineering solution could be sought to retain them.

6.5. If retained, the highway trees situated in close proximity to the proposed development site should receive adequate protection to canopy and root zone during construction, possibly including the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment.

6.6. Of the remaining trees within the boundary of the proposed development, there are a number of healthy, mid aged trees, of good form (x13), that appear to be outside the footprint of proposed structures, that are worthy of retention. Trees with a diameter of breast height (DBH) of less than 75mm can be lifted and relocated.

6.7. Protection of existing trees should follow the measures set out in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations' Trees should be retained wherever feasible and appropriate.

6.8. *[Officer Comment: Conditions to ensure appropriate trees are planted and existing trees receive adequate protection during construction are recommended]*

LBTH Education

6.9. Education, Social Care and Wellbeing Directorate welcomes the proposed 2 forms of entry (FE) of primary school accommodation as part of this development. This will contribute to the supply of school places locally for families living in this area. The Local Authority has been involved with the proposal from an early stage and has had opportunities to comment on the proposal.

6.10. The school accommodation fits well in the available site area allowing good accessibility and providing an active street frontage. Two entrance points for

pupils are included which is good practice to prevent congestion at the start and end of the school day.

- 6.11. The internal accommodation is well laid out and conforms to current good design practice guidance. The classrooms are regular in shape and there is logical suiting of year group classrooms to facilitate the organisation of the school.
- 6.12. The internal accommodation is compliant with DfE Building Bulletin 99 standards and provides the appropriate amount of non-classroom spaces (hall, library, group rooms) as well as non-teaching support space.
- 6.13. There is ground floor external play area for the nursery and Reception classes which is directly accessible from the classrooms in accordance with good practice.
- 6.14. External play areas are on the 2 upper levels in the form of terraces. Whilst the split of the areas may involve some additional supervision for the school, the overall available area will allow for active play areas as well as areas for quiet play. There is sufficient space to include a MUGA (playcourt). The overall area provided at all levels broadly complies with the BB 99 standard for external area on a confined site.
- 6.15. *[Officer Comment: These comments have been noted, the Education Team have also requested conditions on opening hours and boundary treatment which are recommended to this application]*

LBTH Environmental Health - Contaminated Land

- 6.16. Environmental Health Contaminated Land have reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with.
- 6.17. *[Officer Comment: The suggested condition is recommended to this application]*

Environmental Health - Air Quality

- 6.18. Mechanical Ventilation is essential in the proposed school with the inlet drawing in air from a less polluted area to protect the health of the future pupils.
- 6.19. *[Officer Comment: The relevant mechanical ventilation is to be conditioned]*

Environmental Health – Noise and Vibration

- 6.20. No comments received.
- 6.21. *[Officer Comment: Whilst no comments have been received, this matter has been fully considered within the Environmental Statement, and in line with neighbouring consents conditions are recommended to ensure noise and*

vibration is appropriately controlled during construction and also during the operation of any noise generating commercial uses]

Communities, Localities and Culture (CLC)

- 6.22. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.23. *[Officer Comment: Following the adoption of LBTH CIL, officers are unable to secure s106 contributions for these matters as they NOW are covered by CIL]*

Natural England

- 6.24. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.25. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 6.26. *[Officer Comment: These comments have been noted]*

Port of London Authority

- 6.27. No comments received.
- 6.28. *[Officer Comment: In line with surrounding sites, a condition requiring the feasibility of transport by freight is recommended to the consent]*

Canal and Rivers Trust (CaRT)

- 6.29. After due consideration of the application details, the Canal & River Trust has no objection to the proposed development, subject to the imposition of suitably worded conditions and the applicant first entering into a legal agreement to secure a financial contribution to wider area.
- 6.30. The suggested conditions relate to surface water discharge and a waterway wall survey. A planning obligation is sought to offset the impact of the development upon the dockside.
- 6.31. *[Officer Comment: These comments have been noted. The relevant conditions are recommended to the consent. In relation to the financial contribution, officers consider these now fall under CIL so the authority is now unable to secure it]*

London City Airport (LCY)

- 6.32. LCY has no safeguarding objection. However, in the event that during construction, craning or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.33. *[Officer Comment: This is noted and an informative advising the applicant of this is recommended to this consent]*

Historic England

- 6.34. LVMF View 11B.2 includes Tower Bridge as seen from the south end of London Bridge. The proposed development will be visible within the frame of Tower Bridge's two towers. A possible outcome of this is a reduction in the legibility of the Towers as seen from London Bridge. This alteration of the bridge's setting is potentially harmful and needs to be fully understood before a decision can be made as to the scheme's justification.
- 6.35. The Council should ensure that the proposal will have the appearance of a background element and will not negatively impact on views of Tower Bridge. In order to achieve this, the kinetic views of the bridge between LVMF 11B.1 and 11B.2 should be analysed in greater detail, and the cumulative impact of consented schemes should be differentiated from those which have been proposed.
- 6.36. This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 6.37. *[Officer Comment: This is noted and is discussed within the heritage section of the report]*

Historic England Archaeology (EHA)

- 6.38. EHA have advised the proposed development may affect remains of archaeological importance. However, further work is not required to be undertaken prior to determination of this planning application.
- 6.39. In the event planning permission is granted EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.
- 6.40. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended to this planning permission]*

Environment Agency (EA)

- 6.41. Environmental Agency have recommended a condition requiring a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA).

6.42. The Environmental Agency have advised that If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

6.43. *[Officer Comment: EA have advised on the wording of the condition, which is recommended to this planning permission]*

London Fire and Emergency Planning Authority

6.44. No comments received.

6.45. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary]*

Tower Hamlets Primary Care Trust

6.46. No comments received.

6.47. *[Officer Comment: Previously, the PCT have advised on a health contribution and this was covered within the s106 agreement. However, this is now covered by LBTH CIL]*

The Twentieth Century Society

6.48. No comments received

Network Rail Infrastructure Ltd.

6.49. No comments received.

The Victorian Society

6.50. No comments received

Thames Water Utilities Ltd.

The Waste Comments

6.51. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.

6.52. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.

Water Comments

- 6.53. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Supplementary Comments

- 6.54. To the east of the site within the boundary of the proposed development site is Millharbour Labs. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development.
- 6.55. [*Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission. The applicant has been made aware of the need to seek approval from Thames Water regarding proximity of buildings within 3m of public sewers*]

Greater London Authority

Housing

- 6.56. The principle of a housing-led redevelopment of this site to include 1,500 new homes is supported. However, there is a strategic concern regarding the significant quantum of emerging proposals and the potential barriers to the delivery of this development, which includes the need to secure the social and physical infrastructure required to support this very significant scale of growth.

School and community infrastructure

- 6.57. The re-provision of existing education floorspace is supported. However, in order to prevent void units, the applicant and the Council should provide further detail regarding the fall back position and which alternative users could be accommodated.
- 6.58. The inclusion of a new primary school as part of this application is strongly supported.

Open Space

- 6.59. The provision of public open space is strongly supported. The Millharbour Park East fully accords with the Blue Ribbon Network principles of the London Plan and helps provide a recreational setting to the dock.

Commercial Floorspace

- 6.60. The loss of the existing quantum of employment floorspace does not raise strategic concern. The proposed flexible floorspace including business use is supported.
- 6.61. *[Officer comment: the above comments on Housing, Social Infrastructure, Open Space and Commercial Floorspace have been noted and were relevant discussed further within the material planning section of the report]*

Retail

- 6.62. The inclusion of retail space as part of this development is of an appropriate scale to be ancillary to the residential and education uses and is therefore supported in accordance with London plan policy. The Council should restrict the overall quantum of flexible space to be provided as retail, in addition to limits on the size of individual units.
- 6.63. *[Officer comment: the overall size and quantum of the retail units will be conditioned to ensure they are off the sizes as shown on the submitted plans]*

Affordable housing

- 6.64. The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12.

Housing Choice

- 6.65. The applicant's approach to family housing provision appropriately prioritises affordable family homes and is supported.
- 6.66. A total of 154 studios are proposed, whilst the provision of studios is acceptable the applicant should review the proportion of studio units within the overall housing provision.

Density

- 6.67. The application includes the provision of two areas of public open space, as well as education facilities. The proposal responds positively to London Plan policies relating to housing quality and urban design. In this context, the density of the proposal does not in itself raise a strategic concern.

Housing Quality and Design

- 6.68. The applicant has responded positively to London Plan requirements regarding housing quality. All units meet London Plan space standards, and the approach to residential layout seeks to minimise the number of units per core as well as the proportion of single-aspect units.

Child Play Space

- 6.69. The applicant has submitted a comprehensive and innovative play strategy, for which it should be commended. The proposal incorporates 5,068sq.m of dedicated play space GLA is concerned that the illustrative design of the Child Play Space could be gated and controlled by the user, and will not be available for the children of the development. The GLA consider it is vital that this space be secured as fully publicly accessible as part of any future planning permission.

Urban design

Layout

- 6.70. The simple gridded Masterplan creates a legible and permeable environment that defines well-proportioned building plots, allows for the provision of generous public open spaces, keeps a good distance from surrounding buildings and sites, and knits in well with the existing street network.
- 6.71. Issues raised at pre-application stage regarding the poor quality of the space between buildings G3 and G4 have been resolved by linking the podium of both buildings. Servicing and back of house uses have been located within this element creating an efficient refuse strategy.
- 6.72. The overall approach of creating podium and plinth buildings, which shape and enclose the public realm, and provide private amenity space to residential towers above, oriented to maximise residential quality, is strongly supported and in line with the aspirations of the draft South Quay Masterplan. The use of the podiums within Millharbour West as educational facilities is particularly welcomed ensuring the surrounding public realm feels active and welcoming throughout the day. Officers commend the attention given to the design for the public facing edges of the development and particularly the school buildings.

Residential Quality

- 6.73. The footprints are generally well proportions, to provide eight units on each floor, a high proportion of dual-aspect units, and relatively shallow single-aspect units, none of which are either north or south-facing which is strongly supported. The only exception to this is building G3, which is oriented east-west. During pre-application stage substantial amendments were made to the form of this building, and the improvements made are acceptable.
- 6.74. The provision of communal amenity space either within the podium, or roof tops, is strongly supported, ensuring a large number of residents have access to private outdoor amenity space where younger children can play space safely.

Height and Strategic views

- 6.75. At pre-application stage, officers requested that the original footprint and height of building G3 was reduced, given issues with residential quality, and the

disproportionate height of the buildings. The applicant responded positive, and the subsequent reduction in massing is strongly supported.

- 6.76. Whilst the scheme's overall height is significant, the architects have ensured that the quality of the residential offer is high, that there is a good provision of public open space, all of which is well activated and defined by surrounding buildings, and that the architecture and materials are of the highest quality which is welcomed. The tall buildings' limited footprint also ensures these buildings are slender and elegant.

Strategic views

- 6.77. The TVIA assessments demonstrates that for all strategic views, whilst the proposed buildings are higher than the existing context, they are in keeping with the height of proposed buildings within the vicinity of the site, and will form part of an emerging cluster. The height of the development does not therefore raise strategic concern.

Blue Ribbon Network

- 6.78. The GLA have noted the need for improved bridge crossings and have advised that a financial contribution towards the delivery of improved bridge connectivity should be ring-fenced for the purpose of the bridge improvements

- 6.79. *[Officer comment: the above comments have been noted. In relation to financial contributions, since the adoption of LBTH CIL, it will be CIL which contributes to the delivery of infrastructure such as the bridge]*

- 6.80. The proposal includes an area of public open space located immediately adjacent to the dock, providing a new dockside park. This critical piece of infrastructure is strongly supported, and will maximizes the value to be gained from the sites location,

Inclusive design

- 6.81. The applicant has confirmed that all residential units will meet lifetime homes standards. The applicant has also stated that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users.

Climate Change – Adaption

- 6.82. Measures proposed sustainable drainage, use of low energy lighting, energy efficient appliances, smart meters, high levels of insulation, low water use and bio -diverse roofs. However, given the scale of development, the waste management plan should include further details on how recycling will be managed and promoted.

Climate Change- Mitigation

- 6.83. The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions. Further information should be provided on the proposed construction method for the buildings, and how this may affect the delivery of the targeted fabric specifications. It is critical that the approach to the buildings architectural design does not adversely impact on the proposals ability to meet London Plan energy policies.
- 6.84. Based on the information provided, the development does not achieve any carbon savings from energy efficiency alone, when compared to 2013 Building Regulations compliant development. To help understand the impact of any adjustments following discussions with Building Control, the applicant should confirm what the performance against Part L 2013 baseline is likely to be if the adjustments are agreed. Information should also be provided on how the design is being developed to minimise thermal bridges with a view to meeting Part L 2013 by efficiency measures alone.
- 6.85. Given the size and nature of the development, the applicant is expected to carry out dynamic thermal modelling to demonstrate that overheating and cooling demand reductions have been fully addressed in accordance with London Plan policy 5.9
District heating and renewables
- 6.86. Barkantine district heating network is located within the vicinity of the application site. The applicant has provided correspondence with the networks operator, EDF, confirming that the network currently does not have enough excess capacity to support a connection to the development, although opportunities to increase the system capacity are currently under investigation. The applicant should demonstrate that it has fully considered this option.
- 6.87. A plan showing how all domestic and non-domestic buildings are connected to a CHP should be provided.
- 6.88. The lack of suitable roofspace confirms a provision of PV panels is not included. This constraint has been demonstrated and is acceptable.
- 6.89. Overall the measures proposed result in a 33% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which falls considerably short of the target set out in the London Plan policy 5.2. The applicant should fully address all comments made above with the aim of achieving further carbon reductions before cash in lieu contributions can be agreed.
- 6.90. *[Officer comments: further information has been provided in respect of some of the information provided above and has been considered acceptable subject to robust conditions, which will be applied. Additional information has been submitted to the GLA in response to the EDF query, which includes an email from EDF confirming they are currently rethinking their strategy over South Quay]*

Transport

- 6.91. Given the currently good accessibility of this site, and the expected impact of Crossrail from 2018, a car free development (aside from parking to serve occupiers of wheelchair accessible dwellings) would be appropriate at this location. Whilst the proposed parking levels are below the maximum levels set out in local planning policy, they are towards the upper end of the accessibility range, and are higher than those proposed on neighbouring sites.
- 6.92. *[Officer comment: the parking has since been reduced, as discussed in the transport section within the main body of this report]*

GLA/ Transport for London

Car Parking & Access

- 6.93. The applicant proposes 387 residential car parking spaces within the basement. Of these 367 would directly serve the 1,500 dwellings, this equates to a ratio of 0.24 spaces per unit (of which 20 will be 'Blue Badge'). Electrical Vehicle Charging Points will be provided in accordance with the London Plan minimum standards which is 20% active and 20% passive overall.
- 6.94. Given the currently good accessibility of this site, and the expected impact from Crossrail from 2018, a car free development would be appropriate within this location. Whilst the proposed parking levels are below the maximum levels set out in local planning policy, they are towards the upper end of the acceptable range, and are higher than those proposed on neighbouring sites. TfL is currently reviewing the applicant's data regarding the impact on Preston's Road roundabout and is currently unable to confirm whether the level of parking is acceptable. However, the applicant should note the need for and the ability to secure, the necessary mitigation contributions will be fundamental to TfL's assessment of the appropriateness of the parking proposed.
- 6.95. The Mayor's Supplementary Planning Guidance recommends that each wheelchair accessible unit is provided with a dedicated Blue Badge bay, which in this instance would equate to a provision of 150 spaces. This is considered to be an overprovision on this site. If the full complement of designated bays is not provided at first occupation, a parking management strategy should be provided to justify the level of Blue Badge Bays provided.
- 6.96. *[Officer Comment: In response to these comments the car parking has been reduced overall, from 382 spaces to 244, with the loss felt within the residential allocation which falls from 329 to 202. Consequentially, the disabled parking has fallen from 38 to 27 spaces. The overall resulting ratio within the residential is now 0.155 spaces per unit. In addition, a parking management strategy is recommended as a condition. The car club spaces will be secured via condition]*

Cycle Parking

- 6.97. The applicant proposes 3,304 cycle spaces are proposed. Further information should be provided on how these are allocated.

- 6.98. *[Officer Comment: A total of 3,304 cycles are proposed, these are located within the basements for residents and employees. This will be broken down into 1,590 spaces in the eastern block and 1,714 in the western block. A further 110 cycle spaces will be available for staff and students of River House Montessori School (split between basement and ground level) and 66 spaces for the new primary school situated on ground level. The final details will be conditioned]*

Trip Rate & Modal split (assessment of impacts)

Vehicular

- 6.99. TfL advise that due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.
- 6.100. *[Officer comment: The TA submitted with the planning application takes into account cumulative flows from the list of cumulative developments that was provided in the ES. This is considered acceptable]*

Public Transport - DLR

- 6.101. The development will generate additional DLR trips in the AM peak and PM peaks respectively. The section of DLR northbound between South Quay and Heron Quays is the busiest link on the South Route (Lewisham - Canary Wharf). Although the introduction of Crossrail services at Canary Wharf from 2018 is expected to provide additional public transport capacity, from 2031 onwards, with the levels of planned development on the Isle of Dogs, TfL expects congestion to return.
- 6.102. This reinforces the importance of providing new links across the dock area between South Quay and Canary Wharf as they would alleviate the need for short trips on the bus and DLR network by encouraging walking and cycling.
- 6.103. TfL also recommends that the applicant installs real-time departure screens in the building cores to promote sustainable travel choices.
- 6.104. *[Officer comment: a way-finding strategy is recommended to be secured by condition, in relation to the real-time departure screens this is recommended as an informative on the consent]*

Public Transport - Buses

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

Public Transport - walking & cycling

- 6.106. TfL strongly supports Tower Hamlet's aspiration to deliver additional dock crossing points connecting the South Quay area with the Canary Wharf estate.

Such links would not only alleviate the pressure on the existing footbridge but improve wider pedestrian/cycle connections and create a direct route to the eastern entrance to Canary Wharf station at Montgomery Square. In accordance with London Plan policies 6.1, 6.4, 6.7, 6.9 and 6.10 and to expedite the construction of the bridge, TfL encourages the Council to secure a contribution from this and other development within the local area, unless and until such time as the Borough's Community Infrastructure Levy (CIL) is adopted.

6.107. In addition, TfL suggests that the applicant should contribute towards the implementation of Legible London signage in the immediate vicinity of the site. Legible London is a wayfinding initiative to encourage walking and cycling and the applicant should note that a pair of signs costs approximately £15,000.

6.108. *[Officer comment: LBTH CIL has been adopted and this will help facilitate a new bridge]*

Public Transport - cycle hire

6.109. In accordance with London Plan Policy 6.9 and in order to mitigate the cumulative impact of this development with the South Quay area, TfL support the proposed siting of a cycle hire station within the application site. The applicant should provide plans to identify the actual proposed position and the location, plus costs of installation, should be secured within the s106 agreement.

6.110. *[Officer comment: The relevant contribution has been secured within the s106 agreement]*

Travel planning

6.111. The applicant has submitted a framework travel plan which refers to both the residential and retail elements of the scheme. The final travel plans should be secured, enforced, monitored and reviewed as part of the Section 106 agreement.

6.112. *[Officer comment: The travel plans are to be secured by condition and monitored within the s106 agreement]*

Freight

6.113. The residential units will be serviced from the basement accessed from Mastmaker Road. Servicing for the retail units will be accommodated at ground level with delivery times controlled through active management to reduce conflict pedestrian movement. A Delivery and Servicing Plan (DSP) has been provided and TfL considers the content acceptable and requests that the final document is secured by condition.

6.114. Given the scale of development, a framework Construction and Logistic Plan (CLP) is required. The CLP should include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed.

6.115. *[Officer comment: The DSP and CLP are recommended as conditions should planning permission be granted]*

Other measures

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

6.117. *[Officer comment: These matters are recommended to be secured by condition]*

Crossrail SPG

6.118. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013).

CIL

6.119. In accordance with London Plan policy 8.3, Community Infrastructure Levy, the Mayor commenced CIL charging for developments permitted on or after 1 April 2012. For development within the borough of Tower Hamlets, the Mayoral charge is £35 per square metre

6.120. *[Officer comment: This is noted]*

LBTH Highways

Car Parking and Impact

6.121. The site is located within an area which has a PTAL rating ranging from 3-5, with the majority of the site covered by a PTAL of 4. This represents a 'good' level of public transport accessibility as rated by TfL. However, it should be borne in mind that PTAL assessments do not take into account the interchange facilities offered by the local public transport infrastructure and, because of the easy access to the DLR, Jubilee Line, Buses and the forthcoming Crossrail it could be considered that the public transport access is better than many other areas with a PTAL of 4 in London. This area of Docklands is also considered able to facilitate higher density accommodation, which reflects the fact that public transport is considered excellent.

6.122. The applicant has responded to some of the issues raised below (not all) and these comments relate to the major changes. There has been a reduction in car parking levels from 389 to 244. This represents a similar ratio of residential parking to the recently approved planning application at the adjacent site. This reduction is welcomed but Highways continue to have concerns regarding the quantum of residential development in this area and would prefer to see parking levels reduced even further but recognise that the proposed levels are within the current LBTH and London Plan maximum standards.

6.123. *[Officer comment: it is considered difficult to demand a reduction in parking spaces especially given the level of parking accords with Council policy. In addition, a parking management strategy is to be secured by condition. As such, officers on balance, consider the proposed level acceptable]*

Cycle parking

- 6.124. The proposals will offer improved pedestrian and cycle access through the site. Highways require a condition to be attached to any permission requiring approval of a plan showing the location of cycle parking and type of stand.
- 6.125. *[Officer comment: A condition is recommended to ensure an acceptable provision of cycle parking is provided for the various uses within the development]*

Servicing

- 6.126. All servicing is proposed to take place within the site boundary and not on public highway. This will either be from the basement in the western block or at grade level in dedicated areas.
- 6.127. A Service Management Plan will be required as a condition should any planning permission be granted. Pedestrian, cycle and vehicle access.
- 6.128. A safety audit has been carried out on one of the basement accesses to the site as well as tracking diagrams for that access. The audit concluded that some work was required to ensure the crossing was safe and the applicant will carry out these recommendations. The first tracking diagram supplied showed that a vehicle exiting the site would overhang the footway of the adjacent public highway but this has since been revisited and revised tracking drawings, showing that two vehicles can pass on the service road / car park access as well as avoid the overhanging problem identified by the first diagram, have been supplied and this seems acceptable.
- 6.129. Highways raise concerns regarding vehicles crossing from one site to the other against the one way working in Millharbour. Should planning permission be granted a management plan will be required as an additional condition to those listed below which shows that signing / marking on the internal service road will indicate that vehicles must turn left when entering into Millharbour.
- 6.130. *[Officer comment: This is noted and the relevant condition is recommended]*

Trip Generation

- 6.131. The Transport assessment considers only 11 sites for cumulative assessment which results in projected traffic flows on the roads assessed for this application. This is significantly lower than that projected in the other assessments which have correctly included a larger number of schemes for cumulative assessment.
- 6.132. *[Officer Comment: the cumulative schemes have been considered within the ES and are considered correct. In addition, since these comments the parking has been reduced significantly which will have less impact on trip generation]*

Public Transport

- 6.133. The proposed scale of development will have an effect on public transport capacity in the area. The TA contends that the increase will not result in any over capacity issues and suggests that the greatest increase in trips on the DLR will be northbound in the AM peak.
- 6.134. Given the proximity of South Quay station to the development, it is expected that the majority of this additional demand will access the DLR from this station. This increase will place additional pressure on the already heavily congested northbound DLR platform at South Quay in the AM peak. The applicant suggests in the TA that Crossrail is expected to reduce use of the DLR and Jubilee Line in the area from 2018.
- 6.135. TfL has indicated however that, given the levels of planned development on the Isle of Dogs, congestion on the DLR will return from 2031 onwards.
- 6.136. The pedestrian route from the site to Canary Wharf and the Crossrail Station includes the footbridge over South Dock. The Pedestrian Comfort Level (PCL) audits submitted as part of recent local applications show that based on existing flows, this bridge would need to be widened substantially to provide an acceptable PCL and that the congestion will worsen as a result of the additional trips generated by committed development in the area. The bridge has been classed as 'uncomfortable' in the morning peak and one or more additional bridges has been identified as being necessary to relieve current congestion levels on the DLR between South Quay and Herons Quay and to improve pedestrian access between Canary Wharf and developments around Marsh Wall. Delivery of a second South Dock footbridge, which allows pedestrian and cycle access, would help relieve overcrowding on the existing footbridge by providing an alternative crossing and additional capacity will help in alleviating this somewhat. It would also alleviate the severe congestion at South Quay station by enabling redistribution of flows generated by the development
- 6.137. Should Planning Permission be granted a financial contribution towards the provision of addition crossing points will be required.
- 6.138. Lastly. A number of conditions (Construction Management Plan, Delivery and Service Plan, Travel Plan, Scheme of highway works, Drainage are recommended should consent be granted.
- 6.139. *[Officer comment: These are noted and the relevant conditions are recommended should planning permission be granted. In relation to the financial contribution towards the new bridge, as this application is to be determined with LBTH CIL, the CIL contribution can be used for infrastructure like the new bridge]*

LBTH Refuse

- 6.140. The principles of the waste strategy for the development are welcomed, An extensive operational statement that will include how many bins will be held at ground floor and the frequency of movement will be required.

6.141. *[Officer comments: This is noted and a waste management strategy will be secured by condition]*

Commission for Architecture and Built Environment CABE

6.142. No comments received.

Secure by Design officer

6.143. Further discussions are taking place with the applicant in relation to secure by design.

6.144. *[Officer comments: This is noted and officers are satisfied that any Secure by Design matters can be addressed via an imposition of a condition]*

7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place as part of the Urban Design Framework and also during the course of pre-application discussions.

7.2. At application stage a total of 6336 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	16	Objecting:	12	Supporting:	1
No of petitions received:	0				

7.3. The following were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. The full representations are available to view on the case file.

Support

- Proposal will not have an adverse transport impact
- Proposal will transform area and attract more amenities

7.4. *[Officer comment: these comment shave been noted]*

Objections

- The proposal should be held in abeyance until a Masterplan is developed for the area
- The height is unacceptable and would disrupt Canary Wharf skyline;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;

- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- The proposal would increase noise and vibration to surrounding properties;
- The proposal would create noise, disturbance and dust during construction;
- Further strain on refuse collection
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Loss of view to neighbouring properties;
- Adverse impact on wind tunnelling;
- No external child play space
- Loss of trees
- Site should be used for offices to balance the number of residential uses
- Insufficient parking proposed with an adverse impact on the local highway network
- Inappropriate location for the two vehicle access points.
- The Environmental Statement is not robust enough
- Existing School should be part of the s106

7.5. *(Officer comment: The proposed height, density, scale, massing and height are addressed in Chapter 8 of this report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

7.6. *Similarly transportation impacts are addressed further within this report.*

7.7. *Loss of value and loss of view to neighbouring properties is not normally considered a material planning consideration.*

7.8. *The Council is preparing a South Quay Masterplan SPD, to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. It is currently out to consultation, and as such it has limited weight as a planning consideration, and given the Council has a duty to determine planning applications in a timely manner, it cannot prevent the determination on otherwise acceptable applications until the Masterplan is adopted.*

7.9. *The Environmental Statement has been reviewed independently on behalf of the Council and following submission of further information in response to comments from the Councils consultant, its conclusions are considered robust. This is discussed in the material planning section of this report.*

7.10. *In relation to the educational use, s.106 obligations should only be imposed where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Officers consider the ring-fencing of s106 for an existing use, would fail the above mentioned tests.*

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

8. MATERIAL PLANNING CONSIDERATIONS

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

- General Principles/ Land Use
- Urban Design
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

GENERAL PRINCIPLES/ LAND USE

8.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.

8.3. 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 to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

8.4. 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).

8.5. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.

- 8.6. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.

Loss/Gain of Commercial Floorspace

- 8.7. The proposal will result in the loss of 4,034sqm of B1 floorspace within Millharbour West and the loss of 4,692sqm of D1 floorspace within Millharbour East.
- 8.8. In relation to the B1 floorspace, policy DM15(1) of the MDD normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, paragraph 15.4 of the MDD states *'The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.'* As this site, is part of the Millennium Quarter site allocation an assessment against policy DM15(1) of the MDD is not required.
- 8.9. The existing D1 floorspace is made up of two local organisations providing a range of education uses: the 'Riverhouse Montessori' and the 'Lanterns Schools'. Both are located within the Great Eastern Enterprise building on Millharbour East.
- 8.10. It would appear from the planning register that the Riverhouse Montessori received temporary planning permission to locate within the application site in 2008 (under planning reference PA/08/02623) which expired on 31st March 2011. The purpose of the temporary consent as outlined within the 2008 application was *'to provide temporary accommodation for the school whilst [a] long term premises are established'*.
- 8.11. The second educational use 'Lanterns Schools' was located to the site during the redevelopment of the nearby Lanterns Court. It would appear a planning application was not submitted for the re-location of the site. Searches from the planning records have not conclusively confirmed why this was the case. There is a possibility planning permission was not required due to planning application 'PA/98/00639' which gave consent in 1998 for the conversion of office space to health and fitness club meaning planning permission for the D1 use could already be lawful at the time of Lanterns School moving to the site.
- 8.12. In relation to the proposal, the applicant is seeking to re-provide the existing D1 uses within the development and provide an additional 2FE primary school with a nursery. The resulting D1 floorspace measures 13,525sqm which is an increase

from 8833sqm from the existing floorspace. By re-providing the education facilities the proposal accords with policy DM18 of the Managing Development Document.

8.13. The NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools;
- and work with schools promoters to identify and resolve key planning issues before applications are submitted.”

8.14. Furthermore, Policy Statement – planning for schools development clearly states that:

“There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”

8.15. 8.13. Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:

“Proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”

8.16. The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.

8.17. Part 2, of strategic policy SP07 of the CS, seeks to increase the provision of both primary and secondary education facilities to meet an increasing population. Part 3, of the policy sets out the criteria for the assessment of new primary schools and states that:

“Primary schools should be located to be integrated into the local movement routes, the neighbourhood they serve, and be easy to access on foot or by bicycle.”

8.18. Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.19. DM18 of the MDD sets out criteria for the assessment of new schools and states that they should be located where:-

- i. a site has been identified for this use or a need for this use has been demonstrated;
- ii. the design and layout accords with relevant standards;

- iii. for existing schools, there is no net loss of school play space; and
iv. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 8.20. The proposal is for the creation of new two form entry primary school (Use Class D1) which is not located on an allocated school site. Policy advises that the location of new schools will be guided by the criteria listed above.
- 8.21. Given the site is not allocated for an education use, consideration has been given to the need for a new primary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. The population is rising due to both rising birth rates and new residential developments.
- 8.22. The development has been designed to accommodate the schools within Millharbour West which is to be developed first and enable the schools to decant directly from Millharbour East without there being a break in Educational use. This approach is supported by officers.
- 8.23. Officers also strongly support the re-provision of the existing D1 floorspace along with a new 2FE school with nursery, which will go some way in providing the additional social facility.
- 8.24. Given, at least one of the schools does not benefit from planning permission, although may be immune from enforcement action and both are located within a site allocation, the applicant has requested a fall back that 4,349 sqm of the educational floorspace could also be used in full or part as D1 or D2 leisure floorspace, in the event the existing operators are unable or choose not to be re-located within the development.
- 8.25. Whilst the fall back option is not considered unreasonable, the preference from officers and the GLA is for the applicant to fully exhaust the option to re-locate the existing schools. However, given the overall, quantum of D1 floorspace proposed is in excess of the existing floorspace, and this would continue to be the case even if the 4,349sqm was to be used for alternative D1/D2 uses officers consider the fall back option to be reasonable in this instance.
- 8.26. In addition to the above uses the applicant is proposing a further 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4) to be located within different parts of the site. The location of these uses has been considered within the UDF to provide commercial uses whilst also animating the public realm serving the development.
- 8.27. The inclusion of these units with the provision of a mixed use development is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.

Proposed residential use

- 8.28. London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in London, and Table 3.1 of the Further Alterations to the

draft London Plan (FALP) sets an even more ambitious target for the Borough of delivering approximately 39,314 new homes over a ten year period and around 3,931 new homes per year.

- 8.29. Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Council's Core Strategy 2010 identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development would contribute toward the Borough and London's housing need, and is therefore supported in strategic land use planning terms, according with Policy 3.3 London Plan, Local Plan SP02 and site allocation 20.
- 8.30. It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'pressing need'.
- 8.31. The proposed development is a high density residential led-scheme, it would provide a large number of market housing and a proportion of affordable rent (at Borough Framework rent levels) and shared ownership accommodation. The quantum of residential development along with the affordable housing offer is discussed in detail in the housing section of this report. However, in terms of general principles, it is considered that this is a suitable location for a high density residential development, given the good levels of public transport accessibility (including the anticipated Crossrail station), the existence of surrounding constructed, consented and proposed high-rise developments, and the Marsh Wall West Local Plan designation.
- 8.32. The active uses at ground floor with residential above are also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 8.33. The principle of the proposed land uses is therefore supported.

Density/Quantum of Development

- 8.34. Policies 3.4 of the London Plan and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.35. 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.
- 8.36. PTAL is a series of calculations which effectively measure a combination of how close public transport services are from a given point and the frequency of services (i.e walking times plus waiting times). PTAL ratings range from levels 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

- 8.37. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility has been calculated at various points on both sites. The majority of Millharbour West has been calculated as PTAL 4 with a small portion PTAL 5. Millharbour East has been calculated between PTAL 4 (northern area) and PTAL 3 to the south.
- 8.38. The combined site area is 2.6 hectares and the application proposes 1500 residential units (4142 habitable rooms) based on the GLA Housing supplementary planning guidance the proposed density equates to 1785 habitable rooms per hectare (647 units per hectare) and 1593 habitable rooms based on the total habitable rooms divided by the site area.
- 8.39. 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, for sites within PTAL 2 to 3 a density level of 300-650hr/ha 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.
- 8.40. 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.”*
- 8.41. 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.

8.42. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report. Overall, it is considered that the proposed development meets the majority of criteria and mitigates against its impact and as such, the proposed density can be supported in this instance.

URBAN DESIGN

Policies

- 8.43. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.44. 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).
- 8.45. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.46. 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.
- 8.47. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 8.48. The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:
- "Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its

dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;

- Protect and enhance the setting of other surrounding heritage assets including the historic dockside promenade;
- Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
- Create a legible, permeable and well-defined movement network...”

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

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

Local context

8.50. The site is situated with the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).

8.51. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m.

8.52. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.

8.53. On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.

8.54. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 239m at SQP and 220m at Arrowhead Quay). Meridian Gate further east along Marsh Wall has consent for a tower measuring 187m.

8.55. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including 30, 50, and 54

Marsh Wall. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.

- 8.56. To the south of Marsh Wall, heights drop off relatively rapidly, with the maximum height at Indecon Court behind the application site currently being constructed at 99m. The most notable exception to this drop in height is the proposed development at the former London Arena Site (now known as Baltimore Wharf) where, a 44 storey building is currently being constructed with a height of 155m. Further south of Marsh Wall, the height drops to as little as 4 stories in height, generally buildings serving residential uses.
- 8.57. It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 8.58. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

- 8.59. The proposal seeks the erection of four buildings of varying heights within two sites. Millharbour East has one building (G1) and Millharbour West has three buildings (G2, G3 and G4)
- 8.60. The proposed buildings are shown in the following plans.



