

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 12 April 2016 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 Gulam Robbani and Councillor Julia Dockerill

Deputies:

Councillor Khaled Uddin Ahmed, Councillor John Pierce, Councillor Denise Jones, Councillor Oliur Rahman, Councillor Chris Chapman, Councillor Peter Golds, Councillor Andrew Wood, Councillor Dave Chesterton and Councillor Mahbub Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Friday, 8 April 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Monday, 11 April 2016**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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Web: <http://www.towerhamlets.gov.uk/committee>

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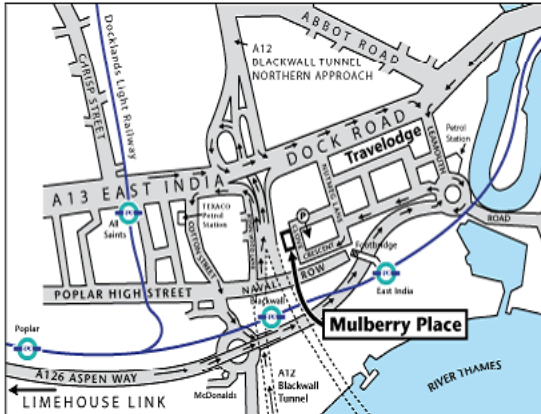
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APOLOGIES FOR ABSENCE

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 - 18)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 10 March 2016.

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 19 - 20)

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

		PAGE NUMBER	WARD(S) AFFECTED
5.	DEFERRED ITEMS	21 - 24	
5 .1	34-40 White Church Lane and 29-31 Commercial Road, London, E1 (PA/15/02527)	25 - 76	Whitechapel

Proposal:

Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor and the prior completion of a Section 106 legal agreement, conditions and informatives as set out in the Committee report.

Proposal:

Full Planning Application – PA/14/03594

Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.

The application is accompanied by an Environmental Impact Assessment

Listed Building Consent application - PA/14/03595

Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.

Recommendation:

That Planning Permission and Listed Building Consent should be GRANTED in accordance with the recommendation set out in the original report.

6.	PLANNING APPLICATIONS FOR DECISION	185 - 186	
6 .1	120 Vallance Road & 2-4 Hemming Street, London, E1(PA/15/01231)	187 - 246	Spitalfields & Banglatown

Proposal:

Demolition of existing buildings at 120 Vallance Road and 2-4 Hemming Street and erection of two buildings to provide 1,311 sqm (GEA) of commercial space, 144 residential units and new public realm, landscaped amenity space, cycle parking and all associated works

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a Section 106 legal agreement to secure planning obligations and conditions and informatives as set out in the Committee report.

7.	OTHER PLANNING MATTERS	247 - 248	
7 .1	Westferry Printworks, 235 Westferry Road, E14 8NX (Tower Hamlets Ref: PA/15/02216, GLA Ref. D&P/1200B&C/JPC)	249 - 330	Canary Wharf

Proposal:

Demolition of existing buildings and structures and the comprehensive mixed use redevelopment including buildings ranging from 4 - 30 storeys in height (tallest 110 m. AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Classes A3/A4), flexible office and financial and professional services uses (Classes B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and enabling work.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Both the Council and the Mayor of London as local planning authority must take the environmental information into consideration in formulating their decision.

Recommendation:

That the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission the Council would have REFUSED permission for the reasons in the Committee report

Next Meeting of the Strategic Development Committee

Thursday, 12 May 2016 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, 10 MARCH 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Gulam Robbani
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Danny Hassell)

Other Councillors Present:

Councillor Andrew Wood

Apologies:

Councillor Danny Hassell

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Adam Hussain	– (Planning Officer, Development and Renewal)
Kirsty Flevill	– (Planning Officer, Development and Renewal)
Jane Jin	– (Team Leader, Development and Renewal)
Gareth Gwynne	– (Planning Officer, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Andy Simpson	– (Business Improvement Coordinator, Development and Renewal)
Carole Martin	– (Project Development Officer, Development and Renewal)

Zoe Folley

– (Committee Officer, Directorate
Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda item 6.4 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595) as he had received representations from interested parties on the application and as he used to be a Council nominated Member of the Lee Valley Regional Park Authority

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 18th February 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

None

6. PLANNING APPLICATIONS FOR DECISION

6.1 6 to 8 Alie Street, London, E1 8DD (PA/15/02538)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing office building on the site and erection of a ground plus seven storey office building and associated works. Adam Hussain (Planning Officer, Development and Renewal) presented the detailed report. It was reported that the site was located in a Preferred Office Location and not in the Conservation Area and currently occupied by an office building

The Committee noted images of the existing building and views of the site from the surrounding area.

The Committee noted the key details of the application including the quality of the design (in contrast with the relatively unremarkable existing building), the height of the scheme that Officers felt would sit comfortable within the area. They also noted the scale of the scheme, similar to the extant scheme, the proposed layout and the high level of BRE compliance.

The proposed land use complied with policy and it would have an acceptable impact on amenity.

Given the merits of the scheme, Officers were recommending that it be granted planning permission.

In response to Members about the height of the application, Officers noted that the proposal building would be slightly taller in height than it's neighbours and that the surrounding area comprised building of various heights. However, it was considered that the proposed set backs in the design at the upper part of the building (that was a common design feature) would help reduce it's prominence and minimise the moderate height difference between the application and the surrounding buildings. As a result, it should have a reasonable relationship with it's neighbours.

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

1. That planning permission be **GRANTED** at 6 to 8 Alie Street, London, E1 8DD for the demolition of existing office building on the site and erection of a ground plus seven storey office building (Class B1) with reuse of existing basement together with provision of 4.no ancillary study bedrooms for private use by the college, 40.no cycle spaces, plant equipment and associated works (PA/15/02538) subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. 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.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

6.2 Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14 (PA/15/02104)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the erection of building facades to existing structure on site to create a mixed use development comprising serviced apartments, office floorspace and cafe floorspace

The Chair invited registered speaker to address the Committee.

Michael Byrne, (Discovery Dock East Residents Association) and Councillor Andrew Wood, local ward Councillor, spoke in support of the application. They welcomed the redevelopment of the site given it's poor condition, and that the proposals complied with the aims in the South Quay Master Plan. In particular, they welcomed the proposed mix of uses (including serviced apartments) given the suitability of the location for such purposes due to it's proximity to Canary Wharf and local hotels and the shortage of such accommodation in the area. Furthermore, given the nature of the scheme, the speakers considered that it should have less of an impact on local infrastructure than other uses which they welcomed.

Kirsty Flevill (Planning Officer, Development and Renewal) gave a presentation on the application describing the site location and surrounds, showing images of the existing site. She also explained the planning history of the site and that the scheme bore a close resemblance to the previously approved scheme that had been implemented. The main difference being the reduction in height.

Turning to the detail, the Committee noted the proposed floor plans including the layout of the office space, the nature of the serviced apartments, the proposed elevations and the façade detailing. Consultation had been carried out and no representations had been received.

Officers considered that the proposed land use complied with policy and that the application would cause no undue harm to amenity given that it was broadly similar to what was there already on site. Furthermore, the impact on the transport network and the highway would be acceptable. Given the merits of the application, Officers were recommending that it was granted permission.

In response, Members asked questions about the level of contributions from the development. In particular, the contributions for carbon offsetting (as set out in the update report) and why no precise figure could be set for this at this stage.

In response, Officers explained that the obligations included a requirement that the applicant look at connecting the development to the Barkantine district heating company. Both the applicant and the Barkantine considered that this was perfectly feasible and this was Officers preferred option. It was also required that an updated energy strategy be submitted to determine the potential for the application to reduce CO2 emissions further. Accordingly, it was recommended that the level of contribution for carbon offsetting be based on the updated strategy. It was also reported that the proposed development would be liable for a London Mayor's CIL contribution. In response to further questions, Officers explained the location of the servicing and office floors space and that no parking spaces were proposed.

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

1. That planning permission be **GRANTED** at Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14 for the erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3) PA/15/02104) subject to:
 2. Any direction by The Mayor of London
 3. The prior completion of a legal agreement to secure the obligations set out in the Committee report and the update report regarding the inclusion of a Car Park Management Plan, the carbon offsetting obligation and the contributions towards monitoring and implementation.
 4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
 5. 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 and the update report regarding the removal of the requirement for a Piling Method Statement.

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

6.3 34-40 White Church Lane and 29-31 Commercial Road, London, E1 (PA/15/02527)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building with basement to provide flexible use commercial space, 42 residential units with basement, new public realm, cycle parking and associated works. He reminded Members that a model of the development had been brought to the meeting by the developers for the Committee to view.

Gareth Gwynne (Planning Officer, Development and Renewal) presented the application, drawing attention to the site, situated near the Aldgate Place tall building cluster and the Whitechapel High Street Conservation Area. The Committee noted images of the changing skyline of the area.

The plans would create 42 residential units, with the affordable housing situated on the first three floors above ground floor and the private housing on the upper floors. The housing mix comprised 26 % affordable housing at Borough Framework rent levels inclusive of service charges. Consultation had been carried out and the issues raised were set out and addressed in the Committee report and outlined at the meeting.

In summary, it was considered that the land use complied with policy and that the siting of a tall building on this site complied with the Council's Core Strategy. Whilst the plans would have a minor adverse impact on the local heritage assets, overall it was considered that the impact on the setting of the area would be broadly neutral and that it would improve the setting of the St George's brewery warehouse building. In terms of the density, whilst the density exceeded the London Plan guidance, the scheme provided good levels of amenity and showed no signs of overdevelopment. In terms of the play space, the plans met the minimum policy requirements for under 12 play space given the expected child yield. Whilst Officers did have misgivings about the quantum and quality of child play space proposed given the cumulative pressures on the local parks from other developments, Officers did not consider that this would be a serious issue given the relatively low child yield for the scheme. The impact on neighbouring amenity would be acceptable and contributions had been secured as set out in the Committee report.

Officers were recommending that the application was granted permission.

In response, Member questioned the merits of locating a tall tower in this location that served as a 'buffer zone' to the Conservation Area and comprised listed buildings and lower rise buildings (similar to those in Brick Lane). It was felt that the tower would be out of keeping with the area. As a result it would spoil the setting of the area, making the existing buildings appear 'boxed in' and would impinge on the valuable 'buffer' zone. Members also questioned the close relationship between the proposal and 27 Commercial Road.

In responding, Officers noted the pattern of the development in the area. The scheme had been designed to fit in with the area, tailing off at the east. It was a matter of judgement whether this level of transition would protect the setting of the area and the informal buffer zone, which was not recognised in policy. Officers were mindful of the close relationship with the two buildings and the close proximity between the development and 27 Commercial Road. Given that there would be no north facing single aspect units in the development, Officers considered that this relationship would be acceptable.

Members also expressed concern about the design of the ground floor entrances. In particular, the plans to locate the entrances for the affordable housing at the rear and that for the private units at the front of the development. Members were concerned about segregating the development in this way. They also asked about the improvements secured for the affordable entrances. In responding, it was explained that both entrances would be of a high quality design and that the arrangements would help ensure that the service charges were more affordable. The scheme had been amended to improve the design of the affordable housing entrance to give it a more open quality. The approach of separating the entrances in this way was a common feature of many developments given the issues highlighted above.

Questions were also asked about the child play space. It was questioned whether the expected child yield was realistic given the number of affordable family sized units in the development and whether steps had been taken to address the issues.

In responding, Officers were mindful of the concerns about the quality and the quantum of child play space. However given the issues highlighted in the presentation (regarding the policy compliant under 12 play space and the low child yield), Officers considered that a refusal on this grounds would be unreasonable.

Members also asked questions about the shortfall in affordable housing and whether, given the density of the scheme, more could have been afforded. In response, Officers confirmed that the viability of the scheme had been independently tested. The conclusion reached was the scheme delivered the most it could afford. They also drew attention to the clarifications in the update report concerning the affordable housing and confirmed the density of the scheme in relation to policy.

In response to questions about the adequacy of the servicing route, it was explained that the servicing would take place on Assam Street, as per the existing arrangements and given that it was a fairly wide highway, Officers were satisfied with these arrangements. It was noted that the scheme would be car free (subject to the application of the Council's parking permit transfer scheme for family housing) with contributions for on street disabled parking bays if needed.

In relation to the impact on infrastructure, it was noted that the proposed development would be liable for a Tower Hamlets and London Mayor's CIL contribution and the details were set out in the report.

On a unanimous vote, the Committee did not agree the Officer recommendation to grant planning permission

Accordingly, Councillor Marc Francis proposed that the planning permission be not accepted (for the reasons set out below) and on a unanimous vote, it was **RESOLVED**:

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 34-40 White Church Lane and 29-31 Commercial Road, London, E1 for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works. (PA/15/02527)

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

- Insufficient provision of affordable housing.
- High residential density in excess of London Plan.
- Height of the building.
- The servicing arrangements.
- The child play space and communal amenity space.
- The design of the ground floor entrances.
- Impact on infrastructure from the scheme
- That the scheme would be out of keeping with the character of area and would change the character of the area.

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

6.4 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks providing 804 residential units; Retail / Employment Space , Management Offices, Education Space with associated works

The Chair then invited registered speakers to address the Committee.

Eric Reynolds (Trinity Buoy Wharf) addressed the Committee. He stated that he welcomed the development of the site and had taken part in the consultation but had not seen the Committee report until recently. He also welcomed the contributions to enhance public access to the TBW pier but noted that no agreement between the developer and Thames Clipper had been made. Moreover, the Committee report underestimated the extent that the site would be affected by the impacts from the industrial units at TBW and also how the scheme would affect the development potential of that site. Accordingly, he requested that the recently revised plans for the eastern element of the scheme, be reconsidered in view of these issues. In response to questions, he expressed concern that the consultation exercise carried out by the developer was misleading in terms of the plans of the eastern element, and that the scheme would blight the development potential of the units within TBW– i.e. the potential for additional workshops. The information on building heights in the report was inconsistent.

A representative of the Applicant spoke in support of the application drawing attention to the benefits of the scheme. Consultation had carried out by the developer and there had been no changes to the plans for the boundary for two years. An Environmental Assessment had been submitted and reviewed taking into account the uses and potential uses of the neighbouring sites and there would be robust measures to mitigate the impact of these site and protect their development potential. Some of the features designed to ensure this were highlighted. The application included measures to link the Thames Clipper service to the site.

In response to Members, he clarified that, in response to the Greater London Authority's Stage 1 comments, the scheme had been amended and it was felt that their concerns had largely been addressed. He also answered questions about the contribution for the Clipper Service, to provide an additional link to the surrounding area, (in addition to the proposed bridge link). He also responded to questions about the interaction with the Port of London Authority and the extensive nature of the measures to mitigate the impact of the reactivation of the Orchard Wharf Site. As a result of which, the PLA only objected on minor points. He also discussed with the Committee the costs of getting the development land up to standard following it's long industrial use

that has had an impact on the amount of affordable housing that could be afforded as set out in the viability report.

He also answered questions about the plans for the historic dry dock and for commemorating its history, the measures for ensuring that the service charges for the affordable units were affordable for the occupants and the measures to mitigate the impact from the Trinity Buoy Wharf site.

Jermaine Thomas (Planning Officer, Development and Renewal) gave a comprehensive presentation on the application explaining the site location and surrounds, characterised by a mix of mainly light industrial and storage warehouses bounded by river. He also explained the proximity of the site to the neighbouring Orchard Wharf and the Trinity Buoy Wharf site

The Committee were advised of the recent applicant for Orchard Wharf for a concrete batching plant and associated works refused and dismissed at appeal.

Turning to the proposal, the Committee noted the proposed layout of the scheme including the nature of the development blocks, the design, massing and height, the plans to reactivate the dry dock and the elements of the application requiring listed building consent. They also noted a summary of the consultation results.

The scheme had been carefully designed to preserve the development potential of the Orchard Wharf site and ensure that the reactivation of that site would have no harmful impacts on this development. The measures included: positioning residential units away from the Orchard Wharf site. Whilst the Port of London Authority had raised concerns about conflict between the two sites the Council's Environmental Health Team considered that the impact in terms of noise would be acceptable. The assessment had been independently reviewed (at the request of the PLA) who also found that the impact would be acceptable subject to the conditions. In relation to the other issues, the scheme showed no signs of overdevelopment, given amongst other matters, the generous breathing space around the development and the scheme would also provide a landmark building for the wider area.

The housing mix included 3-4 bed social rent units (as detailed in the update report). All of the units complied with standards with good quality entrances providing a welcoming environment. The communal space offer exceeded requirements while the child play space met the minimum standards in policy. The site was within walking distance of two Docklands Light Railway Stations and there was to be a new bus stop and, save for the provision of a number of car parking spaces, it would be car free.

Officers were recommending that the planning permission and the listed building consent should be granted permission.

In response to questions about the weight that should be given to the outstanding Orchard Wharf issues, the Committee were advised that,

although the appeal by the PLA was dismissed, the principle of the development of the site was accepted. So there was reason to believe that it would come back into use. Therefore, it was important to consider how the two land uses would sit 'side by side'. It was expected that the hearing would take place in May 2016. It was clarified that it was not the appeal decision itself that was being challenged but the compulsory purchase order.

Regardless of the High Court decision, the development had been designed to mitigate the impact of the site based on the worst case scenario. In addition, Counsel advice had been sought and they were of the view that the wording of condition was sufficient to mitigate the concerns.

In response to question about the affordable housing and the service charges, it was reported that the Council's Housing Officers would work closely with the developer to ensure that the service charges were affordable. However the setting of the charges would ultimately be determined by factors outside their control. The Committee were informed of the rent levels for the 3-4 bed social housing in the scheme. It was also reported that the scheme had been amended to remove the affordable housing from Block A and that the affordable units would have access to the green space. The proposals contemplated a viability review mechanism for the affordable housing to be secured as part of the S106 agreement. The operation of how it would work in principle was explained.

In relation to the positioning of the older children's play area and the management issues, it was planned that the play space for older children be located in one place on a podium, given the benefits of this layout (in terms of safety and security amongst other issues). The evidence suggested that young children and teenagers thrived in such environments. It was confirmed that the younger children's play space would be distributed fairly evenly throughout the site and be easily assessable to all the residential dwellings. The play space would be subject to a management plan.

In response to further questions, Officers confirmed the make up and the location of the commercial uses, the restrictions on their potential uses (including conditions controlling the hours of operation). The Committee also discussed the acceptability of the height of the buildings and the walking routes from East India. It was noted that any improvements of this nature would need to be delivered via the CIL.

In summing up, the Chair questioned the timing of this application given the outstanding issues relating to the Orchard Wharf site. He felt that in view of this it may be premature to make a decision on this application before the High Court had made a decision.

Furthermore, whilst welcoming the inclusion of social housing in the scheme (as set out in the update report) Members sought clarity on the percentage of affordable housing that could be provided if for example all of the affordable units were delivered at affordable rents. Members also requested further information on the operation of the affordable housing review mechanism in

the S106 Agreement and the Greater London Authority's latest position on the scheme.

Councillor Marc Francis proposed and Councillor Andrew Cregan seconded a proposal that the planning permission and the listed building consent be deferred (for the reasons set out below) and on a unanimous vote, it was **RESOLVED:**

That the planning application and listed building consent be **DEFERRED** at Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 for information on the following issues:

- The operation of the viability review mechanism.
- The viability of the application with different mixes of affordable housing

The Committee also asked that the Greater London Authority be contacted to confirm whether their concerns about the application had been addressed.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee covering the above issues

7. OTHER PLANNING MATTERS

7.1 Planning Obligations - Allocation of Financial Contributions and Project Spend between 2010 and 2015.

Andy Simpson, (S106 and Business and Improvement Manager, Development and Renewal) presented the report. He reminded Members that the Section 106 agreements were legally binding agreements usually made between the local planning authority and developer(s) under Section 106 of the Town and Country Planning Act 1990. S106 planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. S106 monies are usually paid in instalments at key stages during the construction of a development. The stages at which payments are due are known as 'Trigger Points' .

S106 money was programmed to specific projects in accordance with the terms of the relevant S106 agreement and adopted Council policies.

The Committee noted the process for determining the allocation of contributions. For example, the allocation of a CLC contribution would firstly involve the service identifying priorities for the funding, preparing a project initiation document ("PID") ensuring the money was spent in accordance with the S106 agreement. All decisions to finally allocate resources were approved through the Council's Planning Contribution Overview Panel (PCOP). A list of recent s106 projects between April 2010 and March 2015 was set out in the Committee and the update report.

Members questioned how ward Councillors could find out about the PIDs and the projects in their area. Members also stressed the importance of publicising the merits of the projects and the need for greater transparency generally in the process. It was noted that the decisions made by the PCOP were published on the Council website and that there was also a newsletter. Steps were being taken to make the process even more transparent.

It was confirmed that S106 money was allocated in accordance with the Council's priorities. However, where possible, Officers would look to allocate the funding on projects as close as possible to the development. In response to further questions, it was noted that a significant amount of the unspent contributions had actually been ring-fenced or reserved for certain projects pending the collection of sufficient funding to deliver the project say a new health care facility

In summary Members welcomed the decisions and felt that this was a good source of funding. Councillors also requested to receive information on how much S106 income had been received and spent for each of the financial years discussed. It was agreed that this information would be sent to the Committee.

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

That the contents of the report be noted.

The meeting ended at 10.30 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: 12 April 2016	Classification: Unrestricted	Agenda Item No: 5
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 items are in this category:

Date deferred	Location and Reference number	Development	Reason for deferral
10 March 2016	34-40 White Church Lane and 29-31 Commercial Road, London, E1	Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.	Members were reminded to refuse the scheme due to: Insufficient provision of affordable housing; High residential density in excess of London Plan; Height of the building; The servicing arrangements; The child play space and communal amenity space; The design of the ground floor entrances; Impact on local infrastructure from the scheme; That the scheme would be out of keeping with the character of area and would change the character of the area.
10 March 2016	Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14	Full Planning Application – PA/14/03594 Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from	For information on the following issues: The operation of the viability review mechanism. The viability of the application

**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:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

	(PA/14/03594, PA/14/03595)	<p>three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.</p> <p>The application is accompanied by an Environmental Impact Assessment</p> <p><u>Listed Building Consent application - PA/14/03595</u></p> <p>Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.</p>	<p>with different mixes of affordable housing</p> <p>The Committee also asked that the Greater London Authority be contacted to confirm whether their concerns about the application had been addressed.</p>
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3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.
- 34-40 White Church Lane and 29-31 Commercial Road, London, E1 (PA/15/02527)
 - Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595)
- 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.

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Agenda Item 5.1

Committee: Strategic Development Committee	Date: 12 April 2016	Classification: Unrestricted	Agenda Item No: 6.
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/15/02527	
		Ward: Whitechapel	

1.0 APPLICATION DETAILS

Location: 34-40 White Church Lane and 29-31 Commercial Road, London, E1

Existing Use: Mixed Use – Residential use above ground floor with primarily A1 and A3 uses on ground floor

Proposal: Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Drawing Numbers:

3316 PL 01 rev P1, 3316 PL 02 rev P1, 3316 PL 03 rev P1, 3316 PL 04 rev P1, 3316 PL 200 rev P1, 3316 PL 201 rev P3, 3316 PL 202 rev P4, 3316 PL 203 rev P4, 3316 PL 204 rev P4, 3316 PL 205 rev P2, 3316 PL 206 rev P2, 3316 PL 207 rev P2, 3316 PL 208 rev P2, 3316 PL 209 rev P3, 3316 PL 210 rev P1, 3316 PL 211 rev P1, 3316 PL 300 rev P3, 3316 PL 400 rev P3, 3316 PL 401 rev P2, 3316 PL 402 rev P4, 3316 PL 403 rev P3, 3316 PL 404 rev P2, 3316 PL 405 rev P1, 3316 PL 406 rev P3, 3316 PL 407 rev P2, 3316 PL 410 rev P1, 3316 PL 411 rev P1, 3316 PL 412 rev P1, 3316 PL 413 rev P1, 3316 PL 414 rev P1, 3316 PL 420 rev P2, 3316 PL 421 rev P1, 3316 PL 422 rev P1, PL 500 rev P1, PL 501 rev P1, PL 502 rev P1, PL 503 rev P1, PL 504 rev P1, PL 505 rev P1, PL 506 rev P1, PL 507 rev P1

Supporting Documents:

- Design and Access Statement
- Landscape Strategy
- Planning Statement
- Daylight and Sunlight Assessment
- Heritage, Townscape and Visual Impact Assessment
- Statement of Community Involvement
- Economic Statement
- Energy Assessment and Sustainability Assessment
- Air Quality Assessment
- Wind/Microclimate Assessment
- Acoustic Assessment
- Transport Assessment
- Financial Viability Assessment

- Archaeological Desk Based Assessment
- Soil Contamination Risk Assessment
- Indoor Play Space Plan, dated December 2015
- Landscape Masterplan (1426/002 Rev. E)

2. BACKGROUND

- 2.1 This application for demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building with basement to provide flexible use commercial space at ground floor and 42 residential units above with basement, new public realm, cycle parking and all associated works was reported to Strategic Development Committee on 10th March 2016.
- 2.2 The Committee resolved, by way of a unanimous vote, not to accept the officer recommendation to grant planning permission, resolved that permission should be refused and indicated the following reasons for refusal:
- Insufficient provision of affordable housing;
 - High residential density in excess of London Plan;
 - Height of the building;
 - The servicing arrangements;
 - The child play space and communal amenity space;
 - The design of the ground floor entrances;
 - Impact on local infrastructure from the scheme;
 - That the scheme would be out of keeping with the character of area and would change the character of the area.
- 2.3 This report considers the reasons for refusal in the context of the officer's original assessment of the application and whether these are likely to be sustainable in the event of an appeal.

3. COMMITTEE REASONS FOR REFUSAL

Insufficient provision of affordable housing

- 3.1 Members expressed comments with regard to the proportions of affordable housing that could be delivered by the scheme. Policy SP02 of the Core Strategy requires developments to provide 35-50% affordable housing. The London Pan requires development to provide the maximum reasonable amount of affordable housing, subject to viability.
- 3.2 In this case the applicant initially submitted the scheme with 17% affordable housing, through negotiation and robust interrogation of their viability assessment it was found that an extra 9% could viably be provided and the affordable housing offer changed including the provision of four 3-bedroom units, set at Borough framework rents inclusive of service charges. This is the maximum affordable housing the scheme can viably provide and as such a refusal reason based upon the proportion of affordable housing within the scheme would be challenging to defend on appeal.

Residential density

- 3.3 The proposed development would have a residential density of 2,857 ha/ha, after taking into account the proportion of vertically mixed non-residential floorspace. The appropriate London Plan density range for the sites with a central setting and PTAL of 6a is 650 to 1,100 ha/ha. The proposed density is therefore around 160% greater than the upper limit of the London Plan target. Whilst density on its own is unlikely to be a sustainable reason for refusal, care does need to be taken to ensure that the scheme achieves a high standard of design and amenity, and does not exhibit symptoms of overdevelopment.
- 3.4 As stated previously, the London Plan makes clear, and as reiterated in the GLA Stage 1 response received to this scheme, these density ranges should not be applied mechanistically and a density above the stated range may be acceptable; where the scheme is exemplary in all other respects. In this instance, there are symptoms of overdevelopment which are often characteristic of high density development proposals.
- 3.5 Hence if the Committee are minded to include density as a reason for refusal, it should be linked to consideration of the symptoms of over development.
- 3.6 In this case, a number of the reasons given by Members would indicate an overdevelopment of the site, including lack of adequate child play space and the absence of any communal amenity space at all. A large number of proposed habitable rooms would suffer from overlooking from the hotel suites in the extant consent at 27 Commercial Road. Due to the height of the proposed building this affects the windows of habitable rooms at every floor above the 5th floor, meaning future residents of the proposed dwellings will suffer overlooking and a lack of privacy.

Height of the building and impact on character of the area

- 3.7 The officer view as set out in the original report is that the height and massing of the buildings would be appropriate to their context. The tower height would be comparable to the approved proposed building opposite at 27 Commercial Road and the site is towards the edge of the tall building cluster in Aldgate. It is situated between the proposed 21 storey tower opposite and an 18 storey tower further east on Commercial Road.
- 3.8 However the Committee drew attention to the unusually close relationship of this development with the approved scheme at 27 Commercial Road and also the impact it would have on the immediate character of low rise, finer grained development on Whitechurch Lane. The Committee referred to this location as transitional and providing a buffer between the core of the tall building cluster around the former gyratory in the Preferred Office Location to the west and the more sensitive Conservation Area focussed around Altab Ali Park.
- 3.9 Whilst it would be difficult to argue that a tall building in this location would be inappropriate in planning policy terms, the relationship and cumulative impact with the extant consent at 27 Commercial Road material to the consideration of acceptability of the proposal for an additional tower. Whitechurch Lane is a relatively narrow street and whilst having a mixed character at it's southern with some modern development north of Assam Street; the street still includes relatively fine grain, two, three and four storey shops, warehouses and other buildings on the west side and further north.