Building G1

8.61. Building G.1 is a podium building with two towers. The building is subdivided into four parts reflecting the different heights proposed:

Block	Storeys	Height
G1.1	45	144.5
G1.2	14	49.7
G1.3	39	125.7
G1.4	10	38.6

8.62. The above plan shows the locations of the four blocks. The central area “G1” is a podium with servicing underneath and an amenity deck above.

8.63. A total of 615 residential units are proposed within this building (548 private and 67 rented). In addition, 138sqm of A1/A2 and A3 uses are proposed at ground floor and mezzanine level, and 1,019sq metres of D2 floor space are proposed within the lower three floors.

8.64. Buildings G2, G3 and G4 are all located on Millharbour West.

Building G.2

8.65. Building G2 is located on north eastern part of Millharbour West and consists of two towers 39 and 35 storeys measuring 131.3 and 118m high respectively.

8.66. The basement is designed to accommodate a theatre potentially for Lanterns Studio, and the ground floors to fourth floor are primarily designed to

accommodate the educational uses, Riverhouse Montessori and Lanterns studio both of which are currently located on the adjoining Millharbour East site.

- 8.67. A total of 404 residential units are located within G2 of which 319 are private and 85 Intermediate units.

Building G.3

- 8.68. Building G.3 is located on the north western corner of Millharbour West and consists of a single 45 storey tower. At 146.6m high it is the tallest building proposed within the development.

- 8.69. G.3 is proposed to be entirely private consisting of 308 residential units.

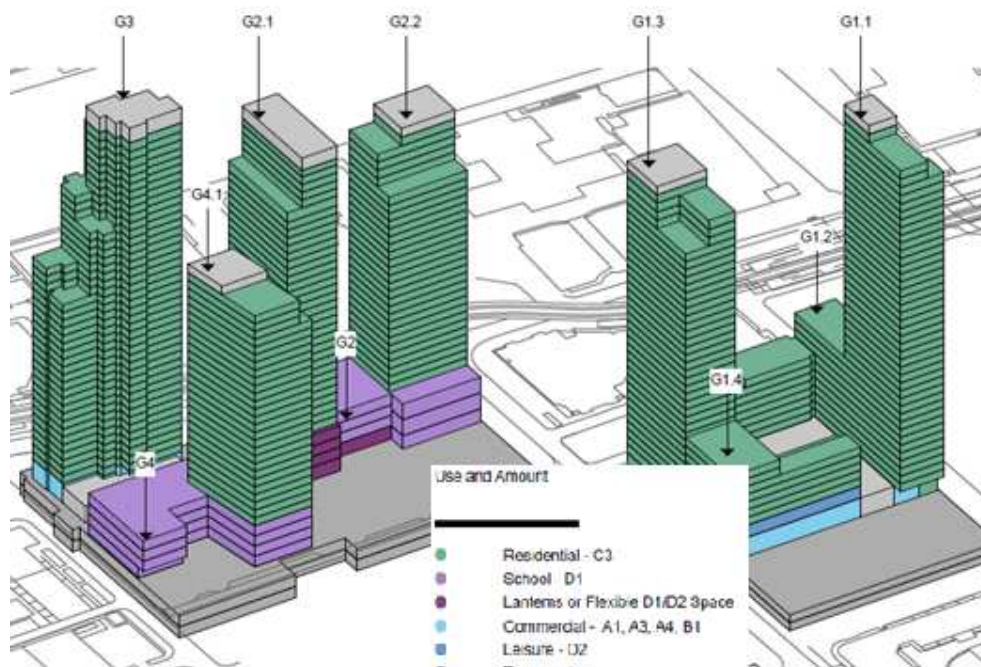
Building G4

- 8.70. Building G.4 is located in the south western corner of Millharbour West and again, consists of a single 32 storey tower, with a height of 106m.

- 8.71. The ground up to third floor is to consist of a new 2 Form primary school and nursery.

- 8.72. The tower is to provide 173 residential units, all of which are to be rented.

- 8.73. The following plan shows the locations of these buildings.



- 8.74. The applications approach to the design has been informed by the Urban Design Framework (UDF), which in turn has informed the emerging South Quay Masterplan. The design of this application has marginally evolved from the UDF. The main changes being alterations to the design of G.3 to lessen the impact on

Mastmaker court. The heights of the buildings have also increased in some instances and fallen down in others.

8.75. The following images show the UDF scheme (2013) and the evolution to the current proposal.



8.76. Officers are strongly supportive of the collaborative approach to the development of these sites as part of the UDF.

Ground Floor Design - Millharbour West

8.77. The ground floor of Millharbour West consists primarily of four residential cores with the three cores to buildings G2 and G3 accessed directly from Marsh Wall and G4's core accessed from a new north south route.

8.78. The new route is to complete a new route from Glengall Bridge to Marsh Wall, which is currently designed to pass across Indecon Court and 2 Millharbour.

8.79. The remaining areas of G2 and G4 are currently designed for the three education uses proposed within the site.

8.80. G3 is to contain retail uses on the north western part of the building and some indoor child playspace to the eastern part of the building.

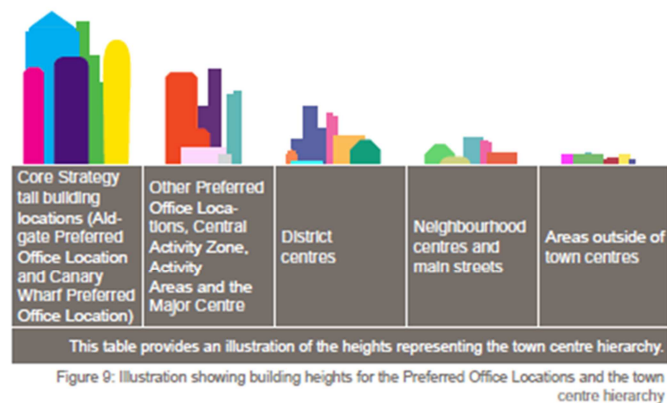
8.81. Access to the basement levels for the entire site is to be from Mastmaker Road via a ramp between Buildings G3 and G4.

- 8.82. The south eastern part of the site is designed as a pocket park focussed primarily on Child Play.
- 8.83. The Ground floor of Millharbour East consists of four residential cores each located towards the four corners of the roughly rectangular building. The remaining area is focussed on retail/restaurant uses aimed at animating the docks to the east, the proposed Millharbour East Park to the South, Millharbour to the West and a single office type unit to the north fronting Pan Peninsular Square.
- 8.84. The ground floor units are all serviced within a centrally located servicing area which is access from the north of the site via a new route from Millharbour.
- 8.85. The ground floors of both sites, have been carefully considered within the Urban Design Framework and follows the approach suggested within the Emerging South Quay Masterplan to provide active frontages and animate the dock edges. Officers consider the approach to the ground floor acceptable.

Building Heights

- 8.86. Policy 7.7 of the London Plan states that tall and large buildings should:
- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
 - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
 - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
 - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
 - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
 - Have ground floor activities that provide a positive relationship to the surrounding streets;
 - Contribute to improving the permeability of the site and wider area, where possible;
 - Incorporate publicly accessible areas on the upper floors, where appropriate;
 - Make a significant contribution to local regeneration.
- 8.87. The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which the application site is located), district centres, neighbourhood centres and main streets, and areas outside town centres.

- 8.88. Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 8.89. For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 8.90. The proposal consists of 6 tall buildings which measure in excess of 100m in height.
- 8.91. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD. The vision for Millwall as set out within the Core Strategy also seeks to ensure tall building in the north should step down south and west to create a transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the South.
- 8.92. The following is an assessment of the proposal against policy DM26.



Policy DM26(1) states Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9) and the criteria stated in part 2.

Policy DM26(2)a states. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

- 8.93. Reference is made to the sites context as outlined above. The proposed tallest buildings are to be 106,118,126,131,145 and 147m high respectively. These are the maximum heights for each block, with some buildings varying in height.

- 8.94. In relation to the Town Centre Hierarchy the sites falls within the Activity Area, where a transition in building heights is expected from the Central Activity Zone of Canary Wharf.
- 8.95. In relation to the Activity Area, the tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is approved at 155m AOD. 2 Millharbour (PA/14/01246) has a resolution to grant planning permission has two buildings at 129 and 148m high.
- 8.96. South Quay Plaza and Arrowhead Quay located to the north east and northwest of the site (much closer to the CAZ) are proposed to be 238 and 220m high respectively.
- 8.97. As such, when taking into account the heights within the CAZ (up to 250m) the proposed development is considered to reflect an acceptable transition.

DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.

- 8.98. As outlined above, the development has been carefully designed to respond to local context, the proposed heights largely follow the heights of existing and emerging buildings. This has been sufficiently demonstrated within the submitted design and access statement.

DM26(2)c. Achieve high architectural quality and innovation in the design of the building,

- 8.99. The design has been extensively consulted on during pre-application and application stage. It is widely acknowledged that subject to detailed conditions the proposed buildings will be of high quality. The architecture is discussed further within this report.

DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

- 8.100. By virtue of the proposed design, the proposed buildings will be experienced differently when viewed from different streets and within both during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the surrounding streetscape.
- 8.101. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment, which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and as such is considered acceptable.

DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

8.102. This is discussed further within the Heritage section of this report, which follows the design considerations. In summary, officers consider the overall impacts to be acceptable.

DM26(2)f. Present a human scale of development at the street level;

8.103. The proposed development has a number of retail units at ground floor level which are appropriately located to create activity at street level. In addition, some of the buildings include podiums, with taller elements appearing in the background.

DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

8.104. The proposed development includes two pocket parks which measure 0.4 and 0.52 hectares in size. In addition, each building has its own communal and child playspaces. Overall, as discussed later within this report officers consider the approach to private and communal amenity space to be of sufficiently high quality and acceptable.

DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

8.105. This is discussed further within the amenity section of the report. In summary the micro-climate impacts have been considered acceptable.

DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

8.106. The proposed open spaces will contain a variety of different trees and shrubs which will improve the biodiversity of the area. As such, the proposed development is considered to comply with the requirements of this policy.

DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

8.107. This is discussed further within the housing section of this report. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and

8.108. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements.

DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

8.109. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

8.110. As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

Local Views

8.111. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposed buildings are surrounded by significant amount of public realm, providing 'breathing' space for the buildings.

8.112. Within many local views (Glengall Bridge, Preston's Road Footbridge and Blackwall Dock) the proposed tallest buildings appear at a similar height of Pan Peninsular forming a small cluster of residential buildings different in scale and mass to those of the Canary Wharf estate. Within other views for instance those containing Wood Wharf and South Quay Plaza, within cumulative schemes the proposed towers are considered to fall within the prevailing character of the area.

8.113. The proposed materials are in keeping with the approach taken within nearby developments and ensure the proposed buildings are likely to integrate within their local contexts. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.

8.114. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.

School Design

8.115. The replacement schools have been designed in conjunction with the requirements of the existing operators on the Millharbour East site. They are designed with two entrances and broadly spacious environments, with their own play areas.

8.116. The new primary school and nursery has been designed in accordance with the latest education standards and discussions with the Education team. The design includes separate entrances and their own play area.

8.117. Overall, the design is considered acceptable.

Architecture

- 8.118. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevation treatment of the proposed buildings are of a high standard, as discussed above the proposed materials will be in keeping with the cladding approach used within the immediate context and as such, will provide a visual interest and contrast with the commercial tall buildings within the Canary Wharf estate.
- 8.119. The scheme has been designed by two architectural firms Hawkins Brown and Studio Egret West. Where buildings have more than one tower on a podium each firm has been responsible for a separate part of the building.
- 8.120. The resulting elevations of the buildings is carefully considered with each façade/ building informed by its location within the wider area, for instance the façades by the dockside, are proposed to have a greater proportion of glazing than the block facing Millharbour which consists of Reinforced Concrete. Other materials to be used include glazed brick slips, terracotta tiles, timber louvers and glass.

Secure by Design

- 8.121. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 8.122. The applicant has had discussions with the Councils Secure by Design during the course of the pre-application discussions. Whilst no comments have been received. A condition is recommended to ensure compliance with secure by design standards.
- 8.123. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Microclimate

- 8.124. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.125. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The comfort criteria, seeks to define the reaction of an average pedestrian to wind.
- 8.126. The criteria set out six pedestrian activities and reflect the fact that less active pursuits require more benign wind conditions. The six categories are sitting,

standing, entering/leaving a building, leisure walking, business walking and roadway/car-park, in ascending order of activity level. In other words, the wind conditions in an area for sitting need to be calmer than a location that people merely walk past. The distinction between leisure walking and business walking is that in the business scenario, where pedestrians are on site because their livelihood depends upon it, they will be more tolerant of stronger winds.

8.127. A total of 208 receptors across the site for all wind directions were tested. These included locations in the ground level areas in and around the Site, the podium and covered amenity spaces, roof terraces and balconies. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds. Some mitigation measures have been incorporated into the design and further mitigation measures are recommended within the Wind Report and these will be secured by conditions.

Inclusive Design

8.128. Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

8.129. One of the key disadvantages of the site as existing is the confusing layout and poor segregation of private and public areas. In addition, in terms of wayfinding the existing layout is confusing with poor public realm and a large proportion of the site in hard standing area.

8.130. 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 proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.

8.131. Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and a sufficient proportion of carparking spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.

8.132. The proposed new homes are also to be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

Design Conclusions

8.133. In terms of detailed design, materials and finishes, the proposed development has followed extensive pre-application discussions with the adjoining site via the Urban Design Framework and individually within the pre-application process. The resulting design is considered to be of high quality that would form a

cohesive development that will integrate to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

8.134. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance 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 Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Heritage

8.135. The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.

8.136. 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.

8.137. 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.

8.138. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

Strategic Views

8.139. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama’s from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1 & 11B.2).

8.140. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11B.1 and that its outer profile should not be compromised.

- 8.141. The Townscape and Visual Impact Assessment (TVIA) analysis shows that the proposal will appear in the distance between Pan Peninsula and to the southernmost tower. The (TVIA) suggests because of its design quality and heights, which due to the site being east of Tower Bridge appear much lower than the overall height of the tower. Overall, the proposal will have a beneficial impact on the LVMF view and the setting of Tower Bridge. Officers consider that the proposal development which along with cumulative schemes would appear within the backdrop, however the overall impact would be neutral.
- 8.142. The LVMF view 11B.2 shows the development fall within the background of Tower Bridge. Along with cumulative schemes the resulting impact is considered acceptable.
- 8.143. From both views (11B.1 and 11.B2) the proposal will not detract from the setting from the Tower of London World Heritage Site.
- 8.144. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:
- “The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”*
- 8.145. The TVIA includes a fully rendered view of the proposal from assessment point 5A.1, which demonstrates the impact of the proposals. The proposed buildings fall within the Canary Wharf cluster. When taking into account various cumulative schemes (including those consented since submission of the application) the proposed buildings will fall comfortably within a cluster of buildings of a similar and greater height. As such, it is considered that the proposed development will not detract from the integrity and importance of the World Heritage Site.

Archaeology

- 8.146. The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 8.147. 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 subject to a condition to agree and implement a Written Scheme of Investigation, no objections are raised.

Surrounding Conservation Areas and Listed Buildings

8.148. It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would not have an unduly detrimental impact on the setting of these assets.

Housing

Principles

8.149. 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."

8.150. The application proposes 1500 residential units as part of a mixed use scheme. The site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 3,931 following the adoption of the further Alterations to the London Plan in March 2015.

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

8.152. The following table details the housing proposed within this application.

	Studio	1 bed	2 bed	3 bed	4 bed
Open market	153	367	471	181	3
Affordable Rent	0	32	52	146	10
Intermediate	1	23	42	19	0
TOTAL	154	422	565	346	13
Total as %	17	47	63	38	1

8.153. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

8.154. 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.

8.155. 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.

8.156. 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.

8.157. 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.

8.158. The affordable housing proposed is 26.6% by habitable room, with all to be located on-site. 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 delivers the maximum level of affordable housing that can viably be achieved.

- 8.159. The affordable housing is being delivered at a 77/23 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. In this particular instance, when taking into the discussions that have taken place in relation to maximising the level of affordable housing, the proposal which seeks to maximises the rented accommodation and in particular the family sized units (which equate to 65% of the total rented), it is considered an appropriate balance has been achieved.
- 8.160. The affordable rented units are offered at the LBTH Borough Framework rent levels for this postcode at the point of occupation. This is considered to be an appropriate balance which again seeks to optimise affordable housing whilst also seeking to maximise the affordability of that housing.
- 8.161. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week inclusive of service charges.

Housing Mix

- 8.162. 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(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).
- 8.163. The following table below compares the proposed target mix against policy requirements:

unit size	Total units	affordable housing			intermediate			market housing		
		Affordable rented		Core Strategy target %	private sale		Core Strategy target %	Core Strategy target %		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
STUDIO	154	0	0	0%	1	1	0%	153	13	0%
1 BED	422	32	13	30%	23	27	25%	367	31	50.00%
2 BED	565	52	22	25%	42	49	50%	471	40	30.00%
3 BED	346	146	61	30%	19	22	25%	181	15	20%
4 BED	13	10	4	15%	0	0		3	0	
5 BED	0	0	0	0%	0	0		0	0	
6 BED	0	0	0		0	0		0	0	
	1500	240	100%	100%	85	100%	100%	1175	100%	100%

- 8.164. Within the scheme, the applicant has sought to provide less one and two bedroom units in the rented tenure in favour of providing more family sized affordable housing. The family sized rented accommodation equates to 65% of the total rented units against a policy target of 45%. Given there is a significant demand for family sized units the proposed mix within the rented section considered acceptable. It is also noted that the consequential impact of a larger number of family sized units in terms of child play space and education impacts has been accommodated within the design of the development.
- 8.165. The unit mix within the intermediate tenure is broadly policy with a 27% provision of one beds against a target of 25% and a 49% provision of two beds against a policy target of 50%. Lastly, 19% family sized units are provided against a target of 25%.
- 8.166. The private housing component of the development whilst broadly compliant is off policy by a few percentage points. 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.
- 8.167. The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 8.168. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.169. 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.
- 8.170. All of the proposed flats meet or exceed the London Plan minimum internal space standards, numerous residential cores are proposed to accord with objectives of the Housing SPG by providing a sense of ownership.

8.171. The flats are to be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable and this is to be secured by condition. The majority of 3 bedroom units have separate kitchens or can be adapted to have separate kitchens. This is considered acceptable. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality.

Internal Daylight and Sunlight

8.172. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.

8.173. 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."

8.174. 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.

8.175. 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.

8.176. 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.

Daylight

8.177. The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development. The testing has taken into account the 2 Millharbour scheme submitted under PA/14/01246.

- 8.178. The report shows that the majority of the buildings benefit from acceptable levels of ADF. In respect of bedrooms the ADF results demonstrate that in respect of the proposed bedrooms 91% of them will be lit to in excess of 1.0% ADF.
- 8.179. In terms of living rooms the analysis shows that 75% will be daylit in excess of the BRE minimum recommendation of 1.5% ADF. In overall terms 86% of rooms exceed ADF requirements.
- 8.180. The DD results demonstrate that the 75 % of all the rooms will achieve in excess of 74% of their area beyond the no-sky line.
- 8.181. The daylight has been reviewed independently, by DPR who have commented further on those that do not meet the guidance. They have advised in most instances, the deep inset balconies contribute to the lower levels of daylight and that this should be factored into the consideration. They have also advised that that where units fail the ADF test they have relatively good NSL.
- 8.182. DPR have also highlighted a number of instances where ADF is very low and the rooms affected by this would require supplementary electric lighting for most of the time.
- 8.183. When considering the number of units (1500), the number of habitable rooms (4142 habitable rooms), as well as the setting of the site within a dense urban environment, officers consider the resulting daylight to future residents on the whole to be broadly acceptable.

Sunlight

- 8.184. 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.
- 8.185. Following a review of the applicants report DPR have advised that the applicants report provides the sunlight results and shows that 60% of the habitable rooms have 25% annual probable sunlight hours or 5% winter sunlight hours. It is inevitable that not all rooms will have these levels of sunlight due to the self-obstruction from other blocks and from living rooms being set back behind balconies limiting the availability to receive sunlight during the full course of the day even if otherwise unobstructed by other buildings.
- 8.186. On balance therefore, the sunlight results are considered appropriate for buildings for this type in a dense urban location.

Shadow Analysis

- 8.187. The ES chapter assesses shadow to a number of community areas further round and within the site and gives the percentage of those areas that will achieve two hours or more of sunlight on 21 March.
- 8.188. Of the areas tested, parts of the G4 Public Ground level Amenity and the G2.1/2.2 Access Deck will have low levels of sunlight on 21 March and will be effectively permanent shaded spaces during the winter months. During summer the sunlight is expected to be better. There are reasonable good levels of sunlight to other amenity spaces particularly the G2.2 podium amenity and the G4 high level amenity. The ES chapter states that the overall impact on shadowing is moderate to adverse and DPR have agreed with this view as part of their advice to the Council..
- 8.189. Officers consider overall, the results to be acceptable given the open spaces are broadly in line with the locations set out within the emerging South Quay Masterplan and that the impact on these spaces is from developments to the south of the site, not necessarily those of the application site.

Amenity Space and Public Open Space

- 8.190. For all major developments, there are four forms of amenity space that should be provided: 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) provides 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

- 8.191. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 8.192. The application proposes private amenity space for all the units in the form of balconies and terraces at the required quantum and quality, thus according with the above mentioned policy.

Public Open Space

- 8.193. The applicants approach to public open space is to create two pocket parks to maximise the level of public realm at ground floor level, as shown in the images within the following section. This approach was developed as part of the urban design framework which focussed different types of open space within different locations. The design of the space has been carefully considered throughout the

planning process and is considered to be of high quality. Furthermore, a financial contribution has been secured towards open space improvements.

8.194. The following plan shows the allocation of the ground floor public realm. The two pocket parks are circled.



8.195.

8.196. The western space is primarily designed as child play space, whilst the Eastern Park is to be more 'open' in feel and helps animate the docks to the east of the location.

8.197. The total area of the ground floor pocket parks is approximately 0.96 hectares, which is considered a substantial amount of space, will provide a location for a variety of recreational uses. It is also noted the GLA strongly support the provision of these spaces.

8.198. The spaces are designed to an extremely high quality and take into account the historic granary structures which were present on the site.

8.199. Overall, officers consider that the approach taken in relation to the quality of public realm to be of sufficiently high quality and are confident it will provide an attractive and pleasant contribution to the local area.

Communal Amenity Space

- 8.200. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 1540sqm.
- 8.201. A total of 1934sqm of communal amenity space is provided within the development, and this is located within the four blocks at podium or roof level terraces.
- 8.202. The proposed space has been designed to a high quality and is purposely located away from the two pocket parks to provide a more private space for the residents.
- 8.203. As such, overall, officers are supportive of the approval to communal amenity space which is suitably located and exceeds policy requirements.

Child Play Space

- 8.204. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 450 children (0-15 years of age) using LBTH yields, and 507 children based on the GLA yields. As such, 4504 sqm of play space is required (based on LBTH yields). The GLA equivalent requirement is 5068sqm. A breakdown by age bracket is provided below (based on LBTH yields):
- 178 children who are between 0 to 3 requiring 1781sqm of space;
 - 183 children who are between 4 to 10 requiring 1832sqm; and,
 - 89 children who are aged between 11 to 15 requiring 891sqm.
- 8.205. The application has been accompanied with a comprehensive playspace strategy which has been commended by the GLA within the stage 1 response. The strategy has considered surrounding areas in accordance with the GLA Playspace guidance and sought to utilise various locations within the four blocks and two pocket parks to provide a substantial amount of high quality playable space to cater for the proposed development. Each location has been carefully considered with particular age group in mind.
- 8.206. The proposed playspace measures 5068sqm meeting the GLA requirement and exceeding the LBTH standard by 564sqm. This space does not include the playspace provided as part of the two schools which in accordance with guidance could be used to contribute to the overall child play space requirements.
- 8.207. Detailed design of the child play spaces are recommended to be secured as condition.

Noise and Vibration

- 8.208. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.209. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.210. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 8.211. The submitted noise report considers existing noise levels from a variety of noise sources; include rail, car and aircraft.
- 8.212. This has been reviewed by the Councils Independent consultants as part of the ES review, who have confirmed no objections are raised subject to conditions ensuring the relevant standards are met.

Air Quality

- 8.213. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD 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.
- 8.214. The Air Quality assessment suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.215. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.

8.216. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Neighbouring amenity

8.217. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

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

8.219. As a result of the application site being low rised, neighbouring properties have very good levels of daylight/sunlight at present and any development is likely to result in a significant reduction in daylight/sunlight to neighbouring sites.

8.220. However, given these neighbouring properties are all of relatively recent construction, it is considered appropriate for neighbouring buildings to be treated as having been constructed in the knowledge of a similar scale of development coming forward on vacant sites such as the application site. Therefore officers in line with the independent advice received consider the appropriate assessment is to calculate whether habitable rooms in neighbouring buildings will meet minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.

8.221. This view is partly supported by the knowledge that the wider area formed part of the Millennium Quarter Masterplan (2000).

8.222. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council by Delva Patman Redler (DPR), these are discussed below.

Daylight

8.223. For calculating daylight to neighbouring properties affected by the 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. These tests measure whether buildings maintain most of the daylight they currently receive.

8.224. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive. It is for that reason

that officers consider the most appropriate test is Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.

8.225. BRE guidelines recommend the following ADF values for dwellings. These are:

- 2.0% - Kitchens
- 1.5% - Living Rooms
- 1.0% - Bedrooms

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

8.227. The following properties have been tested for Daylight and Sunlight based on usage and proximity to the site:

- 4 Mastmaker Road
- Indecon Court Phase II, Lincoln Plaza Indecon Court - East Block
- Indecon Court 1
- 31-39 Millharbour (Ability Place)
- Pan peninsular
- Discovery Dock East

8.228. The daylight/sunlight assessment considers the existing built scenario, includes a comparison with the massing as set out within the Millennium Quarter Masterplan and a cumulative assessment including the assessment

4 Mastmaker Road

8.229. The scheme will cause substantial VSC reductions to windows in this property with the majority of reductions being more than 40% from existing and many being more than 50% and higher. There will also be higher reductions in NSL to some rooms on all floors.

8.230. In relation to ADF, the results are considered to be good and it appears as though the ADF levels are likely to be suitable for most of the rooms.

8.231. However, as the site is within the Millennium Quarter Masterplan area (MQMP), the further tests have identified that there are no rooms that will have worst results than the Master Plan scheme and that there will be significant improvements in both VSC and NSL. The fact that there are significant improvements in daylight mean that the Councils independent consultants agree with the applicant that the impact can be considered to be major beneficial when considered with the Master Plan scheme.

8.232. When considering the development at 2 Millharbour and the MQMP, the ADF results show that of the windows tested, 22 will be left with an ADF of between

1%-1.49%. 19 will be left with ADF of between 0.5%-0.99% and 11 will be left with an ADF of between 0%-0.49%. Therefore, there will be 40 windows that will have a level of ADF below the minimum recommended level in any event but the actual reductions are small.

8.233. Therefore, on balance, it is considered that the overall impact is minor adverse when compared to the baseline condition.

Indecon Phase II

8.234. In the existing scenario the results for Indecon Phase 2 (and East and Tower Blocks) show significant failures of the VSC standard, Reductions are substantially between 30%-40% although there are some rooms on the second floor with losses of between 50%-70%.

8.235. To balance this, DPR have advised the rooms will have very good levels of NSL and therefore the perception of open outlook will be maintained.

8.236. Similarly, when considering the MQMP, only one window tested will experience a reduction in the VSC of more than 20% from the MQMP scheme and no windows will experience a worsening of NSL results.

8.237. The ADF results in this building are generally good and above minimum standard, with only a small number of exceptions.

8.238. On balance, DPR agree with the applicant that the impact is major beneficial in relation to the MQMP scheme.

8.239. When considering the effect with the MQMP and 2 Millharbour. The ES chapter shows that of the 98 windows tested 63 will experience a reduction of between 20%-29.9% and 6 will experience a reduction of between 30%-39.9%. For NSL results, of the 52 rooms tested, 5 will experience a reduction of between 20%-29.9% and none are worse than this.

8.240. The ADF results show that 12 rooms will be left with ADF of between 1%-1.49% and 5 will be left with ADF of between 0.5%-0.99%. All rooms experience a reduction in ADF from the baseline condition.

8.241. On balance, DPR have advised the Council that they do not agree with the applicant's assessment that the impact would negligible and consider it to be minor adverse.

Indecon 1

Comparison with Existing Site

8.242. The VSC results for this property show the majority of windows not meeting the VSC standard although, in general, these are between 20%-30% and most of these are nearer 20% reduction. There are some windows with losses of over

40%. The NSL results for this property will remain good and the rooms will appear to have an open aspect to occupants within the rooms.

- 8.243. The ADF results show substantial compliance with the required levels of ADF and this, coupled with the NSL results, mean that the rooms will appear to have adequate daylight in the proposed condition even though reductions will take place. As such, DPR consider these results to be a moderate adverse impact.
- 8.244. When considering the MQMP scheme, the ES chapter shows that there will be no windows in the Indecon 1 scheme that experience a reduction in VSC or NSL or more than 20% from the Master Plan scheme result. This is because the scheme proposal involves construction of towers with gaps between improving the long distance sky visibility as seen from the Indecon properties.
- 8.245. The ADF results for these properties are generally good and above minimum standard. DPR therefore agree with the applicant that the impact when compared with the MQMP is major beneficial.
- 8.246. When considering the MQMP, DPR have advised that there will be no windows in the Indecon 1 scheme that experience a reduction in VSC or NSL or more than 20% from the Master Plan scheme result. This is because the scheme proposal involves construction of towers with gaps between improving the long distance sky visibility as seen from the Indecon properties.
- 8.247. When considering 2 Millharbour, The ES chapter shows that the VSC of the 393 windows tested, 21 will experience a reduction of between 20%- 29.9%, 30 will experience a reduction of between 30%-39.9% and 51 will experience a reduction of more than 40%.
- 8.248. For NSL, of the 160 rooms tested, 12 will experience a reduction of between 20%-29.9%, 4 will experience a reduction of between 30%-30.9% and 7 will experience a reduction in more than 40%. However, a large number of rooms will see an increase in daylight distribution as well.
- 8.249. For the ADF results, there are 25 rooms with only ADF of between 1%-1.49% and 23 with an ADF of between 0.5%-0.99%. This is a reasonably high proportion of the total, almost half, although when considering bedrooms, the results are better than reported.
- 8.250. The ES chapter does not give an overall effect for this property but DPR consider the overall effect to be moderate adverse.

31-39 Millharbour

- 8.251. The ES Daylight/ Sunlight report have advised that with the exception of results for the ground floor the scheme proposal will fail the VSC standards for most windows on the upper floors. However, the NSL results are generally very good with only small reductions. There are two rooms on the third floor with a reduction

of NSL of more than 20% from existing but this is exacerbated by self-obstructing features on the building.

- 8.252. The ADF results for the building are generally good and as such, based on the existing scenario a major adverse impact is expected.
- 8.253. When considering the MQMP and 2 Millharbour. The ES chapter shows that of the 269 rooms tested, 155 will experience a reduction of between 20%-29.9% and 64 rooms will experience a reduction of between 30%-39.9%. To balance that, none of the rooms will experience a reduction in NSL of more than 20% from existing.
- 8.254. Of the 86 rooms tested, 11 will experience an ADF of between 1%-1.49% and one will only experience an ADF of below 1%. On balance, DPR agree with the applicant that the impact compared to the baseline scheme is minor adverse.
- 8.255. The improvements in NSL appear to balance the reductions of VSC. Officers also note residents of this development will have direct access to the proposed park on Millharbour East, which also to an extent balances the loss of daylight.

Pan Peninsula

- 8.256. In the existing environment, the scheme proposal will cause substantial failures of the VSC standards for this property with many rooms having large reductions of more than 50% from existing and very few rooms having reductions of less than 20% from existing.
- 8.257. The VSC results that will be left would be relatively low to most windows on the 1st, 2nd and 3rd floors and some windows on floors above that.
- 8.258. The NSL results show noticeable reductions with some rooms on the 1st and 2nd floor, and individual rooms on the 3rd, 4th and 5th floor, experience reductions in NSL of more than 30% from existing. There are a number of other rooms that will experience a reduction in NSL of between 20%-30%.
- 8.259. In mitigation the ADF results are generally good and will be almost fully compliant with living room standards better.
- 8.260. Therefore, whilst there will be a very noticeable reduction in VSC and noticeable reductions in NSL, the rooms will have adequate illuminance for their proposed room use. The NSL results are not inappropriate for a dense urban location such as this. Overall, DPR consider these results to be a major adverse impact.
- 8.261. When considering the cumulative schemes and MQMP, The ES chapter shows that of the 325 windows tested, 19 will experience a reduction of between 20% to 20.9%, 18 will experience a reduction of between 30%-39.9% and 23 will experience a reduction of more than 40%. The report notes that reductions only take place in kitchens beneath overhang structures and therefore, whilst the reductions appear large, the actual reductions in daylight are small. This is

balanced by the NSL which show that no rooms will experience a reduction of more than 20% from existing compared to the baseline scheme.

- 8.262. The ADF results show that 29 rooms will be left with an ADF of between 1%-1.49% and four rooms will experience an ADF of less than 1%. The ES chapter identifies that there are improvements in both NSL and ADF to many of the rooms.
- 8.263. On balance, therefore, DPR agree with the applicant that the impact is minor adverse in comparison with the baseline scheme.

Discovery Dock East

- 8.264. During the course of the application, additional testing was carried on Discovery Dock East, the results show the 59 rooms would see a VSC reduction between 20-29%, 39 rooms would see a reduction between 30-39% and lastly 10 rooms would see a VSC reduction of more than 40%. In all cases, the rooms that meet ADF values would continue to do so following the development, with the exception of 9 livingrooms which currently fail to achieve the 1.5% ADF target.
- 8.265. The applicant has provided further tests which show a mirrored scheme on the development site between the application site and Discovery Dock East. In this scenario just four habitable rooms fail the VSC test. In all four scenarios the failures are less than 29%. This outlines that Discovery Dock East is likely to be affected in any case should a development come forward on the hoarded off site.
- 8.266. Overall, whilst there are failures, officers are satisfied that Discovery Dock East will continue to receive sufficient daylight.
- 8.267. As part of the Urban Design Framework, the current proposals have been designed in collaboration with the adjoining site to the south to ensure both developments achieve an acceptable level of Daylight. Officers support this approach and the resulting designs.
- 8.268. Overall, it is considered that the proposed development has been sensitivity designed to ensure existing residents receive a realistic amount of daylight and sunlight.

Sunlight

- 8.269. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

8.270. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

8.271. Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

8.272. The only property that has been assessed for sunlight in relation to the proposed scheme without 2 Millharbour is 4 Mastmaker Road. The ES chapter shows that there will be improvements in sunlight compared to the baseline condition and I agree with the applicant that the impact is major beneficial.

Pan Peninsula

8.273. When considering the existing scenario, there will be noticeable reductions in both annual and winter sunlight to this property. A number of windows on each floor will fail the annual sunlight standard but all except two windows meet the winter sunlight standard. The windows with the lower APSH results will be those where the sunlight is obstructed by overhanging balconies and this is evidenced by the much better sunlight results for less obstructive windows alongside. On balance the results are not inappropriate for a dense urban location and the compliance with winter sunlight standards means that the building will be suitably sunlit during the winter months. DPR I would consider these results to be a major adverse impact.