- 3.10 Officers have interpreted the Committee's concerns as being principally about the height of the building and the harm caused by the cumulative impact with the proposed hotel opposite.
- 3.11 Two building of significant height, bulk and mass in such close proximity would have a more dramatic impact of the character of Whitechurch Lane than a single tower by creating a "canyon effect" which contrasts greatly with the finer grain, low to medium rise character of the street. Whilst there are tall buildings close to one another within the core of the cluster, this occurs generally as part of a comprehensive development (e.g. Aldgate Place) and rarely occurs to this extent on individual sites separated by a narrow street.
- 3.12 The development would cause harm to the local townscape, combining with the approved scheme opposite to dominate the southern end of the street creating an oppressive and overbearing form of development that would adversely affect the visual amenities of the area. The development would also intrude further into views from within the Whitechapel High Street Conservation Area and the close proximity of the proposal to 27 Commercial Road would cause the built forms to coalesce from certain perspectives.
- 3.13 Hence if the Committee are minded to include height as a reason for refusal, it should be linked to consideration of the relationship with the extant consent at 27 Commercial Road, and its negative impacts on local townscape and the setting of Whitechapel High Street Conservation Area.
- 3.14 In this case the height of the building is also a function of the density of the scheme which involves a consideration of whether the proposed development exhibits symptoms of over development.

Servicing arrangements

- 3.15 With regard to the reason of refusal related to servicing and deliveries, officers note there is an opportunity for future residents to utilise 20 minute length drop off/collection from loading bays on Commercial Road and that there are no loading restrictions imposed in White Church Lane itself so the scheme could reasonably expect to replicate the existing arrangement used which is refuse collection from White Church Lane. An approach to servicing accepted by Transport for London any by the Borough's Highways & Transportation Team.

Child play space and communal amenity space

- 3.16 The original officer's report expressed reservations about both the quantum and the quality of the on-site child play space and communal amenity. This concern is borne from it being only a single play space area, being small in absolute size terms, being internal space *only* (with a relatively low floor to ceiling height for such a purpose) and some uncertainty how this space can be successfully managed to enable it be used simultaneously by different user groups.
- 3.17 The Committee also expressed concerns on the reliance on the cited off-site open spaces due to the cumulative pressure placed on these play spaces from the scale of new residential developments coming forward in Aldgate, the lack of formal sports courts within these park spaces and in the case of Chaucer Gardens the degree of physical severance from the proposed development site by Commercial Road. Given it is a very busy arterial that forms a part of the A12 truck road.

- 3.18 Whilst the development will include private amenity space, the scheme does not include any communal amenity space which is contrary to local plan policy DM4 which requires 82sqm to be provided on-site.
- 3.19 The applicant has provided information about access to open spaces nearby and has offered to enter into negotiations to secure financial contributions to improve open spaces.
- 3.20 Officers have noted the additional information and the offer to contribute to improvements (if this was lawful in terms of the CIL Regulation 123 list and regulation 122 requirements for planning obligations). However the shortfall in communal amenity space and child play space is substantial in this case and the open spaces cites do not provide the same function as on-site communal amenity space. The most appropriate remedy to address the Committee's concerns would be an alternative scheme with a lower density and a more generous on-site provision of play space and amenity space.

The design of the ground floor entrances

- 3.21 There is no Local Plan or London Plan policy requirement to provide a single entrance for all tenures within a proposed single block residential scheme. Officers are also mindful of the applicant's subsequent stated willingness to provide all tenures access to the Assam Street and Commercial Road entrances to the scheme, and all tenures regular access to a lift.

Impact on local infrastructure from the scheme

- 3.22 The development contribution to local infrastructure to allow for the impacts that arise now falls under the Community Infrastructure Levy (CIL). If permission was granted and development implemented there would be a liability to pay the Tower Hamlets and Mayor of London CIL charge. The payment is combined with other CIL receipts on a borough wide basis to help deliver local infrastructure, such as schools, health facilities and transport infrastructure based on the Council's identified priorities.
- 3.23 If the Committee is minded to refuse permission a further reason refusal is recommended that relates to the absence of a signed Section 106 legal agreement to secure agreed and policy compliant financial and non-financial contributions including affordable housing, skills, training and enterprise and site specific matters identified in the original report, that are not covered by the Borough CIL. This reason would protect the Council's position in the event of an appeal.

4. ADDITIONAL REPRESENTATIONS AND PROSPECTIVE CHANGES TO SCHEME

- 4.1 Since the publication of the Committee Report the Council has received no additional representation from local residents or the wider community.
- 4.2 The applicant's agents have met with officers and amendments have been proposed to the application and drawings prepared to reflect these proposed amendments. The suggested changes to the scheme primarily focus on:
- Offering shared access to the two ground floor entrances and cores to the residential proposed under all tenures (market, intermediate and affordable rented).

- A proposed increase in the affordable housing offer to 35% affordable housing (including provision of 6 x 3 bedroom affordable rented units and 4 intermediate units) and an associated increase in the proposed internal play area room to a space occupying 73sq.m.

- 4.3 There is no obligation on local planning authorities to accept changes to an application after it is submitted. In practice, however the Council will accept changes made to planning applications where these seek to address issues raised by statutory or internal consultees or respond to matters raised by local consultation. Officers did not accept the amendments as the proposed changes to the scheme do not get to the root of Committee Members intended reasons of refusal. Given the nature of the Committee's objections, officers consider that a fresh application with a revised proposal should be made.
- 4.4 An increase in the total percentage of affordable housing would be welcome in principal. However, a viability assessment was submitted in support of the previous affordable housing offer which concluded that the previous amount was the maximum that was viable. In the absence of any further evidence, the amount now offered is effectively not viable, would therefore conflict with London Plan and Local Plan policies and should not be accepted.
- 4.5 The proposed increase in play-space provision from 40sqm to 73sqm would be welcome in going some way towards addressing planning policy requirements. However if the amended affordable housing offer was accepted the child yield of the proposed development would increase to 124sqm. There would still be a significant short fall, and there are still problems with the quality of the internal play space provided.
- 4.6 In the view of Officers, the increase in the size of the indoor play area to 73sq.m would not address adequately Members concerns about the basic quality and practical usability of that single play space, nor would it meet in full the child play space provision required for children under 16. Furthermore, as referenced above, the amendments do not address the absence of on-site communal amenity space, which is a separate policy requirement.

5. IMPLICATIONS OF REFUSING PLANNING PERMISSION

- 5.1 The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so.
- 5.2 In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.
- If planning permission is refused, there are a number of routes that the applicant could pursue:
 - Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.
 - To pursue an alternative scheme. The applicant could commence pre-application discussions on an amended scheme that seeks to address the reasons for refusal and submit a fresh planning application.

- 5.3 In this case the applicant has not indicated what course of action they might pursue if any.

Financial implications - award of costs

- 5.4 In dealing with appeals, all parties, including the Local Planning Authority, are expected to behave reasonably to support an efficient and timely process, for example in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
- 5.5 Unreasonable behaviour in the context of an application for an award of costs may be either:
- procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
- 5.6 An example of the former might be failing to keep to the requirements of an appeal timetable to submit statements of case or other evidence. An example of the latter might be taking a decision which could be described as unreasonable in the context of all of the evidence available to the decision maker. It is this latter aspect that the Committee members in their role as decision makers need to be mindful of.

6. RECOMMENDATION

- 6.1 The proposal has not been amended and has been considered in the context of the relevant Development Plan policies and the officer recommendation to **GRANT** planning permission remains unchanged.
- 6.2 However if members are minded to **REFUSE** planning permission the following reasons are recommended:

Overdevelopment

1. The proposed development would deliver high density development in excess of the density matrix ranges outlined by Policy 3.4 of the London Plan (incorporating alterations 2015), without demonstrating exceptional circumstances as required by the London Plan and London Housing Supplementary Planning Guidance. The proposals would show demonstrable symptoms of over development of the site, through the failure to provide any communal amenity space, failure to include an adequate amount and quality of child play space combined with problems of poor outlook and loss of privacy for future residents.

As such the scheme would fail to provide a sustainable form of development in accordance with paragraphs 17, 56, 61 of the NPPF and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.1, 7.4, 7.6 and 7.7 of the London Plan (2015), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM24, DM25, DM26 and DM27 of the Tower Hamlets' Managing Development Document (2013).

Negative impacts on local townscape

2. The cumulative effect of the proposed development by reason of its height and scale combined with close proximity to the consented serviced apartments and hotel at 27 Commercial Road would result in an overbearing and incongruous form of development at the southern end of Whitechurch Lane, harming the visual enmities of the area and negatively impacting on local townscape. The development would be visible from the Whitechapel High Street Conservation Area, and the cumulative impact of two buildings of comparable height in close proximity to one another would affect views from within the conservation area causing harm to its setting and its significance as a designated heritage asset. The public benefits of the development would not outweigh the harm caused.

As such the scheme would fail to provide a sustainable form of development in accordance with paragraphs 17, 56, 61 of the NPPF and would be contrary to the Development Plan, in particular policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2015), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM23, DM24, DM25, DM26 and DM27 of the Tower Hamlets' Managing Development Document and the Borough's vision for Aldgate, that taken as a whole, have an overarching objective of achieving place-making of the highest quality.

Ability to secure planning obligations

3. In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including affordable housing, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan and the draft consultation version LBTH Planning Obligations SPD (April 2015).

Committee: Strategic Development Committee	Date: 10 March 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/15/02527	
		Ward: Whitechapel	

1.0 APPLICATION DETAILS

Location: 34-40 White Church Lane and 29-31 Commercial Road, London, E1

Existing Use: Mixed Use – Residential use above ground floor with primarily A1 and A3 uses on ground floor

Proposal: Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Drawing Numbers:

3316 PL 01 rev P1, 3316 PL 02 rev P1, 3316 PL 03 rev P1, 3316 PL 04 rev P1, 3316 PL 200 rev P1, 3316 PL 201 rev P3, 3316 PL 202 rev P4, 3316 PL 203 rev P4, 3316 PL 204 rev P4, 3316 PL 205 rev P2, 3316 PL 206 rev P2, 3316 PL 207 rev P2, 3316 PL 208 rev P2, 3316 PL 209 rev P3, 3316 PL 210 rev P1, 3316 PL 211 rev P1, 3316 PL 300 rev P3, 3316 PL 400 rev P3, 3316 PL 401 rev P2, 3316 PL 402 rev P4, 3316 PL 403 rev P3, 3316 PL 404 rev P2, 3316 PL 405 rev P1, 3316 PL 406 rev P3, 3316 PL 407 rev P2, 3316 PL 410 rev P1, 3316 PL 411 rev P1, 3316 PL 412 rev P1, 3316 PL 413 rev P1, 3316 PL 414 rev P1, 3316 PL 420 rev P2, 3316 PL 421 rev P1, 3316 PL 422 rev P1, PL 500 rev P1, PL 501 rev P1, PL 502 rev P1, PL 503 rev P1, PL 504 rev P1, PL 505 rev P1, PL 506 rev P1, PL 507 rev P1

Supporting Documents:

- Design and Access Statement
- Landscape Strategy
- Planning Statement
- Daylight and Sunlight Assessment
- Heritage, Townscape and Visual Impact Assessment
- Statement of Community Involvement
- Economic Statement
- Energy Assessment and Sustainability Assessment
- Air Quality Assessment
- Wind/Microclimate Assessment
- Acoustic Assessment
- Transport Assessment
- Financial Viability Assessment
- Archaeological Desk Based Assessment
- Soil Contamination Risk Assessment

- Indoor Play Space Plan, dated December 2015
- Landscape Masterplan (1426/002 Rev. E)

Applicant: David Abraham Partnership

2.0 Executive Summary

- 2.1 Owner/occupiers of 845 neighbouring properties were consulted on the scheme. Two representations were received, both objecting to the scheme raising concerns surrounding overlooking, overshadowing and the cumulative impacts of the scale of development in the area on infrastructure.
- 2.2 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF), and National Planning Practice Guidance (NPPG), and have found that:
- 2.3 The proposed height of the tall building would be consistent with the emerging built context for Aldgate and provide a suitable transition in the hierarchy of tall buildings from the tallest building centred around Aldgate Place (to the west), through a descending hierarchy of heights established in the consented scheme at No 27. Commercial Road and the built out schemes at No 35, No. 52-58 and No. 60 Commercial Road (set to the east of the application site).
- 2.4 In the context of a number of existing consented for tall building schemes the impact of the scheme on views and settings of nearby listed buildings, the Whitechapel High Street Conservation Area and the Altab Ali Park in particular are considered to be broadly neutral and any impacts there are are considered, on balance, to be acceptable.
- 2.5 The scheme's proposed creation of a small public realm space facing Commercial Road would help enhance the views and setting of the adjacent Grade II former St George's Brewery warehouse building.
- 2.6 The development would provide a range of residential unit sizes and tenures including a maximum quantum of affordable housing (26% by habitable room) given the viability constraints of the scheme, including the provision of 4x 3 bedroom affordable units at Borough framework rents (inclusive of service charges).
- 2.7 The housing would be of suitably high quality with over 75% of the units benefiting from triple aspect, with 8 of the remaining 9 units double aspect units indicative of a good standard of amenity for the future residents; notwithstanding the child play space constraints of the scheme.
- 2.8 The scheme does present some significant challenges in respect of daylight/sunlight. However this needs to be considered in the context of the site context and in particular the degree of impact the consented scheme at No. 27 Commercial Road would impose to neighbouring developments. Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of daylight/sunlight impacts, sense of enclosure, privacy, overlooking, noise, and construction impacts.
- 2.9 Transport matters, including parking, access and servicing arrangement are acceptable.

2.10 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.

3.0 RECOMMENDATION

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

- Any direction by the London Mayor.
- The prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £15,348 construction phase employment training
- b) £2,989 end-user phase employment training
- c) £27,615 carbon off-setting
- d) £85,000 for raised table works including kerbs adjustments and drainage provision
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £45,952 plus monitoring contribution

3.3 Non-financial contributions:

- a) On-site affordable housing consisting of 4 x three bedroom units at Borough Framework Levels inclusive of service charges, with 1 of these three bedroom units delivered as a fully wheelchair accessible unit
- b) 2 x one bedroom and 2 x two bedroom intermediate units
- c) Access to employment
 - 20% local procurement
 - 20% local labour in construction
- (d) 6 apprenticeships delivered during the construction phase
- (e) Commuted sum to fund accessible bays 2 blue badge accessible car parking bays on-street
- (f) Public access to public realm
- (g) Meet the Transport for London Cycle-Hire annual membership key fee for each individual residential unit within the scheme for the first 3 years of occupation, as part of Travel Plan
- (h) Car Free Agreement (to remove future occupants from having access to the Borough's residents on street car parking permit scheme)

(i) LBTH Code of Construction Practice and Considerate Constructors

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

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.6 Conditions:

Compliance

- 1) Compliance with plans
- 2) 3 year time limit for implementation
- 3) Land contamination
- 4) Balconies retained as outdoor private amenity space for the life of the development
- 5) Wind mitigation measures
- 6) Internal play space area maintained and actively managed for life of the development
- 7) Fob access to lifts maintained for wheelchair accessible unit affordable rented unit for the life of the development

Pre commencement

- 8) Archaeology - written scheme of investigation

Pre-commencement (other than demolition of the existing buildings)

- 9) Detailed drainage strategy
- 10) Details of cycle stand and storage areas
- 11) Impact on water supply infrastructure
- 12) Acoustic Mitigation Strategy
- 13) Piling method statement
- 14) Construction, Logistics and Environmental Management Plan
- 15) Method statement demonstrating how the development will safeguard the structural integrity of adjoining listed building
- 16) Use of construction cranes

Pre- 3rd floor slab level

- 17) Detailed drawings and samples of all external materials
- 18) Landscaping and public realm including details of:
 - a. Soft landscaping
 - b. Biodiversity improvement measures
 - c. Details of roof top based solar panels and capacity for scheme to allow future connection to a district heating network
 - d. Hard landscaping
 - e. Street furniture
 - f. Lighting to public realm including
 - g. CCTV and security measures
 - h. Visitor cycle parking

- i. Ground levels & thresholds – inclusive access
- 19) Wheelchair accessible units

Prior to Occupation

- 20) Secured by Design accreditation
- 21) Delivery & Servicing Plan (including a Waste Management Strategy)
- 22) Travel Plan
- 23) Scheme to maximise active glazing frontages to ground floor commercial use/s and a signage strategy
- 24) Detail of noise mitigation and odour control to any A3 unit/s
- 25) Details of opening hours for any A1/A3 unit/s
- 26) Interior design and management plan for internal play space

3.7 Informatives

- a) Thames Water
- b) Environmental Health – Noise & Vibration
- c) National Grid apparatus

- 3.8 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Site and Surroundings and Designations

- 4.1 The site is in Aldgate and occupies a street corner site, where the southern end of Whitechurch Lane meets Commercial Road (and turns east). The back of the pavement to these two streets serves as the western and southern site boundaries, Assam Street marks the northern edge of the development site and the eastern edge abuts the Grade II listed former St George's Brewery warehouse building.
- 4.2 The development plot occupies approximately 380sq.m and currently contains two buildings of three and four storeys in height respectively, with A1, B1 and A3 use at ground floor and with residential uses found across the upper floors.



Figure 1: Site location plan

- 4.3 White Church Lane is a relatively narrow street that links Commercial Road and Whitechapel High Street and the buildings fronting it are between two and six storeys in height with commercial uses at ground floor with typically residential use above. Planning consent has been granted for a 21 storey serviced apartment hotel at No. 27 Commercial Road that occupies the opposite corner site of where White Church Lane meets Commercial Road (and turns west). Assam Street is a cul-de-sac and provides vehicular access to the basement car park serving the Naylor Building (a large residential development) and vehicular access service area serving the 19 storey high student housing development at No. 35 Commercial Road
- 4.4 The application site is located approximately 55 metres to the south of the Whitechapel High Street Conservation Area. To the immediate east of the site is the grade II Listed John Walker & Sons Ltd Warehouse. The grade II Listed Gunmakers Company Hall & Proof House is located around 30 metres to the south of the site at No. 46-50 Commercial Road. The K2 Telephone Kiosk to the front of this building is also grade II listed. The grade II listed 32 and 34 Commercial Road are located around 60 metres to the south-west of the site. No. 17 White Church Lane is locally listed and is set approximately 55 metres to the north-west of the site.



Figure 2: No. 29-31 Commercial Road (with listed former St George’s Brewery Road right hand side of photo and the student block at No. 35 Commercial Road set behind warehouse)

- 4.6 The site lies within the background consultation area of View 25A.1 of the GLA’s London View Management Framework and in Area of Archaeological Priority.
- 4.7 The site falls within the:
 - a. Borough’s Aldgate Masterplan boundary;
 - b. London Plan Central Activity Zone
 - c. Core Growth Area to the City Fringe /’Tech City’ Opportunity Area Planning Framework (OAPF).

Proposal

- 4.8 The proposal is for a residential led development consisting of 42 new residential units set over the 18 upper storeys in a tall building, rising to (75.5 AOD), with a flexible use commercial use space (155sq.m) at ground floor.



Figure 3: CGI of proposal (showing south and east facades)

- 4.9 The residential units would consist of 8x studio units, 16x 1 bedroom units, 12x 2 bedroom units, 6x 3 bedroom units. The ground floor would contain two residential lobby spaces and a waste and recycling room serving the residential units.
- 4.10 The entrance to the affordable housing accommodation would be from Assam Street and the private accommodation from Commercial Road.



Figure 4: proposed ground floor plan

- 4.11 The scheme would create a small new public realm space at the junction of Commercial Road and White Church Lane that would be finished (through a mix of hard and soft

landscaping) to a high quality. The scheme would reveal (for the first time in over a hundred years) the attractive base of the flank wall of the listed brewery building at No. 28 Commercial Road.

- 4.12 The affordable housing accommodation would be set upon the first three floors above ground floor with the private accommodation set on the upper floors above that, arranged in a mix of two and three units per floor with maisonette arrangement for the units on the top two floors set over the 17th and 18th storey. Each flat would benefit from an individual balcony (or roof private terrace space the maisonette units). The child play space for the scheme would be provided through an internal space located on a section of the first upper floor.
- 4.13 The basement would contain the commercial waste store that is serviced by two lifts in addition to providing a plant room and residential cycle store. The scheme would provide four wheelchair adaptable or accessible units (10%). The scheme would provide no on-site car parking spaces.

5.0 **Relevant Planning History**

Application Site

- 5.1 None relevant to this application

Neighbouring Sites

27 Commercial Road

- 5.2 PA/14/02315 - planning permission granted 3/10/2014 for the demolition of existing buildings and creation of a development, of a part 19 / part 21 storey hotel (81.420m AOD) comprising 211 apart-hotel suites with a service/drop off bay off White Church Lane.
- 5.3 PA/13/2338 - planning permission granted 15/8/14 for demolition of existing buildings and creation of a development, of a part 19 / part 21 storey hotel, (comprising 269 bedrooms) with a service/drop off bay off White Church Lane.
- 5.4 The centre of Aldgate has been subject to major redevelopment in recent years with planning permission been granted for a number of tall buildings.
- 5.5 These consents have been in line with the design principles set out in vision statement for Aldgate. in the Borough's Core Strategy and the earlier (2007) Aldgate Masterplan interim framework document. The following sites and the consents granted upon them are of relevance to this application:
- Aldgate Tower, B1 use office space rising to 17 storeys (93.6m AOD) – complete.
 - Aldgate Place: Major residential-led mixed use development including three towers of up to 26 storeys (95.98m AOD) – under construction.
 - No. 15-17 Leman Street and No. 1 Buckle Street: Serviced Apartment Hotel development of 23 storeys (86.2m AOD) – under construction.

- Beagle House site: Office led scheme rising to 19 storeys (88.15m AOD) – consent granted.
- No. 1 Commercial Street Mixed Use 86m - Mixed use (AOD) development rising to 23 storeys (86, AOD) – completed.
- Nos 61-75 Alie Street (Altitude) – Residential scheme 27 storeys (91.10m AOD) – completed.
- Goodman's Fields: Six towers of 19-23 storeys (73.18m-86.75m AOD) – under construction, part occupied.
- No. 35 Commercial Road – student accommodation rising to 18 storeys (70m AOD) - completed.
- No. 52-58 Commercial Road - residential led scheme rising to 13 and 17 storeys (55.6m and 67m AOD) – nearing completion.
- No. 60 Commercial Road - student accommodation rising to 19 storeys (69m AOD) – completed.

6.0 POLICY FRAMEWORK

6.1 The Council in determining this application has the following main statutory duties to perform:

- 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);
- To have regard 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);
- In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Whitechapel High Street Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 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, however it contains some of the most relevant policies to the application:

6.3 Core Strategy Development Plan Document (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places

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

6.4 Managing Development Document (MDD)

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

6.5 Supplementary Planning Guidance/Documents

- Revised draft Planning Obligations Supplementary Planning Document (Version for public consultation April 2015).
- Aldgate Masterplan Interim Guidance (2007)

6.6 Consolidated London Plan (2015)

Policies

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

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

- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

6.8 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- Shaping Neighbourhoods: Play and Informal Recreation SPG September 2012
- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (2014)
- London World Heritage Sites SPG – Guidance on Settings (2012)
- Sustainable Design and Construction SPG (2014)
- City Fringe/Tech City Opportunity Area Planning Framework (adopted December 2015)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy

6.9 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)
- National Housing Standards (October 2015)

6.10 Other documents

- Tower Hamlets Local Biodiversity Action Plan (2009)
- Tower Hamlets *Aldgate Connections* study (May 2011)
- English Heritage & Design Council draft Tall Buildings guidance (2014)

7.0 CONSULTATION RESPONSES

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

Affordable Housing

7.2 The proposed mix is considered acceptable including the higher proportion of smaller intermediate units compared to policy given the affordability issues within this area.

Waste Management Team

7.3 Waste and waste collection arrangements discussed extensively at pre-application stage. No objection

Environmental Health

- 7.4 Contaminated Land Team: No objection, subject to the imposition of a planning condition, should planning permission be granted, to address potential land contamination .
- 7.5 Noise and Vibration Team: No objection, subject to further details of mitigation measures and planning conditions on all plant including extract equipment serving the commercial unit and controls over of delivery hours for the commercial unit
- 7.6 Air Quality Team: No objection. The Air Quality Assessment shows that the annual NO2 objective will be exceeded at all facades of the proposed development. The assessment recommends that whole house ventilation be installed to mitigate this with the air inlet on the roof as far as possible away from the flue for the CHP/Boilers, which is supported. The construction dust & emissions section of the assessment are accepted provided the mitigation measures listed are included in the Construction Environmental Management Plan.

Transportation & Highways

- 7.7 The proposed development is car free and this is welcomed. A commuted sum to fund on-street accessible bays for registered blue badge holders for a period of three years, as and when they are required, is considered an acceptable compromise given site constraints. In summary the highways group has no objections subject to:
- A 'Permit Free' agreement restricting all future residents of the development from applying for parking permits on street.
 - Detailed design of cycle storage provision
 - Cycle facilities being retained and maintained for life of the development.
 - Commuted sum to fund between 2 and accessible bays on the public highway.
 - Travel Plan
 - Demolition / Construction logistics Plan
 - Service Management Plan
 - 288 Agreement being enter into
 - Legal agreement to secure raised table

Biodiversity Officer

- 7.8 The application site has no significant existing biodiversity value. Details of biodiversity enhancements have been provided and the full details of these can be secured by condition including further details of the provision of a living roof

Energy Officer

- 7.9 The CO2 emission reductions proposed are supported and would result in a circa 24% reduction against the Building Regulations 2013. The current proposals are below the policy target of 45% reduction in CO2 and a carbon offsetting payment is due of £27,615.
- 7.10 The applicant should commit to integrating the 55sqm of PV's to maximise emission reduction on site and provide a roof layout drawing to that effect. The applicant should also provide details of proposed operational costs of the CHP system to ensure the residents will enjoy energy tariff (heat) consistent with energy provided elsewhere in the borough. The use of a CHP on such a small scheme risks a high energy tariff that may prove particularly problematical for the RSL.

Employment & Enterprise Team

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

Surface Water Run Off

- 7.12 The preliminary drainage strategy is accepted. No objection subject to planning condition to agree detailed design of the drainage strategy and includes details of the living roof.

External Consultees

Historic England

- 7.13 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Greater London Archaeology Advisory Service (GLAAS)

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

Metropolitan Police Crime Prevention Design Officer

- 7.15 No objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and with any scheme completed to a manner that it can gain Secure by Design accreditation.

City Airport

- 7.16 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given LCY has no safeguarding objection.

NATS

- 7.17 No objection

London Borough of Southwark

- 7.18 No objection

National Grid

- 7.19 Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

London Fire and Emergency Planning Authority (LFEPA)

- 7.20 The proposal should conform to the requirements of part B5 of Approved Document B. Future details will be required of pump appliance access and water supplies;

London Underground (Infrastructure)

7.21 No objection

Thames Water (TW)

8.22 No objection subject to informative in respect of provision of Groundwater Risk Management Permit from TW states that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW therefore recommends that a suitably worded condition be imposed to ensure that Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. TW also recommend that a condition be imposed to control the piling methods for the building. It also requests that a condition be imposed to allow a review of the development's drainage plan.

Environment Agency

7.23 No objection

Greater London Authority (including Transport for London observations)

7.24 *Housing:* The housing choice, density and residential quality are generally supported in strategic planning terms.

Childrens play space: Additional information regarding the type of playspace and equipment to be provided on site

Affordable Housing: The findings of the independent viability assessment for the provision of affordable housing should be shared with GLA officers prior to Stage 2 response being issued by the GLA

Urban Design: The application is in broad compliance with London Plan Policy 7.1

Inclusive design: The application is in broad compliance with London Plan Policy 7.2 and 3.8.

Transport: Scheme is car free which is welcomed. On-street disabled car parking bays car is sought. Cycle parking provision is in compliance with policy, TfL would welcome further discussion with the Borough on how CIL funds maybe used to provide an extension to the nearest cycle docking station that is nearly at capacity. Applicant should provide cycle hire membership for one year per residential unit. Delivery and Servicing Plan and Construction Logistic Plan should be secured by planning condition,

8.0 LOCAL REPRESENTATION

8.1 845 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.

8.2 Two written representation were received on the application both were letters of objection. The 1st letter objected on grounds of the disruption it would cause to their business (The Castle Public House) and the physical damage it would cause to the building. The 2nd letter other a resident in the Naylor Building West that object on grounds

- a. The building causing overlooking privacy issues to their residential block development
- b. In the context of the other tall buildings that have recently been erected the proposal would block the only clear sky and cast a constant shadow
- c. The pressure on infrastructure from the cumulative level of development in the area and resultant increase in population.

9.0 ASSESSMENT OF APPLICATIONS

9.1. The main consideration issues raised by the application that the Committee must consider are:

- (a) Land Use
- (b) Design & Heritage
- (c) Housing & Density
- (d) Neighbouring Amenity
- (e) Other issues

Land Use

9.2 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

9.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. Aldgate is identified within the London Plan as part of the City Fringe Opportunity Area. The site falls within the Central Activity Zone City Fringe. The proposed retail floorspace at ground floor with the opportunity this provides for active street frontages with residential use above is in land use terms consistent with the site designations identified within the London Plan

9.4 The Core Strategy identifies Aldgate as an area of significant growth and regeneration and places a focus on offices and educational uses around Aldgate East Station and mixed use in other areas with residential uses forming part of mixed uses outside the Borough's Preferred Office Location. The site is located outside the Aldgate Preferred Office Location and the principle of a mixed use development with commercial use at ground floor to maintain activity and residential use above is considered wholly consistent with relevant policies in the London Plan and the vision *statement, priorities and urban design principles* for Aldgate as set out in the Borough's Core Strategy.

Design & Heritage

9.5 Statutory tests for the assessment of planning applications affecting the setting of listed buildings and conservation areas are set out at paragraph 6.1 above. The special attention to be paid to the desirability of preserving or enhancing the character or

appearance of conservation areas also applies to development adjoining a conservation area which is the case here

9.6 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.

9.7 Chapter 12 relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the public benefits of a scheme.

9.8 The National Planning Practice Guidance (NPPG) sets out a list of criteria of "What a well design place is? The guidance states:-

"Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well designed new or changing places should:

- *be functional;*
- *support mixed uses and tenures;*
- *include successful public spaces;*
- *be adaptable and resilient;*
- *have a distinctive character;*
- *be attractive; and*
- *encourage ease of movement"*

9.24 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

9.25 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.

Principle of a Tall Building

9.26 The Core Strategy identifies Aldgate as one of two locations in Tower Hamlets where clusters of tall buildings will be supported. Policy DM26 supports the principle of tall buildings in the Aldgate area subject to high design quality.

9.27 Specific guidance is given in the London Plan and in the Borough's own Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;

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

Aldgate – Place Making Vision

- 9.28 Policy DM26 of the Managing Development Document and SP10 of the Core Strategy identify the Preferred Office Location centred around the former Aldgate gyratory system as a suitable location for tall building. The Local Plan identifies this tall building cluster as marking the ‘gateway’ to Tower Hamlets, to also reflect the proximity to similar development in the City and to make the best use of the excellent public transport accessibility that can support high density development. The Aldgate Masterplan sets out that the *‘proposed cluster of buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate’*.
- 9.30 Policy DM26 of the MDD envisages building heights in the remainder of the Aldgate area to fall away in height away from this ‘central cluster’ of buildings, to respect the town centre hierarchy.
- 9.31 The Borough’s Aldgate Masterplan provides supplementary design guidance to the Local Plan in terms of place-making for Aldgate. It reiterates in guidance form what is set out in Policy DM26 of the Local Plan that tall buildings outside the Preferred Office Location are potentially acceptable in principle provided they do not *“harm the character or appearance of the Whitechapel High Street Conservation Area or have an adverse or overbearing impact on Altab Ali Park and other open spaces, or harm the setting and appearance of Listed Buildings’*. In line with Policy DM26 and the London Plan all tall buildings are required to demonstrate ‘exceptional design quality’ and the use of high quality sustainable materials, given their high visibility.
- 9.32 Recent consented tall buildings schemes falling within and on the edges of the Aldgate area are set out in paragraphs 5.2 and 5.6 of the report and should be taken into account of when considering the height of this proposal at 19 storeys (75.5m AOD).
- 9.33 As set out in paragraphs 5.2 and 5.6, the tallest tall building consented in Aldgate are generally located within the preferred tall building cluster (centred around the former Aldgate gyratory), reaching a maximum height of 95.8 metres (AOD) with buildings heights generally falling below 90m outside this preferred cluster location.

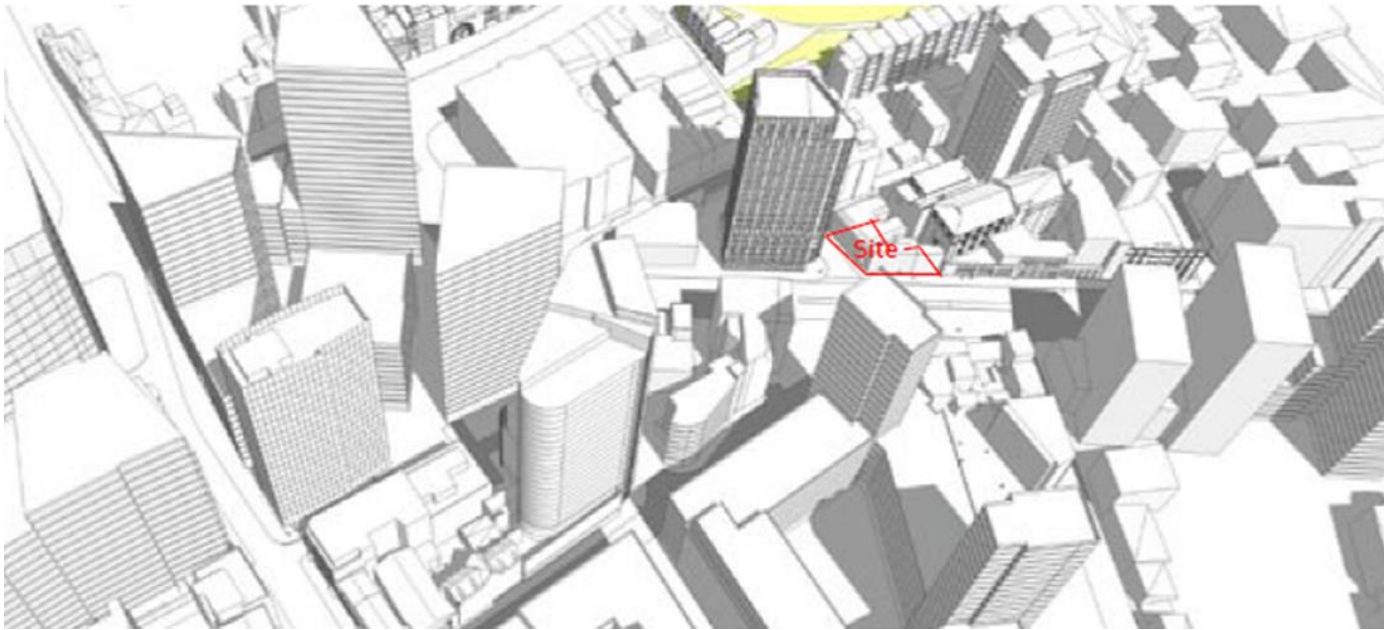


Figure 5: Application site with diagrammatic representations of recently consented tall buildings in Aldgate

9.34 Of particular note in respect of the application site is the permitted (but as yet un-built) scheme at apart-hotel at No. 27 Commercial Road, located to the immediate west of the application, which would reach a maximum height of 81.5m (AOD) with it possessing a lower ‘shoulder height’ element reaching 75.16 metres (AOD). In addition and set just to the east of the application site is the student accommodation at No. 35 Commercial Road built out at 75m (AOD) and set further to the east on the southern side of Commercial Road at Nos. 52-58 and No. 50 three towers of 55m, 64m and 77m high. As such the proposed building would fit within a sought pattern of tall buildings arcing away in a descending level of heights as the distance from the former gyratory increases. The scheme would be set approximately 5m lower than the immediate tall building consented to the west of the site and approximately 5m taller than the completed tall block to the east of the site.

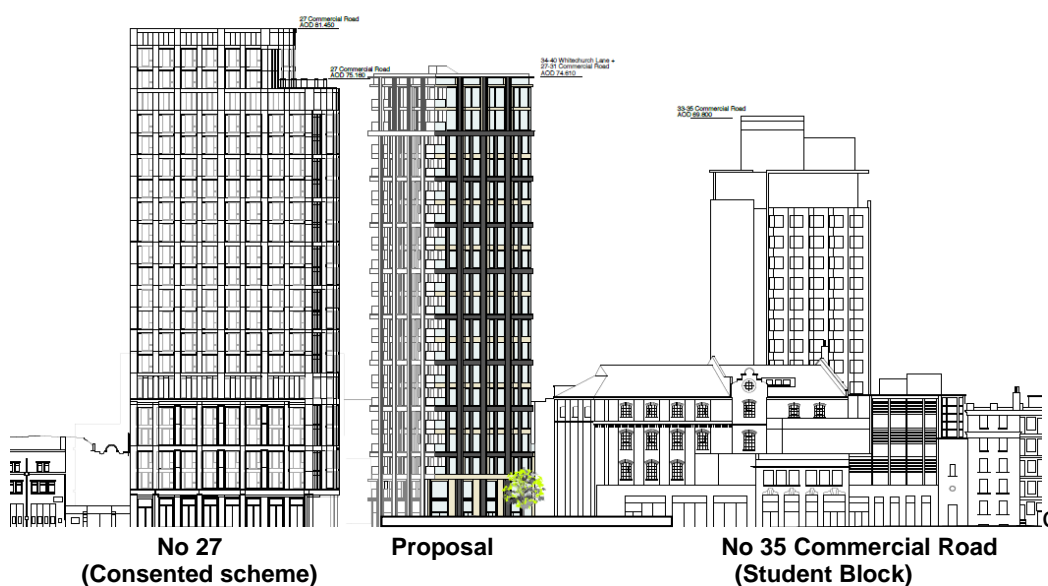


Figure 6: Scheme in relation to surrounding consented tall buildings at No.27 and No. 35 Commercial Road

- 9.35 In addition to considering the actual heights of buildings in relation to each other, it is also necessary to evaluate the way that they would be perceived in relation to each other, in order to fully understand the impacts on townscape. Given the close proximity of the proposed development to the consented scheme at 27 Commercial Road, the two buildings (if constructed) would be seen together in most views. The Townscape and Visual Impact Assessment (TVIA), and the supporting CGI images in the Design and Access Statement (DAS), illustrate that the height of the proposed development would be perceived as very similar to that of the permitted development at 27 Commercial Road. This is particularly evident in views east along Commercial Road, as illustrated by TVIA view 7 and a CGI provided in the DAS.
- 9.36 With respect to perceived heights of buildings it is worth noting that the tallest element at No 35 Commercial Road is actually set well back from the street front with lower historic buildings set before it that taken together reduces its perceived height.
- 9.37 To some extent the proposal is considered to create a varied townscape, in which building heights can be seen to appreciably step down from the core area of Aldgate. Whilst it may be the case that the current scheme would benefit from a further reduction in height to (a) create a greater distinction between it and the consented building at No. 27 Commercial Road and (b) to help soften the overall impact of built form, on balance, the proposed scale and massing is considered acceptable.
- 9.38 In summary, London Plan, Core Strategy, MDD and Aldgate Masterplan policies broadly supports the principle of tall buildings in this location. The proposed height of 19 storeys would sit comfortably within the emerging context and provide transition between the proposed tall buildings at Aldgate Place, the consented scheme at No 27 Commercial Road and the built out schemes at No 35, No. 52-58 and No. 60 Commercial Road.

Elevational treatment and materials

- 9.39 The scheme would utilise textured brickwork and bronze coloured aluminium detailing. These would be combined to create elevations organised into a textured grid. Variation in the grid and use of materials shall help to delimitate the base, middle and top sections of the tower.
- 9.40 The scheme involves well modelled elevations with a rational coherent architectural language with welcome opportunities for sunlight shadowing. The organisation, texture and colour of the materials have the potential to complement the adjacent listed warehouse.
- 9.41 Taken overall the proposed elevational treatment, the chosen use of materials and the general architectural approach taken to the design of the tower is considered acceptable. Should planning permission be granted, the precise nature of the materials and detailing would be controlled by condition.

Analysis of impact on townscape and heritage

- 9.42 The existing buildings on site have some limited townscape and heritage value. However, they are not statutorily listed, locally listed nor located within a conservation area. On balance, the loss of the existing buildings can be considered acceptable, subject to the replacement development achieving a high standard of the design and the scheme as a whole delivering adequate public benefits.

- 9.43 The proposed building would be set only 10m away from the consented tall building at No. 27 Commercial Road. As such it is recognised these two developments, if built out, would provide an imposing entrance to White Church Lane. However any ‘canyoning’ effects to this small street are considered acceptable given the proposed building contains only a 16m wide frontage to this street and from the building breaks of Assam Street immediately to the north of the site and the corner with Commercial Road is softened by the proposed new public realm space.
- 9.44 The proposed development would have a close relationship with the Grade II Listed John Walker & Sons Ltd Warehouse, and would form part of its immediate setting. Whilst the scale of the proposed building may compete with the listed warehouse for prominence in the townscape, it would enhance its setting by revealing the more of its western façade including previously hidden detailing. The scheme is considered to have a minor adverse impact on the setting of this heritage asset. In carrying out the balancing exercise in the assessment of the proposal considerable importance and weight is to be given to the desirability of preserving or the setting of listed building. In doing so, officers consider that what minor impacts there are in this instance, are outweighed when taking into account other public benefits of the scheme such as the creation of small but attractive area of opens space in a prominent position on Commercial Road. Accordingly this impact is, on balance, considered acceptable.



Figure 7: Image of scheme from Alie Street with the exposed foot of the listed brewery building (in right of image)

- 9.35 Whilst the Grade II Listed Gunmakers Company Hall & Proof House is also in relatively close proximity to the application site, the TVIA illustrates that there is limited opportunity to view the proposed building in direct relationship to the heritage asset. As such, and given that the proposal would form part of the emerging group of tall buildings in this area, the impact of the proposed development on the Gunmakers is considered to be neutral. Likewise the adjacent Grade II Listed K2 Telephone Kiosk.
- 9.36 The proposed development would also be within the setting of the Grade II Listed 32 and 34 Commercial Road. The distance between the proposed new building and the heritage assets, and the lack of opportunities to view them in direct relationship to each other, combined with the emerging context of tall buildings results in a neutral impact on the

setting of this designated heritage asset. A similar rationale could be applied to the impact on the setting of the Locally Listed 17 White Church Lane.

- 9.37 The northern end of White Church Lane is located in the Whitechapel High Street Conservation Area and it would form part of the backdrop of Altab Ali Park, an important area of open space in the Conservation Area. Again, special importance to the impacts on the setting of the Conservation Area has been applied in the balancing exercise. Aldgate is identified as a location for tall buildings. There are a number of existing consented schemes for tall buildings set to the south of Altab Ali Park and having particular regard to the verified views within the submitted Visual Impact Assessment, the impact on the views and settings of nearby listed buildings, conservation areas and the Altab Ali Park in particular are considered to be acceptable neutral/minor adverse impacts outweighed by the public benefits of the scheme in terms of delivery of new homes to high amenity and the public realm benefits including an improved setting to the at the base of the adjacent grade II listed warehouse.



Figure 5: CGI image of scheme looking west along Commercial road (with No 35 Commercial Road in right of image and the consented serviced apartment scheme at No 27 Commercial Road set beyond the proposed scheme

Strategic Views

- 9.38 In regard to strategic views, the site is within the backdrop to the London View Management Framework (LVMF) 25A views of the Tower of London from City Hall Queen's Walk. However the building will not be visible within this view. As the submitted Heritage and Visual townscape Assessment demonstrates it will be below the height threshold for this location of 78m AOD. As such the scheme raises no strategic LVMF view implications.

Housing and Density

- 9.39 Policies 3.4 of the London Plan and SP02 of the Borough's Core Strategy seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

- 9.40 The proposed development would have a residential density of 2,857 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed non-residential floorspace. The appropriate London Plan density range for the sites with a central setting and PTAL of 6a is 650 to 1,100 hr/ha. The proposed density is therefore around 160% greater than the upper limit of the London Plan target. Whilst density on its own is unlikely to be a maintainable reason for refusal, care does need to be taken to ensure that the scheme achieves a high standard of design and amenity, and does not exhibit symptoms of overdevelopment.
- 9.41 However as the London Plan makes clear, and as reiterated in the GLA Stage 1 response received to this scheme, these density ranges should not be applied mechanistically and a density above the stated range may be acceptable; where the scheme is exemplary in all other respects, provides a high stand of residential amenity, provides a high quality of urban design, contributes positively to place-making, and does not exhibit any symptoms of overdevelopment in terms of adverse impacts on the amenity of future residential occupiers, neighbouring occupiers or neighbouring heritage assets. The scheme as set out in detail in the following sections is considered to meet all these criteria notwithstanding some challenges in respect of its height in the local townscape and the adequacy of the play-space provision.

Housing

- 9.42 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.*”
- 9.43 The application proposes 42 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. 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 and therefore make a positive contribution to meeting local, regional targets and national planning objectives.
- 9.44 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.. 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.
- 9.45 London Plan 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.

- 9.46 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.
- 9.47 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.
- 9.48 The scheme's affordable housing offer is 26% by habitable room, with on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved.
- 9.49 The affordable housing is being offered at a 62:38 split (by habitable rooms) between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy, in the context of this scheme, is considered relatively minor and the tenure split is supported with the provision of four larger rented affordable family sized units.
- 9.50 The affordable rented units are offered at the Borough framework rent levels for this postcode, which would mean £275 per week for the 3 bedroom flats, inclusive of service charges. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

Housing Mix

- 9.51 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 9.52 The tables below compare the proposed housing mix against policy requirements:

Table 1: Proposed housing mix considered against policy requirements

Ownership	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	24
	1 bed	50	41
	2 bed	30	29
	3 bed	20	0
	4+ bed	0	0
Affordable Rented	1 bed	30	0
	2 bed	25	0
	3 bed	30	100
	4+ bed	15	0
Intermediate	Studio	0	0
	1 bed	25	50
	2 bed	50	50
	3 bed	25	0
	4+ bed	0	0

Table 2: Affordable housing vs market housing split

	Number of units	% of Units	% of habitable rooms
Market	34	81	74%
Affordable	8	19	26%
TOTAL	42	100%	100%

Table 3: Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed
Market	8	14	10	0
Affordable Rent	0	0	0	6
Intermediate	0	2	2	0
TOTAL	8	16	12	6
Total as %	19%	38%	28.5%	14.5%

9.53 The scheme under provides 1 and 2 bed units against policy targets with an overprovision of family sized units with provision of four 3 bedroom four person units however this is not considered a deleterious deviation from policy. The proposed intermediate mix over provides 1 bedroom units by 50 percentage points and fails to provides 3 bedroom units where policy seeks 25 percentage of this tenure type. However due to the challenges around affordability for 3-bed intermediate units in high value areas this is not considered a significant deviation from policy in this instance/

9.54 The private mix is focussed towards studio units and 1-and 2 bed units and with no larger family sized units. Consequently, the private housing component of the

development would not be policy compliant. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*". The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

- 9.55 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

- 9.56 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.

- 9.57 All of the proposed flats meet or exceed the National Housing Standards and London Plan minimum internal space standards. There are no single aspect north facing flats, over 50% of the unit are triple aspect with 20 other units double aspect. The two lift and stair cores and associated floor lobby/corridor spaces benefit from natural light. 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

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

Daylight

- 9.60 The application is accompanied by a daylight and sunlight assessment report. The results of the analysis show that 55% of the windows serving the residential accommodation will experience Vertical Sky Component above the BRE guidance. Assessing the individuals rooms, as opposed to individual windows, deploying the daylight distribution assessment 97 out of the 98 living and bedroom serving will achieve the BRE guidance and 93 out of the 89 rooms will achieve the BRE Average Daylight Factor guidance. On that basis it is considered the scheme will provide adequate daylight to its future occupants.

Sunlight

- 9.61 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.
- 9.62 The internal sunlight potential has been tested for applicable rooms. 67% of these rooms enjoy will experience annual sunlight levels and 75% will achieve the winter sunlight guidance. This level of compliance is considered reasonable in the context of a higher density urban environment such as Aldgate and where the failings mainly relate to secondary windows serving dual; aspect units.

Amenity space

- 9.63 For all major developments there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The '*Children and Young People's Play and Information Recreation SPG* 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

- 9.64 Private amenity space requirements are set figures determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sq.m 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.
- 9.65 The proposal provides private amenity space to all of the units in compliance with the above quantitative standard in the form of individual balconies and for one top floor unit a roof terrace.

Communal Amenity Space and Public Open Space

- 9.66 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 72sq.m. The proposal provides no dedicated communal amenity space for future occupants of the development. However it does provide wider public realm within the development plot of approximately 120sq.m that can be considered to some limited degree to serve the development and given the close proximity of Altab Ali Park and its inner London location can be considered acceptable for a residential scheme of this relative scale.

Child play space

- 9.67 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development, with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in

particular where there is natural surveillance for parents. The scheme is predicted to yield approximately seven children with 5 children being of early years (0-4 ages).

- 9.68 The scheme proposes to provide one on-site child play space to the development in the form of a play space room located on the 1st upper storey occupying approximately 48sq.m. The application documentation refers to this on-site play space being supplemented by reliance on existing/being built out open space facilities - principally from Altab Ali Park and Chaucer Gardens. The latter forms parts the of Goodmans Fields site and is located less than 40metres (off Gowers Walk) to the south of Commercial Road that when built out will contain a play space area geared towards children aged 12-17 in years.
- 9.69 Officers having reservations about both the quantum and the quality of the on-site communal play space and the practical opportunities it provides to serves the development adequately. This concern is borne from it being (a) only a single play space area, (b) being small in absolute size terms, (c) it being internal space *only* (with a relatively low floor to ceiling height for such a purpose) and finally (d) given the above (a-c) some uncertainty how this space can be successfully managed to enable it be used simultaneously by different user groups. Officers also have concerns on the reliance on the cited off-site open spaces due to: (i) the cumulative pressure placed on these play spaces from the sheer scale of new residential developments coming forward in Aldgate; (ii) the lack of formal sports court spaces within these park spaces: and (iii) in the case of Chaucer Gardens the degree of physical severance from the proposed development site by Commercial Road. Given it is a very busy arterial that forms a part of the A12 truck road.
- 9.70 Notwithstanding the above officer concerns, given the child yield for the scheme is small and given the on-site provision in physical area terms meets the minimum play space requirement for children under 12 officers conclude it would not be reasonable to refuse the scheme on play-space provision ground nor do officers consider they would be able to sustain that ground on appeal, should it be applied.

Privacy

- 9.71 In general the scheme would not incur undue overlooking/privacy issues. However there are a number of habitable rooms within the proposed development facing White Church Lane that would be set within approximately 10 metres of bedrooms within the yet to be built out apartment-hotel scheme at No. 27 commercial Road. However given the majority of the affected rooms are dual aspect rooms with opportunities to draw blinds or curtains to this street frontage or alternatively serve bedrooms and since this physical relationship is across an existing street it is not considered this provides any unacceptable privacy issues to future occupants nor conversely imposes privacy issues upon neighbouring developments.

Neighbouring Amenity

- 9.72 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' & MDD Policy DM25 '*Amenity*' require development to protect the amenity of adjoining. Indeed Policy DM25 of MDD seeks development to where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of 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.

Effect on daylight and sunlight received by neighbouring properties

- 9.73 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.74 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- o 0-20 reduction – Negligible
 - o 21-30% reduction – Minor significance
 - o 31-40% reduction – Moderate significance
 - o Above 40% reduction – Substantial significance
- 9.75 A second measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.76 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.
- 9.77 The application is accompanied by a Daylight and Sunlight Report which provides an assessment of the impacts of the proposed development on the daylight and sunlight conditions of nearby residential properties and to residential student accommodation. The assessment assesses the impacts of the development proceeding in isolation but also the cumulative effects of the development were the scheme and the consented serviced apartment (hotel) development to be built out at No 27 Commercial Road. In total the assessment considers the effects on the level of daylight received by 177 windows, serving 111 rooms.
- 9.78 Taken the impact of the scheme on its own over 94% of the neighbouring windows would achieve the BRE guidelines for VSC when the cumulative impacts are assessed this BRE target figure falls to 50%. Of the windows that fail to meet the BRE guidance 28% of those windows the cumulative impact is considered minor adverse (a VSC change of less than 0.6 or within 20% of guide level).
- 9.79 Taking the cumulative effects into account of the development at No. 27 Commercial Road were it also built out the properties adversely affected, assessed against the VSC test, by the proposed development are 32-34 Commercial Road, 35 Commercial Road, 42 Commercial Road Bar Locks Public House (21 White Church Lane), 7-8 Manningtree Street, 9 Manningtree Street, 63 Gowers Walk Goodmans Fields.
- 9.80 There are no adverse impacts, under either scenarios outside BRE guidance for Vertical Sky Component or daylight distribution to the Naylor Building East

- 9.81 The greatest cumulative effects are experienced by properties in Manningtree Street and No 42 Commercial Road.
- 9.82 With respect to direct sunlight impacts 89% (50 out of the 56 windows assessed) of the windows assessed would be above the BRE guidance for annual probable sunlight hours (APSH) and same figure for winter sunlight when the scheme is considered independently of the cumulative impacts of No 27 Commercial Road. With the cumulative impacts 38 of the 56 windows (68%) would be above BRE APSH guidance and 57% winter sunlight guidance.
- 9.83 The greatest number of sunlight failings would be at No. 35 Commercial Road, The Bars Locks Pub, and No 9 Manningtree. In addition 3 windows assessed would also fail BRE winter sunlight guidance at Naylor Building East, of which 3 of these failings would be classified of minor significance, 4.

Assessment of impacts

35 Commercial Road

- 9.84 Taking the impact of the scheme on its own, 81.5% of the 27 windows assessed will meet the BRE VSC guideline, 5 would fail but for of these 2 are marginal failures. Only 1 window would experience a moderate loss of greater than 30% VSC. Taken the cumulative effects, 9 windows or 33% of the windows will fail to meet the BRE guide. All these windows are understood to serve kitchens.
- 9.85 Assessed against BRE's daylight distribution 11 of the 13 rooms would meet the BRE guidance with the two failings of minor significance.

32-34 Commercial Road

- 9.86 No VSC losses with the scheme taken in isolation. Taking the cumulative impacts, 50% windows affected 6 in total all minor adverse (i.e. of less than 30% VSC loss).

36 Commercial Road

- 9.87 No VSC losses with the scheme taken in isolation. 100% of the windows are affected taking the cumulative effects. Of the total of 11 windows 6 windows will be a moderate impact (of greater than 30%.VSC loss), of which 4 serve bedrooms with the the remaining 2 serving kitchens.
- 9.88 All 10 rooms comply with BRE guidance on daylight distribution.

42 Commercial Road

- 9.89 No VSC losses with the scheme taken in isolation. Taking the cumulative impacts, all 4 windows tested would fail the VSC standards with two windows experiencing in excess of 50%. The windows serve 4 rooms, none of these windows fail the daylight distribution when the scheme is taken in isolation. All 4 windows would fail, were the hotel scheme implemented in isolation from this proposed scheme.

Bar Locke Public House (21 Whitechurch Lane)

- 9.90 The residential accommodation above the public house currently receives good standards of daylight and sunlight. 10 windows assessed and taken the scheme in isolation all fall within BRE VSC guidance. Taking cumulative effects 8 windows (80%)

would fall below BRE guidance with 6 of these windows receiving a major significance loss of greater than 40% VSC loss. 3 of these windows serve kitchens.

- 9.91 When account is taken account of daylight distribution and the levels of residual sunlight within these rooms the overall impact to these affected rooms is considered fair.

7-8 Manning Street

- 9.92 All 24 windows assessed would meet BRE guidance taking the impacts of the scheme alone. All windows would fail BRE guidance taking the cumulative impacts and experience 40%-50% reductions of major significance.

9 Manning Street

- 9.93 All 6 windows assessed would meet BRE guidance taking the impacts of the scheme alone. All 6 windows would fail BRE guidance taking the cumulative impacts and experience 40% to 50% VSC reductions. The impacts are therefore considered of major significance although it is worth noting all windows would maintain an absolute VSC above 10 and with tested daylight distribution impacts are limited to minor adverse for the t room effected, against BRE guidance.

The Castle Pubic House

- 9.94 12 of the 16 windows assessed would meet BRE guidance taking the impacts of the scheme alone. The 4 windows falling below BRE guidance would experience a minor adverse impact of 20% to 30% VSC loss.

- 9.95 Taking account the cumulative impact of the hotel at No 27 Commercial Road 50% of the windows (8 in number) would be impacted, 7 windows would experience a reduction of more than 40% as such is of major adverse significance. However the residual absolute VSC figure would remain fair all above 10 and with the daylight distribution to the 4 rooms tested meet recommended BRE guidance.

Goodmans Fields

- 9.96 15 windows assessed, of which 14 would meet BRE VSC guidance if the impact of the scheme is assessed in isolation. Taking account of the cumulative impact, 12 (80%) of the windows would fail the VSC guidance. 4 of these windows would experience a VSC loss of greater than 40%, 5 windows, a VSC loss of between 30% to 40% and 3 windows a loss of 20%-30%. 9 of these windows serve kitchens, the remaining serving 4 bedrooms.

Assessing the daylight distribution for these bedrooms, 3 of the 4 meet the BRE guidance for this measurement.

Context for daylight and sunlight losses

- 9.97 It is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to optimise the potential of development sites, daylight and sunlight infringement is a regular occurrence. In reaching final conclusions in relation to daylight and sunlight impacts weight needs to be given (a) to the nature of buildings and street patterns, (b) the current levels of daylight and sunlight enjoyed by existing residential occupiers that may fall below the absolute targets set out in the BRE Guidelines and (c) due weight and impact given to any existing consent that has yet to be implemented.

- 9.98 It is therefore fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidelines. This degree of flexibility is utilised on a regular basis. However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations.

Conclusions

- 9.99 In this instance, the development is considered acceptable in terms of daylight/sunlight as the impacts of the scheme taken independently of other committed schemes is well within usual levels of failings given the urban context and with an acceptance any new development, however modest in additional storey height, might have significant impacts on a small number of neighbouring windows. The most significant number of adverse impacts in quantum and degree of impact that would arise from this development occur when the impacts of this scheme are assessed alongside the cumulative impacts of the hotel development at No. 27 Commercial Road.
- 9.100 Although, it is acknowledged that there would be some daylight and sunlight impacts on neighbouring properties and these would result in a detrimental impact on the amenities of those residential occupiers, on balance, the proposed development is considered to accord with Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013)

Privacy, outlook and sense of enclosure

- 9.101 To the south of the application site there are no residential properties set within 23 metres of the site and similarly there are no habitable rooms windows within a close distance to the north or east of the site, as such there are no significant privacy, outlook or sense of enclosure issues to assess. With regard to existing development to the west the impacts are centred on properties located on the west side of White Church Lane and the impacts upon these properties are considered limited (due to the nearest residential homes lying unoccupied awaiting work to commence on the serviced apartment hotel development at No. 27 Commercial Road and given the impacts are considered substantially less than those imposed independently by the consented development at No 27 Commercial road

Microclimate

- 9.102 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.103 A wind microclimate assessment report was prepared for the application and uses the established Lawson Comfort Criteria and its results indicate there are no major adverse effects on local conditions and these conclusions are accepted by officers. Mitigation measures are proposed in respect of balconies.