Comparison with Millennium Quarter Master Plan

8.274. The results for Pan Peninsula show that there are some reductions to winter and total APSH compared to the baseline condition with 122 out of 182 windows tested meet the requirements. The ES chapter states that the effect is negligible to major adverse, but DPR consider an appropriate assessment is that it is minor to moderate adverse.

4 Mastmaker Road

8.275. When comparing the existing site, the annual sunlight standard will not be met for most of the windows on each of the floors with quite large reductions in sunlight occurring, with over 40% reduction to many of the windows. However, all but one of the windows will be left with levels of winter sunlight above the minimum recommended level and most of the windows will be left with 90% winter sunlight or higher. The sunlight levels themselves are not inappropriate for an urban location and this, together with the good winter sunlight results means that the property will be reasonably sunlit by standards of other urban properties. DPR consider these results to be a major adverse impact.

8.276. In relation to the MQMP, The ES chapter shows that there are reductions in annual and winter APSH of more than 20% from existing to 41 of the 59 windows tested. Of these, 17 will experience a reduction of more than 40% from existing annual APSH and 8 will experience a reduction of more than 40% from winter APSH. However, there is an increase in sunlight to some windows. The ES

chapter states that the impact is beneficial to major adverse. I would consider this to be moderate to major adverse.

Privacy

- 8.277. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the new buildings with the existing buildings and also within consented schemes such as 2 Millharbour.
- 8.278. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

- 8.279. These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application sites and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.280. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Landscaping and Biodiversity

- 8.281. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, 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.
- 8.282. The applicant has considered biodiversity within the ES and has provided extensive information within the Design and access statement.
- 8.283. The proposal includes two pocket parks with significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. The biodiversity enhancement measures are recommended to be secured by the imposition of a condition.
- 8.284. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.

Highways and Transportation

Vehicular Access

- 8.285. Vehicular access to Millharbour West is proposed via a ramp situated on Mastmaker Road at ground level between blocks G.3 and G.4. This is considered acceptable. The access will be conditioned to ensure the ramp is able to accommodate vehicles waiting to enter and exit the site to avoid potential congestion on Mastmaker Road.
- 8.286. Following comments from the Councils Transportation and Highways department a stage 1 safety audit has been carried out. The report outlines subject to mitigation, which will be covered via a condition, the entrance to Millharbour West can be safely designed.
- 8.287. The access to Millharbour East is via a new road accessed from Millharbour to the north of Block G1 and Pan Peninsular. Concerns have been raised over the safety of this route, and in response the applicant has provided a swept path analysis which identifies how two large goods vehicles can pass. The design is in accordance with the Manuals for Streets and have been reviewed by the Councils Transportation officer who is satisfied with the details provided, the final management of deliveries is to be secured via a delivery and service management plan. The plans also show how vehicles can turn within the site to avoid them reversing back onto the Highway.
- 8.288. Concerns have also been raised over the appropriateness of the vehicle entrance to the south of the existing residential entrance of Pan peninsula. The entrance has been reviewed by officers who consider it to be appropriately siting and not to have an adverse impact on the visual amenity of Pan Peninsula, given it will be suitably screened by an existing line of trees which distinguish the boundary of the two sites.

Car Parking

- 8.289. The site has a PTAL of between 3 and 5, and the proposal is for 1500 dwellings, the majority of the site is within PTAL 4 and as such, the maximum car parking provision would therefore be 459 spaces based on the local plan standards. The development now proposes 244 spaces including 27 disabled parking.
- 8.290. The development originally proposed 382 spaces so the reduction in spaces is supported by officers. LBTH Transportation and Highways have a preference for less parking on site, however given the proposed parking is below policy requirements and given the various mitigation measures proposed by the applicant they have advised the reduction in parking is welcomed.
- 8.291. Given the development is losing 100 spaces the net increase in parking of 144 overall is considered acceptable.

Vehicular Trip Rates

- 8.292. The application proposes 244 new parking spaces. The Transport Assessment suggests this will lead to around 50 vehicular trips during the morning peak time and 38 during the evening peak times. The morning will be focussed on vehicles leaving the site, whilst in evening they would concern vehicles returning to the site.
- 8.293. When taking into account the increase in vehicles trips, TfL and the Councils Transportation and Highways team have advised that the two junctions leading into the Isle of Dogs are at near capacity. As such, any increase will have an impact. This is also a significant concern shared by the local residents. However, with the policy emphasis on the Isle of Dogs as a 'opportunity area' and the sites allocation within the Millennium Quarter to provide a strategic housing development it is considered there will be an inevitable impact on local transport which will need to be mitigated through developments. In this case, and further infrastructure works will need to be undertaken
- 8.294. Overall, it is considered that the submitted Transport Assessment (TA) is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

Cycling and Pedestrians

- 8.295. A total of 3,304 cycle spaces are to be provided within the development. . This is in accordance with relevant standards. The type and location of the spaces will be conditioned to ensure they are suitably sited and retained for the duration of the development.
- 8.296. Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, the applicant in discussion with TfL have identified space within their site for the provision of around 40 cycles. This will be funded by the development and is to be secured within the s106 legal agreement.

South Quay Footbridge

- 8.297. This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are supporting a second footbridge across South Dock to improve north-south connectivity in the area. This is a priority within the emerging South Quay Masterplan and the LBTH CIL pooled could be used to help fund this bridge.

Public Transport

Buses

8.298. TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2.

DLR

8.299. TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. The collection of LBTH CIL could be used to provide additional wayfinding signage.

8.300. A condition will also be imposed for the applicant to provide a wayfinding strategy within the site, to potentially reduce the number of trips on the DLR.

8.301. Should the second footbridge be developed, this will also have an inevitable impact of reducing DLR trips by encouraging walking to the Jubilee and Crossrail Stations.

Jubilee and Crossrail

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

Demolition and Construction Traffic

8.303. It is considered that the impact on the road network from demolition and construction traffic could be adequately controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

Public Highways works

8.304. In order to facilitate the development, works to the public highway will be required. These include the removal and replacement of street trees. These are necessary for the development to take place and as such, will be conditioned and covered within the S278 highway agreement.

Waste

8.305. 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.

- 8.306. In terms of construction waste, a Site Waste Management Plan is to be controlled via an imposition of a condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.
- 8.307. In terms of operation waste, the proposed Strategy ensures the residential waste is suitably separated into non-recyclable, recyclable.
- 8.308. The applicant during detailed pre-application discussions was advised by the Council's Waste Officer that given the large number of units, a 'compaction system' is preferred. This system compacts refuse into collection parcels which would take less time to collect. The Council's Waste officer has advised that this approach has not been adopted and is unlikely to be adopted until 2017.
- 8.309. The proposal has been designed with both Millharbour East and West capable of storing the facilities to enable compaction to take place. This is welcomed by officers.

Energy & Sustainability

- 8.310. 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.
- 8.311. The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.312. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
- 8.313. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.314. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.

- 8.315. The applicant is also required to comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 8.316. The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures and use of a centralised CHP system. The CO2 emission reductions proposed are supported and would result in a circa 33% reduction against the Building Regulations 2013.
- 8.317. The Councils Energy and Sustainability officer has recommended a condition be applied relating to the CHP energy strategy to ensure that the scheme is compliant with London Plan policy 5.6 and connects to an existing district heating system where available. This is recommended to be secured should consent be granted.
- 8.318. The Energy strategy identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects
- 8.319. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '...carbon di-oxide 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.'
- 8.320. For the proposed scheme, £411,133 has been agreed for carbon offset projects. This would be secured within the S106 agreement.
- 8.321. The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and is recommended to be secured by condition and within an s106 agreement.
- 8.322. The submitted Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating and BREEAM Excellent rating. This is supported and recommended to be secured by way of condition.

Environmental Considerations

Air quality

- 8.323. 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.

- 8.324. In this case, the development provides a level of car parking below 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.
- 8.325. 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 receptors; the scheme, once complete, is not objectionable in air quality terms.
- 8.326. It should also be noted that measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

Operational noise, vibration and odour

- 8.327. Subject to appropriately worded conditions, the developments impact in terms of noise and vibration levels within the proposed residential units would be acceptable.
- 8.328. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an "hours of use" condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.

Demolition and Construction Noise and Vibration

- 8.329. 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 piling methods etc., which would be employed to ensure that the noise levels are acceptable.
- 8.330. 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 if planning permission is granted.

Contaminated Land

- 8.331. 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.
- 8.332. 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. Relevant conditions would be included on any planning permission if granted.

Flood Risk and Water Resources

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

Television and Radio Service

8.338. The impact of the proposed development on the television reception of surrounding residential areas has been considered and no adverse impacts are considered necessary. This is because the existing terrestrial TV shadows cast by several of the nearby towers, such as 25 Churchill Place and the Reuters Building, have greatly reduced the length of the predicted shadow from the Proposed Development.

London City Airport Safeguarding Zone

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

Health Considerations

8.340. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

8.341. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.342. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.343. The application proposes child play, communal and private amenity space that is of an acceptable standard and design. As such, the proposal is considered to accord with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

8.344. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's

Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

8.345. 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.

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

8.347. 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.

8.348. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.

8.349. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015. The consultation will be carried out between the 27th April 2015 and the 1st June 2015, for a period of five weeks which is in line with the Council's Statement of Community Involvement.

8.350. The boroughs four main priorities remain:

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

8.351. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.352. The development is predicted to have a population yield of 3019, 450 of whom will be aged between 0-15 and are predicted to generate a demand for 162 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

8.353. As outlined in the following section LBTH CIL is now applicable to the development, and along with the onsite schools, the CIL will help mitigate these impacts.

8.354. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- energy; and,
- a 2% monitoring contribution.

8.355. The applicant has also offered 26.6% affordable housing by habitable room with a tenure split of 77/23 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

8.356. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of ‘implementation’ to be agreed as part of s.106 negotiations) is also recommended should permission be granted.

8.357. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

8.358. The financial contributions offered by the applicant are summarised in the following table:

Heads	s.106 financial contribution
Employment, Skills, Construction Phase Skills and Training	£431,714.00
End User	£30,021.00
Carbon off-setting	£411,133.00
Monitoring	£17,457.00
Total	£890,325.00

8.359. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

Other

Financial Considerations

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

8.360. 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.

8.361. 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.

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

8.363. These are material planning considerations when determining planning applications or planning appeals.

8.364. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £3,931,249.52.

8.365. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Isle of Dogs charging area and the contribution should be confirmed by the borough.

8.366. In this case when considering the existing B1 floorspace to be loss 8,726sqm which is replaced with 5,820sqm of commercial floorpace, there is no net increase in commercial floorspace and as such, no Crossrail top up is required in this instance.

8.367. The New Homes Bonus (NHB) 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. For the first year the NHB is expected to be in the region of £2,256,984 and over the six year period around £13,541,906.

8.368. This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £26,396,628 of which £6,020,920 is likely to be the social housing relief. The resulting CIL is £19,375,708. If the local authority take up the state school than the CIL payment will be reduced in accordance with the CIL regulations as a 'cash in lieu' payment.

Human Rights Considerations

8.369. 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:-

8.370. 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".

- 8.371. 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.
- 8.372. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.373. 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.
- 8.374. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.375. 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.
- 8.376. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

- 8.377. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.378. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.379. The affordable housing supports community wellbeing and social cohesion.
- 8.380. 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.

9. Conclusion

- 9.1. All other relevant policies and considerations have been taken into account. Planning Permission 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.

**Planning Application Site Map
PA/14/03195**



- 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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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

4th June 2015

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda Item number:	6.1
Reference number:	PA/14/03195
Location:	Site 1 Land at 3 Millharbour and Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London
Proposal:	<p>The demolition and redevelopment with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.</p> <p>The development proposes: 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);</p>

1.0 ADDITIONAL REPRESENTATIONS

1.1 Since the publication of the deferral report, further representations have been received from local residents and Transport for London.

Letters of support

1.2 The Council has received 6 further letters of support to the application. The letters all support the re-provision of the River House School. One of the 6 letters is from the Bursar of the school.

Lanterns School of Performing Arts and Nursery

1.3 The Council has also received a letter of objection from the Director of the Lanterns School of Performing Arts and Nursery. The letter questions the applicant's engagement and desire to rehouse Lanterns within the development. The Director would like the applicant to build a purpose built facility at their own cost.

- 1.4 The committee will note that the applicant has designed building G3 to accommodate the Lanterns facilities and the Riverhouse Montessori School. This is also reflected in their phasing which seeks to deliver Millharbour West before East to facilitate the transfer of both schools ensuring a continuation of use. The retention of the existing schools was supported from the outset during the UDF. In terms of policy, officers accord with policy by securing the use rather than the user. Furthermore, the arrangement with the applicant and their prospective tenants is considered to be a separate private matter for those parties outside the scope of the LPA.

Transport for London

- 1.5 Transport for London (TfL) has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement. In addition, TfL are seeking £15,000 towards Legible London Signage
- 1.6 Tower Hamlets Community Infrastructure Levy (CIL) has been adopted and strategic transport facilities are listed in the Council's CIL Regulation 123 list (the list of matters that CIL may assist in funding). The Council have received formal legal advice from Counsel that the bus network is considered to be a strategic transport facility which falls under the CIL heading of "infrastructure" and therefore this matter is to be dealt with by LBTH CIL and is not appropriate for inclusion as a Section 106 contribution since CIL Regulation 123(2) prohibits a local planning authority from requiring an obligation where the Regulation 123 list provides for funding of the same infrastructure as applies to this application. Officers consider the same principle applies to the request for £15,000 towards Legible London Signage

2 AMENDMENTS TO CONDITIONS / INFORMATIVES / LEGAL AGREEMENT

- 2.1 With paragraph 3.6 of the original committee report, the following conditions have been added:
- Submission of a car parking management plan
 - Submission of a Travel Plan for the different uses
- 2.2 With paragraph 3.7 of the original committee report, the following informative has been added:
- DLR operation safeguarding
- 2.3 Whilst officers consider TfL Cycle Hire Docking stations to be part of infrastructure which is governed under CIL, the applicant have sought to facilitate the delivery of Cycle Hire Docking Stations within their site and this will offset against the Local Authority contributions.

3.0 Other Matters

- 3.1 A speaker tonight has requested the inclusion of three slides within officer's presentation to committee and to refer to them as part of their speech to members. This request has been turned down on the basis that only published material is presented. Instead officers have agreed to append the slides to this update report.

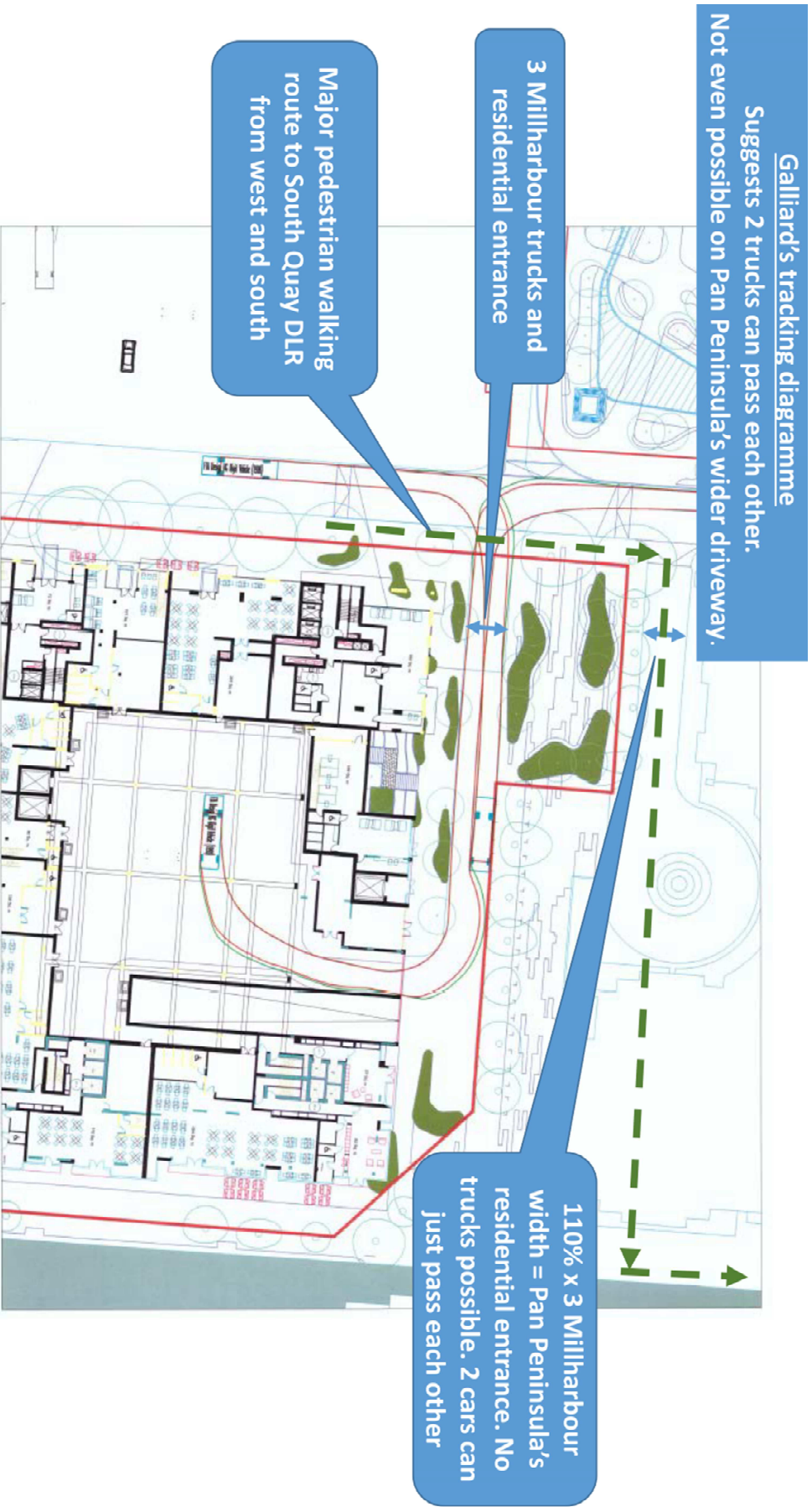
4 RECOMMENDATION

- 4.1 Officers' original recommendation to **GRANT** planning permission for the proposal as set out in the report to the Development Committee remains unchanged.



- Millharbour Village would add another **3,000** residents to the **10,000+** already guaranteed (with thousands more nearby in the pipeline)
- A **4x** increase from today's population, with no plan to enhance the local infrastructure and services





Galliard's tracking diagramme
 Suggests 2 trucks can pass each other.
 Not even possible on Pan Peninsula's wider driveway.

3 Millharbour trucks and residential entrance

Major pedestrian walking route to South Quay DLR from west and south

110% x 3 Millharbour width = Pan Peninsula's residential entrance. No trucks possible. 2 cars can just pass each other

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Agenda Item 6

Committee: Strategic Development	Date: 8 th October 2015	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.

LOCAL GOVERNMENT ACT 2000 (Section 97)

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

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

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

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 4

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Strategic	Date: 8 October 2015	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/15/00039
	Full Planning Permission
	Ward: Lansbury

1. APPLICATION DETAILS

Location: Land at 160-166 Chrisp Street

Existing Uses: Vacant light industrial (B8 Use)

Proposal: Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide 254 residential units (comprising 99 x 1 bed; 100 x 2 bed; 51 x 3 bed; 4 x 4 bed), together with associated car parking, amenity space, child playspace, gym and infrastructure works (REVISED DESCRIPTION)

Drawings and documents

Drawings and documents 1237-1110 Rev F; 1237-1111 Rev G; 1237-1112 Rev F; 1237-1113 Rev F; 1237-114 Rev G; 1237-1116 Rev F; 1237-1117 Rev F; 1237-1118 Rev F; 1237-1119 Rev G; 1237-1120 Rev G; 1237-1121 Rev G; 1237-1123 Rev F; 1237-1206 Rev F; 1237-1206 Rev F; 1237-1206 Rev F; 1237-1301 Rev F; 1302 Rev F; 1303 Rev F; 1304 Rev F; 1000 Rev B; 1001 Rev B; 1002 Rev B

- Design and access statement by Brimelow McSweeney dated January 2015
- Transport Assessment by Mayor Brown dated December 2014
- Planning Statement prepared by Savills dated January 2015.
- Heritage Statement dated December 2014 (ref no: 105930) prepared by Wessex Archaeology
- Air Quality Assessment prepared by Breon Ltd dated September 2014
- Wind microclimate assessment by BRE dated 22 December 2014 by Savills
- Draft construction Logistics Plan by Mayor Brown dated December 2014.
- Extended ecological phase 1 Habitat Survey Report dated December 2014

- Energy Statement by Hodkinson dated December 2014
- Geotechnical and Geoenvironmental by Stats (Ref no: 36173-01)
- Noise and vibration assessment by Clarke Saunders Acoustics consultancy dated 25 November 2014
- Socio economic assessment dated 17 December 2014 by BRE
- Statement of Community Involvement dated December 2014
- Sustainability Statement dated December 2014
- Townscape and visual impact appraisal by Turley Associates dated December 2014
- Study of the wind environment around proposed development by BRE dated December 2014
- Economic Viability appraisal report dated 30 January 2015
- London Borough of Tower Hamlets addendum to economic viable appraisal report dated September 2015
- Daylight and sunlight report by eb7 dated 10 September 2015

Applicant: Bellway Homes

Ownership: Bellway Homes

Historic Building: None

Conservation Area: None

2. BACKGROUND

2.1 On 27 August 2015, planning Officers presented a proposal to the Strategic Development Committee for the “demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.” A copy of the case officers’ report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at appendix 1 (previous Committee report) and appendix 2 (previous update report) to this item.

2.2 After consideration of the report and the update report, on a vote of 1 in favour, 4 against and 1 abstention, the committee resolved that it was minded to refuse planning permission on the following grounds:

- (i) Height, bulk and mass ;
- (ii) Adverse impact on amenity of neighbouring properties;
- (iii) Potential impact on social infrastructure;
- (iv) Excessive density; and

(v) A lack of child playspace.

2.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal are set out in paragraphs 4.71 of this report.

Changes to this scheme

2.4 Since the deferral of the decision, the applicant has sought to address Members concerns by introducing the following changes to the scheme which were subject to further public consultation:

- There has been a reduction in number of units from 272 units to 254 units
- Despite the reduction in units the level of affordable housing secured remains at 35% affordable housing by habitable rooms (73% affordable rent at borough framework rent levels, and 27% intermediate rent);
- The proposal makes provision for 55 family sized units with 25 within the affordable rent 'target' tenure;
- Block A has been reduced in height by one storey meaning it is now 9 storeys.
- Block B (the tallest block) accessed from Carman Street fronting the new route has been reduced in height from 13 to 12 storeys;
- The top set-back floor of block E has been removed which has reduced the block to four storeys in height (which equates to a loss of 3 residential units in this block);
- There has been an increase in the overall provision for child playspace
- Reduction in density from 1,155 habitable rooms per hectare (hr/ph) to 1,078 hr/ph;
- The overall impact on daylight and sunlight levels to neighbouring properties; particularly to properties at 1-11 Rifle St have been reduced; and
- The daylight and sunlight levels to surrounding properties have been improved. With particular reference to 1-11 Rifle Street, 3 windows failed the No Sky Line Test (NSL). With the amended scheme, 100% of units tested accord with NSL.

2.5 For clarity, below is a ground floor plan showing how the different blocks are laid out on site.



3. FURTHER REPRESENTATIONS

3.1 Following the deferral of the application by the Committee, the Council has received the following additional representations. A total of 523 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.

3.2 The previous scheme presented to Members in August received 1 petition with 30 signatures in support and 7 individual letters of objection. The representations received were discussed in the previous Committee report (appendix 1) and discussed at the meeting. This subject amended scheme, 2 new objection letters were received from local residents. No further objections were received from objectors to the previous scheme.

- The proposed height of Block D is unacceptable and would result in undue loss of amenity to properties on Rifle St.
- The proposal would put increased pressure on infrastructure and local services, including schools and health services.

(Officers comment: These comments are discussed later in the report).

4. CONSIDERATION OF PROPOSED CHANGES AND CLARIFICATION

4.1. This section only considers the material planning considerations of the proposed changes to the scheme considered at the Strategic Development Committee on the

27th August 2015. All other material planning considerations were assessed in the previous Officer Committee Report (appended to this report) and have not changed.

Height, Scale and Massing

Design

- 4.2. The previous committee report discusses the relationship of the proposed development and its context in terms of height, scale and massing. However, in response to Members concerns the applicant has reduced the heights of blocks A, B and E. In response to this the borough urban design officer has consider the amendments to the scheme which are reflected in the analysis below.
- 4.3. The tallest elements of the scheme (blocks A & B) have been reduced by one storey in an attempt to address Members concerns in relation to the overall massing of the scheme and the relationship with the existing buildings to the north and the extant planning consent to the south at 71 Carmen Street and 134-156 Chrisp Street. This has resulted in the loss of 15 residents units in blocks A & B.
- 4.4. The height of Block E has been reduced in order to further reduce any potential impact on daylight and sunlight levels on the neighbouring residential dwellings to the north of Rifle Street. The set-back top floor previously proposed in block E has been removed therefore it has been reduced to 4 storeys in height. This has resulted in the loss of three residential units. This reduction in height provides a better relationship with the neighbouring five storey building on Rifle Street and further enhances the transition in building heights across the site from the taller development in the south to the lower rise development in the north.
- 4.5. Officers in their assessment of local townscape identify the most pertinent views as being from Chrisp Street which is the most relevant, and secondly views from Langdon Park.

Views from Chrisp Street

- 4.6. The proposed block D fronting Chrisp Street is 4 storeys plus ground floor which is the same as the recently completed Rifle Street development. The taller element fronting Chrisp Street (block C) is considered appropriate because it terminates the vista of both Goldaming Street and the northern section of Chrisp Street. Furthermore is corner location at junction of several road provides greater openness of setting (breathability) for the proposed development.
- 4.7. The revised massing responds to the built form of the surrounding area and specifically provides a less abrupt relationship with the lower element of the development on the adjacent site at 71 Carmen Street and 134-156 Chrisp Street (also known as 147 Chrisp Street).



Diagram 1: showing local townscape along Chrisp Street (including extant consent at 71 Carmen Street and 134-156 Chrisp Street) – both close-up view and longer view.

View from Langdon park

- 4.8. The skyline is articulated from longer views showing a concept of stepping down, but it is acknowledged that this is not a literal transition. The proposed development is considered to provide a positive contribution to the skyline in that it is considerably lower than the tallest (22 storey) element of the Carman Street planning consent and effectively mediates between the recently completed development in Rifle Street.
- 4.9. When viewed from Langdon Park the transition between lower rise buildings to the north is achieved by the Carman Street approval by a juxtaposed large element (22 storey) and much smaller element (4 storey). The proposed development employs a different approach where by the transition is achieved gradually from north to south.
- 4.10. Importantly the proposed scale and massing enables the framing of Langdon Park from the west, and in terms of views from Langdon Park in terms of height, bulk, scale and massing, and choice of materials is considered to be good quality design.



Diagram 2: showing local townscape viewed from Langdon Park (including extant consent at 71 Carmen Street and 134-156 Chrisp Street)

- 4.11. Officers are still of the view that the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance 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 Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Density

- 4.12. Policy 3.4 of the London Plan (consolidation 2015) stipulates that it is not appropriate to apply the density figures mechanistically. The policy notes that “its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential - local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.
- 4.13. The site has a public transport accessibility level (PTAL) rating of 3 and 4 which means it has good access to public transport. Table 3.2 of the consolidated London Plan (2015) suggests a density of 200-450 hr/ph for sites with a PTAL range of 3 and suggests a density of 200-700 hr/ph for sites with a PTAL range of 4.
- 4.14. The density of the previous proposal presented to committee Members was 1155 habitable rooms per hectare. The proposed amendments have resulted in a reduction of 18 units. The proposed density is now 1,078 habitable rooms per hectare based on the scheme providing 254 residential units.
- 4.15. The site has good access to public transport, with the nearest station is Langdon Park DLR, which is approximately 150 m to the south. In addition, the area is also served by 5 bus routes from nearby stops on Cordelia Street; Morris Street and East India Dock Road. This area is served by TfL’s cycle hire scheme with docking stations located at Langdon Park and Chrisp Street market, within 550 m of the site. The density of this site can also be supported given the proximity of the site to a town centre.
- 4.16. The proposal is not considered to exhibit symptoms of overdevelopment onsite. The proposed residential units have access to appropriate sunlight and daylight; have good outlook and privacy. The proposed room sizes and layouts are policy compliant. Furthermore, consideration has been given on the impact the proposal has on social infrastructure which is discussed later in the report. Furthermore, the proposal assists in the delivery of affordable housing targets and provides a high proportion of family units in a well-designed scheme.

Housing

- 4.17. The amended scheme makes provision for 254 residential units; which is a reduction of 18 residential units from the previous scheme. The amended dwelling mix is tabled below.

4.18. The revised mix is as follows:

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%			0%
1 bed	99	10	18%	30%	12	35%	25%	77	44%	50.0%
2 bed	100	20	36%	25%	9	56%	50%	71	41%	30.0%
3 bed	51	21	39%	30%	4	9%	25%	26	15%	20%
4 bed	4	4	7%	15%	0	0%		0	0%	
5 bed	0		%	0%	0	0%		0	0%	
6 bed	0		%		0	0%		0	0%	
TOTAL	254	55	100%	100%	25	100%	100%	174	100%	100%

4.19. Despite the reduction of residential units, the applicant has retained the affordable housing provision of 35% by habitable rooms. The tenure split of the affordable housing would be 73% affordable rented at borough framework levels and 27% shared ownership. The viability assessed of the previous scheme confirmed that 35% affordable housing was the maximum amount which could be achieved onsite. The applicant has taken a commercial decision to continue to provide 35% affordable housing to ensure that the affordable housing provision is policy compliant.

Dwelling mix

4.20. Policy SP02 of the Core Strategy (2010) stipulates that new housing development should make provision for 30% family sized accommodation (three bed plus), including 45% of new affordable rented homes to be for families. Policy DM3 of the MDD seeks to secure 45% family sized units within the affordable rented tenure.

4.21. The proposal makes provision for 21 x 3 beds and 4 x 4 bed units within the affordable rented tenure which accords with policy. This equates to 45.5%. Whilst the proposal number of one and two bed units across all units does not accord with policy; on balance it is considered acceptable.

Child playspace

4.22. In response to the comments raised by Members, the applicant has introduced additional child playspace onsite to ensure that it is fully policy compliant. The amended proposal makes provision for additional roof terrace playspace to block E (the affordable rented block), which would be accessed via the Block D stair/lift core. All playspace for under 5s would be provided at roof level on the various blocks and therefore all children within the various tenure have access to this playspace. The playspace for children aged between 5-15 years old would be provided at podium level. This is illustrated in the plan below.



4.23. Table 1 below set out the proposed communal space and child playspace.

	Total communal and playspace proposed (Sqm)	Communal Space (sqm)	Playspace (sqm)
Central Core	530	185	345
Block A	170	10	160
Block B	170	170	
Block C	160	70	90
Block D			
Block E	360	40	320
Street Space	460	390	70
Total	1,850	865	985

Table 1: proposed communal and child playspace serving each block

- 4.24. Table 2 below illustrates that the proposal exceeds the policy requirement for child playspace onsite when considered against policy requirements.

	Child yield	Policy requirement sqm	Provided on site (sqm)	Plus or minus
Under 5's provision	40	400	425 sqm	+ 25 sqm
5-10 years provision	31	310	315 sqm	+ 5 sqm
11-15 years provision	21	210	245 sqm	+ 35 sqm
TOTAL	92	920	985 sqm	+65 sqm

Table 2: proposed communal and child playspace against policy requirements

- 4.25. Officers are confident that the proposed playspace would be of high design quality. Furthermore, children onsite would also be able to easily access the existing play areas at Langdon Park which is less than a 5 minute walking distance from the site.
- 4.26. Officers consider that the proposal would therefore comply with policies 3.5 of the London Plan; SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development Document (2013) which seeks to ensure that adequate amenity and child playspace is provided onsite. The applicant would be required to provide further details of the location and form play equipment, which would be secured by way of condition.

Potential impacts the proposed development has on social infrastructure; schools and health facilities.

Schools

- 4.27. The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework. The Inspector, in his report into the Managing Development Document, supported all of the Council's site allocations for infrastructure provision. This would enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores
- 4.28. The Managing Development Document (2013) includes the allocation of private development sites for 2 new secondary schools and a minimum of 5 new primary schools. These allocations would complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are in discussions about opportunities for new educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.

- 4.29. The approach to planning for school places takes into account committed and potential development as well as demographic projections. This information is updated annually to ensure it is kept relevant.
- 4.30. There are a number of local primary schools which are within easy access to children on this site including St Saviours, Cullodon, Woolmore, Lansbury Lawrence and Bygrove.
- 4.31. It is anticipated that Bromley Hall site, located approximately 500 metres from the site would have a new primary school opened onsite by September 2015. The proposal was approved by Cabinet in May 2015. It would be a two form entry school with 420 places anticipated to open in September 2018
- 4.32. In terms of secondary school places, there are new buildings Langdon Park and St Paul's Way. Bow School has doubled in capacity, increase from under 1,000 school places to 2,000 school places. At second level, there is an expectation to travel to secondary school and Bow School is located close to the site.
- 4.33. The proposal has therefore considered school places for future children to attend.

Health facilities

- 4.34. Primary care services in LBTH are structured across four localities each comprising two networks or local area partnerships (LAPs). The capacity planning should be carried on a locality basis for the locality in which the development is located.
- 4.35. In this case the development is in the south-east locality which comprises the wards Lansbury, Limehouse, Poplar, Canary Wharf, Blackwall and Cubitt Town and Island Gardens (pre 2104 wards Limehouse, East India and Lansbury, Millwall and Blackwall and Cubitt Town).
- 4.36. Current whole time equivalent (WTE) GP numbers plus existing list sizes obtained from NHS England (London region) should be used and are set out in Table 4.1.

Practice Name	List size 1 April 2015 (raw) - source SBS	Total GP WTE Source PCIS (provided May 2015)
NEWBY PLACE HEALTH WELLBEING CENTRE	4743	1.96
THE LIMEHOUSE PRACTICE	10512	9.02
THE CHRISP STREET HTH CTR	13463	9.92
ROBERTON STREET SURGERY [Island MC]	5813	3.45
DOCKLANDS MEDICAL CENTRE	7775	3.22
ABERFELDY PRACTICE	6368	3.45
ALL SAINTS PRACTICE	6282	3.78
ISLAND HEALTH	11613	8.46
THE BARKANTINE PRACTICE	18165	12

Table 3 – GP Practices and their WTE (Figures provided by NHS England May 2015)

- 4.37. The latest GLA 2014 (incorporating SHLAA data, consistent with the capped household size borough projection) round ward projections should be used to estimate the locality population at anticipated time of occupation of the development.
- 4.38. A capacity analysis can then be undertaken for the locality using a maximum GP to patient ratio of 1:1800.
- 4.39. The nearest practice is the Chrisp Street Health Centre which currently has GP, patient ratio of 1:1360 as compared to the maximum target ratio of 1:1800 on their list. The development is also within easy reach of Newby Place which has two practices, Newby Place Health and Wellbeing Centre and All Saints Practice with Aberfeldy Practice being slightly further away. These have combined list size of 30 856 and a GP patient ratio of 1:1610 As such in this locality there are sufficient GP services to absorb the new population arising from the proposed development.
- 4.40. Furthermore, in the short term the Council has already agreed s106 funding to convert some non-clinical space to clinical space at the Aberfeldy practice and NHS Tower Hamlets Clinical Commissioning Group (CCG) is considering a proposal to add further capacity to Chrisp Street by addition of an additional storey.
- 4.41. In the longer term the CCG with its partners is currently conducting a strategic review of the existing estate, including utilisation and condition and this would feed into the production of new strategic estates plan for Tower Hamlets which has a deadline for completion of December 2015. This review would model not only the likely increases in population but also the potential changes to service delivery models which could result in more activity taking place outside hospital. The council would look to support delivery of the plan by both utilising s106 monies and CIL monies.
- 4.42. The strategic plan would also feed into the refresh of the local plan which will help identify opportunities for new premises together with the ability to safeguard any vital sites for new health infrastructure. It would also be included in the infrastructure plan which form part of the local plan and would allow for prioritisation of potential scheme in relation to CIL funding.

Daylight and sunlight levels to neighbouring properties

- 4.43. In response to the design amendments, the applicant has submitted a revised Daylight and Sunlight report which has been reviewed independently. The assessment was carried out at the following properties:
- 151-161 Chrisp Street
 - Ascot House
 - 1-16 St Gabriels Close
 - 1-11 Riffle Street (also addressed "Fawe Street" properties)
 - 71 Carmen Street (Ballymore Scheme)

Overall, the results do show a slight improvement on the previous results but the impact is largely the same although the building is now smaller in mass. Results are much better overall for 1-11 Rifle Street because the Applicant has now identified room uses and limited the study only to habitable rooms. The larger impacts that were previously caused were to the commercial units that have now been omitted, therefore in the previous scheme 74 windows were tested but in the revised scheme 42 windows are tested. In summary the results for 1-11 Rifle Street have changed as follows:

VSC

25 of the 74 windows pass the VSC in the previous scheme

31 of the 42 windows pass the VSC in the amended scheme

NSL

3 windows failed the NSL test in the previous scheme

No windows failed the NSL test in the amended scheme (100% compliant)

4.44. For clarity, the actual assessment criteria for Vertical Sky Component (VSC) and No Sky Limit (NSL) in terms of how significant the loss of daylight is to neighbours is assessed with reference to bands used for VSC and NSL as follows:

- 0% to 20% - Negligible significance;
- 20.1% to 30% reduction – Minor significance;
- 30.1 to 40% reduction – Moderate significance; and
- above 40% reduction – Major significance.

4.45. Where low levels of daylight in the development are apparent from the VSC calculations, it is helpful to provide Average Daylight Factor (ADF) values for notional window and room sizes for the worst affected areas so as to establish that it is possible to avoid the creation of rooms in residential properties that are so dark as to be effectively uninhabitable.

4.46. For sunlight, the Annual Probability of Sunlight Hours (APSH) in summer and winter should be assessed for windows that face within 90 degrees of due south.

151-161 Chrisp Street

4.47. Of the 25 windows, 16 windows will retain in excess of 0.8 times their former vsc values and are thus compliant with BRE guidance. The remaining will retain 0.7 of its former values who represent a minor deviation from the BRE targets (30% of the existing value). The daylight consultant noted that *“the long term effect will be to leave these properties with levels of daylight commensurate with others with others in the immediate area”*.

Ascot House

4.48. Two windows will experience reductions in VSC or more than 20% from existing and these will experience reductions of 25% and 20.5%. Those two windows would experience only a minimal change in NSL and will be left with adequate levels of VSC for an urban location in any event.

1-16 Gabriels Close

4.49. 2 windows out of the 67 tested do not meet the BRE standard with reductions in VSC of 30% from existing. However, as identified in the report, the daylight is constrained by these being located below balconies and it is also relevant that there is minimal reduction in NSL.

4.50. There are also a number of windows that experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms will be left with sky visibility to more than 50% of the room area.

- 4.51. Therefore, on balance, the impacts could be considered to be minor to moderate adverse, but could also be said to be acceptable given the context of the existing low level site.

1-11 Rifle Street

- 4.52. 31 of the 42 windows tested meet the VSC standard. Seven windows would experience reductions of up to 30% from existing; three would experience reductions of more than 30%, and the worst affected window will experience a reduction of 65% from existing. It is however relevant that the windows more affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.
- 4.53. All windows would pass the NSL standard.
- 4.54. In general, the VSC levels that would be left will be reasonably good for an urban location; there are some exceptions with windows having fairly poor levels of VSC but most of those do experience a reduction of only up to 20%.
- 4.55. On balance, Officers consider the impact to be minor adverse.

71 Carmen Street

- 4.56. This is a development that has not yet been constructed but has planning consent for a residential development. It is therefore suitable for the applicant to submit ADF results only for this property.
- 4.57. The report identifies where rooms would have an ADF level below the BRE recommended minimum. 110 of the 124 rooms assessed will either have adequate ADF, or, if the ADF is already below the minimum recommended level, would experience no effective change.
- 4.58. The most significant impact is to 3 studios at ground floor level. With the existing site at Chrisp Street in place, these will have ADF levels of around 1% which are already below required living room use but just adequate for bedroom use. With the Chrisp Street development complete, these would have ADF levels of 0.6%. These would therefore be dark rooms with the perception of poor natural daylight.
- 4.59. Some of the rooms affected are kitchens that are small rooms of less than 13m². As such, it is recommended that these be treated as not being habitable rooms, as they are not large enough for dining use and therefore the levels of daylight that these are left with can be considered to be acceptable.
- 4.60. There are some living/kitchen/dining rooms that have good levels of ADF as designed but there are three rooms which would be reduced to below 1.5 ADF. However, the degree of non-compliance is not significant and cannot be refused on this ground.

Sunlight- APSH

- 4.61. A sunlight assessment is only required for those properties who affected windows face within 90 degrees of south. Therefore, it is not necessary for the applicant to have assessed the sunlight to 151-161 Chrisp St; Ascot House or 71 Carmen Street. The results for the remaining properties can be assessed as follows:-

1-16 Gabriels Close

- 4.62. The report acknowledges that 7 out of 27 rooms assessed do not meet the BRE standard for sunlight. There would be noticeable reductions to the worst affected properties of over 30% reduction in annual sunlight to two of the ground floor rooms and 50% reduction in winter sunlight to six of the rooms. It seems likely however that the worst affected rooms are bedrooms which do not have a lower requirement for sunlight.
- 4.63. In addition, some of the windows that would be left with lower levels of annual sunlight have overhanging balconies restricting sunlight availability.
- 4.64. The scheme proposal would leave that would be left with lower levels of annual sunlight have overhanging balconies restricting sunlight availability.
- 4.65. The scheme proposal would leave these flats with relatively good levels of annual sunlight by urban standards and, to some windows, relatively poor levels of winter sunlight. That is going to be inevitable with the windows only able to received sunlight effectively from the southeast and with a development that is inevitably going to be of large massing located to the southeast of the block.
- 4.66. On balance, the impact could be considered to be minor adverse due to the good levels of annual sunlight that would generally be left.

Conclusion of daylight and sunlight grounds

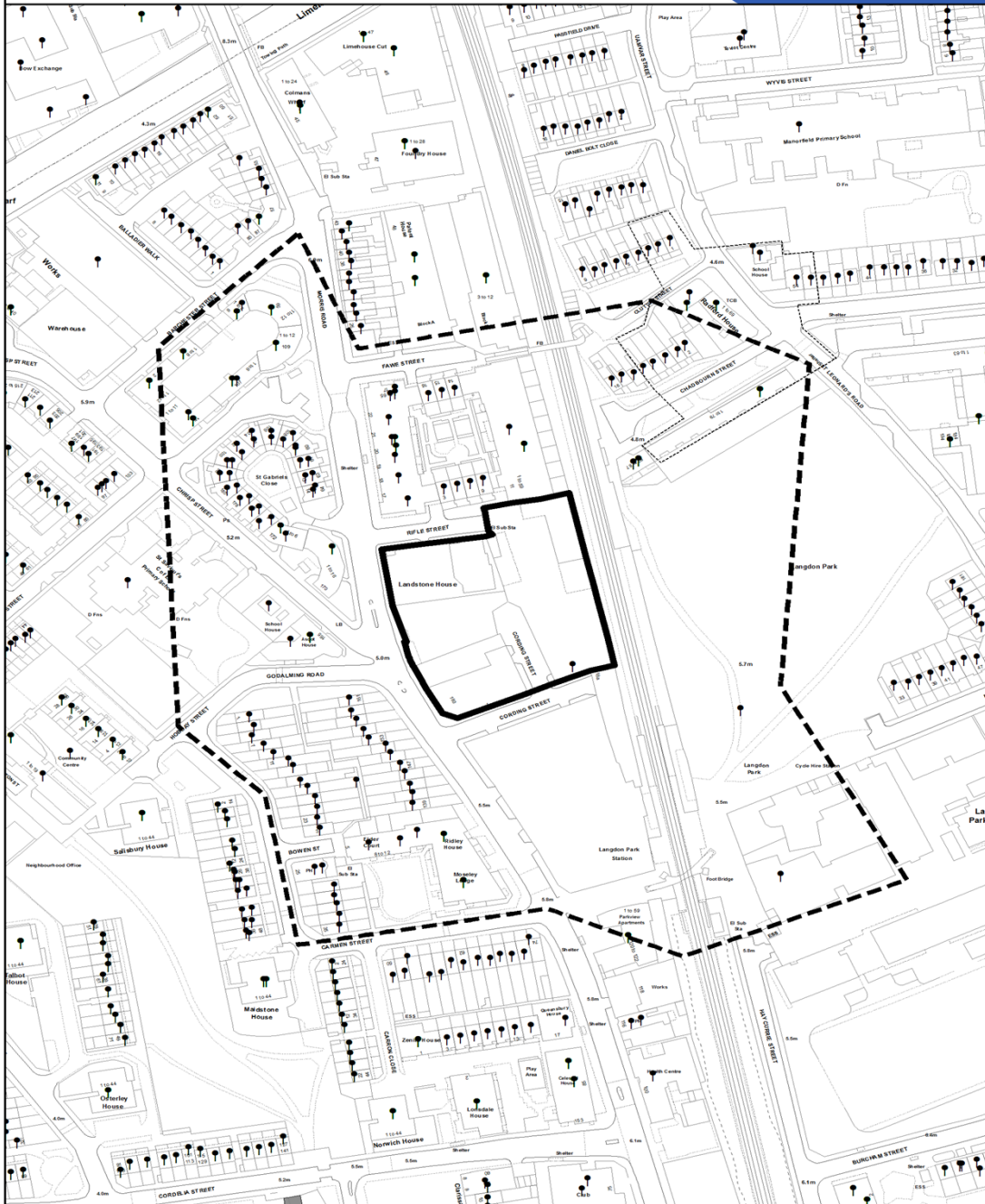
- 4.67. Officers are of the opinion that the proposal would comply with policies National Planning Policy Framework; policies SP10 of the Core Strategy and DM25 of the Managing Development Document which seek to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding residents against unnecessary loss of daylight and daylight.

CONCLUSION

- 4.68. All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS appended to this report and the details of the decision are set out in the RECOMMENDATION at the beginning of this report (appendix one)
- 4.69. At the Committee meeting on the 27th August 2015 Members forwarded the following grounds for refusal:
- a. height bulk mass ;
 - b. impact on amenity of neighbouring properties;
 - c. social infrastructure (no study in place);
 - d. density; and
 - e. shortfall of playspace.
- 4.70. If Members are minded to refuse the application, subject to any direction by the Mayor of London the following reasons for refusal are suggested:

- The proposed height, bulk and mass of the development is incongruous with neighbouring buildings and does not respond to its context appropriately which are symptoms of poor quality design and contrary to policies NPPF; chapter 7 of the London Plan (2011); SP10 of the Core Strategy (2010) and DM24 & DM26 of the Managing Development Document (2013) which seeks to ensure that buildings and spaces are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- The proposed development results in an unacceptable loss of daylight and sunlight to neighbouring properties contrary to policies National Planning Policy Framework; Chapter 7 of the London Plan; policies SP10 of the Core Strategy and DM25 of the Managing Development Document which seek to ensure that neighbouring residential amenity is not compromised.
- The proposal does not make appropriate provision for child playspace onsite in accordance with policies 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development Document (2013) which seeks to ensure good quality and appropriate amount of child playspace is provided onsite.
- The density of the proposed development exceeds guidance set out in London Plan policy 3.4 (table 3.2) and there is a lack of information regarding the impact of the proposed development on local schools and health facilities contrary to policies 3.16 of the London Plan (2014); SP03 of the Core Strategy (2010) and DM8 of the Managing Development Document (2013) which seeks to ensure that adequate community facilities (schools and health services) are provided.

Planning Application Site Map
PA/15/00039



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:2,500

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

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Strategic Development Committee	Date: 27 August 2015	Classification: Unrestricted	
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Report of: Director of Development and Renewal	Title: Applications for Full Planning Permission
Case Officer: Shay Bugler	Ref No: PA/15/00039
	Ward: Lansbury

1. APPLICATION DETAILS

Location: Land at 160-166 Chrisp Street

Existing Use: Vacant light industrial (B8 Use)

Proposal: Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

Drawings and documents:

Drawing numbers:

1000 Rev B; 1001 Rev D; 1002 Rev B; 1110 Rev F; 1116 Rev F; 1117 Rev F; 1118 Rev F; 1119 Rev F; 1120 Rev F; 1122 Rev F; 1123 Rev F; 1201 Rev F; 11202 Rev F; 1204 Rev F; 1205 Rev F; 1206 Rev F; 1301 Rev F; 1302 Rev F; 1303 Rev F; 1304 Rev F

- Design and access statement by Brimelow McSweeney dated January 2015
- Daylight and sunlight report by eb7 dated 10 December 2014
- Transport Assessment by Mayor Brown dated December 2014
- Planning Statement prepared by Savills dated January 2015.
- Heritage Statement dated December 2014 (ref no: 105930) prepared by Wessex Archaeology
- Air Quality Assessment prepared by Breon Ltd dated September 2014
- Wind microclimate assessment by BRE dated 22 December 2014 by Savills
- Draft construction Logistics Plan by Mayor Brown dated December 2014.
- Extended ecological phase 1 Habitat Survey Report dated December 2014

- Energy Statement by Hodkinson dated December 2014
- Geotechnical and Geoenvironmental by Stats (Ref no: 36173-01)
- Noise and vibration assessment by Clarke Saunders Acoustics consultancy dated 25 November 2014
- Socio economic assessment dated 17 December 2014 by BRE
- Statement of Community Involvement dated December 2014
- Sustainability Statement dated December 2014
- Townscape and visual impact appraisal by Turley Associates dated December 2014
- Study of the wind environment around proposed development by BRE dated December 2014
- Economic Viability appraisal report dated 30 January 2015

Applicant: Bellway Homes

Ownership: Bellway Homes

Historic Building: None

Conservation Area: None

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(as amended and consolidated March 2015) and national guidance (National Planning Policy Framework) (NPPF) and local guidance along with all other material considerations and has found that:
- 2.2 The loss of vacant existing industrial buildings onsite is acceptable onsite given that the surrounding area is predominantly residential in character and the site is located outside a Local Industrial Location. The proposed residential development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child playspace.
- 2.3 The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. There are 55 social rent units proposed. The 4 houses proposed form a terrace (i.e. two are semi-detached and two are terrace dwellings).

- 2.4 The report explains that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location.
- 2.5 The proposal would not give rise to any unduly detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise nuisance and other amenity impacts would also be mitigated so as not to cause unduly detrimental impacts to future residents.
- 2.6 Transport matters including parking, access and servicing area are acceptable.
- 2.7 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure 35% affordable housing by habitable rooms and a contribution towards employment during the construction phase and end use phase skills and training, and a Community Infrastructure Levy payments.

3. RECOMMENDATION

- 3.1 To **GRANT** planning permission subject to:
- 3.2 Any direction by the Mayor of London
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:
 - 35% Affordable Housing (70 'affordable target' rent units/30 intermediate units)
 - Car free agreement
 - Local training, procurement and access to employment strategy (20% local goods and services procurement)
 - 20% local employment during construction
 - Construction Phase and end user phase skills and training £17,547
- 3.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.
- 3.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents
3. Compliance with Energy and Sustainability Strategy submitted by the applicant
4. All residential accommodation to be completed to Lifetime Homes Standards
5. All amenity space including child space accessible to all future residents of the development

6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
8. Removal of tree/shrub subject to nesting bird survey.
9. All residential units shall be designed to meet noise requirement BS8333.
10. Installation of heat network compliance
11. A 'car free' agreement

Prior to demolition conditions

12. Demolition Environmental Management and Logistics Plan
13. Scaffolding details – proximity to the railway. This would include a Risk a Risk Assessment and method statement
14. Details of adequate safety measures into the construction of the development
15. Crane/lifting Management Plan
16. No vibro-compaction machinery unless details of the use machinery and method statement have been submitted to and approved by the Local Planning Authority

Prior to commencement of works (except demolition)

17. Construction Environmental Management and Logistics Plan
18. Ground contamination – investigation and remediation
19. Archaeological scheme of investigation
20. Design and construction methodology for the foundations
21. Piling Method Statement

Prior to commencement of works above ground floor slab level

22. Details and samples of all facing materials including windows, balustrades and screening;
23. Details of sound insulation measures in accordance with agreed standards;
24. Details of hard and soft landscaping, boundary treatment details and children's play equipment;
25. Details of the wheelchair housing specifications to show the three four bed family units are wheelchair adaptable;
26. Details of all Secure by Design measures/ Secure by Design Accreditation
27. Details of biodiversity enhancements;
28. Detailed specification of the proposed 96kWp photovoltaic array;
29. Radio Impact Survey;
30. Details of maintenance facades of the building facing the railway in consultation with the DLR;
31. Scheme of Highway improvement works (including stopping up details where relevant).

Prior to Occupation conditions

32. Details of car Parking Allocation Management Plan;
33. Submission of Secure by Design Certificate;
34. 20% electric vehicle provision (maximum 10% passive provision);
35. Final energy calculations to show how the scheme has delivered the carbon emission reductions;

36. Details of cycle storage;
37. Details of Servicing Management Plan.

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

Informative

1. Associated S106 legal agreement;
2. Compliance with Environmental Health Legislation;
3. Compliance with Building Regulations;
4. Notice period to DLR for works adjacent to the railway.

4. SITE AND SURROUNDINGS

- 4.1 The site is located in Poplar to the north of Canary Wharf and is bounded by Rifle Street to the north, Cording Street to the south, the Docklands Light Railway (DLR) line to the east and Chrisp Street to the west. The nearest part of Transport for London's road Network (TLRN) is East India Dock Road (A13) approximately 500m to the south of the site.
- 4.2 The site immediately to the south of the application site, and immediately next to Langdon Park station is recently approved 22 storey Ballymore residential scheme. Beyond the station, to the west, various residential blocks have been developed, and across the road, opposite the station there is an estate renewal taking place by Bellway. Adjacent to this redevelopment by Bellway, there are two storey, flat roofed residential terraces, which form part of an estate. The site is therefore, at present, the only area where there is an element of declining light industrial activity remaining.
- 4.3 At present, the site is vacant but was previously occupied by warehouse buildings and storage areas for a number of industries and covers an area of approximately 4,044 square metres. The existing buildings have associated areas of hardstanding used for car parking.
- 4.4 The nearest station is Langdon Park DLR, which is approximately 150 m to the south. The area is also served by 5 bus routes from nearby stops on Cordelia Street; Morris Street and East India Dock Road. This area is served by TfL's cycle hire scheme with docking stations located at Langdon Park and Chrisp Street market, within 550 m of the site.
- 4.5 The public transport accessibility level (PTAL) rating for the site ranges from 3 (average) in the north to 4 (good) in the south which means it has moderate/good access to public transport.
- 4.6 Chrisp Street also incorporates a mix of other uses including a health centre, shopping units and Chrisp Street market. The site is located 300 metres from Chrisp street District Centre. Immediately to the west of the station is a modern/contemporary youth centre called 'Spot Light' which is located in the site of Langdon Park secondary school.
- 4.6 There is a large conservation area to the east of the site across the railway tracks known as Langdon Park Conservation Area. The closest main watercourseS to the site are the Limehouse Cut Canal and Bow Creek.

5 RELEVANT PLANNING HISTORY

- 5.1 Ref no: PA/07/1966: An application was submitted on 11 December 2007, for the demolition of existing buildings and redevelopment ranging from 6 to 8 storeys to provide 276 residential units (95 x 1 bed, 120 x 2 bed, 55 x 3 bed & 6 x 4 bed), 1182sq.m of commercial (retail) floorspace at ground floor and basement parking. This was withdrawn on 21 April 2008.

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 The proposal involves the demolition of the existing buildings onsite and the construction of 6 blocks on the site (blocks A, B, C, D, E & F) to provide 272 residential units.
- 6.2 **Block A** is located in the north-eastern part of the site, fronting onto the new internal street and orientated parallel to the DLR line. The block extends to 10 storeys in height and provides 49 private residential apartments and 19 shared ownership units. The majority of the dwellings in the block are accessed from an entrance core on the new internal street. Some ground floor units are accessed directly from the new internal street. Communal amenity space is provided at roof level and private amenity space is provided for each dwelling, in the form of balconies or rear gardens to the ground floor units.
- 6.3 **Block B** is located in the south-eastern part of the site and adjoins Block A and would extend to 13 storeys in height. It provides 78 private residential apartments and 11 shared ownership units. The majority of the dwellings are accessed from a central entrance core, with some ground floor dwellings accessed directly from the internal street. Private amenity space is provided for each dwelling, in the form of balconies or rear gardens. The block also provides direct access at the tenth floor to the communal amenity space on the roof of Block A. The block includes a residents gym on the ground floor, located in the south-west corner of the block. Cycle store is provided at the ground floor. A plant room containing the proposed CHP plant is located at ground floor level which will enable the extent of flues to be taken to the highest building within the scheme.
- 6.4 **Block C** is located in the south-western part of the site, fronting Cording Street and Chrisp Street, and marks the main entrance to the scheme. The block extends to eight storeys and provides 55 private residential apartments, one shared ownership unit and one affordable rented unit, including seven maisonette units on the ground floor and first floor. These units will be accessed from Chrisp Street or Cording Street. The proposed entrance core at the junction of Chrisp Street and Cording Street would be double height and set back from the building line to provide a new area of urban landscaped space. Private amenity space is provided in the form of balconies and terraces and the communal amenity space at podium level can be accessed from the first floor. Refuse, cycle store and plant room are provided at ground floor.
- 6.5 **Block D** is located in the western part of the site fronting Chrisp Street, adjoining Block C to the south. The block extends to 6 storeys and comprises 41 affordable rented units, including 8 maisonette units on the ground and first floor which can be accessed directly from Chrisp Street and from the undercroft car park. All other apartments are accessed from a core off Chrisp

Street. Private amenity space is provided in the form of balconies and terraces. Communal amenity space is provided on the roof of Block E, with access from the fifth floor, as well as the central podium. A number of cycle stores are provided at ground floor level, each accessed from the car park.

- 6.6** **Block E** is located in the northern part of the site, fronting Rifle Street and adjoining Block D to the west. The block extends to four storeys in height with the top floor set back from the building line to reduce the visual appearance of the building along Rifle Street. The block comprises four affordable rented maisonette units at ground and first floor, which are accessed directly from Rifle Street, and 10 private residential dwellings located on the upper floors, accessed from an entrance core on Rifle Street. Refuse and cycle storage is provided at the ground floor.
- 6.7** **Block F** is located at the centre of the site and fronts the new internal street. It provides four private three storey townhouses. The dwellings can be accessed at ground floor level from the internal street and have private terraces at first floor level which open out onto the communal open space at podium level. A cycle store is provided at ground floor level.
- 6.8** The scheme makes provision for 20 number of car parking spaces and 448 number of cycle parking spaces onsite.
- 6.9** The scheme provides a new landscaped street through the site, which would run from north to south to connect Rifle Street and Cording Street.

7 POLICY FRAMEWORK

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. 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:

7.2 Government Planning Policy

NPPF/ NPPG - National Planning Policy Framework/ Guidance

- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Required good design
- Chapter 8: Promoting healthy Communities
- Chapter 10: Meeting the challenges of climate change, flooding and coastal change.

7.3 Spatial Development Strategy for Greater London – (London Plan Consolidated 2015)

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres

- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.19 Sports facilities
- 4.4 Managing Industrial Land and Premises
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land

7.19 Biodiversity and Access to Nature

7.4 Tower Hamlets Adopted Core Strategy 2010

SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP05 Dealing with waste
SP06 Employment uses
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 place making
SP13 Planning Obligations

7.5 Managing Development Documents 2013

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community Infrastructure
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 transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012

7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

8.0 CONSULTATION RESPONSE

8.1 The following consultees were consulted with regards to the application. Responses are summarised below. Full representations are available to view in the case file. The views of Officers within the Directorate of Development and Renewal are generally expressed within Section 10 of this report which addresses the various material planning considerations but where

appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Environmental Health (noise)

8.2 The proposal is considered to be acceptable subject to the following conditions:

- (a) (i) All residential units shall be designed in accordance with BS8233 on sound insulation
(ii) A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and results submitted to the LPA

(b) Construction works to be carried out only during the following hours: 8am-6pm Monday to Friday. 8am – 1pm Saturdays. No works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed.

(OFFICER'S COMMENT: Suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Environmental Health (contamination)

8.3 A condition should be included to ensure a detailed site investigation report is submitted to identify and investigate any potential contamination prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Environment Health (air quality)

8.4 The proposed Combined Heat and Power plant must comply with the Air Quality neutral assessment and the standards set out in the GLA Sustainable Design and Construction SPG.

(OFFICERS COMMENT: This would be secured by way of condition).

LBTH Energy Efficiency Unit

8.5 The proposed Energy Strategy is acceptable subject to the following Conditions:

- A heat network supplying all spaces within the development shall be installed. It shall be operational prior to the full occupation of the development and shall thereafter serve all spaces within the development
- Full detailed specification of the proposed 96kWp photovoltaic array to be approved
- Prior to occupation, the applicant shall submit the final energy calculations

(Officers comment: The above would be secured by way of condition to ensure a reduction of carbon dioxide emissions)

- 8.14 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

LBTH Communities, Localities & Culture (Strategy)

- 8.15 There would be no financial contributions sought from this development.

LBTH Transportation & Highways

Car parking

- 8.16 The development should be subject to an s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 8.17 The provision of 20 accessible car parking spaces is welcomed onsite.

(Officers comment: The applicant would be required to enter into a 'car free' agreement).

Cycle parking

- 8.18 The proposal makes provision for 448 cycle spaces for the residential element and in accordance with policy in a safe and secure location using Sheffield Stands which is welcomed by Officers.

Servicing and Delivery

- 8.19 The proposed servicing arrangements via Rifle Street is considered acceptable. Notwithstanding, the applicant would be required to submit a servicing management plan for approval by the Local Planning Authority prior to commencement of works above ground floor slab level. This would be secured by way of condition.

Construction Management

- 8.20 A Construction Management Plan would be required as a condition to outline the effect of the construction on the public highway. A S278 agreement is required to secure the cost for any damage or changes caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the planning permission.

(OFFICER'S COMMENT: Suggested conditions and informative have been included and highway matters would be addressed in Section 10 of this report).

LBTH Enterprise & Employment

- 8.23 The developer should 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 we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The Council would seek to secure a Section 106 contribution of £17,547 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(OFFICER'S COMMENT: The planning obligations are explained in detail in Section 10 of this report)

- 8.24 The applicant has not submitted marketing evidence to demonstrate that a B1 commercial use onsite would not be viable, the applicant should provide relevant marketing evidence and/or a relocation strategy for existing businesses.

(Officers comment: Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. This is discussed further in Section 10 of the report).

LBTH Waste Management

- 8.25 Further details on the refuse and recycling storage arrangements shall be submitted to and approved by the LPA prior to occupation. This would be secured by way of condition.

LBTH Biodiversity

- 8.26 LBTH Biodiversity team do not object to the proposal subject to the following contributions:
- Full details of biodiversity enhancements shall be submitted and approved by the Local Planning Authority
 - Landscaping details should include a good diversity of nectar rich plants to provide food for bumblebees and other pollinators.

(Officers comment: The above would be secured by increase the biodiversity of the site).

External consultation responses

Metropolitan Police, Crime Prevention Officer

- 8.26 The Metropolitan Police do not raise any objections subject to the following condition: Prior to the occupation of the development, a Secure by Design Accreditation (to include details of CCTV) on site, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the particulars so approved.

(Officers comment: The applicant would be required to submit a Secure by Design Accreditation to ensure that the development is designed to maximise safety and security throughout the site. This would be secured by way of condition).

Environment Agency

- 8.27 The Environment Agency has raised no objections and has not requested to include any conditions to the consent.

(Officers comment: The applicant would be required to submit a Surface Water Management Plan for approval by the Local Planning Authority. This would be secured by way of condition).

Transport for London (TfL)

- 8.30 Transport for London (TfL) are satisfied with the proposed car park; cycle parking; access and servicing arrangements development subject to the following conditions:

- Construction Management Plan
- Travel Plan

(Officers comment: The Construction Management Plan would be secured by way of condition and the Travel Plan would be secured in the S106 Agreement).

Greater London Authority

- 8.31 The GLA are supportive of the application and have the following comments to make:

- The proposed land use is considered acceptable in strategic terms.
- Housing/affordable housing: The results of the independent assessment of affordable housing provision should be shared with GLA officers demonstrating the maximum reasonable amount of affordable housing is being secured at the site.
- Design: The noise mitigation proposed through appropriate architectural materials should be secured by condition and the playspace equipment proposed should also be secured and be useable given the implementation of PV on the roof top. Therefore the screening panels proposed should also be secured by condition. The overall approach to the layout, height and massing and the residential quality is supported.
- Inclusive access: The applicant has provided sufficient information to demonstrate that the scheme is fully accessible to all.
- Climate change/energy: The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further information is required before the final proposals can be understood. The current carbon dioxide savings exceed policy requirements and are welcomed.
- Sustainable drainage: The drainage measures proposed for the site by the applicant should be secured by the Council by way of condition.

London Fire and Emergency Authority

- 8.32 No comments received

English Heritage Archaeology

- 8.33 English Heritage (archaeology) does not object subject to a condition which requires a programme of archaeological work to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

Docklands Light Railway

- 8.34 DLR do not object subject to the proposal subject to the following conditions:
- Demolition and Construction Management Plan
 - Adequate safety measures into the construction of the development
 - Full details of the design and construction methodology for the foundations
 - Scaffolding details- proximity to railway. This would include a Risk Assessment and Method Statement
 - Radio Impact survey
 - No vibro-compaction machinery unless details of the use of such machinery and method statement have been submitted and approved
 - Maintenance or alterations to the façade of the development fronting the railway line shall be submitted.

(Officers comment: The above conditions would be secured to protect the safe and efficient use of the railway).

- 8.35 DLR also recommends that a condition should be attached to the permission which requires no balconies to the elevation facing the railway and that all windows on this eastern elevation would be fixed. This is to ensure that the safety of the DLR network is not compromised by an object falling onto the railway. The proposed balconies would be enclosed, therefore no objects would be able to fall onto the railway.

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 A total of 523 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.

- 9.2 1 petition with 30 signatures in support and 7 individual letters of objection were received from local residents.

Objections

- The scale of development is unacceptable onsite
- The proposal would result in loss of daylight and sunlight to surrounding properties.

- There will be unacceptable levels of noise and dirt which will come from this building and invasion of privacy.
- The proposal puts pressure on existing local services such as shops, schools and health services and does not make provision for any of these services.

(Officers comment: The above comments are addressed in Section 10 of the report).

9.4 Support

- The current industrial site is unsightly, unused and creates a barrier between Langdon Park and Limehouse canal.
- The design is solid with formidable massing withdrawn from the main road and a colour scheme in keeping with the two more adjacent modern buildings.

9.5 All representations are available at Committee to view upon Members request.

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design
3. Housing - density, mix and tenures
4. Impact on neighbours the amenity of existing residents
5. Transportation and Access
6. Sustainability, Energy Efficiency & Climate Change
7. Health Considerations
8. Planning Obligations & CIL
9. Conclusion

Land Use

Principle of development

10.2 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.

10.3 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 enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support

sustainable economic development through meeting the housing, business and other development needs of an area.

The loss of industrial floorspace onsite.

- 10.4 Policy 4.4 of the London Plan seeks to ensure sufficient industrial stock of land is provided and/or retained to meet the future needs of different types of industrial related uses. Policy SP06 of the Core Strategy (2010) and DM17 of the Managing Development Document (2013) requires mixed use re development of local Industrial sites to re-provide at least the same quantum of employment floorspace and also seeks to ensure that introducing that introducing residential uses does not jeopardise the function and viability of industrial B type uses, and provides flexible units including those to meet the needs for small to medium sized enterprises (SME's).
- 10.5 The site is currently used for light industrial space (B8 within the use class order). The existing warehouse provides approximately 587 sqm2 of B1 (office) use and 3457 sqm of general light industrial. The site is currently vacant and therefore there is no existing employment provided onsite.
- 10.6 DM15.1 requires evidence to be provided to demonstrate that where proposals seek to reduce the amount of existing employment floor space, the site has been actively marketed (for approximately 12 months) *or* that the site is unsuitable for continued employment use due to its location, accessibility, viability, size and condition. DM15.2 is concerned with existing businesses not being displaced by the proposal. This is not the case as the site has been vacant for some time. It is accepted that whilst the existing wholesale, storage and office space is vacant and although no evidence was submitted to suggest that any marketing has taken place to facilitate continued employment use, it is accepted that the existing floorspace currently provides relatively low quality employment floorspace and is unsuitable for continued use in this location.
- 10.7 In this instance, it is considered that the loss of the existing floor space has been justified in terms of the relevant tests in policy DM15, in that it would not result in the loss of a viable employment use and that the current premises are not suited to continued employment use given their location, size and quality.
- 10.8 There is a general decline in the demand for warehouse floorspace in this area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2010) stipulates that new development close to Langdon Park should primarily be a place for residential uses. The Core Strategy's does not promote this area for light industrial, storage or distribution uses.

- 10.9 The GLA note that *“the character of the surrounding area has changed significantly becoming almost entirely residential. Once this scheme and the neighbouring site are built out, the area will become predominantly residential in character”*. There are also a number of developments in the area which have vacant commercial units in their ground floors.

Principle of residential Development onsite

- 10.10 Delivering new residential accommodation is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 39,314 new homes over a ten year period. The Further Alterations to the London Plan sets out a minimum target of 3,931 for Tower Hamlets.
- 10.11 The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.12 Within the adopted Core Strategy (2010), the site is identified in “Poplar”. The vision set out in the Core Strategy for Poplar is to:

“regeneration the area] into a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”

One of the key principles for the vision of Poplar is to:

“focus higher density development in and around Chrisp Street and adjacent transport nodes”.