Secure by Design

- 9.104 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.

- 9.105 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. The Metropolitan Police Crime Prevention Design Advisor has no objections to the scheme and advises that were the application to be approved a condition should be imposed to ensure that the scheme meets Secured by Design accreditation.

Inclusive Design

- 9.106 Policy 7.2 of the London Plan 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.
- 9.107 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.
- 9.108 The scheme will provide level thresholds to all the ground floor uses and entrances and dual lift access will be provided to all the fully wheelchair accessible residential units.

Archaeology

- 9.110 The National Planning Policy Framework (Section 12) and the London Plan (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.
- 9.111 Greater London Archaeology Advisory Service advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

Highways and Transportation

- 9.112 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car and these objectives are also reflected in Core Strategy policies SP08 and SP09.
- 9.113 The site is located in an area with an excellent PTAL rating and sits within a Controlled Parking Zone. The development site is fronted by Commercial Road, which is a Red Route for which TfL is the Highways Authority and White Church Lane for which LBTH is responsible.
- 9.114 The applicant has submitted a Transport Statement contains trip generation analysis and details of servicing arrangements
- 9.115 As set out in the comments received from both Transport for London the and the Borough's Highway and Transportation Team, subject to appropriate conditions and securing a commuted sums towards on street disabled parking bays the scheme raises no highway or transportation issues.

9.116 On site disabled car parking bays is accepted is not a practical solution on this small and tightly constrained siter. The car free arrangement is consistent with policy, with the applicant's expressed willingness to fund provision for two disabled bays on-street in lieu of providing bays on-site, should it be demonstrated there is need for such bays.

9.117 The secure cycle bay provision is in line with London Plan standards

Noise and Dust

9.118 An acoustic assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity. .

9.119 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

Contaminated Land

9.120 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.

9.121 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found are there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

Energy & Sustainability

9.122 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 climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy 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.

9.123 The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO2 emissions through the implementation of energy efficiency measures and use of a centralised energy system (CHP). The CO2 emission reductions are anticipated to be circa 24% against the Building Regulations 2013, short of the 45% policy target. In accordance with policy requirements, the applicant has agreed to the full financial contribution of £27,615 to the Council's carbon off-setting programme to achieve a total reduction of 45%. The figure is liable to fall when the inclusion of rooftop PV panels, although the proposed use of CHP may need to be reconsidered (that could affect the calculated CO2 reductions) when details (provided by condition) are supplied on the end user tariffs of such a technology on a scheme of this small size, particularly with respect to concerns on delivering a market competitive tariff for the residents of the affordable rented units.

- 9.124 To conclude, the overall approach to reducing carbon dioxide is accepted and in accordance with relevant policies and could be secured by condition and within the s106 agreement.

Flood Risk and Water Resources

- 9.125 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and 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.
- 9.126 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the prepared draft drainage strategy the scheme is in accordance with relevant policy and guidance

Biodiversity

- 9.127 Policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.128 The application site has no significant existing biodiversity value.
- 9.129 Having regard to the possible conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

Planning Obligations

- 9.130 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 draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. 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, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 9.131 The NPPF requires that planning obligations must be:
- 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.
- 9.132 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. Furthermore, Regulation 123 stipulates that a planning obligation must not constitute a reason for the grant of planning permission if it provides for the funding or provision of any type of infrastructure which appears on the local planning authority's Regulation 123 infrastructure list.

9.133 The applicant has agreed to meet the following planning obligations. The financial obligations secured include:

- a) £15,348 construction phase employment training
- b) £2,989 end-user phase employment training
- c) £27,615 carbon off-setting
- d) £85,000 for raised table works including kerbs adjustments and drainage provision
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £45,952 plus monitoring contribution.

9.134 The non-financial planning obligations include:

- a) On-site affordable housing consisting of 4x three bedroom units at Borough Framework Levels inclusive of service charges, with 1 of these three bedroom units delivered as a fully wheelchair accessible unit
[to be delivered prior to occupation of 40% of market sale units]
- b) 2 x one bedroom intermediate units and 2x two bedroom units
- c) Access to employment
 - 20% local procurement
 - 20% local labour in construction
- (d) 6 apprenticeships delivered during the construction phase
- (e) a commuted sum (for 5 years) to fund accessible bays 2 blue badge accessible bays on street
- (f) Public access to public realm
- (g) Meet the Transport for London Cycle-Hire annual membership key fee for each individual residential unit within the scheme for the first 3 years of occupation, as part of Travel Plan

9.135 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission.

9.136 With regard to affordable housing provision, the applicant has submitted a Financial Viability Assessment which has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver the maximum amount of affordable housing that could be supported by the viability of the scheme without threatening the deliverability of the development.

Financial Considerations

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

- 9.138 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.
- 9.139 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.
- 9.140 Mayor of London CIL liability is estimated to be £78,889 (following estimated social housing relief (£21,859)).
- 9.141 Tower Hamlets CIL liability is estimated to be £405,559 (following estimated social housing relief (£124,909)).
- 9.142 Using the DCLG’s New Homes Bonus Calculator, this development is likely to generate approximately £62,811 of New Homes Bonus in the first year and a total payment of £376,863 over 6 years.

Health Considerations

- 9.143 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council’s 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.
- 9.144 The proposal raises no unique health implications, and would not prejudice the opportunity of, residents, neighbours or members of the public to benefit from appropriate living conditions and lead healthy and active lifestyles. The play space and communal amenity space proposed would adequately meet the policy requirements. The gym and swimming pool available to the private and intermediate tenures would serve to promote active and healthy lifestyles. The standard of the proposed residential accommodation would be high, commensurate with the high density of the scheme.

Human Rights Considerations

- 9.145 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.146 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.147 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.148 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.

9.149 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

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

9.151 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Act Considerations

9.153 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.

10.0 CONCLUSION








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

SITE MAP

11.1 Please refer to the next page of this report.

Planning Application Site Map
PA/15/02527



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda item no	Reference no	Location	Proposal / Title
6.3	PA/15/02527	34-40 White Church Lane and 29-31 Commercial Road, E1	Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 106sq.m flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works

1.0 Correction

Executive Summary

- 1.1 Paragraph 2.7 should state "55% of the units (23) benefit from triple aspect with and 18 out of the remaining 19 units double indicative of a good standard of amenity for the future residents aspect" and not 75% of the units benefit from triple aspect
- 1.2 Paragraph 3.2 should state "estimated total financial contributions:£130,952" and not £45,952 as stated.

Proposal

- 1.3 Paragraph 4.8 should state "the flexible use commercial space at ground floor occupies 106sq.m" and not 155sq.m.

Housing Mix

- 1.4 Paragraph 9.52 Table 3 should record 4 not 6 three bedroom affordable rent units and record 2 not zero three bedroom market units.
- 1.5 Paragraph 9.54 should state "the private mix is focussed towards studio units and 1 and 2 bed units with 2 family sized units" and not state "no larger family sized [market] units." zero

Quality of residential accommodation

- 1.6 Paragraph 9.57 should state "with 18 double aspect units" and not 20 units.

Daylight

- 1.7 Paragraph 9.60 should state "93 out of 98 living and bedrooms will achieve the BRE daylight distribution guidance and not 97 out of 98 rooms". The same sentence should also state 97 out of 98 rooms will achieve the BRE Average Daylight Factor guidance and not the stated 93 rooms.
- 1.8 Paragraph 9.83 the cumulative winter sunlight fallings should read 2 fallings classified of minor significance, and not 3.

Child Play Space

1.9 Paragraph 9.68 should state the play space room "provides 40sq.m" and not 48sq.m

2.0 **Typographical Error**

2.1 Same paragraph numbers (Nos. 9.35 to 9.44) are duplicated in the report on Pages 21 and 22 and Pages 23 – 24. The content of the sentences is not duplicated, they contain different content.

3.0 **RECOMMENDATION**

3.1 Officers' original recommendation to APPROVE planning permission remains unchanged.

Agenda Item 5.2

Committee: Strategic	Date: 12 th April 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent
Case Officer: Jermaine Thomas	Ref No: PA/14/03594 & PA/14/03595
	Ward: Blackwall & Cubitt Town

1. APPLICATION DETAILS

Location: Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14

Existing Use: Vacant warehouses/industrial buildings.

Proposal: Full Planning Application – PA/14/03594
Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.

The application is accompanied by an Environmental Impact Assessment

Listed Building Consent application - PA/14/03595
Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.

Drawing and documents: See appendix

2. BACKGROUND

- 2.1 This application for planning permission and Listed Building Consent was considered by the Strategic Development Committee on 10 March 2016. A copy of the original report is appended.
- 2.2 At the meeting, members of the Committee questioned the timing of this application given the outstanding issues relating to the Orchard Wharf site. It may be premature to make a decision on this application before the High Court had made a decision on an appeal against the quashing of the Compulsory Purchase Order.
- 2.3 The Committee welcomed the inclusion of social housing in the scheme (as set out in the update report) but sought clarity on the percentage of affordable housing that could be provided if for example all of the affordable units were delivered at affordable rents (Borough Framework Rents). The Committee also requested further information on the operation of the proposed affordable housing review mechanism.
- 2.4 The Committee asked for an update on the Greater London Authority's/Mayor of London's position on the scheme.
- 2.5 The Chair proposed and a member seconded a proposal that the planning permission and the listed building consent be deferred for further information and on a unanimous vote, it was **RESOLVED**:
- 2.6 That the planning application and listed building consent be **DEFERRED** at Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 for information on the following issues:
- The operation of the viability review mechanism.
 - The viability of the application with different mixes of affordable housing
- 2.7 The Committee also asked that the Greater London Authority be contacted to confirm whether their concerns about the application had been addressed.
- 2.8 In the intervening period, the applicant has undertaken viability scenario testing regarding the affordable rent provisions. The results of the scenario testing have in turn been independently reviewed on behalf of the Council by BNP Paribas. An updated consultation response was received from the GLA. The parameters of a viability review mechanism have been agreed between officers and the applicant.
- 2.9 This report has been prepared to discuss the results of the scenario testing, additional consultation responses and to provide further clarifications.

3. ADDITIONAL REPRESENTATIONS

- 3.1 Since the publication of the Committee Report the Council has received additional representation from the Greater London Authority on behalf of the Mayor of London.

- 3.2 The Greater London Authority confirmed 'that officers at the GLA are content that the noise mitigation measures address the concerns raised by the Port of London Authority.
- 3.3 Officers are awaiting confirmation from the GLA that all of the other matters raised in the stage 1 response have also now been addressed.

4. FURTHER INFORMATION

Orchard Wharf High Court Appeal

- 4.1 The on-going High Court appeal regarding the neighbouring Orchard Wharf site is based upon an appeal by the PLA following a judicial review decision that quashed the Compulsory Purchase Order made by the Secretary of State. The court proceedings do not relate to the previously refused planning application PA/11/03824 or the subsequent dismissed planning appeal APP/E5900/A/12/2186269.
- 4.2 The application has been assessed on the worst case scenario that the protected wharf could accommodate industrial processes of a scale and nature proposed in the refused application. Hence the outcome of the High Court appeal is therefore not considered to be a material consideration in the assessment of the acceptability of this Planning Application. It would not be premature to determine the application.

Housing mix / Viability

- 4.3 Members raised concerns regarding the affordability of the Social Target Rent units inclusive of service charge and sought confirmation on whether or not a 27% affordable housing provision is the maximum viable offer which can be secured.
- 4.4 The applicant in response undertook further viability testing to confirm if the securement of Social Target Rent units instead Borough Framework rents for the three and four bedrooms would increase or decrease the level of affordable housing which can be delivered on site.
- 4.5 The Councils independent viability consultants BNP Paribas reviewed the results of the scenarios provided by the applicant.
- 4.6 The first scenario comprised of 3 and 4 bedroom affordable rent units being provided at Social Target Rent Level.
- 4.7 The second scenario comprised of 3 and 4 bedroom affordable rent units being provided at Borough Framework Levels.
- 4.8 BNP Paribas confirmed that the proposed scheme with 3 and 4 bed units provided at Borough Framework Rents would allow for the delivery of a viable scheme with a 27% affordable housing provision.
- 4.9 The delivery of 3 and 4 bed units at Social Target Rent however would result in a deficit of £9.9m when providing a 27% affordable housing provision. In short, the delivery of 3 and 4 bed Social Target Rents and a 27% affordable housing offer is therefore not viable.

- 4.10 The following table also provides a comparison between the affordability of the Social Target Rent Levels units and Borough Framework units. The service charge figure is indicative only, but is based on certain assumptions and pitched at a mid-range of typical service charges in similar large scale developments.

	Affordable rent (incl. service charge) £/week	Social rent £/week	Social rent plus service charge £/week
3 bed flat	£225	£158	£187
4 bed flat	£264	£166	£203

- 4.11 The above table confirms that the delivery of affordable housing units at Social Target Rent with or without a service charge would deliver significantly more affordable for future occupants, than Borough Framework Rents.
- 4.12 In light of the difference in affordability, the applicant has made a decision to provide an affordable housing offer of 27% (based on habitable rooms) and still provide 3 and 4 bedrooms at Social Target Rent level and to bear the commercial risk of doing so.
- 4.13 The resulting affordable housing offer of 27% overall with 3 and 4 bedroom units provided at Social Target Rent level is welcomed in that it would provide the maximum viable amount of affordable housing but with the rents adjusted to improve the affordability level of the larger homes. The proposal is considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.

Viability Review Mechanism

- 4.14 Should the planning applications and listed building consent application be approved, the development would be subject to a viability review clause within the proposed Section 106 Legal Agreement.
- 4.15 The main parameters of the Viability Review Mechanism would include but not be limited to:
- The viability review process will be subject to a trigger, if the development has not substantially commenced (i.e. Superstructure works) within 2 years from the date of the permission/agreement;
 - The viability review will take place at the point at which substantial commencement of the superstructure is later achieved (if after the 2 year period referenced above);
 - The viability review will require an updated viability assessment to be undertaken (on behalf of the developer which would be reviewed independently on the Council's behalf). The updated viability assessment will be based on updated information and evidence available at that time including residential values, build costs etc.;

- If on the basis of the review, it is determined that a greater level of affordable housing could be delivered (above the agreed 27%) then a payment in lieu would be made to the Council;
- This payment will be calculated on the basis of the additional affordable habitable rooms which could be viably delivered. The payment would be capped at achieving a policy compliant level of 50% of habitable rooms as affordable;
- A methodology to calculate per habitable room charge will be identified in the S.106 Agreement (with a separate charge for affordable rent and intermediate). Any additional affordable housing contribution will be calculated on an assumed 70:30 tenure split (affordable rent/intermediate);
- Timing of payments and phasing are still to be agreed between the parties.

4.16 Officers consider that the above parameters of the Viability Review Mechanism would provide an opportunity to ensure that the level of affordable housing overall remains the maximum that could be provided taking into account any changes in costs and values following the grant of planning permission.

5.0 CONCLUSION

5.1 All other relevant policies and considerations have been taken into account. **Planning Permission** and **Listed Building Consent** should be **GRANTED** in accordance with the recommendation set out in the original report.

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Committee: Strategic	Date: 10 th March 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Listed Building Consent
Case Officer: Jermaine Thomas	Ref No: PA/14/03594 & PA/14/03595
	Ward: Blackwall & Cubitt Town

1. APPLICATION DETAILS

Location: Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14

Existing Use: Vacant warehouses/industrial buildings.

Proposal: Full Planning Application – PA/14/03594
Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.

The application is accompanied by an Environmental Impact Assessment

Listed Building Consent application - PA/14/03595
Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.

Drawing and documents: See appendix

Applicant:	Clearstorm Ltd
Ownership:	London Borough of Tower Hamlets Port of London Authority British Dredging (Services) Limited
Historic Building:	Grade II Listed Orchard Dry Dock. The caisson and river wall to the southern edge of the site also form part of this listing.
Conservation Area:	None

2. EXECUTIVE SUMMARY

- 2.1. The Council 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) and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed redevelopment of this site for a residential-led mix development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the Core Strategy's Leamouth LAP 7 & 8.
- 2.3. The proposed tall buildings would be of an appropriate scale, form and composition for the surrounding context and townscape. 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 accommodation provided, along with the internal and external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.5. The proposed development would be appropriately designed to ensure its uses would not conflict with the use or future operations of the Protected Orchard Wharf, and visa-versa.
- 2.6. 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.
- 2.7. The proposed restoration and improvement works to the Grade II Listed Caisson and the Trinity Buoy Quay Walls would preserve the historic merits of the listed structures. The proposed development by virtue of its layout and design would enhance the setting of the listed structures and neighbouring Trinity Buoy Wharf Lighthouse.
- 2.8. Transport matters, including parking, access and servicing are on balance considered acceptable.
- 2.9. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM) are proposed. Subject to detailed design, high quality landscaping and bio

diversity enhancements would 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 **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £399,000 towards local bus service
- b) A contribution of £355,620 towards employment, skills, training and enterprise and construction stage;
- c) A contribution of £45,878 towards employment skills and training to access employment in the commercial uses within the final development;
- d) A contribution of £252,000 towards carbon off-set initiatives
- e) A contribution of £5,000 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £1,057,498

Non-financial contributions

- f) Delivery of 27% Affordable Housing comprising of 101 rented units and 52 Shared ownership units;
 - g) Affordable housing delivery and phasing;
 - h) Alternative Employment uses;
 - i) Viability review mechanism;
 - j) Permit Free for future residents;
 - k) 39 Apprenticeships and work placements;
 - l) Access to employment and construction - 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs;
 - m) Public access retained for all public realm, walking, cycling and vehicular routes;
 - n) Implementation and monitoring of Travel Plan
 - o) Delivery of public access route improvements to London City Island
- 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:

Prior to Commencement' Conditions:

1. Noise mitigation measures to ensure satisfactory relationship to adjacent safeguarded wharf in consultation with PLA
2. Sound insulation scheme
3. Construction management plan;
4. Feasibility for transportation of construction materials by water;
5. Surface water drainage scheme;
6. Water Supply infrastructure in consultation with Thames Water

7. Ground contamination remediation and mitigation
8. Biodiversity mitigation and enhancements;
9. Compensatory habitat creation scheme
10. Method Statement for environmentally sensitive areas
11. Details of works to Listed structures
12. Archaeological investigation works in consultation with GLAAS
13. Intrusive investigation works
14. Waste management strategy to ensure compliance with waste hierarchy;
15. District energy and heating strategy;
16. River wall strategy in consultation with EA and PLA

Prior to completion of superstructure works conditions:

17. Secure by design principles;
18. Details of all external plant and machinery including air quality neutral measures;
19. Details of all external facing materials;
20. Details of glazing specifications and ventilation specifications to residential units (Class C3)
21. Details of wheelchair accessible residential units
22. Details of public realm, landscaping and boundary treatment;
23. Child play space strategy
24. Details of all external CCTV and lighting;
25. Details of extraction and ventilation for Class A3 uses
26. Details of mechanical ventilation to proposed school accommodation;
27. Details of wind mitigation measures;
28. Waste Management Plan
29. Scheme of highway works surrounding the site (Section 278 agreement)

Prior to Occupation' Conditions:

30. Details of all shop fronts and entrances to ground floor public uses;
31. Details of step free and wheelchair access arrangements;
32. Details of the Education provision and accommodation schedule
33. Surface water management system
34. Travel Plan;
35. Permit free development
36. Site management inclusive of a cleaning regime
37. Delivery and servicing plan;
38. Operation of the Canning Town – City Island Bridge
39. Car parking allocation and management plan;
40. Details of cycle parking, inclusive of visitors cycle parking and associated facilities;
41. Details of provision for 20% vehicle charging points and 20% passive provision;
42. Details of all external lighting in consultation with PLA
43. Details of Riparian Life Saving Equipment in consultation with PLA
44. Delivery of BREEAM Excellent Development

Compliance' Conditions –

45. Permission valid for 3yrs
46. Development in accordance with approved plans;
47. Phasing Schedule
48. Hours of operation of commercial units. A1-A4, B1 and D1 uses
49. Restriction on proportion of non-A1 retail uses;
50. Removal of permitted development rights;
51. Sustainable design and construction – Air Quality Neutral Appendix

52. Flood risk assessment minimum floor levels
53. Internal Noise Standards having regard to BS4142 and BS8233:2014
54. Permanent right of access to blue ribbon network
55. Co2 emissions reductions in accordance with approved Energy Strategy
56. Renewable energy technologies in accordance with approved Energy Strategy
57. Lifetime homes

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

Application for listed building consent

- 3.6. That the Committee resolve to **GRANT** listed building consent subject to the following conditions:

Conditions

1. Compliance with plans
 2. 3 year time limit for implementation
 3. A schedule detailing the investigative works which are to be undertaken
 4. A full schedule of repairs and a method statement for works to the caisson and quay walls to be undertaken by an appropriate specialist.
 5. Details of how any increased height for flood defence is to be accommodated.
 6. Method of repairs / renewal of the unlisted river walls, including the additional height required for appropriate flood defence
 7. Schedule of items to be salvaged and details of their proposed reuse
 8. Proposals for a full scheme of interpretation
 9. Full details of landscaping proposals
- 3.7. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide a residential led mix use scheme.
- 4.2. The development comprises of the following uses:
 - 804 residential units (Use class C3)
 - 1,912 sqm GIA Commercial Use (Use class A1 – A4 and B1)
 - 428 sqm GIA Management Offices (Use class B1)
 - 223 sqm GIA Education (Use Class D1)
- 4.3. A total of sixteen buildings would be provided on site, which would range in height from 3 – 16 storeys. The maximum height of tallest building is 105.9m (AOD).

4.4. The following table sets out the height of each building block in storeys.

BLOCK	No. of floors	BLOCK	No. of floors
A	3	H	4
B	29	I	4
C	9	J	7
D	15	K	5
E	8	L	10
F	21	M	3
G	7		

- 4.5. The new buildings would be set around a series of existing and new access roads, public spaces, walking and cycling routes.
- 4.6. The proposed layout seeks to provide increased connectivity to the water space and the neighbouring City Island development, deliver new and enhanced public accessible river walkways and provide a number of communal spaces and child play space provisions which are situated away from the highway network.
- 4.7. The proposed non-residential uses such as the retail, education and office provisions would be dispersed across the entire site. The distribution and location of the proposed uses is informed by the existence and proximity of neighbouring land uses.
- 4.8. The centre of the site where the existing dry dock is located would comprise of a new public realm. The proposed public realm provision would be in part framed by a number of retail provisions and also consist of new retail provision and child play space at its centre. The positioning of the retail provisions adjacent to and within the proposed public realm is designed to encourage and maximise activity within the space.
- 4.9. The proposed residential use would comprise of 804 residential units, 27% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 651 private units, 52 intermediate units, and 101 affordable 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	% units	Habitable Rooms	% hab rooms
Open Market	651	81%	1490	73%
Affordable rent	101	12.5%	418	20.5%
Intermediate	52	6.5%	133	6.5%
TOTAL	804	100%	2041	100%

Dwelling numbers and mix by tenure

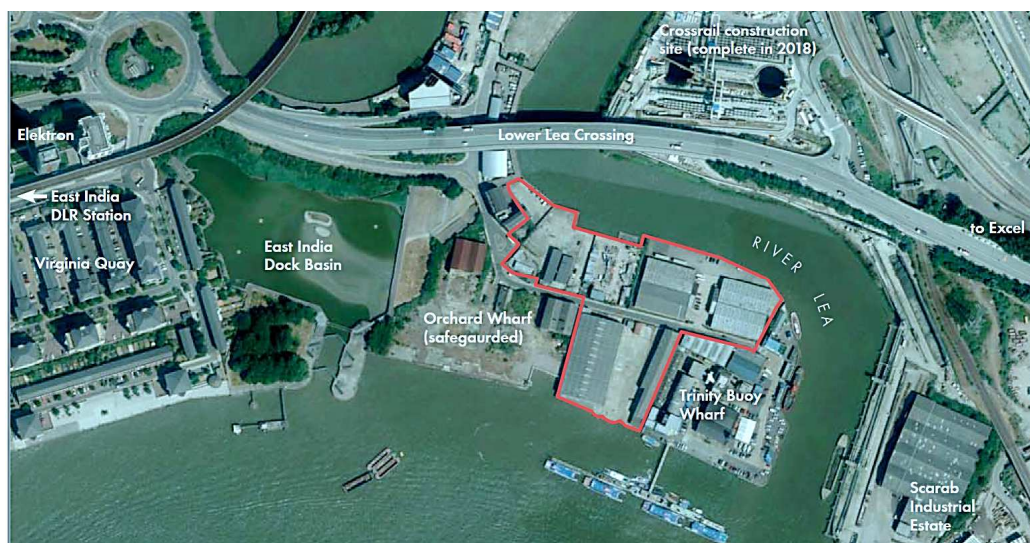
	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	161	203	225	62	0
Affordable rent	0	14	32	36	19
Intermediate	0	23	29	0	0
TOTAL	161	240	286	98	19

Total as %	20	30	35.5	12	2.5
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- 4.10. The proposal would also create basement levels, car and cycle parking spaces, refuse provisions and landscaping works.
- 4.11. The proposed works for listed building consent include restoration of the caisson and brick piers, exposing the curved northern end of the basin and the removal of concrete flood defences and installation of timber platform behind the caisson.
- 4.12. The other listed works include, alterations and repairs to the 19th century river wall eastern section of Union Wharf and re-surfacing of the in filled Orchard Dry Dock to create a new public landscaping provision.
- 4.13. The proposed works to curtilage structures include landscaping works around bollards, repair and remodelling of the existing oil tank and demotion of a section of 19th century wall on to Orchard Place. The salvaged bricks would be reused in the landscaping provisions, where possible.

Site and Surroundings

- 4.14. The application site consists of three different wharves which are known as, Hercules Wharf, Union Wharf and Castel Wharf. Orchard Place, a public highway, connects the wharves, as it runs west to east through the centre of the site from the Lea Crossing (A1020 road) to Trinity Buoy Wharf.
- 4.15. The site area is 2.43 hectares inclusive of the public highway and contains a mix of mainly light industrial, storage and warehouse
- 4.16. Hercules Wharf is approx. 0.74ha occupies the northwest section of the application site and Castle Wharf is 0.85ha occupies the northeast section of the application site.
- 4.17. Union Wharf is approx. 0.84 ha and comprises of two industrial buildings, the original Grade II Listed iron caisson and the listed Trinity Buoy Quay Walls. The southern edge of Union Wharf is bound by the River Thames on its southern boundary.
- 4.18. The following plan shows the extent of the application site outlined in red.



- 4.19. To the north of Hercules and Castle Wharves is the River Lea, which runs along their northern boundaries and under the A10210 known as Lower Lea Crossing.
- 4.20. Further to the north and beyond A1020 is the Leamouth North Peninsula development site, where a large housing development, known as London City Island is under construction, when completely built out would provide up to 1706 residential units.
- 4.21. To the north and east of the River Lea is the eastern Crossrail Logistics site and to the east of City Island on the northern bank of the River Lea is Canning Town, which includes Canning Town DLR, underground and bus station.
- 4.22. To the north west of the application site is Bow Creek Ecology Park, a Grade I Site of Borough Importance (SBI) for nature conservation.
- 4.23. To the west of the site are the residential properties of 42 – 44 Orchard Place, which are located in one of the few remaining original warehouse buildings in the Leamouth area.
- 4.24. To the south west of the application site is the neighbouring Orchard Wharf which is a safeguarded wharf under an initiative set by the Mayors of London and the Port of London Authority (PLA). The site remains a potential location for an aggregates batching plant.
- 4.25. The East India Dock Basin is located further west beyond Orchard Wharf approximately 100m away from the application site. The basin is designated as a Grade I Site of Borough Importance (SBI) for nature conservation. The residential area of Virginia Quays lies to the west of the basin.
- 4.26. To the east of the application site is Trinity Buoy Wharf, which comprises of a mix of uses including residential units, creative industries, food outlets and Faraday Independent School. The Trinity Buoy Wharf itself contains a Grade II listed chain locker and lighthouse. An existing jetty also provides pedestrian access to the River Thames
- 4.27. The River Thames is located to the southern edge of the site and beyond the River Thames is Greenwich Peninsula, which includes the Millennium Dome.
- 4.28. The composition of the neighbouring sites would result in an area characterised by a variety of building forms of varying heights. The close proximity of the River Thames and River Lea also creates a sense of openness around the application site and wider area.

Spatial policy designations

- 4.29. The site is within the London Plan's Lower Lea Valley Opportunity Area, which includes Stratford. This area is considered the most important single strategic regeneration initiative for London and urban renewal challenge of global significance securing the legacy of the 2012 Olympic and Paralympic games. The area would contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 4.30. The Tower Hamlets Core Strategy identifies that for the overall Leamouth Area the location has potential for very high housing growth and has a target of 4,050 homes for the Leamouth and Blackwall areas for the 2020 – 2025 period.
- 4.31. The site does not fall within a conservation area however the application site does comprise of a Grade II Listed Dry Dock Wall and the listed Trinity Buoy Quay Walls.
- 4.32. The neighbouring Grade II Listed Trinity Buoy lighthouse positioned to the south east of the application site is also located in close proximity.