- 10.13 The site is currently an underutilised vacant site with good access to public transport facilities and local services including Chrisp Street town centre. It is considered that redeveloping this site would act as a catalyst for regeneration for the site and the Poplar area in accordance with the Core Strategy. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn’t result in overdevelopment of the site. Furthermore, this subject proposal would help address the great requirement for social rented housing which is a priority focus for the borough.

Gymnasium

- 10.14 Policy 3.19 of the London Plan (consolidated with alterations since 2011) stipulates that “development proposals that increase or enhance the provision of sports and recreation facilities will be supported”. Policy SP03 of the Core Strategy (2010) seeks to provide high quality social and community facilities in accessible locations. Policy DM8 of the Managing Development Document seeks to ensure gyms are local in nature and scale and where there is a need for such facility.
- 10.15 The proposed ancillary D2 (gym) is located to the south west of the site. The area is increasingly characterised by high density residential development. The gym is considered to be an important facility for the future residents of the

development and would serve to promote health and well being. The proposed gym would also generate employment which is supported by the Council.

DESIGN AND APPEARANCE

- 10.16 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.17 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 10.18 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 10.19 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context.
- 10.20 The application proposal includes a redevelopment proposal which would be of high quality and would enhance the surrounding area. The design of the new buildings is discussed in more detail, within this section of the report under the headings: layout; height and scale; architectural appearance; and safety and security; as considered in detail below.

Layout

- 10.21 The scheme comprises three buildings or 6 blocks which have been arranged to provide an area of open space at the centre of the site. The building line at the east of the site has been determined by the adjacent DLR and the required DLR safe guarded zone of 8 metres has been respected. The building line on Rifle Street and Chrisp Street follows the site perimeter and the building line of adjacent buildings.
- 10.22 At ground level there are 20 car parking spaces located in an undercroft car park which is accessed off the new internal street. Above the car park, at podium level is a combination of communal amenity space and child play space provision.
- 10.23 The layout of the scheme is particularly supported as it creates an active public realm, through the generous provision of ground floor entrances to all

units at street level. A new north-south pedestrianised street is proposed through the centre of the site. The new link connects Rifle Street and Cording Street and improves the permeability of the area. Blocks A & B and the town houses fronts onto the link road.

- 10.24 There is a landscaped podium courtyard space proposed which sits above and encloses the car park area and would provide valuable amenity space for residents. The buildings that enclose the courtyard space have been designed to be outward facing and provide active frontages, with a number of maisonette dwellings at ground floor level with their front doors in Chrisp Street separated by an area defensible space.

Height, bulk and scale

- 10.25 The scheme comprises of buildings ranging from 4 to 13 storeys in height. The scale, massing and height is presented with the lower elements fronting Cording Street; Rifle Street and Chrisp Street and the taller element to the east of the site fronting the DLR and Langdon Park. The taller elements are confined to the north and south east of the site. Block A extends to 10 storeys in height which is located to the northern part of the site. This block is directly adjacent to the DLR and would be prominent when viewed across Langdon Park. Block A is designed to be subservient to Block B which extends to 13 storeys. Block B is proposed to be the tallest element of the proposals located in the south east corner of the site and extends to 13 storeys in height. This is significantly lower than the site adjacent which has planning permission for 22 storeys. The GLA note that *“the buildings increases in height to complement the neighbouring proposal and drops in height towards the northern end. This approach is supported”*.
- 10.26 The proposal has been designed to reflect the height and massing of adjacent blocks. The proposed development would provide a transition in scale between the tall and large scale developments located around the edge of the Chrisp Street district town centre to the south, and the residential/commercial scale of the area to the north and west of the site. The scale, bulk and massing is therefore acceptable and in keeping with the prevailing character of the area.

Architecture appearance

- 10.27 The proposed buildings are contemporary in nature which is in keeping with the prevailing character of new residential developments within its immediate context. The materials proposed include high quality brickwork (dark brown brick; grey and yellow); contracting wall cladding; metal and glass balustrade; stainless steel flues; privacy screens to block C and powder coated aluminium window frame. Robust materials along with carefully designed details would provide a coherent high quality development to complement the existing fabric of the area. Large balconies would help articulate and give focal points to the elevations.
- 10.28 Subject to conditions to ensure high quality materials and finishes, the proposal is considered to be of high quality and adopting good design principles. The proposed materials are considered to respect the local area and uplift an otherwise neglected part of this area.

Impact on Langdon Park Conservation Area

- 10.29 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environment. Policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Managing Development Document seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough's conservation areas.
- 10.30 Core Strategy Policy SP10 aims for the protection and enhancement of heritage assets and their settings, including Conservation Areas, Statutory Listed Buildings and Locally Listed Buildings.
- 10.31 The proposed development has the potential to impact upon the Langdon Park Conservation Area that lies adjacent to the eastern boundary of the site and extends to the north of the site. This Conservation Area is focused around St Michael's Church located 195m to the east of the Site. The area also includes the locally listed buildings of 159-167 St Leonards Road, 162 St Leonards Road and St Leonards Arms Public House.
- 10.32 A townscape and visual assessment has been prepared by the applicant to examine the surrounding area and to examine the impact the proposal would have on Langdon Park Conservation Area, which comprises a varied and eclectic mix of periods and architectural styles, without one single strong building form or use of external materials. The articulation of the eastern façade has been carefully considered and Officer's believe it presents a well-proportioned view from Langdon Park.
- 10.33 The applicant has submitted a views analysis within Langdon Park, looking westwards towards 160-166 Chrisp Street. The viewpoint is some 150 metres away. It was concluded that the schemes proposal is likely to have a direct permanent moderate beneficial effect on the view.
- 10.34 The visual impact of the proposed development from Morris Road, looking southwards towards 160-166 Chrisp Street was also examined. The viewpoint is located approximately 70 metres away, on the southwest boundary of the Langdon Park Conservation Area, although no part of the Conservation Area is visible within the view. It is concluded that the scheme proposal is likely to have a direct, permanent moderate to minor beneficial effect on the view from this viewpoint.
- 10.35 In addition, the applicant submitted a view looking northwards towards 160-166 Chrisp Street. The viewpoint is approximately 350 metres away. The view falls on the eastern boundary of Lansbury Conservation Area, with the market building, public house and adjacent building all falling within the boundaries of the Conservation Area. Again, the proposal would have a permanent moderate to minor beneficial effect on the Conservation Area.
- 10.36 Further, there would be minimal impact to the Listed Buildings of Balfron Tower and Carradale House within the Balfron Conservation Area. Overall, the proposal is considered to have a negligible impact on Langdon Park Conservation Area and is therefore considered acceptable.

Safety and Security

- 10.37 The proposal has been developed in accordance with the principles of Secured by Design. Principles of design and safety have been incorporated into the design.
- 10.38 Overall, the scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design. The development proposals would improve local legibility and connectivity, and natural surveillance in the area. Notwithstanding, the applicant would be required to attain a Secure by Design Accreditation Certificate prior to occupation.
- 10.39 In terms of detailed design, materials and finishes, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.
- 10.40 The urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance 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 Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Housing

- 10.41 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.
- 10.42 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. This section will consider the proposed housing mix and the quality of the residential units provided.

Residential density

- 10.43 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.

- 10.44 The site has a public transport accessibility level (PTAL) rating of 3 and 4 which means it has good access to public transport. Table 3.2 of the consolidated London Plan (2015) suggests a density of 200-450 habitable rooms per hectare (hrph) for sites with a PTAL range of 3 and suggests a density of 200-700 hrph for sites with a PTAL range of 4.
- 10.45 The proposed density is 1155 habitable rooms per hectare (hrph) which exceeds the target for this area. Density figures only serve as an indication of the likely impact of a development and the development does not present any serious concerns in respect of overdevelopment as considered in detail below.
- 10.46 High density schemes may exhibit symptoms of over development which relate to:
- 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
- 10.47 On review of the above issues later in this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable because the proposal assists in the delivery of affordable housing targets, is of a high design quality, responds appropriately to its context and is not considered to result in adverse symptoms of overdevelopment.
- 10.48 Officers consider that the proposal would provide good quality and affordable homes, including a very high proportion of family sized units in a well-designed scheme that positively responds to local context. Due to the fact that this proposal is responding to an identified housing priority which is a demand for large affordable family housing, it is not considered that this would result in an under-provision of units, it is considered that the proposal optimises the use of the site and the site would comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

Affordable housing

- 10.49 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 3.11 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.
- 10.50 The issue of affordable housing and off-site provision is similarly dealt with in the Council's policies. Policy SP02 of the Core Strategy sets an overall target

of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

- 10.51 The applicant has submitted a viability assessment which was reviewed by an independent viability consultant appointed by the Council. The proposal makes provision for 35% affordable housing by habitable rooms which accords with Council policy. Within the affordable housing provision, 69% of the units would be affordable rent (i.e borough framework rents) and 31% would be intermediate rent. The proposed rents are in accordance with the borough rent framework levels for the E14 area. The affordable housing provision is supported by the Council's housing team. This fits with the Council's approach to prioritise the larger family homes for affordable rent tenure based on local income levels.

Addressing the over crowding problem in the Borough

- 10.52 The table below shows the level of overcrowding in Lansbury ward at 17%. This is greater than the borough average of 16%. The number of bedrooms required to overcome this overcrowding would be 2480. The introduction of 53 additional affordable rented units would help reduce overcrowding amongst households. It is not considered that this scheme would disproportionately affect the levels of social/affordable housing in the area when compared with the recent market housing that has been built. It is considered, that on balance, the scale of this development would not adversely affect the mix of the area, and would help address local problems of overcrowding.

- 10.53

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
Lansbury	1,029	19%	2,480	47%	1,750	33%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

- 10.54 The proposed habitable rooms would provide much needed additional housing stock for those on the Council's waiting list. This is therefore, a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

Housing mix and tenures

- 10.55 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.

10.56 The table below illustrates the proposed dwelling mix onsite:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bedroom	106	10	18%	30%	14	47%	25.0%	82	44%	50.0%
2 bedroom	107	20	36%	25%	9	30%	50.0%	78	42%	30.0%
3 bedroom	54	20	36%	30%	7	23%	25%	27	14%	20%
4 bedroom	0	5	0%	15%	0	0%		0	0%	
5 bedroom	0	0	0%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
TOTAL	272	55	100%	100%	30	100%	100%	187	100%	100%

10.57 Policy SP02 of the Core Strategy (2010) stipulates that new housing development should make provision for 30% family sized accommodation (three bed plus), including 45% of new affordable rented homes to be for families. Policy DM3 of the MDD seeks to secure 45% family sized units within the affordable rented tenure. The proposal makes provision for 20 x 3 beds and 5 x 4 bed units within the affordable rented tenure which accords with policy. Whilst the proposal number of one and two bed units across all units does not accord with policy; on balance it is considered acceptable as the proposal mix is viable and deliverable onsite. Further, the scheme makes provision for 35% affordable housing which helps tackle a significant shortage within the borough and go some way towards the issue of overcrowding within Lansbury ward.

Standard of accommodation

10.58 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 Housing Supplementary Planning Guidance.

10.59 All the units proposed are in line with the above policies, are generous in size and exceed the minimum space standards as set out in policy DM4 of the Managing Development. This is set out below.

10.60 The development would provide the following:

- A minimum floor to ceiling height to 2.5m
- There are 181 dual aspect units and 91 single aspect units. There are no north facing single aspect units proposed. The single aspect units face south and west and therefore receive acceptable levels of daylight and sunlight
- All upper floor units have private amenity space in the form of balconies and terraces
- All units meet GLA minimum room size standards
- Internal layouts have been designed to maximise daylight/sunlight levels throughout the day. 89% of units pass the BRE Guidance.

- 10.61 The applicant has undertaken an analysis of daylight to test the proposed new habitable rooms to the new proposed residential accommodation. The analysis has been done on the two lowest residential floors as these rooms receive the lowest level of daylight.
- 10.62 Daylighting to new rooms can be checked using Average Daylight Factor (ADF). The minimum ADF values are given as 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.63 691 out of 775 habitable rooms tested comply with BRE guidance. Most of the rooms do not receive daylight/sunlight levels in accordance with the BRE Guidance only marginally fall short of the guidance. The units with poor results are limited to locations where sky visibility is limited by the proximity of the other blocks opposite, by balconies cutting direct visibility. Notwithstanding, given that there are so few failures and that the proposed room sizes of these two rooms are all in accordance with the London Plan policy standards, on balance the quality of the proposed residential dwellings are considered to be of a high standard.
- 10.64 Overall, the proposal would achieve good standard of residential accommodation which receive good daylight/sunlight levels, appropriate internal layouts and room sizes with good outlook. As such, it is considered that the proposal complies with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seeks to protect amenity, by ensuring new developments receive acceptable levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.65 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.
- 10.66 All units are designed to meet Lifetime Homes Standards. There are 27 number of wheelchair units proposed; of which 8 would be provided within the affordable rented tenure; 8 within the intermediate tenure and 11 within the private tenure. The provision for wheelchair accessible units across the tenures is supported by the Councils Housing team.

Private amenity space

- 10.67 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.
- 10.68 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 policy requirement for private amenity space is 1360sqm and the proposed provision amounts to 1360sqm; in accordance with policy. All proposed units would have adequately sized private amenity spaces in the form of private gardens and balconies.

Communal and child playspace

- 10.69 The applicant is proposing an integrated approach to the provision of communal and child playspace onsite. The applicant has included the provision of child playspace integrated within the communal amenity area located within the central podium deck and on the terraces located on Block A and C.
- 10.70 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 322sqm is required for a development of 272 units.
- 10.71 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 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 on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 10.72 For the 0-5 year age group, a total of 420sqm would be required, for 5-10 year olds 350sqm would be required, and for 11-15 year olds 220sqm is required. As such, a total of 999sqm is required.
- 10.73 Combined, the policy requirement for communal and child playspace would be approximately 1321 sqm. The proposed communal and child playspace onsite amounts to approximately 1204 sqm. As such, there is a shortfall of amenity space provided. Whilst there is a deficiency of child playspace onsite, Officers are confident that the proposed playspace would be on high design quality. Furthermore, children onsite would also be able to easily access the existing play areas at Langdon Park which is less than a 5 minute walking distance from the site.
- 10.74 The applicant would be required to provide further details of the location and form play equipment, which would be secured by way of condition.

Impact on the amenity of existing residents

- 10.75 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.76 The applicant has submitted a daylight and sunlight assessment which has been independently reviewed by an specialist consultant. It was concluded that the methodology and findings are accurate and that, on balance, the neighbouring properties would continue to receive adequate daylight and sunlight levels. This is discussed in detail in the following paragraphs.
- 10.77 The nearest residential properties that may be affected by this proposal are the following nearby properties:
- 151-161 Chrisp Street

- Ascot House
- 1-16 Gabriels Close
- 1-11 Rifle Street
- 71 Carmen Street

Daylight and sunlight

- 10.78 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'.
- 10.79 The primary method of assessment is through calculating the vertical sky component (VSC). This is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that where reductions in sun lighting occur this should be within 0.8 times its former value.
- 10.80 The No Sky Line (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

151-161 Chrisp Street

- 10.81 There are some windows which would not meet the VSC standard, there being reductions in VSC of 30% from existing. The levels of retained VSC are good for an urban location and there is minimal impact on the NSL results.
- 10.82 Only 2 windows tested would experience reductions in VSC of more than 20% from existing and these will experience a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

Ascot House

- 10.83 Only 2 windows tested would experience reductions in VSC of more than a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

1-16 Gabriels Close

- 10.84 2 windows out of the 67 tested do not meet the BRE standard with reductions in VSC of 30% from existing. However, the daylight is constrained by these being located below balconies and it is also relevant that there is minimal reduction in NSL.
- 10.85 There are also a number of windows that experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms would be left with sky visibility to more than 50% of the room area.

1-11 Rifle Street

- 10.86 49 of the 74 windows assessed do not meet the BRE standard with 33 experiencing reductions of up to 30% from existing and 8 experiencing reductions of more than 30%, with the worst affected window experiencing a reduction of 70% from existing. It is however relevant that the windows most affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.
- 10.87 Only 3 windows would fail the NSL standard and these are the 3 windows to the ground floor of the flats that face directly towards the taller part of the proposed development. If these are duplex units then these particular units will also experience 30% reductions in VSC to the first floor windows but no material change in NSL at that level.
- 10.88 In general, the VSC levels would be reasonably good for an urban location; there are some exceptions with windows having fairly poor levels of VSC but most of those do experience a reduction of only up to 20% anyway.

71 Carmen Street (with planning permission but not yet under construction)

- 10.89 The applicant has provided the ADF results for the rooms in 71 Carmen Street, showing the levels of internal luminance that those rooms will have once the Chrisp Street development is complete. This is on the basis that 71 Carmen Street has not yet been constructed and the appropriate assessment is whether the rooms would have sufficient light for their intended purpose, not necessarily the reduction in light that would occur if the building had already been constructed.
- 10.90 108 of the 124 rooms assessed would either have adequate ADF or, if the ADF is already below the minimum recommended level, would experience no effective change.
- 10.91 The most significant impact is to 3 studios at ground floor level. As designed, with the existing site at Chrisp Street in place, these would have ADF levels of around 1% which are already below required living room use but just adequate for bedroom use. These rooms would have ADF levels of 0.6%. These would therefore be dark rooms with the perception of poor natural daylight. However, on balance, the impact on 71 Carmen Street would not warrant a refusal.
- 10.92 Some of the rooms affected are kitchens that are small rooms of less than 13m² in area. It is recommended that these be treated as not being habitable rooms, as they are not large enough for dining use and therefore the levels of daylight that these rooms are left with can be considered to be acceptable.

Sunlight

- 10.93 The Guide recommends that windows facing within 90 degrees of south be assessed for sunlight. Where windows call to be assessed due to their orientation, the BRE Guide recommends that living rooms should have an

availability of 25% of annual probable sunlight hours and with 5% available in the winter months.

- 10.94 A sunlight assessment is only required for those properties whose affected windows face within 90° of due south. Therefore, it is not necessary for the applicant to have assessed the sunlight to 151-161 Chrisp Street, to Ascot House or to 71 Carmen Street. The results for the remaining properties can be assessed.
- 10.95 The report acknowledges that 10 of the 27 rooms assessed do not meet the BRE standard for sunlight. There would be noticeable reductions to the worst affected properties of over 30% reduction in annual sunlight to 3 of the ground floor rooms and 50% reduction in winter sunlight to 6 of the rooms. It seems likely however that the worst affected rooms are bedrooms which do have a lower requirement for sunlight.
- 10.96 In addition, some of the windows that will be left with lower levels of annual sunlight have overhanging balconies restricting sunlight availability. The scheme proposal would leave these flats with relatively good levels of annual sunlight by urban standards and, to some windows, relatively poor levels of winter sunlight. That is going to be inevitable with the windows only able to receive sunlight effectively from the southeast and with a development that is inevitably going to be of large massing located to the southeast of the block.

1-11 Rifle Street

- 10.97 There are 4 windows of the 59 tested which do not meet the BRE standard. It is relevant that the windows are affected by overhanging balconies and also that the sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.
- 10.98 There are 4 windows of the 59 tested which do not meet the BRE standard. The 4 windows that are affected by overhanging balconies. The sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.

Overlooking and privacy

- 10.99 It is widely acknowledge that a separation distance of 18 metres from habitable rooms is considered to be an accepted distance to ensure privacy of future residents in retained. The separation distance between blocks A and B (east) and blocks C and D is approximately 40 metres. The distance between D and F is approximately 12 metres. The distance between blocks F and B is approximately 12 metres and blocks E and A are 11 metres. Officers acknowledge that the relationship between blocks F and B; and E and A could reduce privacy levels to future residents occupying the flats. However, given that block F is only 3 storeys in height and therefore the number of habitable rooms affected would be low. Further, there are privacy screens proposed to the eastern elevation of block E which would reduce the impact of block A.
- 10.100 With reference to the ground floor bedrooms fronting Chrisp Street, the streetscape to Chrisp Street comprises street tree planting, which provides vertical interest and environmental benefits, as well as softening the elevation

of the building. Shrub planting to the base of the building provides privacy to these ground floor units.

10.101 It is acceptable that this development would introduce new buildings in this location. By virtue of the degree of physical separation distance between the existing and new properties and the careful layout of the blocks, Officers on balance are satisfied that the proposal would not result in an unacceptable levels of overlooking or loss of privacy.

Noise and vibration

10.102 The applicant submitted a Noise Assessment report which has been reviewed by the Council's LBTH Environmental Protection Team.

10.103 The Environmental Health (EH) Officer in particular examined the relationship between the eastern elevation of block A and B and the railway. The distance between the development and the railway line ranges from 20-25 metres. The balconies proposed to this elevation would be enclosed to ensure future residents are not exposed to undue noise disturbance. EH do not object to the scheme and are satisfied that future residents would not be exposed to undue noise disturbance. Notwithstanding, the scheme would be required to meet BS 8233 the 'good', standard in all habitable rooms and amenity spaces. This would be secured by way of condition.

Transportation and access

10.104 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and 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.

10.105 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, including emphasis that the Council will promote car free developments in areas of good access to public transport.

10.106 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has 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.

10.107 The developments impacts of the development on the surrounding transport network; is likely to generate around 2-3 additional person movements per

minute (i.e. an arrival or a departure) per minute during the busiest weekday peak. LBTH Highways have considered their assessment and do not raise any objections.

Access and servicing arrangements

- 10.108 Access to the parking area is via Cording Street and the applicant has applied to stop up part of Cording Street which currently runs through the site. The stopping up of this section of the road is accepted in principle although the detail is still to be considered as part of the scheme of highway improvement works, which would be secured by way of condition. Although this is not a requirement; it is acknowledged that it would be beneficial to the scheme.
- 10.109 An area which allows vehicles to turn would remain public highway and the applicant would be required to show how unauthorised parking would be prevented on the access road which will be within their ownership. This should be covered in the parking management plan.
- 10.110 The new proposed vehicular access which connects Rifle Street and Cording Street facilitates refuse and other servicing, which is considered acceptable. It is proposed that collapsible bollards are installed at either end of this stretch of estate road. The applicant is required to demonstrate how, and by whom, these bollards would be controlled. This would need to form part of the parking management plan and also a service management plan (again secured via condition).

Cycle Parking

- 10.111 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.112 The proposal makes provision for 448 cycle parking spaces in total; with 418 cycle spaces for the residential development and 30 cycle spaces at entrance for visitors in accordance with the Further Alterations to London Plan policy.
- 10.113 The applicant has confirmed that Sheffield style stands would be used for the storage of the bicycles. The Council's preferred option is the 'Sheffield' type stands rather than stacker or hanging types. 'Sheffield' type stands for the visitor parking would also be welcome provided these are placed within a shelter to offer some protection from the elements.

Car parking

- 10.114 Policy DM22 of the Managing Development Document to the parking standards set out in its appendix 2.
- 10.115 Policy 6.13 of the London Plan advocates an appropriate balance between the promotion of new development and the prevention of excessive car parking provision that can undermine cycling, walking and public transport use. Maximum car parking standards are set out in Table 6.2 of the Parking Addendum to the London Plan. Policy 6.13 of the London Plan also states that 20% of all spaces must be for electric vehicles, with an additional 20% passive provision for electric vehicles in the future.

- 10.116 Policy DM22 of the Managing Development Document sets out the parking standards set out in its appendix 2. Appendix 2 of the MDD sets a maximum provision of 0.3 spaces per unit for 1 and 2 bedroom units, and 0.4 spaces per 3 or 4 bedroom unit for developments with PTAL ratings of 3. Where off-street parking is provided, two spaces or 10% of the total parking (whichever is greater) should be accessible car parking for disabled people.
- 10.117 The development proposals seek to provide 20 parking spaces located within an undercroft car park, all of which are accessed via the new internal street off Cording Street. All proposed car parking bays have been designed to accessible standards and would be allocated in the first instance to accessible units and/or blue badge holders. Should any spaces not be taken up by Blue Badge holders within a reasonable time they should be offered to residents who qualify under the Permit Transfer Scheme. A parking management plan would be required as a condition.
- 10.118 Subject to conditions, 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 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Sustainability, energy efficiency and climate change

- 10.119 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.
- 10.120 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 10.121 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 10.122 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
 - 2) Site wide CHP
 - 3) Communal heating and cooling.
- 10.123 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

- 10.124 The submitted proposals have followed the energy hierarchy and seek to minimise CO₂ emissions through the implementation of energy efficiency measures (5%), site wide CHP system (135kWth engine; 27%) and utilise PV's on the available roof area (96kWp; 14%). The CO₂ emission reductions proposed are supported and would result in a circa 44% reduction against the Building Regulations 2013. As such, there is no requirement for a cash in lieu payment as the proposal accords with policy.
- 10.125 The current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. It is recommended that the proposals are secured through appropriately worded Conditions.
- 10.126 It is recommended that Conditions are attached to the permission to deliver:
- A heat network supplying all spaces within the development shall be installed and sized to the space heating and domestic hot water requirements of the Development, and shall be operational prior to the full occupation of the development.
 - Prior to the commencement of the relevant works of the development the applicant shall submit full detailed specification of the proposed 96kWp Photovoltaic Array to be approved in writing by the local planning authority.
 - Prior to the first occupation of development the applicant shall submit the final energy calculations to show the scheme has delivered the carbon emission reductions as anticipated in the submitted Energy Statement (dated December 2014). Should the scheme not deliver the anticipated carbon savings any shortfall must be met through a cash payment in accordance with the carbon offsetting arrangements.
- 10.127 The above conditions would ensure a reduction of carbon dioxide emissions, through the cumulative steps of the Energy Hierarchy in accordance with Policy DM29 of the London Borough of Tower Hamlets Managing Development Document 2013.

Sustainability

- 10.128 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a Code for Sustainable Homes Level 4 rating.
- 10.129 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

Impact upon local infrastructure / facilities

10.130 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.

10.131 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.

10.132 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.

10.133 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015

10.134 The boroughs four main priorities remain:

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

10.135 The Borough's other priorities include:

- Public Realm;
- Health;
- Sustainable Transport;
- Environmental Sustainability

10.136 The development would place additional pressure 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.

10.125 As outlined in the following section LBTH CIL is now applicable to the development, and along with the onsite schools, the CIL will help mitigate these impacts.

10.126 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training; energy; and,
- £500 towards monitoring the above contribution.

10.127 The applicant has also offered 35% affordable housing by habitable room with a tenure split of 69/31 between affordable rented and shared ownership

housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

10.128 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

10.129 The financial contribution offered by the applicant are summarised in the following table:

Heads	s.106 financial contribution
Construction Phase and end user phase skills and training £17,547	£17,547

Local financial considerations

10.130 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

10.131 Section 70(1) of the Town and Country Planning Act 1990 (as amended) and Provides that 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

10.132 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.

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

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

10.135 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-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.

10.136 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this

development is likely to generate approximately £418,390 in the first year and a total payment of approximately £2,510,339 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

10.137 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule and Mayor of London schedule. The estimated the Mayoral CIL would be £525,455 (this figure will be subject to social housing relief of £180,326) and the LBTH CIL is £525,973 (this figure will be subject social housing relief which will reduce the amount of £180,326)

Human Rights Considerations

10.138 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.

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

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

10.140 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

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

10.142 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

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

10.144 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Impact Assessment

10.146 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis would be required which is proportionate to proposed projects and their potential impacts.

10.147 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

10.148 The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.149 The affordable housing supports community wellbeing and social cohesion.

10.150 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.

11. Conclusion

11.1 All other relevant policies and material considerations have been taken into

account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.



LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

27th August 2015

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal / Title
6.1	PA/15/00039	Land at 160-166 Crisp Street	Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, a 90 sqm gym including affordable housing, together with associated car parking, landscaping and infrastructure works.

1.0 CLARIFICATIONS

Section 106 Agreement

- 1.1 Paragraph 3.3 of the Committee report should include an additional financial contribution of £50,000 towards off site child playspace. For completeness, paragraph 3.3 should now read as follows:

“The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- 35% Affordable Housing (69% affordable target’ rent units/31 intermediate units)
- Car free agreement
- Local training, procurement and access to employment strategy (20% local goods and services procurement
- 20% local employment during construction
- Construction Phase and end user phase skills and training £17,547
- £50,000 towards off site child playspace”

Daylight and sunlight

- 1.2 The impacts on numbers 1-11 Rifle Street are discussed in paragraphs 10.86-10.88 of the report. An objection was received from a resident at flat 36 no 17 Fawe Street E14, which is located immediately to the north which we have called 1-11 Rifle Street within the daylight and sunlight report (which is the address given on the OS for the southern block element of this recent development). We have internal layouts of the flats from the planning application for the building.
- 1.3 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.

- 1.4 Despite the living room windows being recessed beneath balconies, all of the windows retain VSC levels in line with the BRE guidelines (i.e. 0.8 times their former value) with the exception of a single window (living room window W3 at second floor level) which retains 0.7 times the former value.
- 1.5 The second test is called No-sky Line Contour or NSC. This test assesses the distribution of daylight within rooms. The BRE does not state a required amount of no-sky but recommends reductions are allowed where changes are not considered noticeable. There are no changes to NSC levels are therefore is considered appropriate.
- 1.6 This was supported by an independent daylight and sunlight consultant who confirmed that the impacts are acceptable.
- 1.7 Paragraphs 6.2 to 6.7 of the Committee report contain incorrect figures. For clarity the table below sets out the how the different tenures are distributed within the proposed development.

Table showing number of dwellings by tenure in each block

	Affordable Rent	Shared Ownership	Private	Total
Block A	0	11	56	67
Block B	0	10	79	89
Block C	0	4	52	56
Block D	41	1	0	42
Block E	14	0	0	14
Block F	0	4	0	4
Total	55	30	187	272

Affordable Housing

- 1.8 Paragraph 10.51 of the Committee report should state that within the affordable rented tenure, 31% would be intermediate housing and not “intermediate rent” as stated in the committee report.

2 ADDITIONAL REPRESENTATION

Letter of support

- 2.2 An additional letter of support was received from Streets of youth, Tower Hamlets youth intervention charity. Their supporting comments are as follows:
- The proposal would regenerate this site and make the most efficient use of land.
 - The proposal makes provision for needed housing in the Borough.

3 RECOMMENDATION

- 3.1 Officers’ original recommendation to **GRANT** planning permission for the proposal as set out in the report to the Development Committee remains unchanged.

Agenda Item 6.2

Strategic Development Committee	Date: 8 th October 2015	Classification: Unrestricted	
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Report Of: Director of Development and Renewal	Title: Application for Full Planning Permission
Case Officer: Robert Lancaster	Ref No: PA/15/00641
	Ward: Lansbury

1. APPLICATION DETAILS

Location: Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX

Existing Use: Site is currently in use as a food wholesaling business

Proposal: Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.

Drawings:

P0-001 Rev P3; P1-100 Rev P3; P1-150 Rev P2;
P1-300 Rev P3; P1-350 Rev P2; P0-100 Rev P7;
P2-000 Rev P8; P2-001 Rev P7; P2-002 Rev P5;
P2-003 Rev P5; P2-004 Rev P5; P2-005 Rev P5;
P2-006 Rev P5; P2-007 Rev P5; P2-008 Rev P5;
P2-009 Rev P4; P2-010 Rev P3; P2-011 Rev P3;
P2-012 Rev P3; P2-013 Rev P3; P2-016 Rev P4;
P2-100 Rev P8; P2-101 Rev P7; P2-102 Rev P4;
P2-103 Rev P4; P2-104 Rev P4; P2-105 Rev P4;
P2-106 Rev P5; P2-107 Rev P5; P2-108 Rev P5;
P2-109 Rev P4; P2-110 Rev P3; P2-111 Rev P3;
P2-112 Rev P3; P2-113 Rev P3; P2-116 Rev P4;
P2-150 Rev P7; P2-151 Rev P6; P2-152 Rev P6;
P2-153 Rev P6; P2-154 Rev P4; P2-155 Rev P4;
P2-156 Rev P4; P2-157 Rev P4; P2-158 Rev P4;
P2-159 Rev P1; P2-200 Rev P2; P2-350 Rev P4;
P2-351 Rev P5; P2-352 Rev P4; P2-353 Rev P4;
P3-110 Rev P4; P3-111 Rev P3; SK-006 Rev P2;
FNH414/FD100; 4704704-SK-012 Rev B; P0-200 Rev P1; P0-300 Rev P4; P0-101 Rev P4; P0-102 Rev P4; P0-103 Rev P4; Elevations and Materials; Composition and Detailing; FNH414 SK01;

Supporting Documents:

- Planning Statement by Fairview Homes Ltd
- Draft Heads of terms by Fairview Homes Ltd

- Daylight/Sunlight Assessment (including addendums) by CHP
- Design and Access Statement by ColladoCollins
- Lifetime Homes Standard Assessment by Fairview Homes Ltd
- Employment Floorspace Assessment by JLL
- Sustainability Statement by Silver
- Contaminated Land Report by CGL
- Transport Statement (including Travel Plan) by URS/AECOM
- Addendum to Transport Statement dated 12th June 2015 by AECOM
- Flood Risk Assessment by URS/AECOM
- FNH 414 PHOENIX WORKS – Method Statement
- Archaeological Desktop Study by CgMs
- Energy Efficiency Statement by Silver
- Air Quality Assessment by MLM
- Noise Assessment by Grant Acoustics
- Statement of Community Involvement by Curtain and Co (and September addendum)
- Landscape Design Strategy by MCA
- Refuse Strategy by ColladoCollins
- Secure by Design Statement by Fairview New Homes Ltd
- Biodiversity Assessment by Aspect Ecology

Applicant:	Fairview Homes Ltd
Ownership:	Fairview Homes Ltd
Historic Building:	None
Conservation Area:	Adjacent to Limehouse Cut Conservation Area

2. RECOMMENDATION

2.1 To **GRANT** planning permission subject to:

2.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 111 of the Local Government Act 1972 within three months of the date of this resolution, to secure the following planning obligations:

- 34.2% Affordable Housing by habitable room (28 rented units/14 intermediate units)
- Contribution of £61,904 towards construction skills and training
- Local training, procurement and access to employment strategy (20% local goods and services procurement by value)
- 20% local employment during construction
- 6 apprenticeships
- Code of Construction Practice

- Off-site highway improvement works, including zebra crossing and junction improvements.
 - Residential Travel Plan
 - Travel Plan commitment for oyster card annual membership (1 per unit) for three years (cost equivalent - £43,740)
 - Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.
- 2.3 In addition to the above, the development would be liable for approximately £300,000 to the Mayor of London's Community Infrastructure Levy (CIL) and £300,000 for the London Borough of Tower Hamlets CIL.
- 2.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.