- 4.33. The site is within an Environment Agency designated Flood Zone 3 - 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.
- 4.34. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.35. The site is within the London City Airport Safeguarding Zone.
- 4.36. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.37. The site is within the London Plan Crossrail SPG Charging Zone.

Relevant Planning History

Hercules Wharf

- 4.38. **PA/06/01342**
Demolition of all existing buildings and structures and redevelopment to provide 41,530 sqm floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4 and A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Withdrawn 25/10/2007

Castle Wharf, Union Wharf and Orchard Place

- 4.39. **PA/06/01343** Combined Outline and Full Planning Application (hybrid application) for demolition of all existing buildings and redevelopment to provide 80,070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4,A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Withdrawn 25/10/2007

Leamouth Peninsula

- 4.40. **PA/10/01864** Hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sqm (GEA) of new floor space and up to 1,706 residential units (use class C3). Approved 28/11/2011. This proposal was subsequently amended under S.73 application (PA/14/01655) which was approved on 19/12/14.
- 4.41. **PA/14/02177** - Submission of reserved matters for Blocks A and M of Phase 2. The proposal comprises 417 residential units and 541 sq m GEA commercial floorspace. A full description of the uses is provided within the Planning Statement / Design & Access

Statement submitted with the application. The outline planning application was an environmental impact assessment application and an environmental statement was submitted to the planning authority at that time. Approved 08/12/2014.

- 4.42. **PA/15/2287** – Re-submission of reserved matters for Blocks A and M (as approved by planning ref: PA/14/02177) of Phase 2 of planning permission ref: PA/14/01655. Proposal comprises 417 residential units and 668 sq m GEA of commercial floorspace including minor amendments to the layout of the blocks and the omission of 1 duplex unit at GF/FF. A full description of the changes is provided within the attached design Access Statement. The outline planning application was an environmental impact assessment application. Undecided at the time of writing.

Orchard Wharf

- 4.43. **PA/11/03824** Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

Refused 02/10/2012 and dismissed at an Appeal

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. The list below sets out some of the most relevant policies to the application, but is not exhaustive.

National Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2015

Policies

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 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 uses
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.4 Managing Industrial land and premises
- 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
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 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
- 7.24 Blue Ribbon Network
- 7.26 Increasing the use of the Blue Ribbon Network for freight transport
- 7.27 Blue Ribbon Network: supporting infrastructure and recreational use

- 7.28 Restoration of the Blue Ribbon Network
- 7.29 The River Thames
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations
- LAP 7 & 8 Leamouth

5.3. Managing Development Document (adopted April 2013) (MDD)

- DM0 Delivering Sustainable Development
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable transport network
- 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

Supplementary Planning Documents

- Planning Obligations SPD (January 2012)
- Draft Planning Obligations SPD (March 2015)
- CIL Charging Schedule (April 2015)
- 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)
SPG: Safeguarded Wharves Review

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

5.4. Other Material Considerations

EH Guidance on Tall Buildings
Seeing History in the View
Conservation Principles and Practice

6. CONSULTATION RESPONSES

- 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 Education

- 6.3. The proposed education use relates to an existing independent school. The LA has no involvement in the independent sector. There are no comments on the proposed education use.
- 6.4. The impact of residents of the new homes on the need for school places locally will be planned for as part of the LA's strategy for providing school places to meet local need. CIL payments arising from the development will contribute to the funding of the programme.

LBTH Communities, Localities and Culture (CLC)

- 6.5. 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.
- 6.6. CLC request that S106 contribution / CIL is secured to offset the impacts of the development on the boroughs provisions.

LBTH Environmental Health - Contaminated Land

- 6.7. Environmental Health Contaminated Land has 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.

LBTH Environmental Health - Air Quality

- 6.8. Environmental Health the Air quality section in the Environmental Statement concluded that no mitigation was required due to the predicted air pollution levels being relatively low in the area in the opening year, but when including the potential effects of an operational aggregate facility at the wharf, mitigation is required to remove the potential for conflicts of use between the residential development and the protected wharf.
- 6.9. It is unlikely that the increase in air pollutants (NO₂) and PM₁₀) due to the HGV traffic associated with an operational wharf would cause a significant adverse impact on the air quality at the proposed development or cause the air quality objectives to be exceeded at the residential properties.
- 6.10. The proposed plant needs to be reconsidered to lower the emissions, if the revised plant does not meet the benchmarked emissions level then further mitigation will be required or a financial contribution through section 106 to fund air quality activities that will help reduce pollutant levels. Once the heating plant has been finalised the AQ neutral report will have to be amended and resubmitted.

LBTH Environmental Health – Noise and Vibration

- 6.11. Environmental Health officer raised no objection to the approval of the development.

LBTH Environmental Health – Commercial

- 6.12. The development should comply with the Construction (Design and Management) Regulations 2007 specifically in order to secure the incorporation of safety matters in the development from *the start, including the production of a "Health and Safety File" for the client and future users(s).

LBTH Refuse

- 6.13. Subject to the attachment of safeguarding conditions, the proposed development would comply with policy requirements.

LBTH Highways

- 6.14. For the purposes of assessing this application, Highways considers the baseline PTAL rating for the site to be 3.
- 6.15. The existing PTAL score for the site is 2 although applicant contends the 'true' PTAL should include the footbridge linking the City Island development and Canning Town station. The footbridge is constructed but not currently operational.
- 6.16. The availability of this footbridge is fundamental to the transport strategy for this development to the extent that we recommend that a Grampian condition be attached to any permission, requiring that bridge to be operational prior to occupation of the development.

- 6.17. The applicant also states that the proposed scheme would be served by the Thames Clippers service. It is acknowledged the Thames Clippers service would benefit occupants of the proposed development however it would not impact on the PTAL rating.
- 6.18. The proposed development would provide sufficient car parking for blue badge holders on the site.
- 6.19. The details of a Car Parking Management Plan should be secured by condition.
- 6.20. The applicant has stated that deliveries to block A over 20 minutes can take place within the site. This is welcomed and should be formalised in a Delivery and Servicing Plan.
- 6.21. The proposed mix, accessibility and inclusiveness of cycle parking types would be secured by condition.
- 6.22. The Council own the walkway linking Leamouth North (City Island) and the development site. The applicant should fund improvements to this link to bring it up to a standard equivalent standard provided within both the mentioned development sites. Similar provisions were made for Council owned walkway as part of the permission for the Leamouth North site.

LBTH Bio-diversity

- 6.23. The Ecology chapter of the ES is generally sound. The methodology is appropriate, the identification of potential receptors appears comprehensive, and officers agree with most of the evaluation of importance.
- 6.24. A safeguarding condition would be required to increase the biodiversity of the site.

LBTH Economic Development

- 6.25. No objection subject to the securement of the following conditions and financial contributions:
- 6.26. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skills match Construction Services.
- 6.27. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 6.28. The Council should seek to secure a financial contribution to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.29. During the construction phase 39 apprenticeships are expected to be delivered according to build costs (qualification level recommended is NVQ level 2).

- 6.30. Proposed employment/enterprise contributions at end-use phase would be a monetary contribution towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the A1-A4, B1a and D2 uses of the development
 - ii) jobs or training within employment sectors relating to the final development
- 6.31. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 6.32. During the end-use phase 1 apprenticeship is expected to be delivered over the first 3 years of full occupation. This was calculated based on the expected FTE employment for the commercial floorspace.

External responses

Crossrail Limited

- 6.33. Crossrail Limited does not wish to make any comments on this application.

Natural England

- 6.34. Natural England has no objection to the proposed development.

Canal and Rivers Trust (CaRT)

- 6.35. The Canal and River Trust has no comments to make on the proposed development.

Historic England

- 6.36. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Historic England Archaeology (GLAAS)

- 6.37. The planning application lies in an area of archaeological interest. Officers raised no objection to the approval of the development subject to the attachment of safeguarding conditions.

London City Airport (LCY)

- 6.38. London City Airport has now fully assessed this application and consulted with all the relevant airport stakeholders.
- 6.39. The proposed development has been examined from an aerodrome safeguarding perspective and from the information given LCY has no safeguarding objection. However please could you include the following condition should the application be granted planning permission:
- 6.40. No cranes shall be erected on the site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to London City Airport for approval.

Environment Agency (EA)

6.41. Following the receipt of further information submitted within the email from Victoria Williams, Waterman Infrastructure & Environment Ltd, dated 15 September 2015, EA are happy to remove our previous objection to the above scheme.

6.42. Subject to safeguarding conditions, the proposed development is now considered acceptable.

London Fire and Emergency Planning Authority

6.43. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

6.44. This Authority (Fire Safety Regulation) strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.

Metropolitan Police - Crime Prevention officer

6.45. The plans have reviewed and due to the scale of the development and proposed designs being put forward, officers will make contact with the Architects to discuss the detail further in connection with the site.

London Bus Services Ltd

6.46. No comments received.

TFL London Underground

6.47. Response received confirming no comments to make on this application.

The Twentieth Century Society

6.48. No comments received

Network Rail Infrastructure Ltd.

6.49. No comments received.

Docklands Light Railway

6.50. No comments received

The Victorian Society

6.51. No comments received

Commission for Architecture and Built Environment CABE

6.52. No comments received.

Lower Lea Valley Regional Park Authority

6.53. The proposed scheme is proposed at a density which will exceed the London Plan density standards.

6.54. The location of Block B, at 30 storeys, lying within 100 of the Basin will overshadow and detract from its amenity to visitors. The committee debated the possibility of issuing an objection which could lead to a request for 'call in'. However, given the precedents which surrounding development and the extant permissions in the area create it was decided to seek planning obligations to mitigate the likely impacts of the proposals on the Basin.

6.55. Given the scale of development proposed and the fact the Basin is likely to be the only site available to serve recreation needs of the new resident population, a formal request is sought for planning obligations for £500,000 as a contribution to capital costs to address its de-silting and in addition a commuted sum of a further £100,000 to support the management of the site given the increase in visitor pressures.

National Air Traffic Services (NATS)

6.56. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Thames Water Utilities Ltd.

6.57. 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.

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

6.59. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

6.60. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends that a safeguarding mitigation condition is secured.

Greater London Authority

Principle of development

6.61. The principle of development of the site as a residential led mixed use development with reasonable level of commercial floor space is acceptable and the commitment of potential provision of additional floorspace for the Faraday School is welcome. This support is subject to the applicant achieving improvements to external links to the site and responding positively to the GLA officers design suggested amendments. Tower Hamlets Council should also seek independent verification of noise, air quality and transport reports so that the development does not compromise the operation of Orchard Wharf.

Protection of wharves

- 6.62. The scale of the proposed development and the tight relationship between the proposed residential and wharf use on Leamouth South is a key material consideration. It is requested Tower Hamlets have the mitigation measures independently assessed and discussions should be held with the Port of London Authority on the impacts of the proposal on wharf operations.

Density

- 6.63. Given the approved development to the immediate north of the Leamouth Site and to the south in Greenwich Peninsula, the character of this site can reasonably be regarded as central. This part of London has undergone enormous change and investment and the density proposed is broadly in keeping with these changes. Nonetheless, given the site relatively low PTAL and accessibility it is important that linkages to the wider area are improved. A greater commitment should be made by the applicant to improving the site connectivity to Underground / DLR stations. The overall design requires a number of adjustments before it can be viewed as being sufficient quality to justify a development of such a high density

Housing Mix

- 6.64. The proposed housing mix provides for 14% 3-4 bed units and 52% suits/ 1 bed units. The percentage of studio and one bed units is very high and the applicant should revise its plans to create a more balanced housing mix.

Affordable Housing

- 6.65. The applicant has identified the potential location of the affordable housing in blocks A and G, but not set out a mix of unit types being offered. The affordable housing unit mix should be established and made available to GLA officers before stage 2 referral.
- 6.66. The 20% affordable housing officer is supported by a viability assessment which Tower Hamlets is required to have independently reviewed.

Play space

- 6.67. The applicant has provided a strategy but not completed detailed work on the child yield using the Mayors Shaping Neighbourhoods: Play recreation SPG (2012). The applicant should undertake this calculation work and the findings should relate to its play space strategy. The applicant should also set out how door step playable space will be met for occupants of blocks G, H and I.

Urban Design

- 6.68. Whilst suggestions for links to the emerging City Island Development, East India Dock and DLR, and a new bridge have been illustrated, officers are not convinced about the quality or deliverability of these linkages. Given the challenges with accessing the site and the surrounding hostile environment, it is critical that the applicant commits to developing and delivering these links to surrounding areas, ensuring they will be of a high enough quality to encourage people to use and feel safe at all times.
- 6.69. The design is generally supported but given the very high density of the scheme, officers are concerned about a number of aspects of its residential quality.

- 6.70. In the view from Greenwich Park of the Royal Observatory, the development would appear on the right hand edge of the view well to the right of the existing Canary Wharf cluster and the impact is minor/insignificant to the integrity of the LVMFS/WHS.

Access

- 6.71. The applicant should respond to the comments provided in relation to Lifetime homes, public realm/landscaping and residential unit design.

Transport

- 6.72. The applicant should respond to the comments provided by TfL in relation to access and parking, trip generation and mode split, walking and cycling, public transport and freight and travel planning. Particular attention should be given to issues relating to PTAL and public transport access.

Energy

- 6.73. The carbon dioxide savings fall short of the target within policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions. This work should be completed before Stage 2 referral together with requested verification information.

Flood Risk

- 6.74. The proposals are broadly acceptable in principle in respect of London Plan policy 5.12 but should be updated at the detailed stage to improve the development resilience in the unlikely event of a flood.

Transport for London

- 6.75. The latest version of the scheme would not have significant resultant highway and transport impact compared with the original proposal.
- 6.76. TfL's seek the following in terms of transport mitigation: £450K toward bus service enhancement, £10K toward Legible London Way-finding, £200K toward providing a 27 docking point's cycle hire station in the vicinity of the site.
- 6.77. TfL also requests that landing for the proposed Hercules Bridge to be safe-guided as agreed previously, as well as right of access by pedestrian/ cyclists from the Riverside walk to public highway should be secured via s106.
- 6.78. It is noted that the applicant has previously raised a query on the possibility to re-allocate surface transport improvement contribution toward Trinity Buoy Wharf improvements. TfL supports the improvements to the River bus service at Trinity Buoy Wharf however, the re-allocation of funding would not be acceptable as funding should be used to facilitate the use of public transport, walk and cycling which will be the largest trip generators.

Port of London Authority

- 6.79. The PLA which is a statutory consultant has lodged an objection to the proposed development. The PLA met with the applicant, their consultants and the Council on various occasions during the processing of the application.

- 6.80. PLA note that some documents that have been submitted to the PLA during the course of the application have not been published on the Council's website – the applicant should be requested to confirm the full suite of documents that form part of their submission at this point in time and upon which the Council is making its decision.

Background

- 6.81. The key issue for the PLA at this site is the juxtaposition of the proposed development to the safeguarded Orchard Wharf. Currently Orchard Wharf is not operational but the Secretary of State confirmed in September 2014 that it is appropriate for the PLA to acquire Orchard Wharf by compulsion, for the purpose of securing the provision of port and harbour services on the River Thames (reference PCT5/1/24). However, this decision was successfully challenged in the High Court and the matter is now scheduled to be heard in the Court of Appeal in May 2016.
- 6.82. Aggregate Industries/London Concrete submitted a planning application (PA/11/03824) to reactivate Orchard Wharf for waterborne cargo handling in 2011. Planning permission was granted by the LTGDC but refused by the London Borough of Tower Hamlets. The Secretary of State dismissed the subsequent appeal against the refusal of planning permission in September 2014 (reference APP/E5900/A/12/2186269).
- 6.83. Whilst the applicant submitted an objection to the co-joined planning and CPO inquiry stating that *"the proposed batching plant...would be a considerable constraint on any development of these sites. Noise and disturbance from an industrial processing plant would discourage potential buyers...despite controls, air quality would be a concern"* it is of note that the applicant is proposing a high density residential led, mixed use scheme for the Leamouth South site.

Safeguarded Wharf Planning Policy

- 6.84. London Plan policy 7.26 seeks to protect safeguarded wharves for waterborne freight handling use and it states that development proposals *"adjacent or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance"*.
- 6.85. The requirement of the statutory development plan is clear. The Leamouth South site should be designed to minimise the potential for conflicts of use and disturbance from an operational Orchard Wharf.

Approach to Assessment

- 6.86. Flowing from the planning policy requirements set out above, the key issues that need to be considered when determining the application are site layout and design, noise, air quality, lighting, transport and access. For this particular site, given the current non-operational status of Orchard Wharf and the planning policy requirement to minimise the potential for conflict of use and disturbance, consideration should be given to the levels that would be generated from a re-activated Orchard Wharf and experienced at the proposed residential receptors and at the external amenity areas. Where there is doubt as to the longer term use of the wharf conservative assumptions should be assessed. Therefore whilst the data contained in the ES for the AI/LC 2011 planning application is a useful starting point, it is important that undue reliance is not placed on the data.
- 6.87. It is necessary for any future application to reactivate Orchard Wharf to address the Secretary of State's and Inspector's concerns potentially resulting in a different design and layout of the site. This in turn may for example, result in higher noise levels being

generated closer to the Leamouth South site than previously proposed. Some consideration also needs to be given to “proofing” the residential development from potential future alterations to the wharf’s layout and use arising from market shifts in transshipment. All of which emphasises the need for a conservative assumptions scenario to be assessed by the applicant to ensure that the proposal at Leamouth South does not compromise the reactivation of Orchard Wharf for waterborne cargo handling and its use into the future.

- 6.88. The applicant undertook an assessment identifying a number of *“operational, technical and environmental constraints which are likely to directly influence any future alternative layout for the site.”* A case study has also been carried out by Waterman to *“identify a realistic worst-case scenario which provides a layout that would put the noisiest equipment as close to the boundary as possible whilst presenting a workable/operational solution.”* The work does not appear to have had the benefit of input from an operator and the PLA does not agree with the conclusion that *“this basic arrangement to be the only one which would be able to accommodate the throughput necessary to make the site viable as an aggregate/cement/concrete depot”* – issues relating to viability and throughput have not been addressed in the report and therefore the conclusion is unsubstantiated. However for the purposes of the Leamouth South application, the PLA is now satisfied that overall a reasonable basic assessment has been undertaken to identify a realistic precautionary basis scenario.

Safeguarded Wharf Report

- 6.89. The Safeguarded Wharf Report (SWR) and its Addendum (September 2015) usefully pulls together information in relation to noise, air quality, lighting and transport and access. Unfortunately it does not specifically explain the approach taken to site layout and design although this is explained in other application documents.

Site Layout/Design

- 6.90. Whilst there is no in principle objection to residential development being located in close proximity to a safeguarded wharf, for example at Greenwich Millennium Village (GMV) residential development is being built next to Angerstein and Murphys wharves, it is essential, in line with London Plan policy that any development at Leamouth South is designed to minimise conflicts of use and disturbance. The London Plan is clear that this starts with the location and layout of buildings on an application site. Policy 7.15 states development proposals should manage the impact of noise by *“separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation.”* The supporting text to policy 7.15 states at paragraph 7.52 *“it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”*
- 6.91. It is clear from the application documents that a number of residential units are located in very close proximity to OW. It is not clear from the application documents how the applicant applied the requirements of policy 7.15 in terms of distance and screening.
- 6.92. In terms of internal layout it is important to reduce the number of habitable rooms that overlook the wharf with less sensitive uses being located at the closest point to the wharf.
- 6.93. During the processing of the application a number of positive design changes have been made and these include:

- Block B, floors 3-7 and 20-28 now have their bedrooms located to the rear of the unit
- The change in Block M (adjacent to Block B) from town houses to commercial (use class B1 office space). Given the permitted development rights that now exist to change offices to residential the PLA would be looking for a condition on any grant of planning permission to prevent the conversion of the office space at some point in the future to residential.
- The terrace has been removed from block A
- A screen has been introduced between block A and M
- Balcony screens have been added to blocks K and J

6.94. However in terms of reducing the number of habitable rooms overlooking the wharf, clarification is required on the following points:

- Block A is 18m from Orchard Wharf and has a direct line of sight to the wharf. The residential units have their bedrooms and living areas overlooking the wharf and the bathrooms and circulation space facing away. Was any consideration given to alternative uses for the part of block A that overlooks the wharf and / or to a different layout of the residential units?
- Block B is cited as being 10m from Orchard Wharf (see table 7.5 of the SWR). Floors 8 – 19 would have their bedrooms directly overlooking OW rather than the bathrooms and circulation space. Was any consideration given to a different layout of the residential units?
- Block J, K, L – It is proposed to have commercial uses at the lower levels of this block and this is welcomed. However, a predominantly residential use is proposed from the first floor upwards. Was any consideration given to clustering the commercial units vertically over more floors at the part of the building closest to the wharf?

6.95. Clarification is required on these matters to ensure that as required by policies 7.15 and 7.26 and paragraphs 7.52 and 7.79 of the London Plan the proposed development at Leamouth South has utilised the layout and use of its buildings to design away potential conflicts before relying on sound insulation / noise mitigation.

Noise and Vibration

6.96. Sharps Acoustics LLP has reviewed the noise documentation on behalf of the PLA including the latest technical note by Waterman dated 19 November 2015. Despite extensive discussions on this matter during the processing of the application it is still considered that the noise assessment has been incorrectly undertaken. In SAL and the PLA's opinion, an assessment must be undertaken using BS4142 and BS8233. When assessing noise of an industrial nature, from premises (not traffic on the public highway), these documents require that the "rating level" of the noise (the rating level is the noise emission level plus a correction for the character of the noise - this correction can be determined using the provisions of BS7445 or BS4142). This rating level must be determined using BS 4142 and then be compared to the background sound level (BS4142) and guideline values (BS8233). The advice within these two standards is very

clear and prescriptive and our understanding from the meeting with the Council's EHO is that he wants both to be used. The lack of the correct assessment is a serious error.

- 6.97. It is only once the rating level has been determined that the glazing specification can be properly determined or an appropriate condition drafted (i.e. by comparing the rating level with the BS 8233 guideline values for internal spaces).
- 6.98. In this respect, it is essential that sufficient flexibility has been built into the modelling to reflect the potential need for alternative configurations and cargo handling uses on OW in the future.
- 6.99. A condition has been proposed for internal noise and whilst the condition does mention the need to consider the character of the noise it is not precise enough – the noise from the safeguarded wharf will likely be intermittent and have tonal components. This needs to be accepted and a stated allowance made in terms of a character correction to the noise emission level – thus, resulting in predicted “rating levels” at the external amenity areas and at the façades at locations of glazing. The façade rating levels can then be used to determine the required glazing specification in order to meet the internal BS 8233 guideline values. Currently the applicant's consultant has just used the external façade noise level (not adjusted for character to get to the rating levels) when assessing the required glazing specification.
- 6.100. The PLA therefore considers that robust testing of the relationship between Leamouth South and Orchard Wharf has not yet occurred and the appropriateness of the relationship in policy terms therefore cannot be confirmed.
- 6.101. All apartments in blocks A, B, C, D, J, K and L and the west part of M have mechanical cooling and ventilation with filtered air. However, the PLA remains concerned that there are openings in the façades to deal with purge ventilation; a number of the winter gardens have openable windows (not all of which are for purge ventilation) and a number of the habitable rooms on the western façade of block B and at the higher floors of block B on the elevation overlooking Orchard Wharf have openable windows. The PLA considers that the only way to ensure that complaints are not received from residents about operations at OW is to ensure that windows and winter gardens are fixed shut where required. The noise assessment and modelling should identify the façade levels to habitable rooms which exceed LAeq 44dB and the façade levels to non-habitable room windows which if opened would result in noise levels in the nearest habitable rooms being more than or equal to 30dB with all internal doors open. Drawings should then be submitted specifically identifying these windows or blocks of windows being sealed on acoustic grounds. The fixing shut of windows in this way is commonplace in London (see for example phases 3, 4 and 5 of Greenwich Millennium Village).
- 6.102. It should be clarified how the locked windows which are openable for cleaning only on block b and k will be controlled. Who would hold the keys?”

Air Quality

- 6.103. As identified in the work by Waterman, large dust particles will largely deposit within 100m of the source and the guidance for the minerals industry recommends a stand-off distance of 100-200m from significant dust sources. This distance can be reduced through the identification and implementation of effective mitigation measures. The applicant is proposing filtration within the mechanical ventilation systems for all blocks within 100m of the principal dust sources on the OW site.

- 6.104. Whilst this is welcomed it is questioned whether it would be more appropriate to provide filtration within the mechanical ventilation systems for all blocks within 100m of the application site boundary. This would ensure that when reactivating the wharf, no parts of Orchard Wharf have been sterilised or require prohibitively expensive or excessive mitigation.
- 6.105. It is proposed that a cleaning regime will be provided as part of the management of the application site – it is proposed that this will be secured by condition.

Lighting

- 6.106. Whilst it is agreed that when reactivating OW any lighting should be designed to minimise its impacts, it is important to ensure that the introduction of the residential receptors would not prevent the installation of the lighting necessary to operate a cargo handling facility. The applicant's lighting consultant considers that when reactivating OW 'simple' mitigation measures such as cut off on light sources would be required and that with 'reasonable' mitigation on the OW site it is unlikely that an unacceptable impact would be experienced at the Leamouth South site.

Transport and Access

- 6.107. It is noted that the on street parking restrictions on Orchard Place between the Strategic Road Network and Orchard Wharf will be retained and no additional on-street parking is proposed.
- 6.108. The increase in carriageway width between Orchard Wharf and the slip roads of the Lower Lea Crossing is welcomed along with the widening of the pedestrian footpath on the north side of Orchard Place.
- 6.109. It is noted that reference is made to a set down point in front of block A (opposite OW) and a further three set down points between blocks B and C, D and E and F and G. A plan should provide details of where these would be, given the proximity to a HGV entrance at OW. What would be the implications for vehicles accessing / egressing OW if a set down point was provided in front of block A?

Mitigation

- 6.110. A number of mitigation measures are proposed to try to address the juxtaposition issues associated with having residential development being located in close proximity to a safeguarded wharf. All mitigation measures need to be understood and consistently applied throughout the application documents. Once agreed and if planning permission is granted for the development, any planning conditions need to specifically require the implementation and maintenance of the mitigation measures and their testing to demonstrate compliance with the requirements, prior to the occupation of the residential blocks. The PLA would wish to review and be provided with the opportunity to comment on any conditions that are being proposed in relation to the issues set out above prior to the issuing of any decision notice. The PLA recommends that the Council reviews the conditions imposed on phases 3, 4 and 5 of GMV – a copy can be provided if required.
- 6.111. Additionally consideration needs to be given to the need for temporary mitigation whilst the development is being constructed. For example, table 6.1 of the ES sets out an indicative programme for key demolition and construction activities. It is of note that block K (upon which the applicant places reliance on the blocks screening properties) is not constructed until phase 3.

Use of the River for the Transport of Passengers

- 6.112. Whilst the opening up of Trinity Buoy Wharf Pier for public services is not identified in the River Action Plan, it is noted and welcomed in principle. It is disappointing that the proposed residential mode share for “other” (which it is assumed includes river bus) is 2.5%, for commercial 0.7% (re-distributed) and employment 1%. It is noted that for pupils it is 8%. The River Action Plan seeks to increase the number of passenger journeys on the River Thames to 12 million a year by 2020 and to maximise its potential for river travel. The targets in the river action plan reinforce the need for robust targets to be set for river bus use in connection with this development and specific measures to encourage the use of the river should be set out in any travel plan.
- 6.113. It is stated at paragraph 21.5 that the alterations required to Trinity Buoy Wharf to enable it to be used by passengers “*would be undertaken as part of the development proposals.*” At paragraph 22.6 it is stated that “*the proposed development will also help to deliver public river services from Trinity Buoy Wharf Pier through essential alterations to the existing pier to allow passenger use.*” No further details are provided and the pier itself is not included within the red line planning application boundary however it is understood from our meeting that planning permission has been granted and the applicant would be funding its implementation. I would be grateful for the planning permission reference and would remind the applicant of the potential need for a River Works Licence for the alternations.

Use of the River During Construction

- 6.114. The Transport Assessment advises that the EMP and CLP will further investigate whether use of the River Thames for transportation of spoil and materials for the redevelopment of the site is a viable option. A condition should require the applicant to investigate the using the river for the transport of construction and waste material to and from the application site. Such an approach would accord with London Plan policy which seeks for sites close to navigable waterways to maximise water transport for bulk materials particularly during demolition and construction phases.

Riparian Life Saving Equipment

- 6.115. Given the riparian nature of the site, it is recommended that a condition requires the provision of life saving equipment (such as grab chains, access ladders and life buoys) to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety.

External Lighting

- 6.116. Given the proximity of the proposed development to the River Thames, a condition should require full details of all external lighting to be submitted and approved. The submitted details should clearly explain how the lighting has been designed to minimise impact on the ecology of the River Thames and vessels navigating on the River Thames.

River Wall Strategy

- 6.117. It is noted that the River Wall Strategy states any “ecological enhancements are subject to further discussion with the Environment Agency”. Given that some of the proposals involve works over Mean High Water the PLA would wish to be involved with the strategy going forward. It is advised:
- Piling is a disturbing activity. To minimise impact on aquatic life there should be no piling between 1 March and 31 October and the methods proposed should be designed to minimise impacts on aquatic animals.

- Construction of the inter-tidal terracing should be one of the first construction activities to give time for the planting to grow.
- It is questioned why such a small area of the campshed is proposed to be given over to inter-tidal terracing?
- Public access to the terrace should be restricted to prevent damage to the vegetation.
- The tidal terrace must be inundated during most high tides and therefore the terrace should be at or below Mean High Water Neaps.
- The design should demonstrate how any contaminated land will be contained to prevent contamination being released into the river.
- Planting must be restricted to native species.
- A perpetual maintenance regime should be implemented for the inter-tidal terracing to ensure the success of the planting and to ensure that there is no build-up of rubbish and litter on the terraces.
- Intertidal terracing should follow the best practice guidance provided in the Environment Agency document “Estuary Edges – Ecological Design Guidance.
- It is proposed for the new wall to be 700mm in front of the existing wall. It should be demonstrated that this is the minimum encroachment necessary to provide the new wall – it is a bigger distance than many of the other walls that have been built in front of existing walls.

6.118. It is understood that investigations are taking place into the opportunity to add a series of 300mm marker posts on the edge of the eastern terrace across the opening to the campshed at 6m centres – the PLA needs to see details of this proposal so that it can be ensured that a vessel could not become damaged if it strayed too close to the terrace.

6.119. Originally the western proposal proposed rocks in the river adjacent to the river wall, which is a hazard to navigation and would not be acceptable. It is understood that the applicant is investigating alternative habitat proposals (potentially including gabion mats) – the PLA needs to see details of this proposal so that its impact on navigation and navigational safety can be assessed.

Other Consents

6.120. The applicant is advised of the need for a river works licence for any works in, on or over the River Thames, this includes any works to the river wall, outfalls (given the proposal to discharge water to the River Thames and the River Lea) and/or any crane oversailing. The applicant is advised to contact the PLA's Licensing Department to discuss this matter further (lic.app@pla.co.uk)

Conclusions

6.121. The Leamouth South development needs to be designed to ensure that the juxtaposition issues associated with having residential development next to a safeguarded wharf have been identified, appropriately assessed and robust mitigation measures identified and

secured. It is imperative the Council and the Developer both understand this requirement to ensure the long term protection of the wharf. For the reasons set out above, the PLA does not consider that this matter has been satisfactorily addressed and therefore objects to the proposed development. If the Council is minded to grant planning permission for the development they should very clearly set out in their committee report how the above matters have been addressed and how they believe the proposed development does not conflict with the flexible use of Orchard Wharf for waterborne cargo handling use.

7. LOCAL REPRESENTATION

7.1. At application stage, a total of 435 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	10	Objecting:	9	Supporting:	1
No of petitions received:	0				

7.2. The following responses were raised in representations are material to the determination of the application. The full representations are available to view on the case file.

7.3. The following is a summary of the comments/objections received.

Comments/ Objections

- The proposed density adds pressure on the already overcrowded transport, health and other infrastructure, and local services
- The tallest block would overshadow the bird reserve
- The bulk and mass of buildings would dominate the bird reserve
- The development is unsightly and incongruous
- The close proximity to City airport and flight paths
- Car free development but long walk to Canning Town
- Highway safety issues due to potential Orchard Wharf concrete batching goes
- Noise and disturbance from the scheme
- Scheme will reduce air quality due to additional vehicle movements
- Overshadowing and loss of sunlight to neighbouring residential properties
- Overlooking and loss of privacy to neighbouring residential properties
- Loss of views
- Traffic access to the school and child safety
- Traffic management required as school is adjacent to a dead end route were vehicles may turn around
- Impact on the operation of the school during construction
- Highway congestion due to the single access road serving the peninsula
- Loss of business parking spaces would undermine business
- Detrimental to walking and pedestrian exploration

Support

- A new River Service is being considered for Leamouth South which is welcomed

8. PLANNING CONSIDERATIONS AND ASSESSMENT

Environmental Impact Assessment

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

- The Environmental Impact Assessment
- Land Use
- Density / Quantum of Development
- Design
- Heritage
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Transport
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood risk and water resource
- Biodiversity
- Television and Radio Reception
- London City Airport Safeguarding Zone
- Health
- Impact on Local Infrastructure and facilities
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations
- Conclusion

Legislation

8.2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.

8.3. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

8.4. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.

EIA Screening

8.5. A formal EIA Screening Opinion was not requested from LBTH because it was considered by the Applicant that an EIA should be carried out for the proposed development, on account of its scale and its location.

EIA Scoping

- 8.6. Where a proposed development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope of the EIA. Whilst this is not a statutory requirement, it assists with agreeing the scope of the EIA with the local planning authority and consultees, prior to submission of the planning application.
- 8.7. A request for an EIA Scoping Opinion was received by LBTH, as the 'relevant planning authority', on 13th June 2014. The EIA Scoping Opinion was issued on 23rd July 2014 (PA/14/1581).

Environmental Statement (ES)

- 8.8. The Leamouth South planning application was subject to an EIA, and Waterman EED on behalf of the Applicant has prepared an ES. The ES comprises the following documents:
- Non-Technical Summary (NTS);
 - Volume 1 – Main Text;
 - Volume 2 – Figures;
 - Volume 3 – Townscape, Heritage and Visual Assessment; and
 - Volume 4 – Appendices.
- 8.9. The ES assessed the effects on the following environmental receptors:
- socio-economic;
 - transportation and access;
 - noise and vibration;
 - air quality;
 - archaeology and built heritage (direct effects);
 - ground conditions and contamination;
 - water resources and flood risk;
 - ecology
 - daylight, sunlight and overshadowing and solar glare;
 - wind; and
 - cumulative effects.
- 8.10. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 8.11. An Interim Review Report (IRR) was prepared and issued to the Applicants on 20th March 2015. The IRR raised a number of clarifications and potential Regulation 22 requests, to which the applicant was invited to provide a response.
- 8.12. A response to the IRR was provided by the Applicant in May and August 2015, which was reviewed by LBTH's EIA consultants.

Environmental Statement Addendum

- 8.13. After further discussions with the LBTH, and other stakeholders including the Greater London Authority (GLA), Port of London Authority (PLA), and the Environment Agency

(EA), further detailed design work was undertaken leading to revised planning application drawings and schedules.

- 8.14. In addition, comments were received from LBTH and Historic England/Greater London Archaeological Advisory Service (GLAAS) following consultation on the ES. In order to respond to these comments, additional environmental information was provided.
- 8.15. An ES Addendum was submitted in September 2015 to address the points above. This response was considered to be *'further information'* under Regulation 22 of the EIA Regulations, and therefore processed accordingly in December 2015, including being advertised in the East End Life and consulted upon as required.
- 8.16. As with the ES, LBTH's EIA consultants undertook an independent review of the ES Addendum to confirm whether it satisfied the requirements of the EIA Regulations.
- 8.17. In addition to the ES Addendum, a 'Socio-economic Implications Letter' was also submitted in December 2015, due to an increase in the level of affordable housing. This confirmed that the amendments did not change the conclusions of the ES or ES Addendum.
- 8.18. LBTH's EIA consultants reviewed the response to the IRR, ES Addendum and 'Socio-economic Implications Letter', and a Final Review Report (FRR) was produced in January 2016. This confirmed that, in their professional opinion LBTH's EIA consultants have, the ES is compliant with the requirements of the EIA Regulations.

Decision Making

- 8.19. 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.
- 8.20. The 'environmental information' means the ES, including any further information (in this case the ES Addendum) and any other information, any representations made by any body invited to make representations (e.g. consultation bodies), and any representations duly made by any other person about the environmental effects of the development.
- 8.21. Environmental Considerations of this report considers the effects of the proposed development, taking into account the environmental information.
- 8.22. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.

Mitigation

- 8.23. Under the EIA Regulations, the ES is required to include a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- 8.24. Chapter 4 of the ES describes the main alternatives, considerations, opportunities, and constraints that have influenced the design of the Development. This identifies mitigation measures that have been incorporated into the design of the proposed development to reduce significant adverse effects. The ES also identifies any additional discipline specific mitigation measures required to reduce significant adverse effects.

- 8.25. The mitigation identified in the environmental information will be secured through planning conditions and/or s106 and/or CIL, as appropriate.

Land use

General Principles

- 8.26. 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.
- 8.27. 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.
- 8.28. Policies 1.1 of the London Plan seek to realise the Mayor's vision for London's Sustainable Development to 2036 and commitment to ensuring all Londoners enjoy a good.
- 8.29. The site is located within the Core Strategy Leamoth LAP 7 & 8. The vision is to create a modern waterside place where the River Lea Park meets the River Thames. The vision states that 'Leamouth will become a mixed use place with a creative and arts hub at Trinity Buoy Wharf alongside new residential communities, set around the River Thames and River Lea. New connections, pedestrian and cycle bridges will make the area more accessible to the rest of the borough and allow residents and workers to get to Canning Town Station and town centre. Taking full advantage of its waterside location buildings will positively address the asset of the water. This will invite people to spend time by the river edges for relaxation, leisure, living and working'.
- 8.30. The proposed development would result in the loss of employment space and provide a mix use residential scheme (Use class C3) with office space (use class B1), commercial units with flexible uses (A1 – A4 and/or B1) and an expansion to an existing school (Use Class D1).

Loss of employment uses

- 8.31. The Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition'.
- 8.32. Policy (DM15) Paragraph 2 also states 'Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere'.

- 8.33. The ES estimates that there are currently 24 – 44 FTE within the existing uses on the application site, which span 9,786sqm of employment floor space.
- 8.34. The proposed development would result in a reduction in the level of employment floor space to 1,590sqm (GIA). The new employment uses include the retail provision, management offices and education spaces. The ES estimates that employment generation would be 75 – 115 FTE.
- 8.35. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. The proposal however would result in an increase in employment opportunities and deliver significant regeneration in accordance with the vision of the Core Strategy LAP 7 & 8 to accommodate new homes and provide mix use neighbourhoods.
- 8.36. On balance, it is considered that the loss of the existing employment uses to facility the delivery of the proposed mix use residential development would be acceptable in principle.

Residential development

- 8.37. 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.”
- 8.38. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.39. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.40. The proposed development would provide 804 residential units as part of a mixed use scheme.
- 8.41. The introduction of a residential led development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Retail uses

- 8.42. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 8.43. Development Managing Document Policy DM2 (Local Shops) states development for Local shops outside of town centres will only be supported where:
- a. There is demonstrable local need that cannot be met within an existing town centre
 - b. They are of an appropriate scale for their locality
 - c. They do not affect amenity or detract from the character of the area; and
 - d. They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres

- 8.44. The proposed development would result in the creation of 804 residential units and the nearest Tower Hamlets neighbourhood centre is Poplar High Street which is situated over 900m away. The creation of potentially 9 retail provisions ranging from 82.6sqm to 300sqm would result in a hub of activity that is appropriate for the locality. The introduction of active frontages in the form of shop fronts would allow for the activation of space and enhance the character of the area. A concentration of use in this location would not undermine any existing Tower Hamlets town centre.
- 8.45. The proposed retail uses (A1 – A4) would form part of a major residential led development within Leamouth south peninsula. It is therefore considered that subject to the retail uses (A1-A4) shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail uses are acceptable in principle.

Education

- 8.46. The NPPF states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties'.
- 8.47. London Plan policy 3.18 (Education facilities) states 'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no on-going or future demand'.
- 8.48. The Managing Development Document DM18 (Delivering schools and early learning) states that 'the Council will deliver a network of schools and Children's Centres by:
- a) protecting schools and Children's Centres where they are considered suitable for their use and meet relevant standards;
 - b) safeguarding the potential for schools in accordance with site allocations;
 - c) only supporting the redevelopment of an existing school or Children's Centre where there is adequate re-provision on site or in accordance with any site allocation, unless it can be demonstrated that there is no need to retain the school or Children's Centre; and
 - d) supporting the development of schools or Children's Centres or extensions to existing schools or Children's Centres where:
 - a. a site has been identified for this use or a need for this use has been demonstrated;
 - b. the design and layout take into account the relevant guidance;
 - c. for existing schools, there is no net loss of school play space; and
 - d. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 8.49. The proposed expansion of the Faraday Independent Primary School would add an additional 223.4sqm of educational floor space to the existing education provision.

- 8.50. The expansion of the school however would not address the current and projected shortage of primary and secondary school places in the borough, as Faraday school is a private school.
- 8.51. Nevertheless, as the proposal would enhance an existing education provision and not result in any loss of play space or hinder the accessibility of the existing school, the proposed expansion is considered acceptable in accordance with the NPPF, policy 3.18 of the London Plan and policy DM18 of the MDD.

Protection of the Safeguarded Wharf

- 8.52. London Plan Policy 7.26 (Increasing the use of the blue ribbon network for freight transport) clause BC states development proposals adjacent or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance.
- 8.53. The Secretary of State safeguards the Orchard Wharf, which is located to the south west of the application site through a 2000 Direction. The Mayor's recommendation as part of the London Plan 2013 Safeguarded Wharf review is to retain the wharf as safeguarded.
- 8.54. The requirement for any proposed development to be compatible with the operations of the protected wharf, as a consequence is a key material consideration in the assessment of this application.
- 8.55. The compatibility of uses would be ascertained by determining if any specific design solutions / mitigation measures would avoid a conflict of use with regards to the following environmental considerations; air quality, noise and vibration, transport and access, and light pollution.
- 8.56. The submitted Leamouth South Safeguarded Wharf report assesses the potential for conflict and sets out the design solutions adopted.
- 8.57. Prior to assessing the compatibility of any residential and Safeguarded Wharf however, it is essential to establish whether or not an appropriate approach to the assessment has been undertaken.

Approach to Assessment

- 8.58. For this particular site, given the current non-operational status of Orchard Wharf and the planning policy requirement to minimise the potential for conflict of use and disturbance, consideration should be given to the levels that would be generated from a re-activated Orchard Wharf and experienced at the proposed residential receptors and at the external amenity areas. Where there is doubt as to the longer term use of the wharf a precautionary basis position should be assessed.
- 8.59. The PLA state that whilst the data contained in the ES for the Orchard Wharf 2011 planning application is a useful starting point, it is important that undue reliance is not placed on the data as an alternative design would be required as a result of the inspectors conclusions of the relevant appeal decision.
- 8.60. The PLA advise that to reactivate Orchard Wharf and address the Secretary of State's and Inspector's concerns could potentially result in a different design and layout of the site. This in turn could for example, result in higher noise levels being generated closer to the Leamouth South site than previously proposed. Some consideration also needs to be given to "proofing" the residential development from potential future alterations to the wharf's layout and use arising from market shifts in transshipment. All of which emphasises

the need for a precautionary basis scenario to be assessed by the applicant to ensure that the proposal at Leamouth South does not compromise the reactivation of Orchard Wharf for waterborne cargo handling and its use into the future.

- 8.61. The applicant undertook an assessment identifying a number of *“operational, technical and environmental constraints which are likely to directly influence any future alternative layout for the site.”* A case study has also been carried out by Waterman to *“identify a realistic worst-case scenario which provides a layout that would put the noisiest equipment as close to the boundary as possible whilst presenting a workable/operational solution.”* The work does not appear to have had the benefit of input from an operator and the PLA does not agree with the conclusion that *“this basic arrangement to be the only one which would be able to accommodate the throughput necessary to make the site viable as an aggregate/cement/concrete depot”*. The issues relating to viability and throughput have not been addressed in the report and therefore the conclusion is unsubstantiated. Nevertheless, for the purposes of the Leamouth South application, the PLA is now satisfied that overall a reasonable basic assessment has been undertaken to identify a realistic precautionary basis scenario.

Applicant's response

- 8.62. Given the current non-operational status of Orchard Wharf, the previous proposals for a concrete batching plant (as proposed under PA/10/02778) and accompanying Environmental Statement were adopted as a starting point for modelling the potential for conflict between the two uses and possible disturbances.
- 8.63. In undertaking this exercise it was acknowledged that planning permission was refused for the concrete batching plant and a subsequent appeal dismissed (and the accompanying CPO quashed following a High Court challenge). Hence, an exercise was undertaken Waterman to identify realistic conservative assumptions for the layout/operation of the site taking into account likely operational, technical and environmental constraints associated with the site (including the reasons for refusal of planning permission). This study concluded that the layout originally proposed under PA/10/02778 was the most appropriate operationally and the only one which would reasonably accommodate the level of material throughput envisaged by the original proposal, and that even any revised scheme (intended to overcome the previous reasons for refusal) is likely to be based on a similar layout.
- 8.64. The conclusions reached by Waterman were presented to the PLA and Aggregates Industries at a meeting on 1st October. The applicant advised that at that meeting, Aggregate Industries agreed with the approach taken and conclusions reached noted that Waterman had done all they can to assess alternative layouts/options.
- 8.65. In reality, it would be likely that any future proposal for Orchard Wharf would be based on a reduced level (as a consequence of addressing the reasons for refusal). Notwithstanding this, Waterman has continued to base their modelling (re: noise and air quality) on the levels of throughput identified by the original application (i.e. conservative assumptions).
- 8.66. The applicant as a consequence is of the view that in the absence of a working wharf operation or consented scheme for Orchard Wharf, a robust precautionary basis scenario has been applied to model and identify the required environmental measures to minimise the potential for conflicts between the two developments/land uses.

Assessment

- 8.67. The PLA and the applicant are broadly in agreement with the adopted approach to assessment of the impacts of the development and resulting compatibility with the Orchard Wharf. Officers raise no objection to the stated approach to assessment.

Site Layout and Design

- 8.68. London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) states development proposals should manage the impact of noise by *“separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation.”*
- 8.69. The supporting text to policy 7.15 states at paragraph *“it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”*
- 8.70. The PLA raised no principle objection to the residential development being located in close proximity to the safeguarded wharf.
- 8.71. The PLA however did state that it was not clear from the application documents how the applicant applied the requirements of policy 7.15 in terms of distance and screening of the residential units.
- 8.72. The PLA as a result sought clarification why parts of Block A and B would have habitable room windows facing the protected Wharf and whether or not commercial units could have been positioned at first levels adjacent to the wharf instead of residential uses.
- 8.73. An explanation was sought to explain why residential uses are proposed on the first floors of blocks J, K and L which are in close proximity to the wharf instead of introducing a vertical clustering of commercial units

Applicant's response

- 8.74. The applicant provided a response to the PLA comments confirming that with the exception of one unit, all units within block A are dual aspect and as result designed with an aspect which is looking away from Orchard Wharf.
- 8.75. With regards to block B, the floors 8 – 19 are set approx. 25m from the boundary of Orchard Wharf which considered sufficient.
- 8.76. The residential units were also designed with bedrooms on the southern elevation and living spaces on the northern elevation, as bedrooms are used primarily at night when the wharf would not be operating due to likely hours of operation restrictions.
- 8.77. The purpose of block K situated to the immediate east of Orchard Wharf is designed to provide a screen between the wharf and the wider residential development. The western elevation has been designed to reduce the potential for noise transfer by minimising window sizes, fixing all windows shut and locating the internal circulation corridors along the boundary to provide an additional buffer zone.

- 8.78. The design approach constitutes an appropriate design response to the potential uses of the neighbouring wharf. The commercial space provided within the scheme has been purposely located fronting onto the public spaces (and in particular the new square) to ensure active frontages/animation. The relocation of such uses to Block K would undermine their attractiveness (to future tenants) and conflict with urban design objectives.

Assessment

- 8.79. The LBTH Environmental Health Officers raised no concern to the proposed layout and design of the development.
- 8.80. An external noise specialist of Anglia Consultants reviewed the comments of the PLA and applicant and undertook an independent assessment of the application. The noise specialist raised no concerns with the design and layout of the proposal.
- 8.81. Officers consider that the proposed layout and design of the development, as discussed in full later in the report, would appropriately separate the proposed new noise sensitive receptors of the development from the major noise sources (Orchard Wharf) through the use of appropriate separation distances, screening, internal layouts, and not a sole reliance on sound insulation.
- 8.82. The strategic positioning of the building blocks and distribution of uses also demonstrates that noise management has been considered throughout the planning process and forms an integral part of the development proposal.
- 8.83. The applicant's response to the PLA's request for clarifications on design and layout matters is considered to be sufficient.
- 8.84. The proposed design and layout of the development as a consequence is considered to accord to London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes).

Air Quality

- 8.85. The Safeguarded Wharf report and ES sets out the likely air quality effects associated with the operation of the safeguarded wharf on the proposed development and suitability of the proposed mitigation measures of the proposal which would be designed to safeguard living conditions of neighbouring residential developments without restricting the operation of the safeguarded wharf.
- 8.86. The primary sources of airborne dust which would cause dust nuisance at nearby sensitive receptors (habitable rooms / amenity space) have been identified as the barge discharge operations, the aggregates depot, loading and tipping operations, plant and vehicle movements, conveyors, cement transfer operations, concrete discharge and wind blow across loose bar ground and stockpiles.
- 8.87. The development in response to the above would be designed with a number of built in mitigation measures. The proposed buildings that surround the protected wharf (Blocks A, B, C, D, J, K and L) would comprise of comfort cooling and centralised ventilation which would eliminate the need to open windows. The air supply would be filtered, which would reduce and eliminate nuisance dust from entering the residential units. Whilst, the windows would be designed to open only in an emergency when required.
- 8.88. The applicant is proposing filtration within mechanical ventilation systems for all blocks within 100m of the principle dust sources on the Orchard Wharf site.

- 8.89. The mitigation is welcomed however, the PLA question whether it would be more appropriate to provide filtration within 100m of the application site boundary. This would ensure that when reactivating the wharf, no parts of Orchard Wharf have been sterilised or require prohibitively expensive or excessive mitigation.
- 8.90. The securement of a cleaning regime as part of the management of the application site should also be secured by condition.

Applicant's response

- 8.91. The dust modelling undertaken by Waterman, as explained within the Safeguarded Wharf Report and subsequent amendments is based on the reasonable conservative assumptions agreed with the PLA. The 100m buffer zone is derived specifically from that analysis.
- 8.92. The modelling undertaken for the conservative assumptions demonstrates that the Leamouth South scheme would provide adequate protection to future residents to ensure that the future use of the safeguarded wharf is not prejudiced. In addition, with dust generating activities being distributed across the wharf site, the risk of wind-blown dust at the Leamouth South site would be low. As a result, the existing modelling and identified mitigation measures (based on conservative assumptions) provides a robust and appropriate response.
- 8.93. The PLA's suggestion that a 100m zone should be applied from the eastern boundary of the Orchard Wharf site departs from this analysis and is unnecessarily restrictive. It would also significantly raise development costs (since the identified dust mitigation measures would be extended throughout the entire development) which could impact upon scheme viability.

Assessment

- 8.94. The LBTH Air quality officer raised no objection to the approval of the development or concerns with the operation of the protected wharf.
- 8.95. Officers acknowledge the concerns of the PLA however it is considered that a 100m buffer zone to the eastern side of the Orchard Wharf would not be required to safeguard neighbours living conditions. Block K is the closest building to the protected wharf and designed with few habitable rooms on the shared eastern boundary of the wharf would limit views over the wharf and protect the residential units appropriately from nuisance dust.
- 8.96. Subject to safeguarding conditions, it is therefore considered that the proposed design solutions inclusive of the mechanical filtration would ensure that there is no conflict between the operation of the protected wharf and operation of the proposed residential led mix use development.

Noise and Vibration

- 8.97. The likely noise and vibration effects of an operational wharf on the proposed development have been assessed using a noise model created in CADNA-A. The model is based on the information submitted within the previous Orchard Wharf ES of refused planning application PA/11/03824 that provided a worse case scenario.

- 8.98. The CADNA-A model specifically calculates noise emission levels on and around the Orchard Wharf site and adjacent to the access road.
- 8.99. The primary causes of noise and disturbance from the operation of the protected wharf would be concrete batching, loading of vehicles, revving of vehicles, HGV deliveries and vehicle movements.
- 8.100. The proposed design solutions built into the residential development include the installation of only winter gardens where facing the protected wharf and positioning of all proposed external private balcony spaces / terraces away from the wharf.
- 8.101. The proposed development would also reduce the level of noise and disturbance to receptors, as no balconies or terraces would be proposed where noise levels are in excess of 55dB LAeq criterion.
- 8.102. The proposed development would also comprise of acoustic glazing and ventilation systems.
- 8.103. Sharps Acoustics LLP has reviewed the noise documentation on behalf of the PLA including the latest technical note by Waterman dated 19 November 2015. Despite extensive discussions on this matter during the processing of the application it is still considered that the noise assessment has been incorrectly undertaken. In SAL and the PLA's opinion, an assessment must be undertaken using BS4142 and BS8233. When assessing noise of an industrial nature, from premises (not traffic on the public highway), these documents require that the "rating level" of the noise (the rating level is the noise emission level plus a correction for the character of the noise - this correction can be determined using the provisions of BS7445 or BS4142). This rating level must be determined using BS 4142 and then be compared to the background sound level (BS4142) and guideline values (BS8233). The advice within these two standards is very clear and prescriptive and our understanding from the meeting with the Council's EHO is that he wants both to be used. The lack of the correct assessment is a serious error.
- 8.104. It is only once the rating level has been determined that the glazing specification can be properly determined or an appropriate condition drafted (i.e. by comparing the rating level with the BS 8233 guideline values for internal spaces).
- 8.105. In this respect, it is essential that sufficient flexibility has been built into the modelling to reflect the potential need for alternative configurations and cargo handling uses on Orchard Wharf in the future.
- 8.106. A condition has been proposed for internal noise and whilst the condition does mention the need to consider the character of the noise it is not precise enough. The noise from the safeguarded wharf would likely be intermittent and have tonal components. This needs to be accepted and a stated allowance made in terms of a character correction to the noise emission level and thus, resulting in predicted "rating levels" at the external amenity areas and at the facades at locations of glazing. The façade rating levels can then be used to determine the required glazing specification in order to meet the internal BS 8233 guideline values. The applicant's consultant currently has just used the external façade noise level (not adjusted for character to get to the rating levels) when assessing the required glazing specification.
- 8.107. The PLA therefore considers that robust testing of the relationship between Leamouth South and Orchard Wharf has not yet occurred and the appropriateness of the relationship in policy terms therefore cannot be confirmed.

- 8.108. All apartments in blocks A, B, C, D, J, K and L and the west part of M have mechanical cooling and ventilation with filtered air. However, the PLA remains concerned that there are openings in the façades to deal with purge ventilation. A number of the winter gardens and habitable rooms on the western façade of block B and at the higher floors of block B on the elevation overlooking Orchard Wharf would have openable windows. The PLA considers that the only way to ensure that complaints are not received from residents about operations at Orchard Wharf would be to ensure that windows and winter gardens are fixed shut where required. The noise assessment and modelling should identify the façade levels to habitable rooms which exceed LAeq 44dB and the façade levels to non-habitable room windows, which if opened would result in noise levels in the nearest habitable rooms being more than or equal to 30dB with all internal doors open. Drawings should then be submitted specifically identifying these windows or blocks of windows being sealed on acoustic grounds. The fixing shut of windows in this way is commonplace in London (see for example phases 3, 4 and 5 of Greenwich Millennium Village).
- 8.109. Moreover, it is suggested that it should be clarified how the locked windows which are openable for cleaning only purposes on block b and k would be controlled and who would hold the keys.

Applicant's response

- 8.110. Waterman has completed a BS4142 assessment and a further BS8233:2014 assessment taking into account any acoustic character corrections to the predicted noise levels from Orchard Wharf. The findings of this assessment are set out within Waterman's technical note (dated 19/11/15) submitted to the Council (and PLA) in November 2015. At this stage in the design the glazing package for the development is yet to be fully resolved. The final glazing and ventilation package will be designed by the schemes acoustic consultants as the design develops and would take into account any relevant acoustic character corrections whilst also considering the context of the noise source (Clause 11, BS4142:2014). The final glazing package would be designed to take into account all tonal content of the noise in question in line with best practice.
- 8.111. For this reason, Waterman have recommended a Condition specifying the noise levels to be achieved within the future residential accommodation having regard to BS4142 and BS8233:2014 and taking into account the acoustic character of sound associated with Orchard Wharf (i.e. tonality, intermittency, impulsiveness and context). Waterman is in the process of reviewing the noise criteria for inclusion within this Condition with the Council's EHO team. The imposition of such a Condition should re-assure the PLA that the future development would achieve all required and applicable standards.
- 8.112. With reference to the PLA's comments in relation to the inclusion of Winter Gardens and purge ventilation on the southern elevations of Blocks A and B, these aspects of the design have been tested by Waterman (with the results set out in Waterman's technical note submitted to the Council in November 2015). The assessment provided demonstrates that the inclusion of Winter Gardens and purge ventilation would still enable the required British Standards to be met for internal and external areas.
- 8.113. Furthermore, Table 3 in Waterman's technical note presents detailed 'break in' calculations (where the internal windows are open) which allow for screening from the winter gardens prior to noise entering the living areas. The assessment results indicate that the required internal noise levels would be achieved. It is also unclear why the PLA has referred to the proposed 44dB criteria within their response. All winter gardens feed into living areas and not bedrooms and as such would be subject to a 35dB internal noise criteria. Therefore a façade rating noise level of 49dB would be the applicable criteria.

- 8.114. Whilst there are examples where windows are fixed shut adjacent to noise sources in London there are many more schemes which are exposed to very high noise levels where it has been determined that the sealing shut of windows would impact upon the enjoyment of the property and as such openable windows have been permitted (particularly where the noise source is intermittent). Similarly, it is often agreed that it is reasonable to allow residents to make a sensible choice whether to open windows (or not), providing all appropriate internal standards are met by the accommodation. In reference to Leamouth South, every possible measure has been introduced for future residents (including comfort cooling, louvered panels, winter gardens etc) to ensure there is no express need to open any windows in the apartment Blocks closest to Orchard Wharf.
- 8.115. The applicant confirms that the keys to all locked windows (openable for maintenance only) would be held by the on-site management and those windows would only be opened for maintenance/cleaning purposes.