Planning Conditions

- 2.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents;
3. Compliance with Energy and Sustainability Strategy;
4. All residential accommodation to be completed to Lifetime Homes standards;
5. All amenity space including child play space to be accessible to all future residents of the development;
6. Waste Management Plan
7. Control over hours of construction;
8. All residential units are designed to meet noise requirements set out in BS:8233 (2014) and vibration requirements set out in BS: 6472;
9. All lifts operational prior to occupation of the relevant part of the development;

Approval of details, prior to commencement / occupation as applicable

10. Approval of Demolition and Construction Environmental Management and Logistics Plan including piling method and details of protecting the towpath, the safety of water way users and the integrity of Limehouse Cut (in consultation with CRT and Thames Water);
11. Scheme of ground contamination investigation and remediation;
12. Scheme of Details of Archaeological investigation;
13. Estate Management Plan including external lighting and, if necessary, CCTV (in consultation with CRT);
14. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes;
15. Hard and soft landscaping details and boundary treatment;
16. Approval of child playspace equipment
17. Approval of details of the wheelchair housing specification/standards
18. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
19. Approval of details of biodiversity enhancements within the site;

20. Detailed specification, tilt angle and location of photovoltaic panels;
 21. Scheme of Highway improvement works;
 22. Car Parking Allocation Management Plan;
 23. Details of 20% electric vehicle provision (maximum 10% passive provision);
 24. Drainage Strategy (including SUDs) (in consultation with CRT and Thames Water);
 25. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
 26. Details of cycle storage to be agreed prior to occupation;
 27. Servicing Management Plan;
 28. Details of obscure glazing and privacy screens;
 29. Details of noise insulation measures between plant room and adjoining residential units;
 30. Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables) in consultation with CRT;
 31. Details of design and method statement based on agreed Flood Risk Assessment (in consultation with EA);
 32. Details of wind mitigation measures – areas to be mitigated are terrace on north-west corner and play space on north-east corner.
- 2.6 Any other planning condition(s) considered necessary by the Strategic Development Committee and/or Corporate Director Development & Renewal.

3. EXECUTIVE SUMMARY

- 3.1 Application for redevelopment of existing site to provide a mix of housing. The principle of development would be acceptable in policy terms.
- 3.2 Following representations from local residents and statutory consultees the application has been amended to address those concerns, where appropriate. The height of the tower has been reduced by two storeys and the tallest courtyard block has been reduced in height by one storey to address issues relating to the visual impact of the scheme on the surrounding area, the impact on the amenity of neighbouring residents and concerns relating to the density of the scheme.
- 3.3 The affordable housing provision (34.2% by habitable room) is the maximum the development can viably provide.
- 3.4 Subject to the recommended conditions and obligations, the proposal would be a sustainable development in accordance with the National Planning Policy Framework.
- 3.5 The proposed development is acceptable in design terms and would provide good quality housing that would meet or exceed minimum standards.
- 3.6 The application is in accordance with the provisions of the Development Plan (London Plan and Tower Hamlets' Local Plan) and there are no other material considerations which would indicate that it should be refused. The officer recommendation to the Committee is that permission should be granted, subject to any direction by the Mayor of London.

4. APPLICATION SITE AND SURROUNDINGS

Application site

- 4.1 The application site is 0.43 ha in size, located adjacent to the Limehouse Cut and Bartlett Park. The application site is currently in use as a food wholesaling business. The site comprises a service yard and several poor quality industrial buildings.
- 4.2 The site has previously been used as a cement and chemical works, associated with the Limehouse Cut, an industrial canal built in 1850.
- 4.3 The surrounding area is urban and predominantly residential, with a number of new residential developments recently completed or under construction.
- 4.4 The canal and pedestrian towpath borders the site to the north, with Bow Common Bridge crossing the canal adjacent to the north-west corner of the site. Beyond the site's north-eastern boundary are residential dwellings at Metropolitan Close.
- 4.5 To the south-east is Broomfield Street, which comprises of a rows of terraced housing dating from the 1960s to 1980s. Bartlett Park is located close to the site, across Upper North Street to the west.
- 4.6 The site public transport accessibility is low, scoring a level of 2 on TfL's Public Transport Accessibility Level (PTAL) rating. The closest rail or tube station is Langdon Park DLR station approximately 560m to the east. There are two TfL Cycle Hire docking stations adjacent to the site on the north and south side of Bartlett Park.
- 4.7 The northern end of Chrisp Street district centre is approximately 510m away and is the closest shopping centre to the development.
- 4.8 The site is not within a conservation area and none of the existing buildings are listed. However, the site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. Langdon Park Conservation Area is approximately 315m to the east and Lansbury Conservation Area is approximately 260m to the south. The closest Listed Building is the Grade II Celestial Church of Christ (formerly Church of St. Saviours) located on Northumbria Street approximately 135m to the south across Bartlett Park.
- 4.9 The site is within an 'Area of Regeneration' as defined by the GLA's London Plan. The Limehouse Cut forms part of the Blue Ribbon Network and both Upper North Street and the Limehouse Cut forms part of the Council's Green Grid. Upper North Street is also part of Tower Hamlet's Local Cycle Network. The Limehouse Cut is a Site of Importance for Nature Conservation. For the purposes of Tower Hamlet's Community Infrastructure Levy, this site falls within Zone 3 (residential).

Proposed development

- 4.10 The proposed development is for the comprehensive redevelopment of the site for wholly residential purposes.
- 4.11 Its layout is a courtyard typology with buildings fronting the Limehouse Cut towpath, Upper North Street and Broomfield Street. The courtyard would provide space for servicing, 28 vehicular parking spaces, cycle parking spaces and communal amenity and child play space.

- 4.12 The block fronting Broomfield Street would be 4 storeys high, the block fronting Upper North Street would be 7 storeys high, there would be a tower element 14 storeys high on the corner on of Bow Common Bridge (as Upper North Street crosses over the Limehouse Cut) and the block fronting the Limehouse Cut would be 6 storeys high with a further set back storey.
- 4.13 The development would provide for 153 residential units (111 private units, 28 affordable rent units and 14 intermediate units.

Relevant planning history

- 4.14 There is no relevant planning history affecting the site that is material to this application. The most recent permissions were advertising consent and minor extensions to the existing building granted in 2011.

5 LEGAL & POLICY FRAMEWORK

- 5.1 The Council in determining the planning application has the following main statutory duties to perform:-
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.2 Spatial Development Strategy for Greater London – (London Plan, consolidated with alterations 2015)
- 1.1. Strategic Vision for London Borough of Tower Hamlets
 - 2.1 London
 - 2.9 Inner London
 - 2.14 Areas for Regeneration
 - 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
 - 4.4 Managing Industrial Land
 - 4.12 Improving Opportunities for All
 - 5.1 Climate Change Mitigation
 - 5.2 Minimising Carbon Dioxide Emissions

- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.7 Streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.24-7.28 Blue Ribbon Network
- 7.30 London's Canals
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.3 Tower Hamlets Adopted Core Strategy 2010

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Blue and Green Grid
- SP05 Dealing with waste
- SP06 Employment uses
- 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 place making
- SP13 Planning Obligations

Annex 9 Placemaking: LAP 7&8 Poplar

5.4 Managing Development Document (2013)

- DM0 Delivering sustainable development
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM11 Living Buildings and biodiversity
- DM12 Water Space
- 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 Historic Environment
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.5 National Planning Policy and Guidance:

- National Planning Policy Framework
- National Planning Policy Framework – Technical Guidance
- National Planning Practice Guidance (NPPG)

5.6 Supplementary Planning Guidance / Documents:

- Limehouse Cut Conservation Area Character Appraisal
- Tower Hamlets draft Planning Obligations SPD April 2015 (Version for Public Consultation)
- Planning Obligations SPD (2012)
- GLA's Control of Dust and Emissions during Construction and Demolition SPG (July 2014)
- GLA's Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA's Play and Informal Recreation (2012) SPG
- GLA's Housing SPG (2012)
- GLA's London View Management Framework (2012)
- Historic England: Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets

6. NOT USED

7. CONSULTATION RESPONSES

- 7.1 The following consultees were consulted with regards to the application and responses are summarised below. Where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

Environmental Health

- 7.2 The submitted Air Quality Assessment is acceptable and the development will not have a significant detrimental effect on the local air quality. However, an Air Quality Neutral Assessment (AQNA) is requested, in line with the London Mayor's Air Quality Strategy.
- 7.3 The Noise Report submitted with the application is satisfactory.
- 7.4 Environmental Health raises no objections in relation to contaminated land subject to appropriate conditions.

(OFFICER COMMENT: The applicant has subsequently submitted an AQNA, which has been assessed by the Council's Air Quality officer who advises that it meets the requirements of the GLA's Air Quality Strategy. Appropriate Conditions have been imposed.)

Energy Efficiency Unit

- 7.5 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 49kWp). The CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 7.6 In relation to sustainability, the proposals are for the residential units to achieve Code for Sustainable Homes Level 4 with a score of 68%. This is supported by the sustainable development team and is in accordance with policy requirements for the development to meet the highest standards of sustainable design and construction.
- 7.7 There is insufficient information relating to the CHP plant room and pipe routing. In relation to the plant room, the applicant should demonstrate, with a plant room layout plan, that sufficient space exists for the proposed system as well as provision for connection to a district system should one be available in the future.
- 7.8 The applicant should set out a statement to identify the design has included: sufficient noise/vibration mitigation to reduce impact on future occupants; flue location and dispersion modelling to minimise any potential air quality impacts; and considerations for access and egress of the CHP engine for maintenance/replacement in the future.
- 7.9 We would also seek a schematic showing the pipe routing for the scheme to show that all uses within the proposals are supplied by the CHP system.

(OFFICER COMMENT: The applicant has submitted further details showing that there the plant room is of sufficient size to meet its purpose and appropriate

access/egress arrangements would be in place. Noise and vibration mitigation are recommended to be addressed by condition.)

Transportation & Highways

- 7.10 The applicant's proposals for a raised table and tightening the radius of the junction at Broomfield Street / Upper North Street will improve safety, particularly in relation to large vehicles such as refuse trucks making left hand turns from Upper North Street into Broomfield Street. This can be funded through a s278 or s106 agreement, as appropriate. The developer has also offered £10,000 towards a new pedestrian crossing point in Upper North Street to the south of the junction with Broomfield Street. This will aid pedestrian movement to Bartlett Park.
- 7.11 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which, if implemented, would mitigate possible safety concerns of sharing the access and the applicant has taken these recommendations on board. Highways advise that in any case, the site access (although it is an existing vehicular access) is close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street.
- 7.12 The overall parking provision of 29 spaces is in compliance with the Development Plan's parking standards. However, in terms of wheelchair accessible parking bays it was originally proposed to provide 6 accessible spaces. This has been reduced to 4 as the development needed to provide more cycle parking. Whilst the provision for accessible parking is still within the MDD policy standards it is Highway's view that the 6 accessible spaces originally provided should be maintained and the reduction in spaces should come from the general rather than disabled parking provision.
- 7.13 The proposed cycle parking provision is below London Plan standards.
- 7.14 The development does not provide direct access for residents from the site to the Canal which is a lost opportunity to promote cycling. The development has not provided a public link to the canal from Upper North Street, which would also help to promote cycling.
- 7.15 Conditions required to secure the scheme as 'permit-free', require approval of a car parking management plan, require approval of a Travel Plan, require approval of a Servicing Management Plan, require approval of a Demolition and Construction Management Plan and require approval of a Scheme of Highways Improvements Plan agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

(OFFICER COMMENT: The safety audit demonstrates that the shared surface access, in its proposed location, is safe. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This meets the London Plan standards for residential and visitor cycle spaces. The 6 wheelchair accessible parking spaces have been reinstated. The general needs (22 spaces including 1 car club space) and wheelchair accessible parking (6 spaces) proposals are in accordance with Development Plan policy. Access to the Canal is addressed in section 9 of the report. Appropriate conditions and obligations have been recommended.)

Enterprise & Employment

- 7.16 The Section 106 agreement should ensure the developer targets 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% goods/services by value procured during the construction phases should be achieved by businesses in Tower Hamlets. Having regard to the construction costs, 6 apprenticeships should be secured.
- 7.17 The council should secure appropriate financial contributions to support and/or provide the training and skills needs of local residents.
- 7.18 An existing business relocation strategy is required to address Policy DM15.2.

(OFFICER COMMENT: The above can be secured by way of condition and as part of the Section 106 Planning Obligations. A business relocation strategy is not necessary in this circumstance.)

Biodiversity

- 7.19 Subject to ensuring that the new development minimises the level of lighting over the Limehouse Cut, there should not be a significant impact on the adjacent Site of Importance for Nature Conservation or protected species including bats.
- 7.20 As required by Policy DM11, the proposed landscaping should include a good variety of nectar-rich flowers to provide more forage for bumblebees and other pollinators. The inclusion of native trees, such as silver birch, will also benefit biodiversity. The Landscape Design Strategy includes an extensive list of climbing plants, but it is not clear if and where it is proposed to plant climbers. These might contribute to additional LBAP targets.
- 7.21 The Ecology Report recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. I can find nothing in the application documents to indicate that these are to be installed. The inclusion should be secured by condition.
- 7.22 Policy DM11 also requires elements of a living building, such as green roofs or green walls. The proposed buildings all have flat roofs, which appear ideal for green roofs, yet no green roofs seem to be proposed. Biodiverse green roofs, in line with best practice guidance published by Buglife would meet the living building requirement of DM11 and also contribute to a target in the LBAP. The applicant should be asked to consider biodiverse green roofs, or provide justification why green roofs are not feasible.

(OFFICER COMMENT: It is recommended that lighting within the landscaped areas and on the face of building is controlled by condition. A condition is recommended to secure the inclusion of the bird and bat boxes. No green roofs are proposed, as the roofs of the buildings are being used for, amongst other things, photovoltaic panels. The species planting for the landscaping can be controlled through condition.)

Housing

- 7.23 The Housing team advises that the mix of units in the affordable rent tenure is a good match to our policies, slightly exceeding the requirements for family homes (3 and 4-beds) which is welcome.
- 7.24 The intermediate mix is for 0% 1-beds, 70% 2-beds and 30% 3-beds against policy requirement of 25/50/25% for 1, 2 and 3-beds respectively. Again, the proportion of family units is more than required and, given the current affordability problems with high value 3 bed units, it is queried why they are no 1-bed shared ownership units being provided.
- 7.25 The mix of open market unit sizes is 27/59/14% against a policy requirement of 50/30/20% for 1, 2 and 3-beds respectively. Given the GLA's advice, set out in the London Plan Housing SPG, that the private market is driven largely by demand rather than need, it is considered that the private mix provides an acceptable balance of different unit sizes.
- 7.26 The 4-storey affordable block fronting onto Broomfield Street does not have any lifts, which is not a problem in itself. However, there are two 4-bed and one 3-bed affordable rent units on the highest floor. It would not be acceptable for these large families to have no lift access in this circumstance. The layout should be reconsidered to address this issue, with family units located at ground and lower floors.
- 7.27 The proposed rental levels are in accordance with the Borough Framework rent levels.
- 7.28 The amount and quality of the child play space and communal space should be interrogated thoroughly. The nearby Bartlett Park cannot substitute for on-site play areas for the considerable number of children to be accommodated in this development.
- 7.29 17 wheelchair units are being provided, 15 in the private tenure and 2 in the affordable rent tenure. This results in the scheme meeting the 10% minimum requirement across the scheme as a whole. 2 of the 34 affordable (rent and shared ownership) units are wheelchair units i.e. less than 10%. However, those 2 units are ground floor rented units which are valuable for Council nominations. It is expected that the wheelchair units in the private tenure are 'adaptable' in accordance with our guidelines, whilst the wheelchair units in the affordable rent tenure are 'accessible' units i.e. they have been adapted. The layout of the wheelchair units is acceptable and detailed design can be appropriately controlled through condition.
- 7.30 Given that the proposal is for 28.2% affordable housing against our policy target of 35-50%, it is expected that the viability assessment will be robustly interrogated.

(OFFICER COMMENT: The mix of affordable rent units has been revised since the original submission, as set out in section 9 of this report. The scheme has been revised to minimise the number of family affordable units on upper floors which are not served by a lift. The applicant has provided additional information demonstrating that the three-bed intermediate units would be affordable to those on intermediate incomes. Play space and communal space is addressed in section 9 of this report. The level of affordable housing has been increased to 34.2%.)

Waste Services

- 7.31 The overall strategy is overly complex for a site of only 162 residential units. Rotation of bins is also only really a cost effective solution where underground storage is used and street level collection space is restricted. This also hinders the ability of the landlord and the Council to identify contamination in recycling and to monitor the amount of waste that resident are creating; i.e. those who abuse the residential waste containers.
- 7.32 The Waste Department advises that the vehicular access arrangement for refuse trucks is acceptable.
- 7.33 The developer should consider the use of the Council's Underground Refuse and Recycling Service (URS) to alleviate the need for any bin stores at the site

(OFFICER COMMENT: The applicant has provided details confirming their management team is content with the arrangements. A waste management condition is recommended to provide more details to avoid contamination and abuse of the waste and recycling arrangements. There is no policy requirement to provide a URS system.)

Mayor of London / Greater London Authority (GLA)

- 7.34 The GLA consider that the scheme is generally acceptable in strategic terms but makes the following observations:
- The principle of the loss of existing employment use is acceptable in strategic terms.
 - Generally the residential quality is generally high but there are concerns with the ground floor units, some of which are single aspect flats with bedrooms facing onto public realm, which could undermine their privacy. The applicant should reconsider the ground floor units as two-storey maisonettes so that the bedrooms could be raised above ground level.
 - There are insufficient details to determine whether the application would provide sufficient child play space.
 - The GLA advises that the viability assessment should be robustly assessed in relation to maximising affordable housing.
 - The GLA note that the proposed 16 storey tower is taller than surrounding buildings and not located within a transport hub or town centre. However, it is located on Bow Common Lane, an important route across Poplar, which would assist in creating a marker at a crossing over the Limehouse Cut.
 - A tall building should be of outstanding architectural quality and more details of the materials and detailed should be provided, in particular window reveals and quality of brick work.
 - The GLA advise that the scheme does not adequately address the changing levels across Bow Common Bridge and results in a convoluted and non-inclusive entrance arrangement.

- The GLA advise that they are concerned with the building line to the Canal. In particular, it protrudes further than the neighbouring site to the East and undermines the opportunity to create a wider and more generous tow path. The applicant should consider moving the building line to the South to create a new area of canal fronting public realm which would benefit the community and justify the height of the proposed tower.
- The GLA are generally supportive of the principles of the application's approach to climate change. However, they advise that further details should be submitted in respect of demonstrating how the development avoids overheating and consequent cooling demands and additional information to robustly evidence the energy efficiency claims.
- The GLA advises that, subject to the Environment Agency's advice, the principle of the development is acceptable in flood risk terms. They also advise that the applicant's approach to Sustainable Urban Drainage be re-considered as it is sequentially preferable to discharge rainwater (possibly following attenuation) into the Canal rather than the local combined sewerage network.

(OFFICER COMMENT: The applicant has provided privacy screens which addresses the GLA's concerns. The entrance arrangements have been revised to the GLA's satisfaction. Further information has been provided which have been assessed by the Council's energy officer who advises that the proposed strategy should address the GLA's concerns. The GLA has confirmed that they are now content with the relationship between the façade and the towpath. Block A has been amended to provide level access from Upper North Street.)

Environment Agency

7.35 The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 10 of the Planning Practice Guide to the National Planning Policy Framework. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails because:

- It has not identified the presence of flood defences on the site or how the defence level will be maintained at the statutory defence level of 5.28m AOD after development. It has not provided sufficient information to show how the defences can be raised to the TE2100 crest levels of 5.70m by 2065 and 6.20m AOD by the year 2100.
- The defences are required to protect the site from flooding for the lifetime of the development (100 years due to the residential nature of the development).

(OFFICER COMMENT: The applicant has subsequently submitted additional information, which shows a sea defence wall to a crest level of 5.28m AOD which is the current statutory flood defence level, with the capability of increasing the height of the wall to meet the Environment Agency's long-term future proofing plans (TE2100 plan.)

Canals and Rivers Trust (CRT)

- 7.36 CRT does not object in principle, to residential redevelopment of the site. However, they describe the lack of any landscaping between the development and towpath as disappointing and would want to see landscaping incorporated to soften views of the building from the canal.
- 7.37 CRT note that on the ground floor that Core B and Core C open directly on to the towpath. The towpath is not a public right of way and any access here would require an access agreement from the Canal & River Trust.
- 7.38 CRT advise that it is not acceptable for a fire exit egress to be located on the towpath due to the fact that the towpath is required to be closed on occasion for maintenance and other purposes.
- 7.39 The boundary treatment proposed at the boundary between the towpath and the development is unclear and the Trust would like to see further information in this regard.
- 7.40 CRT advise that they would like to see the site drainage strategy given the adjacent location to the canal.
- 7.41 CRT advise that conditions should be imposed:
- Survey and repair of waterway wall adjoining the site;
 - Construction method statement to ensure the safety of the water way users and the integrity of the canal;
 - Details of surface water drainage;
 - Details of lighting and CCTV;
 - Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables)
 - Details of boundary treatment
- 7.42 CRT also advise that the introduction of 162 additional units into a canalside location such as this, will place an additional burden on the Trust's management of the waterspace and towpath environment. Residents, occupants of and visitors to the development will likely make use of the canal environment and its towpath, which will put additional pressure on this valuable open space. CRT are also concerned that the proposed tower will have a negative impact upon the waterspace due to increased shadowing which will have negative impacts upon biodiversity. Therefore, they advise that a contribution of £90,000 towards canal environment improvements and maintenance would be reasonable.

(OFFICER COMMENT: To accommodate CRT's first point would require the development to be re-designed with a set back from the towpath. This is not considered necessary to make the application acceptable. Emergency egress arrangements, these have been revised so as not to rely on CRT's land. Detailed plans have now been submitted to address the Environment Agency's concerns with flood defences. The site drainage strategy directs surface water into the combined sewer and so would not have a direct effect on the Limehouse Cut.

The condition requiring a survey and repair of the waterway way is not directly related to the impacts of this development and is not considered necessary to make the application acceptable.

In relation to CRT's request for £90,000 to improve the canal environment, Officers consider that the works proposed are 'infrastructure' within the meaning of Regulation 123 of the Community Infrastructure Levy Regulations. It would, therefore, only be appropriate to fund these works from the Levy, if such works were considered a priority.)

Thames Water

- 7.43 Thames Water advise that there is insufficient information submitted to determine the waste water needs of this development and, consequently, advise that a drainage strategy condition be imposed.
- 7.44 Thames Water advises that their assets may be located underneath the site. Consequently, they advise that a piling method statement condition be imposed to safeguard these assets.
- 7.45 Thames Water does not object on the basis of water supply.
- 7.46 Thames Water would want to review the Site Drainage Strategy to satisfy their concerns in regards to the impact on the public sewer system.
- 7.47 The site is within the potential zone of influence that may affect the Thames Tideway Tunnel, which is a Nationally Significant Infrastructure Project. Thames Water advises, therefore, that permission should only be given subject to a number of conditions relating to the piling details and detailed design and method statement for ground floor structures, foundations and basements.

(OFFICER COMMENT: Appropriate conditions have been recommended which can address Thames Water's concerns.)

Crime Prevention Officer (Metropolitan Police)

- 7.48 The Crime Prevention Officer advises that he has no objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and meet Secured by Design standards as discussed. Details of these measures can be found within the New Homes guide 2014 and via the Secured by Design website. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

(OFFICER COMMENT: A condition is recommended to ensure the development achieves a Secure by Design accreditation.)

Transport for London

- 7.49 The site's public transport accessibility is poor (PTAL 2).
- 7.50 The proposed vehicular and pedestrian/cyclist access to the site is from Broomfield Street. A Road Safety Audit is recommended to demonstrate it is acceptable in safety terms.

- 7.51 The 32 car parking spaces (including six disabled spaces and 1 car club space) are within London Plan parking standards and, therefore, acceptable. TfL advise that a parking management plan should be secured by condition.
- 7.52 The applicant's commitment for 20% active electronic vehicle charging points (EVCPs) and 20% passive EVCPs is welcome and should be secured by condition.
- 7.53 A Pedestrian Environment Review System (PERS) audit be undertaken to assess the current condition and identify needed improvements to walking routes in the vicinity. Tower Hamlets is recommended to secured improvements via S106/278 agreements as appropriate.
- 7.54 TfL advise that the scheme makes no improvement to access to the Limehouse Cut towpath or access through the area for cyclists or for cyclists of the development itself. The nearest access would presumably be Cotall Street, which is approximately 130m from the Bloomfield Street entrance of the site, but this information is not provided by the applicant. Overall, this represents a missed opportunity for a positive contribution to the cycle network.
- 7.55 To encourage the uptake of cycling, TfL strongly encourages that the applicant to provide one cycle hire membership for each residential unit for three years. This is a total of £90 x 3 (as it is £90 per year for membership). As this proposal comprises of 162 residential units, this equates to a total of £14,580 per annum. This measure should form part of the travel plan for the development and to be secured by s106 obligation.
- 7.56 The proposed 186 cycle parking spaces for residents and 5 for visitors does not meet London Plan standards for cycle parking, which require a minimum of 282 spaces for residents and 7 spaces for visitors for this development.
- 7.57 In relation to trip generation and highways impact assessment, TfL does not accept the comparable developments used and consider that the trip generation has been underestimated. The further advise that the public transport mode share should be disaggregated e.g. into buses, tube, light-rail, train etc.
- 7.58 The modelling of the impact on the Broomfield/Upper North Street junction cannot be accepted given the concerns with the trip generation assessment.
- 7.59 Given the concerns with the trip generation assessment, TfL have insufficient information to determine whether or at what level a bus contribution would be required.
- 7.60 TfL advise the submitted Travel Plan passes the ATTrBute assessment. However, TfL recommend that the mode share for public transport should be disaggregated into various modes to provide more specific targets. TfL also recommend that the provision of cycle hire membership be included forming part of the travel plan measure and secured by s106 agreement.
- 7.61 TfL advise that the servicing arrangements, which involve vehicles to reverse into the site would result in a conflict with other highway users. A delivery servicing plan and construction logistics plan be secured by condition.
- 7.62 TfL advise that the development will attract a Mayoral Community Infrastructure Levy and the Tower Hamlets rate is £35 per square metre.

(OFFICER COMMENT: The parking numbers have been reduced. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This is in accordance with the London Plan standards. The applicant has agreed to part-fund a pedestrian crossing, in the vicinity of the development, to make access to Bartlett Park and the Cotall Street towpath access more convenient and safe.

The development provides stepped access for blocks B&C to the towpath for residents of the development.

Additional information has been submitted to address TfL comments relating to trip generation and highway impacts. TfL will have the opportunity to review this information at Stage II referral.

The scheme and proposed highway works have been amended to allow refuse trucks to enter and leave the site in forward gear. The access arrangements have been revised and a Road Safety Audit submitted which demonstrates that the access arrangements are safe.)

Other consultees

- 7.63 The following organisations have not responded to the consultation request: EDF Energy Networks Ltd; London Fire and Emergency Planning Authority; London City Airport; National Air Traffic Services Ltd.

8. LOCAL REPRESENTATIONS

- 8.1 In March this year the Council sent 845 consultation letters to neighbouring properties, put up a notice in the vicinity of the site and placed a notice in the local press.
- 8.2 Following the initial consultation and in response to concerns raised by local residents and officers the scheme was amended. The main amendment was a two-storey reduction in the height of the proposed tower, from 16 to 14 storeys. An additional storey was proposed on the block fronting Upper North Street such that it was 9 storeys. In June this year the Council re-consulted all those who previously objected in writing to the application, drawing attention to the revised scheme. It is noteworthy that since that latest consultation the block fronting Upper North Street has been reduced by 2 storeys to a height of 7 storeys.

Representations in support

- 8.3 In total, the Council has received 50 letters signed by 52 people and a petition signed by 34 people in support of the application. 8 of those who wrote in support also signed the petition.
- 8.4 Reasons given in support of the application include:
- Provides new homes
 - The appearance of the building is better than the current building

- Support the proposed parking restrictions [reference to the developer's offer to restrict new occupiers from applying for on-street parking permits]

8.5 The petition and a number of letters of support are contingent on the scheme not providing a public pedestrian link to the Limehouse Cut Towpath due to concerns about anti-social behaviour that a public link may create.

Representations in objection

8.6 The Council also received 52 letters signed by 56 people and a petition signed by 29 people in objection to the scheme. 19 of those who wrote in objection also signed the petition.

8.7 Reasons given in objection to the scheme include:

- Lack of consultation undertaken by the developer;
- The size and height of the building is out of scale with neighbouring buildings
- Loss of daylight, sunlight, views and privacy;
- The development goes against Tower Hamlets policy for the Bow Common and Poplar area;
- The proposal will increase wind speeds at ground level;
- Noise and disturbance from construction.

Other Representations

8.8 There were 2 further letters which did not explicitly object or support the proposal, including one from Chrisp Street Health Centre who advised that this development and a number of other recent developments are/will put pressure on the Practice due to increasing patient numbers and request that 's106 money' is invested in the Practice to meet this increasing demand.

8.9 Responses to the material objections raised are dealt with in the relevant topic area in Section 9.

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Neighbouring Amenity
- Transportation and Access
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities

- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

Sustainable development

- 9.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government’s national objectives for planning and development management and the related guidance in the National Planning Practice Guidance.
- 9.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don’t mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 9.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government’s view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development
- 9.5 Paragraph 7 states that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 9.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.

- 9.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 9.8 The NPPF's core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 9.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 9.10 Paragraph 14 sets out a 'presumption in favour of sustainable development' and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 9.11 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority's up-to-date Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should be restricted for a scheme that accords with the Development Plan.

Land Use

Principles

- 9.12 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.

- 9.13 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 enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 9.14 If it can be established (see section below) that existing employment uses at the site are no longer viable or needed, the proposal for residential redevelopment of the site would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 9.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough, including Poplar.
- 9.16 The London Plan (2015) sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

Loss of industrial floorspace

- 9.17 The site does not fall within either a preferred or local office location or strategic or local industrial location. Core Strategy Policy SP06 encourages a managed approach to industrial land for the borough in order to assist in creating sustainable communities. Notably this includes continuing to implement the consolidation and managed release of industrial land in Poplar (Limehouse Cut) and a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan.
- 9.18 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.3. The redevelopment of employment sites outside of spatial policy areas will only be supported where either:
- a marketing exercise, that the site has been actively marketed (for approximately 12 months) [without success]; or
 - that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 9.19 An Employment Floorspace Assessment has been produced by Jones Lang LaSalle Ltd (JLL) and is submitted with the planning application. It demonstrates that the location of the site is no longer appropriate for employment uses and any re-provision of employment floorspace would carry significant risk of remaining vacant.
- 9.20 The JLL Report identifies the key locations for employment growth, in the Borough, are focused around key established clusters of activity, including Canary Wharf,

Bishopsgate Corridor, Aldgate and Tower Gateway. The area immediately surrounding the site is not an established employment location and demand in this area is weaker than surrounding areas in the borough where there are greater clusters of employment activities. Phoenix Works is now within a mainly residential location and does not offer benefits in terms of direct proximity to other businesses. JLLs analysis, therefore, suggests the loss of warehouse and ancillary office space would not be detrimental to the area.

- 9.21 The proximity of the site adjacent to residential dwellings on two sides also means the site has significant potential constraints to both the occupational and developer / investor market. There is a considerable risk of imposed restrictions in respect of vehicle movements (deliveries etc.), particularly from HGV traffic, hours of use and occupier use restrictions.
- 9.22 The buildings are in a state of disrepair and need significant capital expenditure to return them to a satisfactory condition. The site in its current poor condition is therefore only likely to be of interest upon a highly opportunistic nature where pricing will be reduced significantly to take account of the expenditure required to create appropriate industrial / storage space. Occupational demand will therefore be of a short term nature and very limited relative to competing locations. It is noteworthy that the current occupier, formerly the owner having sold the site to the applicant, is currently occupying the site, on a short-term let, whilst looking for new premises. This does not significantly affect Officer's conclusion that, in the long-term, the site is not viable for its current purpose.
- 9.23 The maximum life expectancy of the warehouse and office buildings, if maintained in their current condition, would be 5 – 10 years before considerable construction and full redevelopment would be required. The buildings are likely to be unlettable in the absence of major expenditure, with the expenditure required anticipated to be unviable.
- 9.24 JLL conclude that future employment floorspace should be promoted in locations where it is likely to be sustainable in the longer term. Examples of clusters of small businesses in the borough tend to be in locations that are well connected, with a high level of supporting services and proximity to other small businesses. The site is not an appropriate location for development targeting small business or light industrial uses and these uses should therefore be directed towards established commercial estates within the surrounding area.
- 9.25 In light of the above evidence, and having regard to policy SP06 which envisages a strategic release of industrial land in this location the loss of employment-generating land is considered to accord with policy SP06 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and NPPF.

Place making and density

- 9.26 The Core Strategy's place-making annex identifies Poplar as area that will become more economically prosperous through comprehensive regeneration, new development and housing-estate renewal. The ambition is for Poplar to be a 'great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park.' It further identifies the area around Bartlett Park for lower-rise, lower and medium-density family housing. It goes on to set out principles for new buildings, including for

them to be response and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.

9.27 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.

9.28 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.

9.29 The site has a PTAL rating of 2 and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."

9.30 For the application site, the London Plan would suggest that a density of 55-145 units per ha, or 200-450 habitable rooms per hectare, is appropriate.

9.31 The net site area for the purpose of density calculations is 0.43ha. The density of the scheme is therefore 356 dwellings per hectare or 1,107 habitable rooms per hectare.

9.32 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.

9.33 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."

9.34 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.

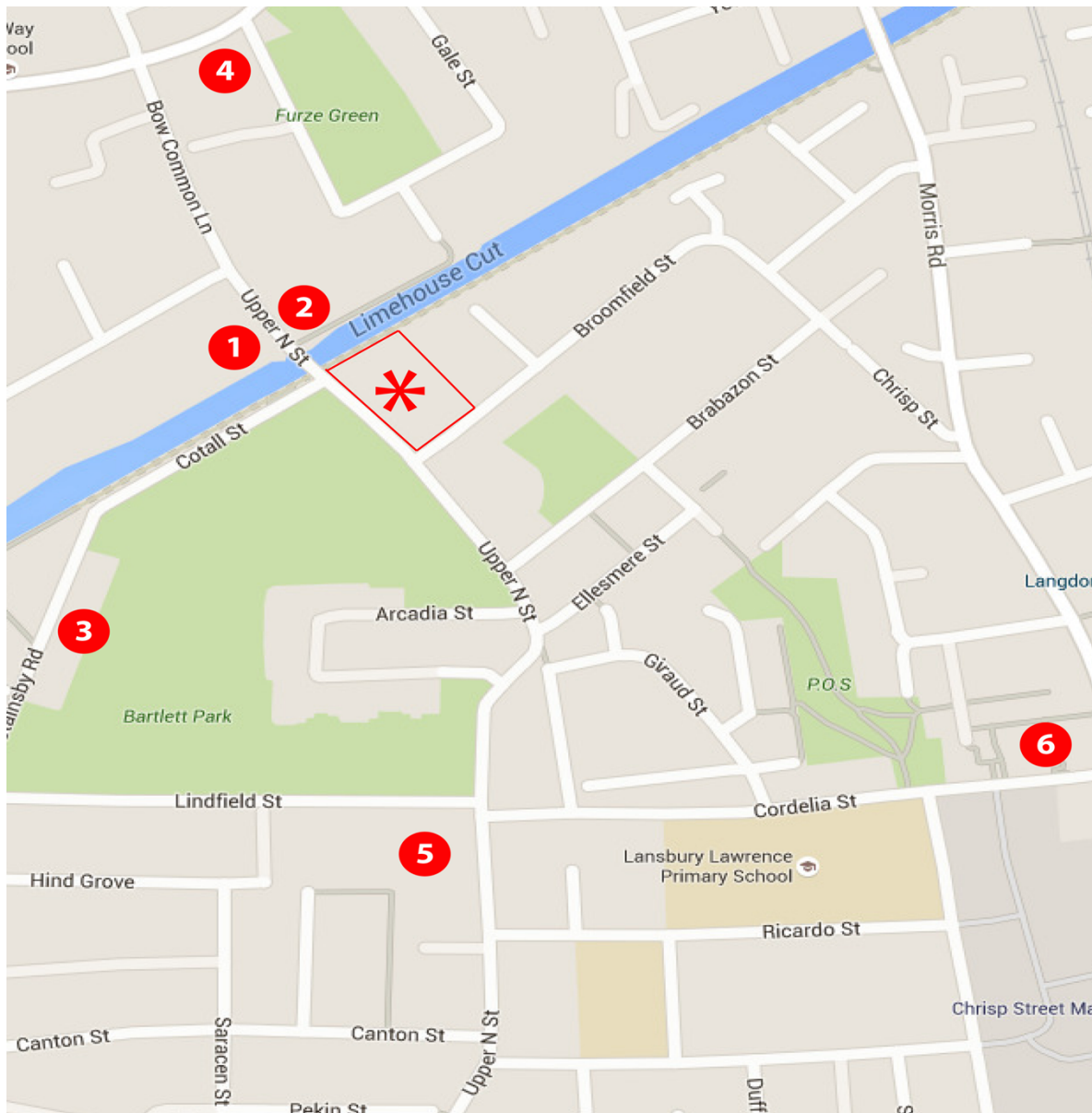
9.35 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would:

- enhance the setting of Limehouse Cut Conservation Area;
- the development does not result in undue loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes across the range of tenures;
- due to its design and relationship with neighbouring properties, the development does not cause undue harm to the residential amenities of neighbours;
- the development is 'permit-free' and the numbers of parking spaces is in accordance with Development Plan standards. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy. Subject to this Levy, it is not foreseen that the additional impacts on local social and physical infrastructure cannot be mitigated;
- The materiality and design is considered to be of high quality and replaces a building which detracts from the quality of the built environment.