Assessment

- 8.116. The LBTH Noise and Vibration Environment Health officer raised no objection to the approval of the development.
- 8.117. An external independent noise specialist of Anglia Consultants also reviewed the comments of the PLA and applicant and undertook an independent assessment of the submitted Waterman Technical note on noise impact from potential industrial use of Orchard Wharf. The assessment of the independent noise specialist is enclosed below.
- 8.118. The recognised criteria for internal noise levels are described in BS8233:2014 "*Guidance on sound insulation and noise reduction for buildings*". The guidance provides recommended internal ambient noise criteria for a range of spaces including residential uses. The guidance relates to external noise sources of an 'anonymous' nature, this refers to traffic, railways, aircraft or similar environmental sources. Industrial noise, however, is not included due to its potential tonal, impulsive or intermittent characteristics.
- 8.119. Noise of an industrial nature is normally assessed using BS4142:2014 "*Method for rating and assessing industrial and commercial sound*". This provides a method for assessing the effects of external noise from industrial or commercial activities on people inside or outside a residential dwelling. The assessment involves considering any tonal or impulsive characteristics of the noise sources and applying a correction factor to the measured or calculated noise level to produce a noise rating level. The noise rating level is then compared to the background noise level to assess the effects. If the rating level is at or below the background level, this is an indication of low impact.
- 8.120. There is no recognised methodology for assessing acceptable internal noise criteria for industrial noise.
- 8.121. The applicants have assessed potential noise from Orchard Wharf at the facades of Leamouth South dwellings, based on noise likely to be generated by a concrete batching plant, details of which were submitted in PA/11/03824. This is a noisy operation and is considered as representative of a worst case use of the Wharf. The façade sound insulation details recommended in the ES were used to predict internal noise levels within rooms of the Blocks facing Orchard Wharf. The predicted levels took account of the tonal nature of the industrial noise sources and resulted in internal levels that were significantly less than the BS8233 criteria.
- 8.122. The PLA objection described the applicant's assessment as a 'serious error' because the noise rating level of BS4142 was not used as the external noise source level. This is not a

recognised methodology and should not be described as an error, however, in the absence of anything else this approach seemed reasonable.

- 8.123. The applicant carried out a separate full assessment of potential noise from Orchard Wharf according to BS4142 and concluded that a correction of +5dB should be added to the predicted industrial noise levels in order to take account of acoustic characteristics and to determine the relevant BS4142 rating levels. The resulting internal noise rating levels, at 5dB higher, were still below the BS8233 internal noise criteria.
- 8.124. The Noise Specialist concluded that the applicant's assessment demonstrated that future industrial use of Orchard Wharf could be safeguarded through adequate sound insulation treatment of the residential facades of the proposed Leamouth South development. The attachment of a sound insulation condition was also advised.
- 8.125. On balance, it is therefore considered that adequate mitigation can be provided to the proposed Leamouth South development and that any future development of Orchard Wharf would not be constrained by unreasonable planning conditions on noise.
- 8.126. Subject to safeguarding conditions which would require further consultation with the PLA, it is therefore considered that the levels of noise experienced by the future occupants of the proposed development are commensurate with those expected within an urban environment and as a consequence would not impact on the future operation of the protected Orchard Wharf with regards to noise.

Transport and Access

- 8.127. The compatibility of the uses is based upon assumed high conditions, which include highway works to the protected wharf and the development site.
- 8.128. The assumed (previously proposed) Orchard Wharf highway works include the widening of the footway on the west side of the section of Orchard Place between East India Dock Road Basin and Orchard Wharf, and an improved vehicle access into and out of Orchard Wharf.
- 8.129. The proposed residential development highway works include the resurfacing of Orchard Place from the westbound slip round onto the lower Lea crossing, kerb line alterations, widening of the northern footway and a shallow graded raised pedestrian crossing at the entrance of East India Dock Basin nature reserve.
- 8.130. In light of the above assumed highway conditions, the submitted safeguarded report suggests that changes in traffic flow as a result of pedestrian severance and increase in vehicle movement would be negligible.

PLA

- 8.131. It is noted that the on street parking restrictions on Orchard Place between the Strategic Road Network and Orchard Wharf would be retained and no additional on-street parking is proposed.
- 8.132. The increase in carriageway width between Orchard Wharf and the slip roads of the Lower Lea Crossing is welcomed along with the widening of the pedestrian footpath on the north side of Orchard Place.
- 8.133. It is noted that reference is made to a set down point in front of block A (opposite Orchard Wharf) and a further three set down points between blocks B and C, D and E and F and

G. A plan should provide details of where these would be, given the proximity to a HGV entrance at Orchard Wharf. The implications for vehicles accessing / egressing OW should be confirmed, if a set down point was provided in front of block A.

Applicant's response

- 8.134. The servicing locations and refuse locations are identified on drawing 30639/AC/051 and this would also be where any drop-off and pickup activities would occur. It is important to note that we have stated on several occasions, directly in response to the PLA comments, that the proposed development has no impact, whatsoever, on the access/egress to Orchard Wharf, nor are the route to and from the safeguarded wharf to be amended or adjusted from the current location.
- 8.135. With regards to the PLA's comment on river mode share, we have previously responded to this which is reiterated and expanded upon below:-
- 8.136. The PLA have stated their "disappointment" of the mode shares used in the Leamouth South Transport Assessment for river trips. However, it should be noted that the mode shares contained in the Transport Assessment are agreed with TfL and used to assess the impact of the proposed development on the local transport network. Furthermore, the geographical areas used as the basis for assessing the mode split for the proposed development includes Masthouse Pier and therefore incorporates river services. Therefore although river services would be actively promoted as part of the Travel Plan, the Transport Assessment presented a realistic and robust scenario for the impact assessment of the development on the capacity of the highway network and all public transport services.
- 8.137. In terms of the delivery of Thames Clipper services at Trinity Buoy Wharf, the Head of Terms have been agreed between Ballymore and Thames Clippers. The key points agreed are:
- Ballymore will contribute £0.5m towards the pier upgrade works-upon commencement of development.
 - Pier to be approximately 40m in length with a covered waiting facility.
 - Thames Clippers to provide a service frequency of not more than 20 minute intervals during peak periods.
 - It is proposed to enhance the current cross river service to the Greenwich Peninsula to link with the current River Bus RB1 service.
 - Cross river vessel will initially accommodate a minimum of 12 passengers, and capacity will be increased to satisfy demand as the schemes at London City Island and Leamouth South are delivered.
 - Target delivery date of mid-2017.

Assessment

- 8.138. TfL and the LBTH Highways officers raised no objections based on the potential conflict between the development and an operating protected wharf.
- 8.139. The assumed (previously proposed) works to the access and egress locations of the wharf would facilitate two-way movements and as a consequence the movement of HGVs in and out of an operating protected wharf would not result in highway concerns.
- 8.140. The proposed development and additional traffic would result in pedestrian delay in crossing roads, however, it is considered such delays would be unlikely to be significant.

- 8.141. It is considered any potential transport and access issues resulting from the operation of the wharf would be adequately mitigated by its own proposed measures. While, the additional mitigation measures of the proposed mix use residential development would further reduce the effects to such an extent that the residual situation would be an improvement on the existing conditions.
- 8.142. The proposed introduction of an extended Thames Clipper service and suggested mechanisms for delivery are not a material planning considerations in the assessment of the application, as the proposed Thames Clipper service does not form part of the application site.
- 8.143. The delivery of such a new transport provision would therefore neither be secured via condition or s106.
- 8.144. The proposed uses are therefore considered compatible with regards to highway and transport matters.

Light Pollution

- 8.145. A lighting scheme at Orchard Wharf would not cause light trespass across its boundary of more than 5 lux, as it is assumed that the Orchard Wharf site would be designed to the guidance set out by the institution of lighting Professional (ILP).
- 8.146. The operation of the wharf as a consequence would have a negligible impact on the proposed development and thus be unlikely to give rise to a nuisance complaint.
- 8.147. The proposed operations of the wharf are non-domestic and as a consequence, the impact of any light pollution from the residential scheme over to the wharf site is not significant.
- 8.148. The PLA agreed that any lighting as part of the Orchard Wharf would be minimised required and stated that new residential receptors should not prevent installation of the lighting necessary to operate a cargo handling facility.
- 8.149. Subject to safeguarding conditions and implementation of the above discussed design solutions / mitigation measures, it is considered that the residential led mix use development and an operating wharf would co-exist without conflict.

Need for comprehensive development

- 8.150. Section 7 (Requiring good design) of the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.
- 8.151. London Plan policy 7.1 (Lifetime Neighbourhoods) in the interest of place shaping states:
- b) Development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment and training opportunities, commercial services and public transport.

c) Development should enable people to live healthy, active lives; should maximize the opportunity for community diversity, inclusion and cohesion; and should contribute to people's sense of place, safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of the community at all stages of people's lives, and should meet the principles of lifetime neighbourhoods.

d) The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

8.152. The application site would wrap around the existing Trinity Buoy Wharf which is located to the south east of the site, abut Orchard Wharf along its northern and eastern boundaries and wrap around 42 – 44 Orchard Place situated to the west.

8.153. The occupiers of neighbouring commercial uses raised concerns that introduction of residential uses on site would impact on operation of their businesses with regards to hours of operation and types of activity. The implication of the proposed development on existing neighbouring businesses constitutes a material planning consideration.

8.154. The acceptability of the proposed development, which abuts a number of sites of varying uses would therefore be subject to the proposal making better places for people, lifetime neighbourhoods and delivering high quality and inclusive design which interface with surrounding land.

8.155. The above compliance of the development with the above requirements is discussed throughout the report.

Density and level of development

8.156. Policies 3.4 of the London Plan (2015) 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.

8.157. 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.

8.158. The GLA and officers of the Council consider that given the sites close proximity to the London City Island at Leamouth North and Greenwich Peninsula to the south, the setting of the site can be reasonably regarded as 'central'. The PTAL of the site is 2. The suggested density for a central location with a PTAL of 2-3 is 300 – 650 hr/ha in accordance with London Plan Density Matrix.

8.159. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. Given the site's relatively low PTAL however, it is important that linkages to the wider area and the accessibility of the site are improved.

8.160. The proposed links and connections to the Underground / DLR stations at Canning Town and the securement of a new Thames Clipper stop adjacent to the site is therefore welcomed.

8.161. The proposed density for the 804 residential units (2037 habitable rooms) scheme calculated on a developable site area of 2.43 hectares is 768 ha/hr

- 8.162. 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.
- 8.163. The proposed density of 768 hr/ha (including the highway within the calculations) would be marginally greater than the London Plan density range of 300 to 650 hr/ha stated within the density matrix.
- 8.164. The SPG advises that development outside density 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.
- 8.165. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

Design

- 8.166. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.167. 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).
- 8.168. 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.
- 8.169. Core Strategy Policy SP10 and Policies 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.
- 8.170. Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

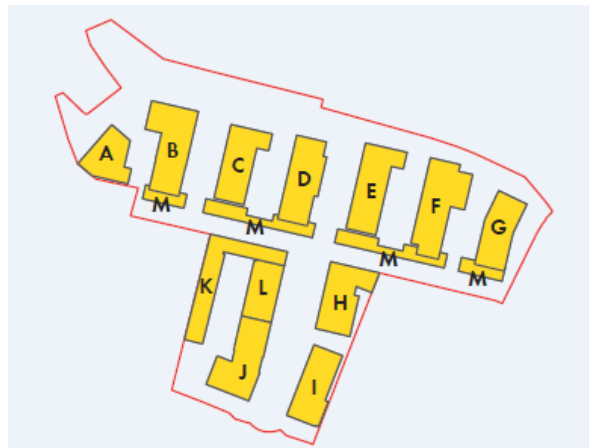
Local context

- 8.171. The site situated on the Leamouth South peninsula, which forms part a wider area that has seen significant change over the last twenty years.
- 8.172. To the north of the site is London City Island, which consists of 14 buildings with the largest tower at 21 storeys high (73.5AOD).
- 8.173. To the west of the site is residential building of no. 42 – 44 Orchard Place which is a part 4, part 5 storey converted warehouse. The protected Orchard Wharf is also located to the west of the site.
- 8.174. To the south of the site is the River Thames, Millennium Dome and the large scale residential and office buildings located on Greenwich Peninsula.
- 8.175. The Trinity Buoy Wharf site to the east consists of buildings of varying heights including a 5 storey building constructed in recycled shipping containers which is located adjacent to the lighthouse.
- 8.176. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn.
- 8.177. The developments to the south and across the River Thames, which include the Millennium Dome, are of a significant scale and form. The key design considerations for any proposed developments to the south of the site however would be how any it relates with the Grade II listed Orchard Dry Dock and its setting, and to a lesser extent Trinity Buoy Light house due to a greater separation distance.
- 8.178. The tallest surrounding buildings are positioned to the north of the site at London City Island. The northwest corner is also the primary access point into the site. The combination of the above, combined with the fact that the River Lea would provide the setting for tower(s) to ‘breathe’ results in an opportunity for an appropriately sized marker building to be introduced in this location.
- 8.179. The heights of any building along the northern boundary however would have to be designed and appropriately positioned to limit the impacts on the existing residential block of 42-44 Orchard Place.
- 8.180. As previously discussed, any proposed residential development must be designed to not limit the potential operations of Orchard wharf.
- 8.181. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

- 8.182. The proposed development comprises of the erection of 12 residential blocks and a row of town houses which are referred to as blocks A to M.
- 8.183. The building blocks of A – G would be positioned to the north of Orchard Place and separated by a combination of amenity spaces and public realms.
- 8.184. Blocks M which consists six of Townhouses would be positioned south of blocks B – G and provide the frontage to the northern side of Orchard Place.

- 8.185. The building blocks of I – L would be positioned in the area to the south of Orchard Place which comprises of the listed Orchard Dry Dock.



Block A (Gateway house)

- 8.186. The building would range in height from 4 / 5 storeys (Maximum 21 AOD) and be positioned to the far west corner of the site, adjacent to the neighbouring residential block of 42-44 Orchard Place, which is of a similar height.
- 8.187. The building would be constructed in brick and be of a warehouse design and appearance.
- 8.188. The block would provide residential units on the ground floor and upper floors, which range from 1 bedroom to 4 bedroom units.
- 8.189. The housing mix of the block would include 12 affordable rented units.
- 8.190. The proposed private amenity space for this block exists in the form of winter gardens only, as a result of the close proximity of the building to the safeguarded wharf. To the rear (north east) of the block there would be a communal amenity deck known as Hercules Gardens on the roof of the ground floor.

Block B (Landmark)

- 8.191. The building would range in height from 4 storeys to 29 storeys (105.9m AOD) and is positioned closest to London City Island development, the proposed bus stops and future proposed bridge link. The building is designed with such height to act as marker to the wider development scheme.
- 8.192. The front (southern) section of the block would be built in brick and be of a warehouse design and appearance. The taller tower element to the northern end would alternatively be constructed in a white pre-cast concrete frame and metal-cantilevered boxes.
- 8.193. The housing mix would comprise of predominantly market residential units. The second and third floor however would provide 2 shared ownership (intermediate) units. The block would also provide 25 adaptable wheelchair units.
- 8.194. The proposed private amenity space for the units would again exist in the form of winter gardens due to the proximity of the building to the safeguarded wharf. To west of the block would be Hercules Gardens and to the east would be Hercules Slip, which is a ground floor public realm provision, which provides access to the river.

Block C (Warehouse)

- 8.195. The building would be ground plus 9 storeys in height (40.5m AOD) and is positioned towards the centre of the northern part of the site.
- 8.196. The block built in brick and designed with a double pitch roof would be of a warehouse design and appearance.
- 8.197. The block would provide market sale residential units on all of the proposed floors, accessed via a main entrance located on the proposed Hercules Slip. A number of the ground floor duplexes are designed with front gardens and a secondary stepped access into the property from Hercules slip.
- 8.198. The proposed private amenity space for the units would exist in the form of balconies. To the east of the block would be communal amenity space in the form of Union Garden.

Block D (Water Tower)

- 8.199. The block is one of the larger buildings within the scheme ranging from 7 storeys (34m AOD) to the south and 16 storeys (62m AOD) towards to the north. The building located to the east of block C would in part front the listed Orchard Dry Dock. The block would be built in brick and with a coherent design across both the smaller and taller elements of the building.
- 8.200. The block would provide market sale residential units on all of the proposed floors which would be accessed via a main entrance located on the proposed Union Slip. Union Slip is a proposed public realm located to the east of the building block. A number of the ground floor duplexes are designed with front gardens and secondary stepped access into the units from Union Slip.
- 8.201. The proposed private amenity space for the units would exist in the form of balconies. To the west of the block would be communal amenity space in the form of Union Garden.

Block E (Warehouse)

- 8.202. The building would be ground plus 8 storeys in height and positioned to the east of the proposed Union Slip. The block built in brick and designed with a double pitch roof would be of a warehouse design and appearance, similar to that of block C.
- 8.203. The block would provide predominantly market sale residential units. The second and third floors however would provide 4 shared ownership (intermediate) units. A number of the ground floor duplexes again are designed with front gardens and secondary stepped access from Union Slip.
- 8.204. The proposed private amenity space for the units would exist primarily in the form of balconies. The north facing units however would only have Juliet balconies. To the east of the block would be communal amenity space in the form of Castle Garden.

Block F (Tall building)

- 8.205. The building would be the second tallest within the development and range in height from 7 storeys to 21 storeys (78m AOD). The building is designed to set down in height towards to Orchard Place and the proposed town houses known as blocks M.

- 8.206. The front (southern) element of the block would be built in brick and be of a warehouse design and appearance. The taller tower element of the block would alternatively be constructed with horizontal pre-cast concrete bands on each floor.
- 8.207. This block would provide residential units on all of the proposed floors. The smaller southern element of this block and the lower 11 floors of the tower would provide affordable housing. This would equate to 25 Shared ownership (intermediate) and 30 affordable rent units.
- 8.208. The proposed private amenity space for the units would exist in the form of balconies, whilst residents would also benefit from access to communal terraces. To the west of the block would be communal amenity space in the form of Castel Garden and to the east would be Castle slip.
- 8.209. The proposed ground floor duplexes would again have front gardens and a secondary stepped access along Castle Slip.

Block G (Warehouse)

- 8.210. This building block would be split into 2 distinctive blocks, which would be 5 storeys to the south and 7 storeys high to the north. The building is designed to drop down in scale to the south to relate to the proposed heights of the townhouses (Blocks M) and the existing height of the Faraday School, which is located to the east and outside of the application site. The buildings built in brick and designed with dual pitched roofs would again be of a warehouse appearance.
- 8.211. The ground floor of the building would provide residential units to the west and an education space to the east, which would be used by Faraday School. The 29 residential units positioned across the ground floor and upper floors would be affordable rent units.
- 8.212. The proposed private amenity space for the units would exist in the form of balconies. The building would be positioned adjacent to Castle Slip to the west and Trinity Slip to the east.

Blocks H and I (Warehouse)

- 8.213. The proposed blocks positioned to the south of Orchard Place and to the east of Orchard Dry Dock would be adjacent to each other and separated by Trinity Yard. Block H would be the most northern block of the two. Block I's southern side elevation would front the River Thames. The proposed building blocks of H and I would be both 6 storey in height and of a warehouse appearance designed with dual pitched roofs and bricked facades.
- 8.214. The ground floor of the buildings would provide lobbies and commercial units would be oriented to face west and the listed Orchard Dry Dock. The proposed residential units on the upper floors of Block H and I would be market sale units. The proposed private amenity space for the units would exist in the form of balconies.

Blocks J, K and L (Warehouses and perimeter block)

- 8.215. These proposed blocks positioned to the south of Orchard Place and to the west of Orchard Dry Dock would be positioned to provide a predominantly enclosed communal amenity space known as Orchard Garden.
- 8.216. Block L would be positioned to the north of Block J. The two blocks would both front the Orchard Dry Dock positioned to the east. Block K alternatively would be positioned to the

west of these building blocks and adjacent to Orchard Wharf. The southern side elevations of blocks K and J would also front the River Thames.

- 8.217. The proposed building blocks would vary in height with block L the tallest at 12 storeys and stepping down to 8 storeys. Block J situated to the south of the smaller element of Block L would be 9 storeys high. The blocks of J and K would also both be built in brick with either dual or triple pitched roofs to achieve a warehouse appearance.
- 8.218. The ground floor of blocks L and K would share a main residential entrance and comprise of commercial units, which are oriented to face east and the Orchard Dry Dock.
- 8.219. Block K (Perimeter building) would have a maximum height of 7 storeys on the western boundary and drop to 5 storeys adjacent to Orchard Place. The building would be designed with a variety of roof forms and be constructed in brick. The ground floor would comprise of a swimming pool area, gym, and cinema room and management offices.
- 8.220. The upper floors of all of blocks J, K and L would provide market sale residential units. The west facing elevation of block K, which overlooks Orchard Wharf is designed with windows that serve non-habitable rooms. The proposed private amenity space for the units would exist in the form of balconies and a shared amenity space known Orchard Garden positioned to then the centre of blocks J, K and L.

Blocks M (Townhouses)

- 8.221. The town houses would read as four separate, four storeys high terrace blocks and would be located to the south of buildings B – G.
- 8.222. The town house to the south of block B would provide office floor space on each floor. The remaining terrace blocks would provide residential units characterised by garages at lower ground floor level which lead directly onto Orchard Place. The properties would be accessible via Orchard Place and also raised access platforms to the rear of the buildings.
- 8.223. The proposed residential units within the town houses would be predominantly market sale with the exception of the 6 units to the east of the site which would be affordable rent. The proposed private amenity space for the units would be in the form of balconies or external terraces location within a recession of the roof.

Basements

- 8.224. The lower ground floor level would consist of five separate basements which would serve the residential and commercial uses. The majority of the car parking, cycle parking and plant equipment would be located within the basement spaces.

Ground Floor Design

- 8.225. The application consists of a change of level from Orchard Place towards the River Thames, which is situated along the southern edge of the site. The Orchard Dry Dock as a consequence is located approx. 1.6m higher than Orchard Place. The Orchard Dry Dock and the River Thames Walk way would be accessible via either an external staircase directly onto the dry dock or a ramp located adjacent to block H.
- 8.226. The Orchard Dry Dock would provide a new public space at the heart of the development. A small pavilion called The Orchard Tipple House would be located towards the centre of the dock and close to the historic location of the former Tea/Tipple House. To the southern

end of the dry dock a seating terrace is proposed which steps down on to the proposed caisson terrace.

- 8.227. The proposed location of offices and management offices would provide a degree of commercial activity and active frontages to the west end of Orchard Place. The majority of activity however would be secured from the commercial units (Use class A1- A4 / B1) situated around and fronting the Orchard Dry Dock.
- 8.228. In addition to the previously discussed slips which provide access to the rivers and gardens between the building blocks, the proposed scheme also includes the creation of a playground at the northwest corner of the site and new and improved river walks along the River Thames to the south and the River Lea to the north.
- 8.229. Approx. 260m of the existing river wall would also be repaired and rebuilt with sheet pile construction to the outside face of the existing wall line and in some instances internally within the wall.
- 8.230. The proposed child play space provisions would be spread out over the entire site. A minimum of 100sqm of aggregate Door step play for the 0-5 year olds would be located within each of the proposed gardens. The northern end of the Orchard Dry Dock would also provide a minimum of 300sqm of play space for 0-11 year olds. A minimum of 200sqm of Youth space for age groups 12 years and above would be provided within Hercules Garden positioned to the north of block A.
- 8.231. A new bus stop and stand is also proposed at the end of the slip road to the west of the site.

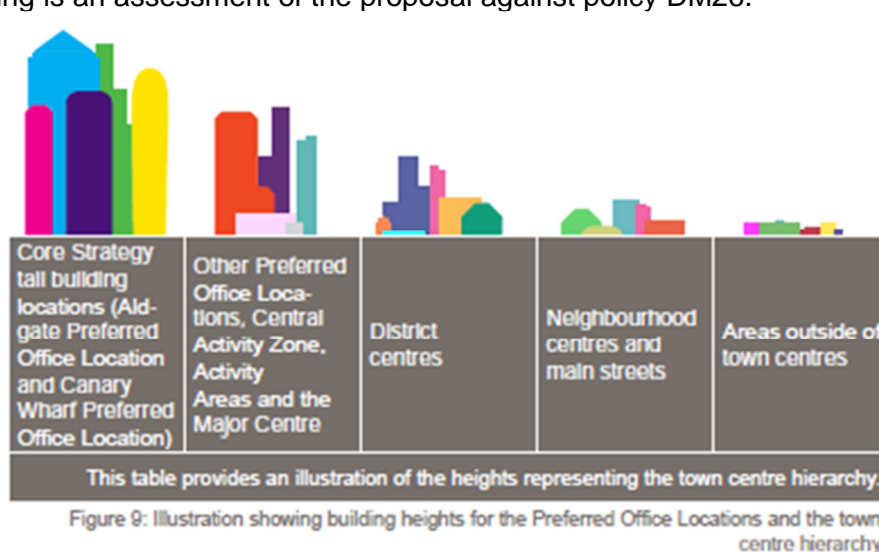
Building Heights

- 8.232. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:
- 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.

8.233. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. 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.

8.234. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall 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.

8.235. The following is an assessment of the proposal against policy DM26.



8.236. The application site is located within an area which is neither a designated ‘Major centre’, ‘district centre’ or ‘neighbourhood centres and main streets’. The surrounding area however is not a typical of ‘areas outside of town centres’ which would often be characterised by small buildings and a coherent human scale townscape.

8.237. The immediate setting of application site is characterised by a number of tall buildings and the Millennium Dome on the Greenwich Peninsula directly to the south and London City Island to the north.

8.238. This is a view shared by the GLA which stated in the Stage 1 response:

“The height of the scheme is taller than the existing contextual height. However, given the emerging development to the north (London City Island), the height of the emerging developments on the Greenwich Peninsula, the proximity to Canary Wharf and the opportunity to landmark the mouth of the River Lea this height is not of strategic concern”.

8.239. The application site is also as previously discussed considered to be in a ‘central location’ with regards to density matrix which is characteristic more a typical of a ‘major centre’ or ‘activity area’ than ‘areas outside of town centres’. On balance, it is therefore considered that the site could deliver appropriately scaled and formed tall buildings without being detrimental to the skyline or surrounding townscape.

8.240. The following CGI of the proposed development provides an indication of the heights and scale of the buildings proposed.



- 8.241. The proposed location of the tallest tower (Block B) at 105.9m (AOD) at the northern end of the site adjacent to the River Lea would be provided breathing space whilst its separation distance from the Grade II listed light house and smaller buildings on neighbouring sites would also ensure that the character of the surrounding area would not be affected adversely by the scale, mass or bulk of this tall building.
- 8.242. The other tall buildings (Blocks F, D, E, C and L) which are located more centrally within a scheme and broadly designed to reduce in height adjacent to neighbouring sites are considered to be of appropriate form, proportion and composition which would limit the adverse impacts on the lighthouse, the Orchard Dry Dock and surrounding buildings outside of the application site.
- 8.243. The delivery of high quality urban design with improved legibility, active frontages, a number of new public accessible spaces and enhanced permeability across the site and to the rivers, would also provide an appropriate setting for tall buildings.
- 8.244. The proposed development creating a modern waterside place and providing 804 residential units would also accord to the aspirations of the Core Strategy Vision for Leamouth (LAP 7 & 8) and constitute a significant contribution to local regeneration.
- 8.245. The proposed towers by reason of their positioning, design, form and setting for the reasons set out above would meet the criteria of London Plan policy 7.7 and broadly DM26, as the site is located in Leamouth (LAP 7 & 8) regeneration area which is a new emerging central location characterised by large and tall buildings in the immediate context and wider area.

Setting and Local Views

- 8.246. 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.
- 8.247. As previously discussed, the quality and quantum of public realm with the creation of a plethora of communal gardens, walkway slips and new improved river pathways would be appropriate for the proposed number of towers and their individual heights (See public realm section).
- 8.248. The proposed height of block A at 5 storeys to be similar to that of 42- 44 Orchard Place, a reduction in heights of the block G to 6 storeys adjacent to Faraday School and the

positioning of predominantly 6 storey buildings adjacent to Trinity Buoy Wharf and Orchard Wharf would ensure that the development would not be overbearing or insensitive to the surrounding area.

- 8.249. The design officer initially raised concerns regarding the bulkiness of some of the larger towers and as a result a number of the shoulder heights of the buildings were amended and reduced in height by the applicant. The above revisions to the scheme combined with introduction of Town houses on the northern edge of Orchard Place would ensure that the development would be of appropriate in scale in local views and of a human scale viewed from the public highway and Orchard Dry Dock.
- 8.250. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how compatible a scheme of this scale is with the surrounded area when viewed at the local level.
- 8.251. The following is a view of the proposed development from the south east looking north west towards Trinity Buoy Wharf Lighthouse.



- 8.252. The development is also designed to maximise the level of active and engaging frontages at ground floor level with the strategic positioning of commercial uses towards the northwest gateway of the development and around the Orchard Dry Dock. It is considered that such an arrangement would only enhance local views.
- 8.253. The access arrangements and provisions for waste, cycle and plant are generally located below ground level floor which are less sensitive locations.

Architecture

- 8.254. 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.