9.36 Turning to how the development responds to the Core Strategy's place-making ambitions for Poplar, The height and density of this proposal is greater than that envisaged in the Core Strategy. However, the development does provide a good amount of family homes, particularly in the affordable rent sector which accords with the Core Strategy annex. It is also worthwhile to note that the density and height of the proposal is not inconsistent with other recent permissions in the locality, a sample of which is set out below:

App Ref (Date of Approval)	Address	Description	Density (hab rooms/hectar e)
PA/06/199 2 (16 August 2007)	Ingot Tower, 48- 52 Tomas Road	Redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor). Development will comprise 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floorspace.	900
PA/07/002 98 (17 December 2007)	2 – 10 Bow Common Lane	Redevelopment up to 13 storeys to provide 157 residential units and 2 commercial units comprising 868sq.m of floorspace for A1, A2, A3, A4, B1,	960

		D1 or D2 use with car parking and landscaping.	
PA/12/028 56 (28 March 2013)	Stainby Road/Cotall Street	The erection of two buildings of 5, 6 and 10 storeys, comprising 150 units and commercial units.	1371
PA/06/010 96 (22 January 2007)	Former Site At Bounded By Bow Common Lane And Furze Street On Devons Road,	Development of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and the creation of 220 sq.m. of ground floor business/commercial space.	712.6
PA/10/001 61 (21 Sept 2010)	Upper North Street	490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre.	728
PA/09/026 57 (26 March 2010)	Cordelia Street, Carron Street and Chrisp Street,	Construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution.	830



9.37 As can be seen from the above table, the development's density is broadly consistent with a number of developments in the area. Whilst there is some conflict with what was originally envisaged in the Core Strategy for this area of Poplar, the development is considered to optimise the development potential of the land in an appropriate manner without exhibiting undue signs of overdevelopment.

Design

9.38 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

9.39 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure,

and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

9.40 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.41 Policy DM26 and London Plan policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, 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;
- Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
- Not adversely affect biodiversity or microclimates.

Layout

9.42 The scheme's layout is a courtyard design with development fronting three sides: Broomfield Street; Upper North Street and the Limehouse Cut. This approach has the benefit of providing an active frontage to these streets and towpath and clearly distinguishes between public and private realm. The courtyard is sized to allow for

off-street servicing and parking as well as communal amenity and child play space. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.

Appearance

- 9.43 The scheme's appearance is inspired by the *New London Vernacular* with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 9.44 The appearance of the development subtly varies around the site. The block facing the towpath is more solid with shallower window reveals, echoing the robust industrial buildings that historically sprang up along the canal. The Broomfield Street block's scale is reduced to suit the smaller neighbouring residential developments and the rhythm along this facade references town houses and smaller residential developments found along this street. The Upper North Street elevation is bolder reflecting its position along the busier Upper North Street with an accented and legible entrance to the tower.
- 9.45 The entrance into the external courtyard is from the corner of Broomfield Street. A double height gated entrance has been provided for pedestrians and vehicles. The views into the site, in particular up to the podium level help to make this an inviting, but secure, space.
- 9.46 The balconies which protrude from the elevations have balustrades with flat metal bars which provide privacy in a similar manner to a vertical venetian blind. The recessed balconies typically these have glazed balustrades to maximise the amount of light reaching the windows behind. This twin approach to balcony provision adds interest to the façade without appearing fussy.
- 9.47 In reference to traditional canal buildings and for contrast against the brickwork a dark material has been proposed for the detailing of the building for the infill panels and a bronze finish to selected recessed balconies. This detailing will contrast with the pale bricks and sheen of the anodised aluminium of the window and door frames.

Scale

- 9.48 The Broomfield Street block is four storeys high, reflecting the more modest, domestic scale of the street. The block facing the Limehouse Cut is 7 storeys with the top storey set back. This broadly aligns with other recent approvals along the Limehouse Cut and would not appear as out of context with its surroundings. The Upper North Street block is 7 storeys, reduced by two storeys from the original scheme that was 9 storeys. The height reflects its position on the busier Upper North Street and would not appear out of scale with surrounding development and, consequently, would not appear dominating when viewed across Bartlett Park.
- 9.49 Located on the corner of Bell Common Bridge, as Upper North Street crosses the Limehouse Cut, a 14 storey tower is proposed. Its proportions are such that it would have a slender appearance. It acts as a marker on Bell Common Bridge where Bell Common Lane, an important thoroughfare through Tower Hamlets, crosses the Limehouse Cut. The tower has 'breathing space' with Bartlett Park to the West and the canal to the North with the closest development circa 25m away on the other

side. It effectively 'completes' the junction; with Ingot Tower and Craig Tower marking the northern corners and this tower and Bartlett Park marking the southern corners. The tower would be constructed from a similar palette of materials as the other blocks within the scheme. It also has a triple order element on its upper elements with bronze coloured cladding to subtly differentiate and add interest to its appearance.

- 9.50 Whilst the location of the tower is not within the locations explicitly supported by Local Plan policy DM26 and London Plan policy 7.7, for the reasons given a taller element in this location is considered appropriate. Its' height and scale are proportionate with the surrounding development, including Ingot and Craig Towers. The height of this tower has been reduced by two storeys from 16 storeys when the application was submitted.
- 9.51 It would relate well to surrounding development as well as Bartlett Park and the Limehouse Cut and incorporate the highest standards of design and architectural quality. There is no adverse impact upon heritage assets or strategic and local views and it would present a human scale at street level. The effects on the microclimate (wind levels localised around the development), as mitigated, are acceptable having to the Lawson Comfort Criteria. In relation to these issues, it would accord with the aforementioned tall buildings policies.

Landscaping

- 9.52 The indicative approach to landscaping, set out in the Design & Access Statement, is an appropriate one; recognising the different approaches to the landscaping fronting the footways and towpath and to the internal courtyard. The indicative approach shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. Subject to a condition requiring a more detailed landscape strategy the landscaping approach would be acceptable.

Secure by Design

- 9.54 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.
- 9.55 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to the Limehouse Cut.
- 9.56 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 9.57 The proposal accords with the aforementioned policies.

Inclusive Design

- 9.58 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all

users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

- 9.59 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.
- 9.60 The entrances and circulation spaces are 'level' and the podium level amenity space can be accessed by way of a platform lift. 6 wheelchair accessible parking spaces are provided, in excess of the minimum required by Development Plan policy.
- 9.61 The proposed new homes are recommended be conditioned to comply with 'Lifetime Homes' standards, and provide for two of the affordable housing units to be wheelchair accessible with a further 15 market units being wheelchair adaptable.
- 9.62 Due to the requirements of the Environment Agency for a flood wall and raised finished floors levels, it is not practicable to provide accessible access to the towpath from the block fronting the towpath. Whilst, this would result in a conflict with the aforementioned policy, the approach is considered acceptable in prioritising flood defences in this instance.
- 9.63 Other than the aforementioned access between the towpath and adjacent block, the proposal accords with the aforementioned policies.

Blue Ribbon Network

- 9.64 The Blue Ribbon Network is a spatial policy covering London's and Tower Hamlet's waterways and water spaces and land alongside them. The site is situated adjacent to the Limehouse Cut which is part of the Network.
- 9.65 Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to:
- To protect and enhance the biodiversity of the Blue Ribbon Network;
 - 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.
- 9.66 The proposed development's appearance would be a significant improvement in comparison to the existing buildings on the site. With residential units overlooking the towpath it would provide a more active frontage and increase passive surveillance.

Subject to conditions, it minimises its impact on lighting over the canal and the development, subject to conditions, would enhance the site's biodiversity. The development would also enable the part-funding of a pedestrian crossing over Upper North Street, increasing the ease of access to Bartlett Park and the towpath access at Cotall Street. The design of the building's sympathetically reflect the industrial heritage of the canal. It is considered that the development accords with the intentions of the London and Local Plans' blue ribbon policies.

Microclimate

- 9.67 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. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 9.68 The application is supported by a desk-top microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 9.69 The modelling found that the development would cause some discomfort by the north-west corner of the development on the towpath. This, however, would only be for a short distance and would remain safe. The modelling also showed that the child play space in the north-east corner and on the residential terrace on the north-west corner would suffer from wind conditions that would not be appropriate for their intended use. Consequently, mitigation is proposed which is recommended to be secured by condition. The mitigation is likely to take the form of fencing or additional landscaping to mitigate these impacts.
- 9.xx Having regard to the assessment above, it is considered the development is of high quality design and is an appropriate response to redevelopment opportunities presented by this site. Whilst there is conflict with the locational element of the tall building policies, the proposal generally accords with the aforementioned policies.

Heritage

- 9.70 Policies in Chapter 7 of the London Plan (2015) and policies SP10 and SP12 of the CS and policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.
- 9.71 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 9.72 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, particularly the Limehouse Cut Conservation Area. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.

- 9.73 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.
- 9.74 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.
- 9.75 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 relevant tests.
- 9.76 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a 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.
- 9.77 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.
- 9.78 This section of the report considers the implications for the application in respect of the Limehouse Cut Conservation Area and potential undesignated archaeological heritage assets along with any other assets that may be impacted.

Limehouse Cut Conservation Area

- 9.79 The application site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. The current buildings on the site relate poorly to the conservation area. The dilapidated buildings are harmful to its setting and do not engage or provide an active frontage to the canal. The proposed buildings, constructed from brick and designed to respond to the industrial heritage along this part of the canal, would be of considerably higher quality and provide an active frontage and passive surveillance to the canal. It is considered they would enhance both the character and appearance of the conservation area and, therefore, make a positive contribution to its setting. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Other surrounding heritage assets

- 9.80 Having regard to the context, relationship and distance between this site and other surrounding designated heritage assets (identified in the site and surroundings section of this report) the proposal is not considered to have any material impact on the setting of these heritage assets.
- 9.81 There are not considered to be any non-designated heritage assets affected by this proposal.

Archaeology

- 9.82 Section 12 of the National Planning Policy Framework and London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 9.83 In this case, a desk-top study has been submitted. It concludes that it is relatively unlikely that archaeological assets survive. However, it advises that there may be some archaeological assets of local importance. Therefore, it is considered that a condition is an appropriate response to the probability of finding archaeological assets of value. The condition would require a suitably qualified archaeologist has a watching brief over the development and action can be taken to appropriately record the findings if archaeological assets are located. Subject to this condition the proposal would accord with the aforementioned policies.

Housing

Principles

- 9.84 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.”
- 9.85 The application proposes 153 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 9.86 The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 9.87 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there

should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

9.88 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.

9.89 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.

9.90 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.

9.91 The applicant's revised offer is 34.2% affordable housing by habitable room, increased from 28% when the application was submitted. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review, based on establishing land value by reference to the existing use value, demonstrates that the 34.2% affordable housing offer is the most the scheme can viably provide. Accordingly, it accords with the aforementioned policies.

9.92 London Plan policy 3.11 sets out, on a strategic basis, a preferred tenure split of 60:40 in favour of social/affordable rent to intermediate products. Tower Hamlets Local Plan seeks a tenure split of 70:30. The proposed development provides a tenure split of 68:32. Whilst the development does not fully accord in this respect with London Plan policy, it broadly meets Local Plan policy and it is noted that the GLA have not objected in this regard. The development's proposed tenure split is considered to closely reflect need for affordable housing in this location and is in accordance with the general aim of Development Plan policies.

Housing Mix

- 9.93 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 and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 9.94 The table below compares the proposed target mix against policy requirements:

Ownership	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	0
	1 bed	50	31.5
	2 bed	30	55
	3 bed	20	13.5
	4+ bed	0	0
Intermediate	Studio	0	0
	1 bed	25	0
	2 bed	50	79
	3 bed	25	21
	4+ bed	0	0
Affordable Rent	Studio	0	0
	1 bed	30	28.5
	2 bed	25	28.5
	3 bed	30	32
	4+ bed	15	11

- 9.95 In relation to the affordable rent mix, the proposal broadly meets the policy targets.
- 9.96 In relation to the intermediate mix, there is an under-provision of 1-beds and over-provision of 2 and 3 beds. This doesn't meet the policy target, however the majority of schemes in Tower Hamlets have their intermediate mix skewed in favour of 1-beds rather than in this case which is skewed in favour of 2 and 3-beds. Therefore, having regard to the strategic aims of the policy, which is to provide a balance of intermediate units across component areas and the Borough as a whole, the proposed mix is not considered to be objectionable.
- 9.97 The proposed mix of private units does not reflect policy requirement and consequently, it would not be policy compliant with DM3 of the Local Plan. 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*".

- 9.98 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the Borough as a whole.

Quality of residential accommodation

- 9.99 Part 2 of the GLA's 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.
- 9.100 All of the flats meet the relevant London Plan space standards, would meet lifetime home standards and having a floor-to-ceiling height of 2.5m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the GLA's Housing SPG.
- 9.101 Approximately 80% of the flats would be dual or triple aspect and all of the flats would have either a terrace or balcony at a size which would be policy compliant.
- 9.102 There are some flats facing within 45 degrees due north that would be single aspect and, at ground floor, have slightly compromised privacy due to the relationship with the towpath. There are also some south-facing single aspect flats that face directly onto the podium or ground floor amenity area. These are relatively few in number, however, and conditions in relation to boundary treatments and defensive planting mitigates, to some extent, these issues.
- 9.103 There are also instances of potential overlooking between flats within the proposed development. In particular, in the knuckle of Upper North Street block and Limehouse block and between the balcony of one flat and a window to a single bedroom of another at the junction of the Upper North Street and Broomfield Street blocks. These are limited in number and often occur in courtyard developments. The angles of the respective windows are such that the loss of privacy does not extend across the whole room and relates to secondary bedrooms.
- 9.104 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that all the flats (and individual rooms) would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (see appendix 2 for description of average daylight factor).
- 9.105 The analysis has also assessed the sunlight levels for relevant windows (those facing 90 degrees due south), 73% of those windows meet the standard for annual probable sunlight hours (see appendix 2 for description). Where the windows do not meet the standard, this is mainly as a result of the provision of balconies which restrict sunlight in summer season when the sun is at its highest in the sky. In any case, of those 27% of windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.
- 9.106 The London Plan requires 10% of all new units to be wheelchair adaptable. The proposed development would provide two ground floor wheelchair accessible units

within the affordable rent tenure, which the Housing Department advise would be welcome. Another 15 units within the private tenure would be designed as wheelchair adaptable units. The development meets the policy requirements.

- 9.107 Subject to conditions regarding glazing specifications and ventilation measures, the flats (excluding balconies) would not be subject to undue noise, vibration or poor air quality.

Amenity space and child play space

- 9.108 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies and terraces to all of the flats in compliance with the above quantitative standards. However, it should be noted that the balconies fronting the Limehouse Cut, Upper North Street and Broomfield Street would exceed the British Standard 8233:2014 recommended upper limit for noise within amenity spaces. The internal facing balconies and child play and communal amenity space would be within the relevant limit.
- 9.109 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 193sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 50 children and therefore 500sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 9.110 The development would provide, on top of the car park podium and at grade level, 808sqm of amenity space. This would exceed the combined requirements for communal amenity space and child play space for all ages of 693sqm. The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that the amenity spaces would exceed the minimum standards set out in the BRE guide (see appendix 2) and would appear well sunlit. Subject to mitigation, the microclimate assessment demonstrates that the wind levels for these spaces would be suitable for their intended use.
- 9.111 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents irrespective of tenure. The detail, including planting and play equipment can be appropriately secured by condition.

Effect on neighbouring amenity

- 9.112 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.

Daylight

- 9.113 The applicant has submitted a daylight assessment by CHP Surveyors Ltd. The Council appointed Delva Patman Redler LLP (DPR) to independently interpret the results. DPR have confirmed that the appropriate tests have been carried out and, where assumptions have been made, that they are reasonable.
- 9.114 The CHP report has tested 278 windows in 9 properties surrounding the development to assess the impact this development will have on their daylight. The properties tested are: Werner Court; Craig Tower; Ingot House; E-Pad, 17-25 Invicta; 6-9 Metropolitan Close; 2-5 Metropolitan Close; 1-5 Broomfield Street; and, 8-36 Broomfield Street.
- 9.115 A description of the standard Building Research Establishment (BRE) tests used is set out in Appendix 2 of this document. These are Vertical Skyline Component (VSC), Average Daylight Factor (ADF), and daylight distribution No Skyline test (NSL).

Werner Court

- 9.116 The results show that 45 out of the 60 windows tested do not pass the VSC standard and there are 16 with a reduction of between 30% and 40% from existing and a further 10 of with a reduction of more than 40% from existing. The reduction in daylight will therefore be noticeable to residents of these properties.
- 9.117 However, the ADF results are compliant with all but one being left with 1.5% ADF or more, the minimum level for a living room and that room is a bedroom (which only requires an ADF of 1% which is exceed). In addition, the NSL results are good showing that the rooms will be left with most of their area still seeing sky visibility on the working plane.
- 9.118 Therefore, whilst the reduction in VSC would be noticeable, the sky visibility within the room will remain at a good level and the ADF results show that the rooms will remain adequately, and in many cases, well lit.

Craig Tower

- 9.119 In relation to the VSC analysis, 37 of the 45 windows experience a reduction of more than 20% from existing and around half of those, experience a reduction of more than 30% from existing.
- 9.120 However, the ADF results for this property are generally very high and the rooms will be left with a well lit internal environment. There will also be no significant impact on the NSL results.
- 9.121 Therefore, whilst there will be a noticeable reduction in daylight, the rooms will still appear adequately lit to the occupants.

Ingot Tower

- 9.122 8 windows serving 4 rooms which face Bartlett Park were tested. None of these windows suffer a loss greater than 20%, the rooms all pass the daylight distribution

test and all of the rooms would have an ADF at or in excess of 2.5. Accordingly, these rooms would remain well-lit and with good sky visibility.

9.123 A further 3 windows tested at first floor level on the flank elevation facing Craig Tower; 2 will experience reductions in VSC of just over 23% and one room will experience a reduction of over 41%. However, the ADF levels would be 1.5% and above, suitable for living room use and there is no change in the NSL results which are at an acceptable level. Therefore, the rooms will still appear reasonably well lit.

9.123 NOT USED

E-Pad

9.124 For this property only 2 of the windows will not meet the VSC standard out of the 31 tested. These are only just over the 20% reduction at 20.4% and 21.1% respectively but those rooms have ADF levels of 2.6% and very good daylight distribution.

2-5 Metropolitan Close

9.125 3 of the 15 windows, serving two rooms, do not meet the VSC standard with reductions between 21.2% and 22.7% VSC. These rooms have very good levels of daylight distribution and the ADF results are 1.1% and 1.8%. On balance, these results show that the rooms as a whole will be left with acceptable level of light.

8-36 Broomfield Street

9.126 3 windows out of the 54 tested will experience a reduction in VSC of more than 20% from existing and left with a VSC below 27%. Reductions range from 22.4% to 24.6%. These rooms have good levels of NSL, over 80% of the room area with no change, but quite low ADF levels at 0.5% to 0.7%.

9.127 These windows appear to serve small kitchens* and are set back from the main building line so that there is an overhang as a result of the building design which reduces the sky visibility to those rooms. Therefore, whilst the results are not compliant for these windows, any development of moderate additional height on the proposed footprint would be likely to have the same results and removing some height of the building would have little impact.

** It should also be noted that kitchens (without a dining element and/or below 13sqm) would not normally be considered as a habitable room and, therefore, not strictly necessary to be tested.*

17-25 Invicta, 6-9 Metropolitan Close and 1-5 Broomfield Street

9.128 The results for these properties are fully compliant. There would be little impact from this development on the levels of daylight these properties would receive and in some cases there would be improved levels of daylight.

Conclusion

9.129 Overall, the development, as would be expected, has some impact on the daylighting conditions of surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain acceptably well-lit and generally retain good sky

visibility. The proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

Sunlight

- 9.130 Sunlight results have been provided for those elevations to the neighbouring buildings that face within 90° of due south in accordance with the BRE guidelines (see Appendix 2). The results show that all of the properties tested meet the BRE standards with the exception of those in Craig Tower, which is assessed in more detail below.
- 9.131 The results for Craig Tower show for annual sunlight that whilst the majority (35 of the 41) of windows pass the BRE sunlight test, there are two windows at 2nd floor level with losses of 41%, and one window at 3rd, 4th, 5th and 6th floor level with reductions of 38%, 35%, 29% and 29% respectively and effect is to reduce annual sunlight levels below the recommended 25%. The winter sunlight results are compliant to all but one window on level 2.
- 9.132 An analysis of why these 6 windows do not pass the BRE annual sunlight standard, shows that balconies restrict the sunlight that will be available to this building and the balconies themselves provide external amenity space that will be better sunlit. The results would be compliant without the balconies. In any case, the winter sunlight results are relatively good for an urban location and the annual sunlight levels of between 19% and 23% for these windows are also relatively good.
- 9.133 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

Privacy, outlook and enclosure

- 3.134 Due to the separation distance (in excess of 25m) between this development and neighbouring properties to the north, there would be no significant loss of privacy. To the south is the 'Epad' development across Broomfield Street – the relationship between this development and 'Epad' is a typical relationship across a highway (circa 16m) and would not cause an unacceptable loss of privacy. There are no windows facing east in close proximity to the boundary with Metropolitan Close. These residents privacy are also safeguarded.
- 9.135 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure or undue loss of outlook to any of its neighbouring residents. It is noteworthy that there is an improvement (by way of the demolition of the existing building situated on the boundary) to some of the properties on Metropolitan Close in terms of outlook and enclosure.

Overshadowing

- 9.136 The transient shadow plots show limited overshadowing of surrounding public spaces; this will have a very minor effect on the quality of these spaces and, with any reasonably expected level of development on this site, would be inevitable.
- 9.137 In relation to the impact on the open space between Craig Tower and Werner Court, in the existing situation all of this area would receive at least 2 hours of sunlight on the equinox. The proposed development would, inevitably, reduce this somewhat.

However, in the proposed situation more than 50% of the area would receive 2 hours of sunlight in accordance with BRE guidelines.

- 9.138 The shadow plots show that the development will have a relatively minor effect on the gardens of 2 and 3 Broomfield Street, but these are less than 20% reductions from the existing one, and therefore compliant with the BRE Guidelines. The practical impact is that there is some additional shading in the afternoon on 21st March. The analysis demonstrates that in the majority of instances there is either no change or an improvement to the level of sunlight the neighbouring gardens will enjoy, in particular Nos. 5, 6/7 and 8/9 Metropolitan Close show noticeable reductions in the level of overshadowing.

Noise, vibration and air quality

- 9.139 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, there are considered acceptable subject, where applicable, to conditions.

Conclusion

- 9.140 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

Highways and Transportation

- 9.141 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and 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. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.142 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, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 9.143 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 highlight the need to minimise car travel and prioritise movement by walking, cycling and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

Traffic Generation

- 9.144 TfL have reviewed the Transport Assessment and have raised some concerns with the modelling assumptions and consequently have not validated the junction impact analysis conclusions. The applicant has since provided further information to address TfL's concerns. LBTH Transportation and Highways have not raised specific concerns in this regard, and mindful of the number of parking spaces and predicted number of residents, officers consider the scheme is very unlikely to have a material adverse effect on the strategic transport network. In any case, TfL will have the opportunity to review this additional information as part of the Stage II GLA referral process.

Car Parking

- 9.145 The proposed development would provide of 28 vehicular parking spaces including 6 that are wheelchair accessible and one car club space. This is in compliance with the Development Plan's parking standards. The applicant has committed to providing 40% of those as electric vehicle parking points (11 spaces) with at least 20% active charging points, again in compliance with relevant policies.

Cycle Parking

- 9.146 The number of residential cycle spaces to be provided would be 272 and the number of visitor cycle spaces is 10. The residential and visitor cycle space numbers are in compliance with relevant policy.

Access / Servicing and Deliveries

- 9.147 The servicing strategy is off-site servicing within the courtyard of the development with access from Broomfield Street as part of a shared surface which also provides access for residents and cyclists. The proposed scheme has been revised to ensure that refuse trucks can enter and leave the site in forward gear.
- 9.148 The applicant has also agreed to part fund proposals for a raised table and tightening of the radius of the junction at Broomfield Street / Upper North Street. The Council's Transport and Highways Service advise that this will improve highway safety, particularly in relation to large vehicles, such as refuse trucks, making left hand turns from Upper North Street into Broomfield Street.
- 9.149 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which would mitigate possible safety concerns of sharing the access and the applicant has implemented these recommendations in their proposed design.
- 9.150 Highways advise that the site access is very close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street, but have not objected to permission being granted for the scheme. Whilst re-aligning the access further along Broomfield Street and separating pedestrian, cycle and vehicular access could deliver further highway safety benefits, it would affect other aspects of the scheme layout. The Stage 1 Safety Audit does not raise any compelling reason to amend the access arrangements.

Accessibility

- 9.151 The site is situated adjacent to the Limehouse Cut towpath which forms part of the Blue Ribbon Network. The closest access to the Limehouse Cut is on Cotall Street on the opposite side of Upper North Street adjacent to Bartlett Park.
- 9.152 Highways and TfL consider that the development has not made the most of its location next to the towpath, emphasising a missed opportunity to provide a public link to the towpath.

However, residents particularly those at Metropolitan Close have raised concerns that a public link would attract anti-social behaviour. The difference in ground levels between the towpath and this development also make an inclusive and attractive public link difficult to achieve. A new public link to the towpath has been provided circa 50 metres from Bell Common Bridge to the west off Cotall Street. On balance the lack of a public link in this case would not be a planning objection to the scheme.

Construction traffic

- 9.153 LBTH Highways and TfL have both advised that they anticipate no particular construction traffic issues and, subject to a Construction Logistics condition requiring details to be approved of matters such as the size, number and timing of construction vehicle movements and holding and turning areas, that the effects of construction traffic of the safety and free flow of highway traffic can be appropriately mitigated to address residents' concerns.

Conditions/Obligations

- 9.154 Highways and TfL recommend the following conditions and / or obligations to mitigate the impact of the proposal:
- Secure the scheme as 'permit-free';
 - Require approval of a car parking management plan;
 - Require approval of a Travel Plan;
 - Require approval of a Servicing Management Plan;
 - Require approval of a Demolition and Construction Management Plan;
 - Require approval of a Scheme of Highways Improvements Plan;
 - S278 agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

- 9.155 The above conditions and / or obligations have been recommended as part of this report.

Summary

- 9.156 Subject to conditions, 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 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Waste

- 9.157 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).
- 9.158 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.
- 9.159 In terms of operational waste, the Council's Waste department advise the access arrangement for refuse vehicles is acceptable. Whilst they raise some concerns with the complexity of the arrangements, the developer's management team advise that they consider it workable. A condition is recommended to ensure that monitoring can take place to deter contamination (i.e. ensuring residents are not generating undue amounts of refuse and not putting waste in recycling bins) of bins.

Energy & Sustainability

- 9.160 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.
- 9.161 The climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.162 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
- 9.163 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.
- 9.164 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating.

However, the Government has recently withdrawn the Code for Sustainable Homes Assessment.

- 9.165 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 9.166 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 96kWp). Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 9.167 Accordingly, the Energy Strategy's approach to reducing carbon dioxide is supported and in accordance with relevant policies and is secured by condition.
- 9.168 The submitted Sustainability Statement includes a Code pre-assessment which demonstrates how the development can achieve a Code 4 rating. A condition is recommended for a sustainability statement to demonstrate the sustainability credentials of the development accord with the latest policy.
- 9.169 The Energy Assessment demonstrates that it is not currently feasible or viable to connect to an existing district heating network but has demonstrated how the development has been future-proofed should one become available in the future. The proposal is in accordance with policy 5.6 of the London Plan.
- 9.170 The proposal accords with the aforementioned policies, insofar as those policies are up-to-date i.e. the Government withdrawal of the Code.

Environmental Considerations

Air quality

- 9.171 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.172 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 9.173 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. The use of a decentralised energy centre helps to reduce carbon emissions and the gas-fired boiler emissions to the Combined Heat and Power (CHP) plant would be vented at roof level.

- 9.174 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO₂ in accordance with the aforementioned policies.

Noise and vibration

- 9.175 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 9.176 An Acoustic Report has been submitted in support of the application. This has been reviewed by the Council's Noise and Vibration Officer who advises that the report and its recommendations are acceptable. The development itself would not create significant noise or vibration. The report advises that the main sources of noise are road traffic and air traffic from London City Airport and advises that mitigation is required on all facades facing outwards towards highways. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.
- 9.177 In relation to amenity spaces, BS 8233:2014 advises that noise levels below 55dB would be desirable. The noise assessment results are set out below:

Predicted External Noise Levels – L_{Aeq,T}

Block D, 4th Floor, facing Upper North Street 68 dB(A)
Block A, 4th Floor, facing Limehouse Cut 63 dB(A)
Block A, 8th to top floor, facing Upper North Street 57-63 dB(A)
Balconies facing inwards on site <55 dB(A)
Communal Play Area / Amenity Space to middle of site <50 dB(A)

- 9.178 The results show that the courtyard communal areas and inward facing balconies will meet the British Standard. However, the balconies facing Broomfield Street, Upper North Street and the Limehouse Cut will exceed the relevant standard as a result of the aforementioned noise sources. Whilst this is undesirable, there are no effective mitigation measures for open balconies. It should be noted that communal amenity space and Bartlett Park would provide alternative (and quieter) amenity space.
- 9.179 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.
- 9.180 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

Contaminated Land

- 9.181 The applicant has submitted a desk-top contaminated land study which identifies, due to the previous uses on the site, a potential for contamination. The Council's Contaminated Land Officer has reviewed the study and advises subject to a condition requiring intrusive investigation and remediation there is no objection to the proposal. Subject to such a condition the proposals would accord the requirements of the NPPF and policy DM30 of the MDD.

Flood Risk and Water Resources

- 9.182 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 9.183 The site is located in Flood Zone 2 and partly in Flood Zone 3a. Flood Zone 3a means that there is 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.
- 9.184 The Council has undertaken a Sequential and Exception test (see Appendix 1) as required by the NPPF and its' associated technical guidance. These tests will be placed on the public planning register.

In summary, the tests identified that in order to meet the Council's housing targets building on Flood Zone 2 and 3a is necessary and there are no more sequentially preferable sites available to meet this demand. A site-specific Flood Risk Assessment has been submitted and, following amendments, the Environment Agency advise that the risks have been appropriately mitigated, which includes a flood defence wall, safe emergency egress and raised (300mm) finished floor levels for ground floor residential units. Moreover, the defence wall has been designed in such a way as it allows for it to be raised in the future in accordance with the Environment Agency's TE2100 plan. The exception test demonstrates that the public benefits of the proposal outweigh the (mitigated) risks. Accordingly, the exception test has been passed.

- 9.185 In relation to surface water run-off, the development achieves a 50% reduction in surface water run-off rates through storage in underground tanks for specified flood events. The run-off is directed into the combined sewer system as it is not feasible in this instance to direct the run-off directly into the Limehouse Cut.
- 9.186 Thames Water advises that there are no concerns with additional water demand from this development. They advise that there is insufficient information submitted to determine the waste water needs of this development and consequently advise that a drainage strategy condition be imposed. They also advise that their assets may be located underneath the site and the path of Thames Tideway Tunnel runs under the adjacent Limehouse Cut, accordingly, they advise imposing a number of conditions relating to construction and piling details. Thames Water also advise imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. An appropriate condition is recommended.
- 9.187 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.188 The application site contains buildings and hard standing and has no significant existing biodiversity value. A bat survey found no evidence of bat roosts within the roofs of the existing buildings. The site is immediately adjacent to the Limehouse Cut which is a Site of Importance for Nature Conservation. The Borough Ecology Officer has advised that lighting over the canal will have a detrimental effect. A condition is recommended to mitigate this problem, however it is inevitable that light spill over the canal will increase to some degree.
- 9.189 Policy DM11 requires major developments to take reasonable opportunities for biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Ecology Officer advises that the landscaping scheme will provide opportunities for biodiversity enhancements and a condition is recommended to secure this. The submitted Ecology Report also recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. The submitted plans do not indicate where these will be incorporated and therefore a condition is recommended to secure this biodiversity enhancement.
- 9.190 The Ecology Officer advises that green roofs would be beneficial in this location. However, the roofs of the building are 'allocated' for pv panels and other structures such as flues and satellite dishes. Overall, the scheme has taken reasonable opportunities for biodiversity enhancements.
- 9.191 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which 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.

Health Considerations

- 9.192 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.193 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.194 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.

- 9.195 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to open space (Bartlett Park and the Limehouse Cut) near to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.
- 9.196 It is also noted that the site has relatively poor public transport accessibility and may, therefore encourage more vehicle trips rather than cycling or walking. Cycle parking is provided, in accordance with London Plan standards and a contribution towards funding oyster cards for each flat to encourage the use of more sustainable methods of transportation is recommended to be secured through the legal agreement. The proposed car parking levels is within Development Plan maximum standards.
- 9.197 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

- 9.198 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 draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.199 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 9.200 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. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 9.201 Securing appropriate planning contributions is 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.
- 9.202 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:

- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

9.203 Financial contributions have been offered in respect of construction phase skills and training in accordance with the guidance set out in the latest draft of the 'Planning Obligations' SPD and is £61,904.00. The applicant has also agreed to provide £43,740 towards encouraging the take-up of more sustainable methods of transportation given the low PTAL of the site.

9.204 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement.

9.205 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

Local Finance Considerations

9.206 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning 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.

9.207 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.

9.208 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

Human Rights Considerations

9.209 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:-

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".

9.210 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.

9.211 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.

9.212 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.

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

9.214 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.

9.215 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

9.216 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:

- 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.

9.217 The financial contributions towards 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.

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

9.219 The financial contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

9.220 The contributions to affordable housing support community wellbeing and social cohesion.

9.221 The proposed development allows, for the most part, 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 and wheelchair adaptable/accessible homes.

CONCLUSION

9.222 All other relevant policies and material considerations have been taken into account. Planning permission should be **granted**, subject to planning conditions and a Section 106 Agreement set out in section 2 of this report.

Appendix 1

Demonstrating the flood risk Sequential Test and Exception for Planning Applications

Application details

Planning application reference number	PA/15/00641
Site address and development description	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 162 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.
Date	27 th August 2015

Completed by London Borough of Tower Hamlets

In February 2015, Fairview Homes Ltd submitted an application for a housing-led redevelopment of the above referenced site. The applicant has submitted a site specific Flood Risk Assessment (FRA) with the planning application.

LBTH has undertaken a Sequential and Exceptions Test for the site, and this document collates its conclusions.

Proposed Development

The site lies within the 'place' Poplar (as defined in LBTH's Core Strategy 2010).

The site is located within Flood Zone 2 and partly within Flood Zone 3a, which is defined as:

This zone comprises 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. (Department for Communities and Local Government, 2012)

It is important to note that flood zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences the area.

National Planning Policy Framework

Paragraph 101 of the National Planning Policy Framework (NPPF) states that:

"the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding".

As set out in the NPPF, the overall aim should be to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

National Planning Policy Framework Technical Guidance

In accordance with Tables 2 and 3 of Technical Guidance to the NPPF, the classifications of the proposed uses are as set out in Table 1 below.

Table 1 – Classification

Proposed Land Use	Flood Zone	Vulnerability Classification	Vulnerability And Compatibility
Residential institutions	3	More vulnerable	Exception Test required

As shown above, this proposed use of the site is classified as ‘more vulnerable’, and therefore based on flood risk vulnerability and flood zone ‘compatibility’ an Exception Test will also be required for this site.

It is important to note that the proposed used classification is the same as the existing i.e. no change in the vulnerability of the site.

London Borough of Tower Hamlets’ Planning Policy

Core Strategy

LBTH’s Core Strategy makes a commitment to reduce the risk and impact of flooding through ensuring that all new development across the Borough does not increase the risk and impact of flooding, and ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.

The proposed development site lies within the ‘Poplar’ place as described by the Core Strategy annex.

Core Strategy Strategic Flooding Risk Assessment

In 2009, a Level 1 Strategic Flood Risk Assessment SFRA (Capita Symonds, 2008) was produced on behalf of LBTH to support the Core Strategy. In producing the SFRA, LBTH has confirmed that it has taken full account of flooding in its area, as required by the government guidance.

The SFRA was used to sequentially test the Core Strategy (LBTH, 2009) to ensure it addresses areas of potential risk to all types of flooding across the Borough. The Sequential Test identifies that parts of the Borough are within Flood Zones 1, 2 and 3a, and are therefore at potential risk of flooding. The SFRA has revealed that there is no Functional Floodplain (Zone 3b - highest probability) in Tower Hamlets, but large parts of the identified growth areas lies within High Risk Flood Zone 3.

The Sequential Test identifies that development in this location requires the Exception Test for ‘more vulnerable’ classifications.

The Core Strategy states that further sequential testing of sites will come forward as a part of the Sites and Placemaking Development Plan Document (DPD) which now forms part of Tower Hamlets’ Managing Development Document (adopted April 2013).

Managing Development Document

The London Plan and Core Strategy seek to reduce the risk of flooding within the Borough through identifying areas at risk of flooding and ensuring that development does not impact on the existing flood protection measures. DM13 of the Managing Development Document sets out how development will ensure these risks are minimised.

Managing Development Document Strategic Flooding Risk Assessment

In 2012, a Level 2 SFRA (Capita Symonds, 2012) was produced on behalf of LBTH to support the Managing Development Document. The SFRA was used to sequentially test the Managing Development Document.

The Managing Development Document (adopted April 2013), identifies a number of site allocations, for which a Sequential test was undertaken. The Site Allocations aspect of the Managing Development DPD does not set out to allocate every available development site within the Borough, but rather it provides guidance for sites of a strategic importance.

The proposed development at “Phoenix Works” does not lie within any of the specific site allocations and therefore has not been subject to a Sequential Test at site specific level.

The Sequential Test

The Sequential Test can be considered adequately demonstrated if both of the following criteria are met:

- the Sequential Test has already been carried out for the site (for the same development type) at the strategic level; and
- the development vulnerability is appropriate to the Flood Zone.

The proposed site has been sequentially tested as part of the implementation of the Core Strategy, but not as part of the Managing Development DPD.

The proposed use for the site is classified as ‘more vulnerable’ within Flood Zone 3, and therefore a Sequential and Exception test will be required. The SFRA provides the basis for applying the Sequential Test.

Question 1 – Are there alternative sites available in Zone 1?

Tower Hamlets seeks to deliver 3,931 homes per year as set out in the London Plan. However, 42% of the Borough is at risk of flooding.

Land located within the northern part of Tower Hamlets is located within Flood Zone 1 (and therefore outside of Flood Zone 2 and 3). The Government and Greater London Authority (GLA) have however placed an emphasis on eastward directed growth (in London) and therefore it is unlikely that development and infrastructure support can be accommodated solely outside of Zone 3.

The Council is aware of the protection that flood defences in the area can offer. The flood risk assessment has noted two principle forms of flood defence as follows:

- the Thames Barrier, which has been in operation since 1982, and is designated to prevent the propagation of tidal storm surges upstream; and

- the ‘formal’ flood defences provided by the raised walls, buildings and embankments situated immediately adjacent to the Limehouse Cut.

There would be an overall reduction the ratio of permeable to impermeable area and a suitable sustainable urban drainage system will be secured by condition. It is therefore considered that the scheme offers a sustainable building on previously developed land, with existing flood defences.

There are not considered to be any alternative development sites with Flood Zone 1 that are reasonably available.

Question 2 - Are there alternative sites available in Zone 2?

No. No reasonably available additional sites that meet the site selection criteria are available in Zone 2.

Question 3 - Are there alternative sites available in Zone 3 that have a lower risk of flooding?

No. The site is considered to be at the same risk of flooding of those reasonably available within Zone 3.

Conclusion

Based on the above criteria, no other suitable site was available in a Flood Risk Zone of a lower category. As such this site is the most suitable for the range of uses and therefore the site passes the Sequential Test.

The Core Strategy SFRA states that the proposed development, located where it is, for ‘more vulnerable’ uses, will only be permitted if it passes the Exceptions Test. The Exceptions Test is therefore required to be undertaken.

Stage 1 – strategic application & development vulnerability

Has the Sequential Test already been carried out for this development at development plan level?	Provide details of site allocation and LDD below
No	N/A

State the Flood Risk Vulnerability Classification in accordance with PPS25 table D2	State the Flood Zone of development site
More Vulnerable	Flood Zone 3

Stage 2 – defining the evidence base

<p>State the defining parameters for the geographical area over which the Sequential Test is to be applied e.g. functional requirements of the development; regeneration need <i>identified in the LDF</i>; serves a national market. Indicate if no parameters exist for example, windfall development.</p>	<p>State the area of search in view of identified parameters e.g. whole LPA area, specific market area, specific area of need/regeneration area or on a sub regional or national level.</p>
<p>No parameters, this is a windfall development not previously identified in the Development Plan.</p>	<p>The whole LPA area</p>
<p>Additional justification (if needed): N/A</p>	

Evidence base to be used as source for ‘reasonably available’ sites	Provide details below e.g. date, title of document and where this can be viewed
Managing Development DPD - site allocations	www.towerhamlets.gov.uk
Housing Land Study	N/A
Employment Land Review	N/A
National Land Use Database – Previously Developed Land	N/A
Register of Surplus Public Sector Land	N/A
Rural Exceptions Strategy	N/A
Regeneration strategy	N/A
Other sites known to the LPA e.g. sites of other planning applications	N/A
Other sources not stated	N/A

Method used for comparing flood risk between sites	Provide details below e.g. date, title of document and where this can be viewed

Environment Agency Flood Map	Yes - available to see at www.environment-agency.gov.uk
Strategic Flood Risk Assessment (if comparing flood risk within the same Flood Zone)	Yes - available to see at www.towerhamlets.gov.uk
Site specific Flood Risk Assessments where they are suitable for this purpose.	N/A
Other mapping / source of flooding information not stated	N/A

Stage 3 – applying the Sequential Test

The majority of allocated sites either have permission and or in the application process at densities higher than predicted at Examination stage. They could not accommodate the additional density of this scheme. Other allocated sites, such as Marian Place Gas Works and The Oval are currently being restrained from coming forward for development as the gas holders have not been decommissioned. This site is needed to meet our identified housing needs.

Other issues:

The delivery of additional housing will go towards a demonstrable need of housing within the London borough of Tower Hamlets as set out in the London Plan (consolidated with alterations 2015) and Tower Hamlets’ Strategic Housing Needs Assessment.

This part of Tower Hamlets has been historically used for housing and family sized housing is promoted in this location as part of policy SP11 of the adopted Core Strategy which states housing types suitable for families should be promoted in this area.

Conclusion: Are there any reasonably available sites in a lower flood risk zone or at a lower risk of flooding than the application site?

No

The Exception Test

In respect of the above, it is considered that the Sequential Test has been adequately demonstrated and that consideration should be given to the Exception Test as stated in the Sequential Test for the Core Strategy. The Exception Test provides a method of managing flood risk while still allowing necessary development to occur.

Paragraph 102 of the NPPF states that for the Exception Test to be passed it must demonstrate the following:

- *'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.*

Both elements of the test will have to be passed for development to be allocated or permitted. These criteria are assessed below.

1) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared

In accordance with National, Regional and Local policy, the proposed development would respond to a defined local and strategic need for new housing.

The proposed development is considered to be consistent with the wider sustainability objectives of the Poplar Neighbourhood.

2) A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The Environment Agency has advised that the defences are adequate currently and are future proofed to allow an increase in the height of the flood defence wall to sufficient heights over the lifetime (100 years for residential) of the development.

The Environment Agency advises that the proposed development is not anticipated to increase the risk of flooding elsewhere.

A site drainage strategy will be secured by condition and reduce the level of surface water drainage from the site compared to the existing situation.

The applicant's Flood Risk Assessment (along with additional information) demonstrates safe access and egress arrangements that can be implemented so that during flood events the appropriate level of safety can be maintained.

The residual flood risks of locating the proposed housing on this site will be mitigated through appropriate mitigation measures i.e. 300mm raised finished floor levels.

Conclusion

Based on the Sequential and Exception Test above, it was concluded that no other site is reasonably available in a Flood Risk Zone of lower category and that the site was most suitable. There is a reasonable prospect of compliance with the second part of the Exception Test subject to an appropriate site layout and a site specific Flood Risk Assessment that takes into account the site recommendations of the SFRA.

Appendix 2

DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The policy refers to the guidance set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The BRE handbook sets out a number of tests to assist a designer optimise the site layout in respect of daylight, sunlight and overshadowing to surrounding properties and land as well as the proposed properties and land as part of the planning application itself.

Vertical Sky Component

The primary method of assessment is through calculating the vertical sky component (VSC). The Vertical Sky Component (VSC) analysis establishes the amount of available daylight received directly from the sky for each individual window. The reference point for the analysis is the centre of the window, on the plane of the outer window wall.

The VSC is the amount of direct sky a window enjoys, expressed as a percentage of the amount of direct sky a horizontal, unobstructed rooflight would receive. The maximum percentage of direct skylight a vertical window can receive is 40%.

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.

Daylight Distribution

In order to better understand impact on daylighting conditions, the daylight distribution test (otherwise known as the no skyline test (NSL)) calculates the area at working plane level (0.85m above finished floor 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.

Average Daylight Factor

For proposed development the BRE guide recommends that average daylight factor (ADF) is the most appropriate form of assessment for daylight. The Average Daylight Factor is the average illuminance on the working plane in the room and takes into account the amount of unobstructed sky the window serving the room can see, the size of the window, the size of the room, the reflectance expected from the surfaces within the room and the reduction in daylight that will occur as it passes through the glazing. 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.

It should also be noted that ADF can also be used to supplement the VSC and NSL tests for existing properties.

Annual Probable Sunlight Hours and Winter Sunlight Hours

The BRE guide states that 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.

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 through the whole year or just during the winter months, and the reduction is greater than 4% of APSH then the occupants of the existing building will notice the loss of sunlight.

Overshadowing

For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March. Where this is not the case, the reduction should not be more than 20% or the reduction would be noticeably adverse.

Appendix 3

Site Location Plan



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Agenda Item 6.3

Committee: Strategic	Date: 8 th October 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Jermaine Thomas	Title: Variation to the Legal Agreement under S106A Ref No: PA/15/02668 - Vary Section 106 Ward: Blackwall and Cubitt Town
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1. APPLICATION DETAILS

Location: 2 Trafalgar Way, London

Existing Use: Vacant Site

Proposal: Application for Deed of Variation to section 106 agreement dated 10 Nov 2009 ref PA/08/01321 (as amended by a Deed of Modification dated 9th December 2014), ref: PA/14/01771

Drawing and documents: Essential Living Letter dated 16th September 2015: Application to Modify the Section 106 Agreement dated 10 November 2009 as amended by the Deed of Modification dated 9th December 2014

Applicant: Essential Living

Ownership: Applicant

Historic None

Building:

Conservation None

Area:

2. EXECUTIVE SUMMARY

- 2.1. The proposal in essence removes the requirement for delivery of affordable housing on site in return for a substantially increased payment for offsite affordable housing

- 2.2. The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- The proposed increase in the affordable housing contribution would maximise opportunity for the Council to deliver its own affordable housing programme.
- 2.3. The proposed modifications to the section 106 agreement and resulting affordable housing provision would comply with the development plan policies and NPPF.
- 2.4. The contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

3. RECOMMENDATION

- 3.1. That the Committee resolve to APPROVE a modification under s106A of the 1990 Planning Act of the 2009 Agreement (as modified by the 2014 Agreement) subject to:
- 3.2. Any direction by The Mayor.
- 3.3. The prior completion of a second deed of modification to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £17,074,949 towards off site affordable housing
- b) A contribution of £749,685 towards Education
- c) A contribution of £647,633 towards Public Open Space
- d) A contribution of £1,852,624 towards Public Realm
- e) A contribution of £126 towards Traffic Order
- f) A contribution of £29,628 towards Public Art
- g) A contribution of £645,355 towards Health

Non-financial contributions

- a) Car free agreement
- b) Employment / training initiatives
- c) Public Art opportunity
- d) TV/ Radio reception monitoring and impact mitigation
- e) Travel Assessment
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the second deed of modification referred to at 3.3 above within normal delegated authority.

4. PROPOSAL, SITE CONSIDERATIONS and BACKGROUND

Proposal

4.1. The applicant is seeking to modify the section 106 agreement under Section 106A of the Planning Act 1990.

4.2. The proposed modifications to the legal agreement include changes to and deletion of definitions, contributions and schedules to secure the following:

- Removal of 66 on-site affordable housing units (57 Intermediate Units / 9 Social Rented)
- Increase in the affordable housing contribution to £17,074,949 (previously £12,857,000. This will enable the provision of a 24.8% Off Site Affordable Housing scheme calculated by habitable room

4.3. The following comparative table provide context for the proposed modifications (right column) in relation to the existing secured planning obligations.

		Approved 2009 Consent	Approved 2014 Consent	Approved 2014 Consent (Inclusive of RPI)*	Proposed 25% Off Site Offer
On-Site Affordable Housing	Intermediate	60	57**	57**	0
	Social	9	9	9	0
	Total	69	66	66	0
Off Site Affordable Housing Contribution		£12,857,000	£12,857,000	£15,236,831*	£17,074,949
Other S106 Contributions		£3,312,000	£3,312,000	£3,925,051*	£3,925,051
Total Contributions		£16,169,000	£16,169,000	£19,161,882*	£21,000,000
Affordable Housing Provision Overall		35%	35%	35%	24.8%

Site and Surroundings

4.4. The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site was previously occupied by a McDonald's restaurant and drive-thru takeaway facility. The McDonalds building has

been demolished and the site has been cleared for development. The application site is currently enclosed with closed boarding. The site does not fall within a conservation area and does not comprise of any listed buildings.

Relevant Planning History

Application Site

- 4.5. **Approved Development - PA/08/01321** – The LPA granted full planning permission on the 10 November 2009 for the:

“Redevelopment of the site to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail / financial and professional service units, crèche, gymnasium, associated residential and community amenity space and car parking.”

There have been two non-material amendment applications which are listed below:

- 4.6. **PA/11/03346** – The LPA granted a non-material amendment on the 19 December 2011 for the following:

- Revision to the lifting strategy in Building A to provide revised access for the lower and upper levels of this block.
- Revised ground floor access to podium level
- Associated amendments to ground floor plan to show removal of redundant serviced apartments entrance
- Reconfiguration of 2 residential units on floors 3 to 26 and two duplex units on floors 27/28 to accommodate lifting strategy
- Enclosure of inset balconies with open-able glazed doors/rainscreens to create winter style gardens
- Reorientation of balconies to face south west rather than south

- 4.7. **PA/13/02453** – The LPA granted a non-material amendment on the 12 November 2013 for the following:

“Insert a new condition (compliance with plans)”

- 4.8. **PA/14/0062** - Application for non-material amendment following grant of planning permission on 10/11/2009, ref: PA/08/01321. The amendments including changing the triggers to various conditions as set out in the attached schedule.

Approved 10/10/2014

- 4.9. **PA/14/01771**

Application for minor-material amendment of planning permission PA/08/01321 dated 10/11/2009 (and as amended by NMA applications PA/11/03346 dated 19/12/2011, PA/13/02453 dated 12/11/2013 and PA/14/00062 dated 01/10/2014). The amendments consist of an increase in

the height of building A (by 3.9m) and building B (by 5.1m), removal of building C, alterations to the housing mix and layouts, reduction in the number of residential units from 414 to 395, alterations to the facades of the buildings, and increase in the size of the basement.

Approved 09/12/2014

4.10. **PA/15/00748**

Application to modify a Section 106 Agreement - Affordable Housing Contribution. The modification proposed the following:

- Amendment to 'Financial Contribution' definition to reduce the contribution (inclusive of the off-site affordable contribution) from £16,169,000 to £5,302,000.
- Amendment to the 'Off site Affordable Housing Contribution' definition to reduce the off-site housing contribution from £12,857,000 to £1,990,000)
- Amendment to 'On site affordable housing units' definition to include reference to Housing Tenure and Mix table at Schedule Two Part Two.
- Amendment to Off-site affordable housing contribution of £12,857,000 to £1,990,000 in Schedule 2 Part 2.

Refused 14/04/2015

4.11. **APP/E5900/S/15/3087250**

Appeal against refused S106b application PA/15/00748

Application to modify a Section 106 Agreement - Affordable Housing Contribution. This is currently the subject of an ongoing appeal. The hearing was original due to go ahead on 7th October but has been adjourned until November to allow this application to be considered. If this application is approved the Applicant has confirmed that the appeal will be withdrawn.

Background

4.12. The site has two implementable planning consents from 2009 (Ref: PA/08/01321) and 2014 (Minor Material Amendment) (Ref: PA/14/01771).

4.13. The 2014 consent reduced the approved number of residential units on site from 414 to 395.

4.14. The two planning consents are subject to Section 106 agreements which secured the following with regards to housing:

	<i>2009 Consent</i>	<i>2014 Consent</i>
<i>Total Number of Residential Units</i>	414	395
<i>Number of Intermediate Housing on site</i>	60	57
<i>Number of Social Rented Housing</i>	9	9
<i>Total Number of Affordable Units</i>	69	66
<i>Off-site Affordable Contribution</i>	12,857,000.00	£12,857,000.00

- 4.15. The 2009 and 2014 consents with a mixture of on-site affordable units and off-site affordable housing contributions each secured 35% affordable housing schemes.
- 4.16. The LPA considered it appropriate to approve the 2014 consent to allow Essential Living to redesign the floor layouts and deliver residential units that would accord with their own PRS internal design standards and requirements.
- 4.17. The number of on-site affordable housing units was reduced from 69 to 66 on a pro-rata basis to reflect the reduction in the number of units overall. The off-site housing contribution of £12,857,000 remained unchanged.
- 4.18. BNP Paribas, acting as the Council's Viability Consultants have since given their view that this 2014 consent is an unviable if implemented with the current affordable housing requirements.
- 4.19. In March 2015 Essential Living submitted an application to change the affordable housing requirements on the 2014 Scheme, reducing the off-site contribution to £1,990,000 and removing the requirement for on-site provision of 66 affordable units. This application was submitted under s106B of the Planning Act 1990 that allows affordable housing provisions to be renegotiated where economic circumstances have changed so that the development is no longer economically viable.
- 4.20. The application was refused on 14th April. BNP Paribas acting as the Council's Viability Consultants supported the refusal of the s106B application, but advised that some reduction in the affordable housing provision would be reasonable. They further advised that a reduction in the off-site affordable housing contribution from £12,857,000 to £8,424,130.00 would be appropriate.
- 4.21. Essential Living submitted an appeal against the refused S106B application which will be determined at a Public Hearing scheduled for November 2015.
- 4.22. As part of the process of preparing for the hearing, Essential Living and the LPA explored ways in which the Council's need to secure a good level of affordable housing could be satisfied without compromising the viability of the development.
- 4.23. One option discussed, which is the subject of this application, was an application under section 106A of the Planning Act. Unlike section 106B, this does not focus on affordable housing alone but allows for a general variation of a previous 106 agreement.
- 4.24. Essential Living proposed that instead of retaining the obligation to provide the affordable housing on site, and reduce the off-site contribution, they would instead remove the on-site requirement and increase the off-site contribution.

- 4.25. The current policy requirement for affordable housing is 50%. Essential Living has offered a total of £21,000,000 in planning obligations, including £17,074,949 for off-site affordable housing but with the requirement for on-site provision removed. The revised financial contribution would enable provision of off-site affordable housing equivalent to 24.799% of the development as a whole.
- 4.26. The key issues for consideration are:
- The acceptability of the principle of off-site provision and the removal of the 66 on-site affordable residential units
 - The decrease in overall provision compared with what planning policies seek to provide.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications are to be determined in accordance with the plan unless material considerations indicate otherwise.

- 5.2. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

5.3. Government Planning Policy Guidance

National Planning Policy Framework (2012) (NPPF)
National Planning Policy Guidance (2013) (NPPG)

5.4. London Plan 2015

- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds

5.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP02 Urban living for everyone
SP13 Planning Obligations

5.6. Managing Development Document (adopted April 2013) (MDD)

DM3 Delivery Homes

5.7. Supplementary Planning Documents include

Planning Obligations SPD (January 2012)
Draft Planning Obligations SPD (March 2015)
CIL Charging Schedule (April 2015)

5.8. **Tower Hamlets Community Plan**

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:

Internal Responses

LBTH Housing

- 6.3. The applicant has applied for a change to the affordable housing provision on the consented scheme on the grounds that it is no longer viable. Our viability consultants disagree with a number of points made in their viability assessment and the applicant's intention is to submit their arguments to a planning inspector via the appeal mechanism.
- 6.4. Notwithstanding, the applicant has made a new offer of a financial contribution in lieu of affordable housing. The offer represents a position which is considerably below our policy requirement of 35% on site or 50% offsite, but it is accepted that financial viability is a major factor which will guide the level of contribution that a development can sustain. The council through its planning committee must decide whether a firm financial offer which will achieve a considerable level of new affordable housing is preferable to the uncertain outcome of an appeal, which might result in a lower offer.
- 6.5. The existing permission was to provide us with an overall level of affordable of 35% by calculation of habitable rooms. This comprised 60 intermediate units and 9 Social Rent units on site and a financial contribution of £12.57million. The intermediate units would have been required to be available to people on incomes defined by the London Plan, but the nature of the building and the location was likely to provide units whose market values mean they might only be affordable to those at the top end of the income scale (up to £71K p.a. for these 1bed and 2bed units), who are not the borough's priority for this type of housing. The small number of social rent units would have been valuable to a few people on our waiting list, but there was some uncertainty about the level of service charges, which would be added on to the defined Social Rent levels, perhaps making these units relatively expensive compared to typical Social Rent units in the borough. There was also a degree of uncertainty about whether a suitable RP would be found with the skills to manage this small number of units within this development designed primarily for the market units, intended for private rent via the Essential Living model.
- 6.6. The current offer is to remove all affordable housing units from the development and instead provide an increased financial contribution of £17.07 million. This sum has been calculated by using our financial

consultants, BNP's assessment of the current market value of a habitable room and providing a sum which equates to 25% affordable by habitable room. Whilst this is considerably below policy requirement levels, it is the applicant's assessment of the maximum amount that the development's viability can sustain.

- 6.7. This financial contribution can be used in a number of ways. The council has already started its own programme to build new affordable housing. There are a variety of income streams which will support this programme, and S106 contributions such as the £17 million offered here, are a valuable part of this funding. There is a need for funding to supplement the council's considerable resources from Right to Buy receipts, which can only be used to contribute 30% of any future newbuild scheme costs and which the council is bound to spend by central government's fixed deadlines. It is not possible to state exactly how or where this sum might be spent to achieve new affordable housing, but one output is likely to be new housing build on the council's own land which is currently surplus to requirements. Any new housing built using this funding is more likely to meet the council's needs than the affordable units originally offered on site via the early permission. The funding will enable a range of properties to be built, including large family units which can be built in locations which are considered more suitable for families than within high rise developments.
- 6.8. In summary, the current offer is recommended for acceptance, as it provides a guaranteed financial contribution which will be able to be used effectively to produce new affordable housing built to the council's own specifications.
- 6.9. OFFICERS COMMENTS: The comments of the Housing officer and the identified benefits of the variation to the section 106 are noted and discussed in the material considerations section of the report.

LBTH Legal

- 6.10. This current application is under s106A of the Planning Act 1990 which allows the parties to agree modifications to the original 2009 agreement, in addition to those agreed in 2014.
- 6.11. The current appeal is made under S106BA and relates solely to the provision of affordable housing. The hearing originally set for October has been adjourned to allow time for the parties to reach an agreed alternative.
- 6.12. If this application is refused, the hearing will be reinstated and it will be for an Inspector to decide both on the amount of on-site provision of affordable housing and any financial contributions for off-site affordable housing.
- 6.13. The hearing will generate financial costs and take up officer time. There is also the risk that the Inspector could reduce either the on site provision or the off site contribution, leaving the Council with limited options for challenging that decision.

- 6.14. OFFICERS COMMENTS: The comments of the LBTH Legal Officer noted and discussed in the material considerations section of the report.

External Responses

Greater London Authority

- 6.15. No comments received to date.

7. LOCAL REPRESENTATION

- 7.1. The proposed deed of variation proposed under legislation Section 106a does not require consultation of neighbouring properties.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. Town and Country Planning Act 1990 Section 106A Modification and discharge of planning obligations section 1 states:

(1)A planning obligation may not be modified or discharged except—

- (a) by agreement between [F2the appropriate authority (see subsection (11))] and the person or persons against whom the obligation is enforceable;*
- (b) in accordance with this section and section 106B.*

- 8.2. Subsection (11) of Town and Country Planning Act 1990 Section 106A Modification and discharge of planning obligations states:

In this section “the appropriate authority” means –

(a)the Mayor of London, in the case of any planning obligation enforceable by him;

(aa)the Secretary of State, in the case of any development consent obligation where the application in connection with which the obligation was entered into was (or is to be) decided by the Secretary of State;

(ab)the Infrastructure Planning Commission, in the case of any other development consent obligation;]

(b) in the case of any other planning obligation, the local planning authority by whom it is enforceable.

- 8.3. In this instance, the relevant part of subsection 11 is part (b) which refers to the Local Planning Authority (London Borough of Tower Hamlets) whom the section 106 agreement is enforceable by.

8.4. The application is made under this section 106A and in essence seeks to remove the requirement for any on-site affordable housing but also offers an increased sum for off-site provision. The committee is required to assess the merits of that proposal.

9. Affordable Housing

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

9.2. 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.

9.3. The supporting text to the policy encourages Boroughs to take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

9.4. 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.

9.5. 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."

9.6. Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.

9.7. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more

(subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.

9.8. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.

A. Any off site affordable housing will only be considered in circumstances where it can be demonstrated that:

- i. It is not practical to provide affordable housing on site;
- ii. to ensure mixed and balanced communities it does not result in too much of any type of housing in one local area;
- iii. it can provide a minimum of 50% affordable housing overall;
- iv. it can provide a better outcome for all of the sites including a higher level of Social Rent Family homes; and
- v. future residents living on all sites use and benefit from the same level and quality of local services

B. If a suitable site cannot be found, as stated in parts I to V, in exceptional circumstances the Council will consider payments in-lieu ring fenced for additional affordable housing input.

9.9. The preamble of MDD Policy DM3 para 3.6 states ‘The Council considers that in the majority of cases, it is feasible for affordable housing to be delivered on site. This is important in promoting mixed and balanced communities. If affordable housing is proposed to be provided off-site there should be no over concentration of one type of housing in any one place both off-site and on site and a minimum of 50% affordable housing must be provided overall (subject to viability).

9.10. The preamble of MDD Policy DM3 para 3.7 also states, if no suitable sites are available for off-site affordable housing and payment in-lieu is to be acceptable the developer must demonstrate that the payment will result in the equivalent of a minimum of 50% affordable housing. The Council may use these resources to enable the provision of new affordable housing or to support regeneration on existing housing estates.

Reduction in affordable housing provision overall

9.11. The existing 2009 and 2014 consents were secured with affordable housing contributions and provisions that would provide 35% affordable housing schemes.

- 9.12. The proposed variation to the section 106 agreement would decrease the affordable housing provision to 24.8% and result in an entirely off-site affordable scheme.
- 9.13. The 2009 consent was approved at Strategic Development Committee with the equivalent of a 35% affordable housing provision instead of the 50% normally required for an off-site provision, as the application was supported by an independent assessment of viability.
- 9.14. The proposed variation to the planning obligations seeks to reduce the secured affordable housing provision from 35% to 24.8%.
- 9.15. BNP Paribas who were independently instructed to review the viability of the 2014 scheme have confirmed that 2014 consent is not viable with the existing 35% affordable housing provision secured with the existing legal obligations.
- 9.16. The creation of an unviable scheme following a reduction in the approved number of residential units on site constitutes an exceptional circumstance where the affordable housing requirements need to be varied, as detailed and robust financial statements have been provided which demonstrate conclusively why planning policies 50% affordable housing provision target cannot be met in accordance with the requirements of Core Strategy Policy SP02(3).
- 9.17. The approval of the proposed modification to the affordable housing contribution which is based on 'individual circumstances including development viability' and would ensure that the sites and scale of development identified in the plan would not be subject to such a scale of obligations and policy burdens that threaten their ability to be developed viably in accordance with London Plan Policy 3.12 and NPPF Paragraph 173.

Removal of on-site affordable units

- 9.18. London Plan Policy 3.9 and 3.11 seeks to encourage mixed and balanced communities with mixed tenures and the delivery of affordable housing.
- 9.19. The 2009 consent was approved with no affordable family housing on site, as members of the Strategic Development Committee previously expressed concerns about the provision of family accommodation in this location given the sites characteristics as a traffic island and connectivity, noise and air quality issues.
- 9.20. The secured off site affordable housing contribution of £12,857,000 was therefore secured to off-set the absence of on-site family affordable housing provisions.

- 9.21. The existing sixty six affordable units secured on site, as a consequence only compromise of one and two bedroom units. Moreover, only nine of the affordable units are secured as social rented housing.
- 9.22. The LBTH Housing officer has raised a number of concerns with the affordability and potential service charges of the on-site one and two bed affordable housing units and confirms that the acceptance of the increased affordable housing contribution could further aid the Councils own programme to build more affordable housing.
- 9.23. The LBTH Housing officer as a consequence recommends approval of modification to the legal agreement, as the requirement for a variation are supported by a viability report which has been independently reviewed and provides a guaranteed financial contribution for the Council which could be used to produce new affordable housing built to the Councils own specifications.
- 9.24. On balance, it is therefore considered that the proposed modification to the legal agreement to remove the on-site affordable housing provisions, reduce the overall affordable housing provision and increase the financial affordable housing contribution, which is supported by an independently reviewed Viability assessment is considered acceptable in accordance with Managing Development Plan Policy DM3, Core Strategy Policy SP02 (3), London Plan Policy 3.9, 3.11 and 3.12 and NPPF Paragraph 173.

10. Other Issues

- 10.1. The applicant has appealed against the refused s106b application which seeks to remove all 66 affordable housing units on-site and reduce the payment for off-site affordable housing to £1,990,000.00.
- 10.2. The Appeal Hearing was original scheduled for 7 October 2015 but was postponed by mutual consent between LPA and Essential Living, as both parties sought to negotiate and agree to a revised affordable housing provision outside of the appeal process.
- 10.3. In the event that the Strategic Development committee agree to the approval of the proposed modification to the section 106 and revised affordable housing provision, the applicant confirmed that the appeal would be withdrawn.
- 10.4. Alternatively, if the Strategic Development committee are minded to refuse the proposed variation to the section 106 and affordable housing provision the appeal hearing will be rescheduled for November 2015 and any potential revisions to the s106 agreement would be based on the conclusions of the Planning Inspectorate.
- 10.5. It is of note that Essential Living have provided detailed viability reports which the Councils independent viability consultants BNP Paribas have confirmed demonstrate that the 2014 consent is not viable with the existing

section 106 agreement. Further to this, BNP Paribas advised the LPA that the affordable housing provision should be reduced on a pro-rata basis to £8,424,130 to reflect the reduction in the units approved in the 2014 consent in comparison to the 2009 consent.

- 10.6. On balance, although the provision of affordable housing is less than the Development plan seeks to secure, Officers of the Council recommend the approval of the variation to the legal agreement under S106A which
- Removes the requirement for on-site affordable housing
 - Increases the off-site contribution to £17,074,949

OTHER

Financial Considerations

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

- 10.7. 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.
- 10.8. 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.
- 10.9. In this context “grants” might include New Homes Bonus.
- 10.10. These are material planning considerations when determining planning applications or planning appeals.
- 10.11. As regards Community Infrastructure Levy considerations, Members are advised that that the London mayoral CIL became operational from 1 April 2012, however, as the development was originally approved prior to the adoption of CIL, the scheme is exempt.
- 10.12. 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.

- 10.13. Using the DCLG's New Homes Bonus Calculator, this development, would generate in the region of £564,385 in the first year and a total payment of £3,386,310 over 6 years.

Human Rights Considerations

- 10.14. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998.

- 10.15. In the determination of a planning application the following are particularly highlighted to Members:-

- 10.16. 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".

- 10.17. 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.

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

- 10.19. 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.
- 10.20. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.21. 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.
- 10.22. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

- 10.23. 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.
- 10.24. The Act 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. 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.
- 10.25. the Committee must be mindful of this duty, inter alia, when determining all planning applications
- 10.26. Officers have taken the duty into account in the assessment of the application and consider that the changes proposed to the 106 are unlikely to have either a disproportionately negative or positive impact on persons in the Borough of Tower Hamlets who share a protected characteristic.

11. Conclusion

- 11.1. All other relevant policies and considerations have been taken into account. Variation to the Section 106 should be approved for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

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Planning Application
Site Boundary



Locally Listed Buildings



Land Parcel Address



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