- 8.255. The warehouse design and appearance of the lower level building blocks of the scheme would provide a coherent, high quality built environment and setting for the proposed towers which would be designed as contrasting forms.
- 8.256. The predominantly brick and concrete development with subtle variations in materials and designs would enhance the visual interest of the scheme and provide an appropriate distinction from the multi coloured building blocks of London City Island situated to the North.

Relationship to neighbouring buildings and sites

- 8.257. The application site wraps around 42 – 44 Orchard Place which is a residential block to the northwest corner of the application site. The proposed scheme would deliver a children's playground to the north and public realm to the south of the neighbouring building. The proposed building blocks of block A to the southeast and block B to the east would also be positioned approx. 13m and 20m away, respectively. The proposal as a consequence would relate appropriately to the neighbouring residential building of 42 – 44 Orchard Place.
- 8.258. The town houses (Block M) to the east of site and building block F would be positioned a minimum of 5.5m and 7.5m away from Faraday School, respectively. The non-residential use of the school would ensure that the close proximity would not result in any impact on neighbours living conditions. The introduction of an education space at ground floor level of Block F which would also provide an extension to the neighbouring school.
- 8.259. The town houses (Block M) positioned due north of the Electrics Shop House on the Trinity Buoy Wharf which provides event space would be separated by the highway. Subject to appropriate noise insulation to the residential uses, it is considered that the uses of the event / art space at the Electric Shop House and proposed residential use would be compatible. The impacts on the operation of neighbouring commercial unit are therefore considered to be appropriately minimised.
- 8.260. The residential blocks H and I would be positioned directly to the west of Proving House situated on Trinity Buoy Wharf and in very close proximity with a separation distance of as little as 2.25m from block I. The absence of any ground floor residential units within Block H and I, the single storey height of Proving House and its existing use as a digital publication house however, would ensure that the proposed development is compatible with the neighbouring site, despite its close proximity.
- 8.261. The limited level of separation and introduction of east facing habitable rooms within Block H and I however, would potentially impact on the development potential of the west side of Trinity Buoy Wharf and require any future development on the neighbouring site to be well set off the boundary.
- 8.262. The western edge of the application site would be adjacent to Orchard Wharf which is a protected wharf. The building built on the shared boundary of the wharf would be Block K, which consists of residential units on the upper floors. The layout of the residential units has been designed with residential corridors and non habitable rooms positioned closest to the protected wharf. The proposed internal layout of block K combined with the use of the building block as an acoustic barrier for the wider development would limit the number of residential units to be adversely impacted by the operations of Orchard Wharf, as discussed in detail previously.
- 8.263. In light of the above, it is considered that the proposed layout of the scheme characterised by well thought out positioning of building blocks and uses on site would appropriately

interface with the surrounding land uses, contribute positively to making places better for people, and as a consequence achieve a high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The development as a consequence would accord to London Plan Policy 7.1 and the NPPF.

Secure by Design

- 8.264. Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that developments are safe and secure.
- 8.265. The proposed development would have the potential to result anti-social behaviour and other crime generators issues. A safeguarding condition would therefore be attached to any approval, to ensure that the development would comply with Secure by Design Principles.
- 8.266. Subject to safeguarding conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 8.267. 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.
- 8.268. 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'.
- 8.269. The topography of the application site is not level and as a consequence a number of the aspects of the proposed scheme such as the duplex apartments, rear of the town houses and Orchard Dry Dock are accessed via steps. The provision of internal level access routes to the duplex apartments via lobbies, provisions for level access front doors to the town houses and the installation of ramp up to the Orchard Dry Dock however, would ensure that appropriate alternative wheelchair accessible routes and access points within the scheme are provided.
- 8.270. The proposed gardens that provide communal amenity space and child play space would be accessible for all and flat. The proposed slips which provide breathing space between the buildings and access routes through the scheme to the River Lea would be designed with a series of ramps with a 1:21 gradient and regular flat intervals.
- 8.271. The proposed Caisson would be designed with a seating and a terrace positioned at a lower level than the Orchard Dry Dock. The proposed provision would provide views over the River Thames. The Caisson however, would not be accessible for wheelchair users, as the works required to the listed Caisson would be substantial to ensure that it would be accessible for all.
- 8.272. In this instance, as the scheme provides a number of alternative viewing points over the River Thames which includes a level access to the top of the Caisson for the enjoyment of all, it is considered the failure to provide a wheelchair accessible Caisson would to an extent be mitigated.

8.273. On balance, it is therefore considered that the proposed scheme would be well connected with the surrounding area and broadly constitute a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with polices 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

8.274. The proposal would provide a high quality and expansive public realm which would result in a high quality setting commensurate with proposed buildings of such significant height. The proposed development would be in keeping with the scale of surrounding developments, particularly London City Island whilst the largest proposed tower Block B would appropriately identify the gateway to the development.

8.275. The proposed development designed with a variation in heights would provide a human scale of development at street level. The distribution of commercial uses across the site would provide active frontages and enhance levels of activity.

8.276. The proposed buildings and uses would be compatible with the neighbouring sites and provide a comprehensive development.

Housing

Principles

8.277. 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.”

8.278. The application proposes 804 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931.

8.279. Policy 3.3 of the London Plan 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.

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

Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	161	203	225	62	0
Affordable rent	0	14	32	36	19
Intermediate	0	23	29	0	0
TOTAL	161	240	286	98	19
Total as %	20	30	35.5	12	2.5

8.281. 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

- 8.282. 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.
- 8.283. 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.
- 8.284. 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.
- 8.285. 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.
- 8.286. 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".

- 8.287. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.288. The proposal consists of an on-site affordable housing offer of 27% by habitable room. The proposed offer falls short of the policy requirement to provide a 35% to 50% affordable housing provision. The applicants submitted viability appraisal was therefore independently reviewed by the Council's financial viability consultants.
- 8.289. The Council's financial viability consultants have confirmed that the submitted viability report was robust and the maximum viable affordable housing provision that could be secured is 27%.
- 8.290. The affordable housing offer calculated by habitable room of 27% is therefore considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3 which state viability is a key planning consideration.
- 8.291. The affordable housing is being delivered at a 66:34 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 8.292. The proposed percentage of shared ownership units is lower than required in the London Plan. In this instance however, such a split is considered acceptable, as it is broadly in alignment with the Core Strategy and secures the delivery of a greater proportion of social rented units which would be offered at LBTH borough framework levels for E14. This approach optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing.
- 8.293. 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

- 8.294. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

8.295. The following table below compares the proposed target mix against policy requirements:

		Affordable Housing						Market Housing		
		Affordable Rented			Intermediate					
Unit size	Total Units	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
Studio	161	0	0	0	0	0	0%	161	24%	0%
1 Bed	240	14	14%	30%	18	44%	25%	208	31%	50%
2 Bed	286	32	32%	25%	25	56%	50%	229	35%	30%
3 Bed	98	32	30%	30%	0	0	25%	66	10%	20%
4 Bed	19	19	19%	15%	0	0		0	0	
5 Bed	0	0	0	0	0	0		0	0	
Total	804	97	100%	100%	43	100%	100%	664	100%	100%

Dwelling numbers and mix by tenure

8.296. The proposed percentage of one bedroom affordable rented units at 14% would fall short of the 30% policy requirement. The percentage of two bedrooms (32%), three bedrooms (36%) and four bedrooms (19%) would exceed the target levels of 25%, 30% and 15%, respectively. This mix is broadly supported, as it would maximise the number of family sized affordable rent units.

8.297. Within the Shared Ownership element of the scheme, a percentage of 44% one bed units against a policy requirement of 25% and 56% two bed units against policy requirements 50% would be provided. No 3 bedroom intermediate flat are proposed.

8.298. The proposed over provision of intermediate 1 beds would result in a shortfall in 2 bed and 3 bed intermediate units. A reduction in the number of two and three bedroom units within the intermediate section to an extent is justifiable in this area, as there appears to be an affordability issue due to the relatively high value of this area rendering larger intermediate units generally less affordable. For this reason, it therefore considered that a greater proportion of one bedroom units would be acceptable.

8.299. The proposed market sale housing would also consist of an over provision of one beds and two bedrooms. This is considered acceptable however, as the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "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".

Quality of residential accommodation

8.300. 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.

8.301. 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.

- 8.302. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards.
- 8.303. The Housing SPG recommends that no more than 8 flats should be served by a core to ensure that the development provides the required sense of ownership for future occupiers.
- 8.304. The number of proposed internal cores serving 9 residential units within the scheme and contrary to guidance would be 10 out of the 191 cores proposed. The proportion of number of cores exceeding the recommended threshold is therefore considered marginal.
- 8.305. The proposed development would not consist of any north facing single aspect residential units.
- 8.306. All of the affordable rented wheelchair adaptable units would be provided within Block F, which would have direct access to the car parking area within Block E and F. This car parking area would comprises a total of 36 resident car parking spaces, of which 7 would be for use by disabled badge holders.
- 8.307. The 6 affordable Town Houses in Block M would also consist of parking spaces in their own garages, which would be of sufficient size for disabled users. The townhouses would require adaption however, if they are to provide genuine wheelchair accessible units.
- 8.308. The proposed development would provide 83 wheelchair adaptable units across the private, intermediate and affordable rent units which equates to over 10% of the entire development. The details and layouts of the wheelchair adaptable units would be secured by way of condition to ensure that they would comply with the requirements of the Occupational Therapist.
- 8.309. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.310. On balance, it is considered that the proposed development would provide a high quality residential accommodation for future occupants in accordance with LP policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 8.311. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.312. 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."

- 8.313. 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.
- 8.314. 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.
- 8.315. 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.
- 8.316. The baseline scenario has been presented in the ES Sunlight and Daylight Report by assessing the internal daylight to the lowest three floors of residential accommodation within each block. Where the levels of daylight were below the suggested BRE guidelines, rooms directly above were assessed up the building until the rooms showed compliance.
- 8.317. Of the 2165 habitable rooms assessed, 1914 (88%) show compliance by reference to the ADF methodology suggested within the BRE guidance. The majority of the rooms which do not meet their targets for use, are located on the lower three floors where daylight potential is at its minimum within tall building schemes such as this.
- 8.318. Where this is not the case, a balcony providing private amenity space to the development generally overhangs the rooms. The compliance rate of 88% is considered good within an urban context such as this. The significance of effect for the internal daylight within this scheme is considered to be local, long term, adverse and of minor significance.
- 8.319. 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.
- 8.320. The BRE Report produced on behalf of the Council suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west.
- 8.321. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.
- 8.322. The proposed scheme consists of north to south blocks, primarily served by windows on the east and west facades which reduces the number of north facing units. The potential for good sunlight to the west and the east is lower than that for south facing windows. The proposed development as a consequence provides some direct sunlight to the vast majority of the units rather than good sunlight to some with others receiving none at all.
- 8.323. The results of the ASPH assessment show that of the 406 living rooms or LKDs that have south facing windows assessed, 179 attain levels outside of the BRE Guidelines. The

rooms on the lower floors receive less sunlight than those on the upper floors. The presence of balconies above living rooms is again a reason for the restriction of sunlight to rooms. The amenity benefits of the balcony there also have a negative impact on the amenity of the flats.

- 8.324. It is of note that if the upper floors of the proposal were included within this assessment the proportion of compliance rate for each room type would be higher than those stated above. The likely effect of the design of the Development upon the levels of sunlight within the proposed residential units is considered to be local, long-term, adverse and of minor to moderate significance.

Conclusions

- 8.325. The proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive appropriate levels of daylight and sunlight.
- 8.326. The likely significant effects are minor to moderate (sunlight) and minor significance (daylight), which is considered acceptable for a high-density development in an urban setting such as this.

Outdoor amenity space and public open space

- 8.327. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) 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

- 8.328. 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.
- 8.329. The application proposes winter gardens to blocks A and B due to the proximity of the buildings to the protected Orchard Wharf and the remainder of the development would predominantly benefit from external private amenity space in the form of front gardens, balconies or roof terraces.
- 8.330. The proposed winter gardens would be designed with a thermal and physical barrier between the internal floor space and amenity provision.
- 8.331. This design approach is in accordance with the Housing SPD states:

"In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA and minimum living area of the dwelling, and may be added to living rooms or may form a separate living room. Enclosing balconies as glazed, ventilated winter gardens will be considered acceptable alternative to

open balconies for all flats and this solution is recommended for all dwellings exposed to NEC noise category C or D150.”

- 8.332. The proposed introduction of winter garden particularly within Blocks A and B instead of provided extended internal living space is therefore considered acceptable.
- 8.333. The other forms of external private amenity space provisions proposed elsewhere on site would comply with the design and floor space requirements.

Communal Amenity Space

- 8.334. 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 844sqm.
- 8.335. Paragraph 4.7 of the Managing Development Document states *‘communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology’*
- 8.336. The proposal would provide approximately 1597sqm of communal amenity space within the four proposed gardens, excluding the floor space designated for child play.
- 8.337. The proposed communal amenity spaces would be positioned between building blocks located to their east and west. The developments to the south of the proposed communal amenity spaces would be generally low level in the form of town houses (Block M) or reduced in height building blocks. The proposed amenity spaces as a consequence would benefit from appropriate levels of sunlight and daylight.
- 8.338. For the reasons above, the quantum and quality of the shared communal amenity space is considered acceptable for the enjoyment of future residents.
- 8.339. The following plan illustrates the ground floor public realm provisions in green and the communal areas in orange.



Public Open Space

- 8.340. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 8.341. The proposed development would provide 8,334sqm of public open space in the form of the river pathways, walkway slips and a revitalised Orchard Dry Dock and surrounding lands.
- 8.342. The design of the public realm and settings of the buildings has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.
- 8.343. The benefits of the scheme would include improving accessibility to the River Thames and River Lea, enhancing connectivity by providing very legible routes along the rivers and the creation of a new civic space at Orchard Dry Dock.
- 8.344. The design strategy for the Orchard Dry Dock ensures that the buildings facing the proposed public realm have an active frontage and enable a visual connection with the public space. Such a strategy would maximise activity and animation within this space.
- 8.345. The proposed quality and design of the public open space is considered to be a major design quality of the scheme. Having said that, it is noted that the proposal would not provide the required 18,360sqm of public realm contrary to the planning obligations SPD. The failure to provide the required level of public realm as a consequence would be off-set with the securement of a borough CIL payment.
- 8.346. On balance, it is therefore considered that the proposed public realm offer combined with a CIL payment would result in sufficient public benefits and an appropriate quantum of high quality public realm for the future occupants of this high-density scheme.

Child play space

- 8.347. 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.
- 8.348. The scheme is predicted to contain 194 children (0-15 years of age) using LBTH yields and 219 children using London Plan methodology. The following is a breakdown of the expected number of children per age group (GLA calculations in brackets):
- | | | | |
|---------------|----|-----------|-----|
| • 0-3 years | 76 | (Under 5 | 83) |
| • 4-10 years | 81 | (5 – 11 | 78) |
| • 11-15 years | 37 | (over 12s | 58) |
- 8.349. In accordance with LBTH and GLA methodology a total child play space provision of 1940 or 2190sqm is required on site for all three age groups, respectively.

- 8.350. The proposed development as previously discussed the proposal would provide 2,120sqm of play space on site for all age groups.
- 8.351. The applicants approach is for the play space for each age group to be separated across the site.
- 8.352. The child play for the over 12 age group would consist of 300sqm space for informal sport and recreation located on a podium to the rear of block A and the west of block B. The positioning of the play space on a podium would provide a safe and secure environment set away from the highway. The full details of the landscaping and any multi-use games area would be secured by condition.
- 8.353. The child play for 5 – 11 year olds would consist of 450sqm of play space which would include engaging play features and seating located to the northern end of the Dry Orchard Dock. The play space provision would be positioned above ground floor level due to the change in level between Orchard Place and the Dry Dock. The change in level mitigates the close proximity of the play space to the highway and as a result would create a child friendly environment.
- 8.354. To the northwest corner of the application site and north of the neighbouring 42 Orchard Place, a 510sqm neighbourhood playground is proposed which consists of seating, play equipment and landscaping. The proposed playground would be accessible for all age groups of the development and existing children of no. 42 Orchard Place and the wider area.
- 8.355. The play space for the under 5s would be provided as door step play nestled within the proposed communal gardens and directly accessible from the residential blocks. The door step play would be a minimum of 100sqm. The only exception to the above is a single 55sqm play space located within the proposed Castle Slip.
- 8.356. The inclusion of door step play space across the site is welcomed in accordance with the London Plan and The Shaping Neighbourhoods: Play and informal Recreation SPG which states:

‘3.4 if children and young people are to have the chance to play out in the fresh air, to be physically active and to socialise with friends and peers, they need access to out of doors space. The first step to securing this is ensuring there is sufficient physical space, of quality in the neighbourhoods where children live’.

- 8.357. The location of child play space on the roofs of the ground floors of the building blocks is also considered acceptable, in accordance with Children and Young People’s Play and Information Recreation’ SPG which states:

“3.8 In new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play, careful consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities”

- 8.358. For the reasons above, the proposed child play space strategy would provide external play space that is accessible for all, delivers an appropriate provision for play and informal recreation on site and meets the requirements of the child population generated by the scheme and an assessment of future needs.

8.359. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Heritage

Strategic Views

8.360. The Environmental Statement (ES) assesses the likely effects of the proposed development on the most relevant strategic view within the London View Management Framework (5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.

8.361. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites – Guidance on Settings SPG (2015) 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.

8.362. London Plan (2015) 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.

8.363. The development has the potential to affect a designated Strategic view within the London View Management Framework from Greenwich Park (LMVF View 5A.1).

8.364. 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.”

8.365. The submitted HTVIA includes a wire view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building would be visible above the right hand shoulder and set behind the western side of the Millennium Dome. The development would read as a significantly smaller collection of buildings in comparison to those of the existing as part of the Canary Wharf cluster. As shown in the following image.



- 8.366. When taking into account various cumulative schemes (including London City Island) the proposed buildings from this view would still have a negligible impact on the skyline in comparison to the Canary Wharf cluster.
- 8.367. Historic England, the GLA and the LBTH Design officer raised no concerns regarding the heights, scale and prominence of the development when viewed from Greenwich Park. It is therefore considered that the proposed development would safeguard the integrity and importance of the World Heritage Site.

Surrounding Conservation Areas and Listed Buildings

- 8.368. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.369. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.370. Core Strategy Policy SP10 seeks to preserve and enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. 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.
- 8.371. Core Strategy Policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed places across the borough through retaining and respecting features that contribute to each places' heritage, character and local distinctiveness.
- 8.372. Managing Development Document Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.
- 8.373. Managing Development Document Policy DM27 states that development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.374. The Orchard dry dock and the surviving caisson are of considerable historical significance being one of only four listed dry docks in London. While, although the basin has been infilled the importance of the caisson remains significant, as this feature is representative of the shipbuilding and repair industry and the important role that this former international port would have played.
- 8.375. The listed Trinity Buoy Quay walls, which adjoin the caisson, comprise of a number of other heritage features that provide some historic context to the caisson and add to the special character of this historic site. Such features include a number of bollards, the iron tank included within the Union Wharf site and a number of dock wall structures.

- 8.376. The listed structures of neighbouring Trinity Buoy Wharf site, despite being located outside of the application site, are also integral to the established dockland character of the area, and combined with a traditional palette of materials and their relationship to the river, contribute to the local distinctiveness and creation of a sense of place.
- 8.377. The submitted Heritage Statement recognises the importance of the listed Dry Dock, caisson and adjoining quay wall, and as a consequence sets out a strategy for the restoration works.
- 8.378. The proposed works to the caisson include conservation measures and restoration works to secure its preservation in the longer term, marking the outline of the dry dock with landscaping proposals for the open space provision and exposing the curved north end of the basin adjacent to Orchard Place.
- 8.379. The front of the caisson would also be repaired in situ and be given a replacement timber coping. The concrete flood defences, which have been added to the caisson, would also be removed and replaced with a timber platform created behind the caisson.
- 8.380. The Conservation officer welcomes the proposed restoration works however, advises that further intrusive investigation works should be undertaken prior to the agreement of the scheduled works to the listed structures and commencement of any development. The requirement for further intrusive investigation works would be secured by condition. Historic England raises no objections to the proposed works.
- 8.381. Subject to safeguarding conditions requiring, further intrusive investigation, a further survey of the river walls and full details of the scheduled proposed restoration works, the proposed works are considered acceptable in accordance with the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24 and DM27 of the DMM.

Archaeology

- 8.382. The National Planning Policy Framework (Section 12) and the 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.
- 8.383. Historic England Archaeology officer (GLAAS) advised that there is a need for field evaluation to determine appropriate mitigation. A safeguarding condition would therefore secure a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 8.384. Subject to this condition, the impact of the development with regards to archaeology is considered acceptable in accordance with the NPPF and London Plan Policy 7.8.

Neighbours Amenity

- 8.385. 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

- 8.386. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.387. As a result of the application site consisting of low-level buildings, the existing neighbouring properties have very good levels of daylight/sunlight at present. Any development on site is therefore likely to result in a significant reduction in daylight/sunlight to neighbouring properties.
- 8.388. The application site is surrounded by a number of residential properties, which can be impacted by the development. The sunlight and daylight implications for the neighbouring properties have been assessed as part of the ES and independently reviewed on behalf of the Council by LUC.

Daylight

- 8.389. 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.
- 8.390. The Council commissioned LUC to review the ES and LUC confirmed that the methodology used within the ES to calculate the Average Daylight Factor (ADF) was sound. ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.391. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 8.392. 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.
- 8.393. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- *42 – 44 Orchard Place*
 - *Container City 1 and 2*
 - *Faraday School*
- 8.394. The results of the independent consultants 'BRE' are summarised below:
- 42 – 44 Orchard Place*
- 8.395. The site has very high baseline levels of daylight. Where levels of existing daylight are abnormally high for an urban environment (VSC of <38% just under the maximum of 40%),

it is considered that a proportionate reduction as a result of a neighbouring development would be disproportionately high.

- 8.396. With regards to VSC, the results show that only 19 (35%) of the 54 windows assessed show compliance with the development in place. Of the remaining windows, 9 would experience moderate adverse reductions and 25 rooms would experience major reductions.
- 8.397. In this circumstance, it is considered more appropriate to measure what daylight level would be retained once the development is in place rather than the proportional change
- 8.398. The windows facing the development on the lowest floor of the residential accommodation (1st floor) achieve circa 17.5% VSC. The second floor and third floor would achieve circa 20% and 30% VSC, respectively. Although the levels are below the BRE suggested 27%, they are in line with levels commonly found within urban environments and actually far greater than the actual baseline levels of some primary windows within Container City, which have levels of circa 12%.
- 8.399. The ADF analysis shows the majority of rooms achieve levels of daylight suggested for their use.
- 8.400. On balance, it is considered that the overall effect of the development on 42 – 44 Orchard Place would be minor to moderate adverse, as although the development would result in relatively high proportional reductions leading to technical breaches of the BRE guidelines, the remaining levels of daylight would still be considered acceptable in accordance with the intentions of BRE.

Container City 1 and 2

- 8.401. The VSC assessment has shown that 39 (61%) of the 64 windows assessed show full BRE compliance. Of the remaining windows 17 see moderate adverse effect and eight major adverse effects.
- 8.402. Having said that, the majority of the primary windows of the Live/work units within Container City are heavily blinkered by overhanging balconies and external side walls formed by the container doors. These balconies and side walls serve to self-limit both daylight and sunlight levels below those suggested in the BRE guidance.
- 8.403. The ADF results also indicate that the development only causes five additional rooms to receive ADF levels below 1.5%.
- 8.404. Container 1 and 2 would see daylight reductions with the development in place. Although, this is somewhat magnified by the discussed existing constraining features to the buildings. Overall the effect of the development on container city is considered minor to moderate adverse.

Faraday School

- 8.405. The VSC and NSC assessments indicate that the windows and rooms they serve would be compliant with the Development in place and as a consequence the impact of the development is insignificant

Sunlight

8.406. 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 probable 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.

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

42 – 44 Orchard Place – Insignificant

8.408. Of the 42 windows assessed for sunlight, 40 (95%) show full compliance in terms of APSH. The remaining windows are recessed and as a result are self-limiting. The retained winter levels show compliance and total APSH is only marginally below suggested levels. The impact of the proposal on sunlight to 42-44 Orchard Place is considered insignificant.

Container City 1 and 2

8.409. The building only has four windows which are relevant for sunlight assessment. All windows show full compliance with recommendations of the BRE guidance. The impact of the development on container city is considered insignificant.

Faraday School

8.410. None of the windows are relevant to the assessment, as there serve a non-residential use. The impact of development is therefore insignificant.

Conclusion

8.411. The proposed development would result in minor to moderate adverse impacts in the precautionary basis scenarios which for a development of such density in an urban context is considered reasonable.

Overshadowing

8.412. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”.

8.413. The River Thames is situated to the south of the application site and there are no existing surrounding amenity spaces to the north.

8.414. The proposed development would therefore not result in any adverse overshadowing of neighbouring sunlight amenity space.

Solar Glare

8.415. Two key viewing points were identified as potentially sensitive to solar glare, which included vehicle drivers travelling east and west on the Lower Lea Crossing.

- 8.416. The drivers travelling east would not be subject to glare caused by the proposal within 30 degrees of the driver's focal point.
- 8.417. The drivers travelling west however would be subject to a brief instance of glare at around 27 degrees. This would result in a local, long term, adverse impacts of minor significance.

Privacy

- 8.418. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new buildings and the existing facing buildings on neighbouring sites.
- 8.419. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

- 8.420. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

Landscaping and Biodiversity

- 8.421. 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. The river wall, adjacent water space (Blue Ribbon Network) and East India Basin Site of Importance for Nature Conservation all have biodiversity value that needs to be considered in the context of the development proposals.

River Wall / Blue Ribbon Network

- 8.422. London Plan Policy 7.24 (Blue Ribbon Network) states 'The Blue Ribbon Network is a strategically important series of linked spaces. It should contribute to the overall quality and sustainability of London by prioritizing uses of the waterspace and land alongside it safely for water related purposes, in particular for passenger and freight transport. Regard should be paid to the Thames River Basin Management Plan and the emerging marine planning regime and the Marine Policy Statement'.
- 8.423. The submitted River Wall Strategy states any "ecological enhancements are subject to further discussion with the Environment Agency" as some of the proposals involve works over Mean High Water the PLA have advised that they would wish to be involved with the strategy going forward.
- 8.424. The PLA comments and subsequent recommendations are enclosed below:
- Piling is a disturbing activity. To minimise impact on aquatic life there should be no piling between 1 March and 31 October and the methods proposed should be designed to minimise impacts on aquatic animals.
 - Construction of the inter-tidal terracing should be one of the first construction activities to give time for the planting to grow.

- It is questioned why such a small area of the campshed is proposed to be given over to inter-tidal terracing?
- Public access to the terrace should be restricted to prevent damage to the vegetation.
- The tidal terrace must be inundated during most high tides and therefore the terrace should be at or below Mean High Water Neaps.
- The design should demonstrate how any contaminated land will be contained to prevent contamination being released into the river.
- Planting must be restricted to native species.
- A perpetual maintenance regime should be implemented for the inter-tidal terracing to ensure the success of the planting and to ensure that there is no build-up of rubbish and litter on the terraces.
- Intertidal terracing should follow the best practice guidance provided in the Environment Agency document “Estuary Edges – Ecological Design Guidance.
- It is proposed for the new wall to be 700mm in front of the existing wall. It should be demonstrated that this is the minimum encroachment necessary to provide the new wall – it is a bigger distance than many of the other walls that have been built in front of existing walls.

8.425. The PLA also stated that it is understood that investigations are taking place into the opportunity to add a series of 300mm marker posts on the edge of the eastern terrace across the opening to the campshed at 6m centres. The PLA would therefore need to see details of this proposal, so that it can be ensured that a vessel could not become damaged if it strayed too close to the terrace.

8.426. Originally the western proposal proposed rocks in the river adjacent to the river wall, which is a hazard to navigation and would not be acceptable. It is understood that the applicant is investigating alternative habitat proposals (potentially including gabion mats). The PLA needs to see details of this proposal so that its impact on navigation and navigational safety can be assessed.

Applicant’s response

8.427. The applicant confirmed that they would agree to a condition which stipulates that the full details of the River Wall, as specified by the previously submitted strategy must be submitted to and approved in writing by the Council in consultation with the PLA and the EA.

Assessment

8.428. The Environment Agency and Bio-diversity officer raised no objection to the proposed river wall mitigation and enhancements works. The full details and specifications of the proposed works would also be secured by condition to ensure that all impacts on the Blue Ribbon Network are minimised.

8.429. The proposed works to the River Wall would therefore neither be detrimental to the River Wall or blue ribbon network in accordance with policies 7.19 and 7.24 of the London Plan, policy SP04 of the CS and policy DM11 of the MDD.

East India Dock Basin

8.430. London Plan policy 7.19 (D) (Biodiversity and access to nature) in relation to SINCs states the following:

(D) On Sites of Importance for Nature Conservation development proposals should:

- a) give the highest protection to sites with existing or proposed international designations (SACs, SPAs, Ramsar sites) and national designations (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations
- b) give strong protection to sites of metropolitan importance for nature conservation (SMLs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance
- c) give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

(E) When considering proposals that would affect directly, indirectly or cumulatively a site of recognized nature conservation interest, the following hierarchy will apply:

1. avoid adverse impact to the biodiversity interest
2. minimize impact and seek mitigation
3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

8.431. The East India Dock Basin located 100m away to the west of the application site is a Grade I Site of Borough Importance (SBI) for nature conservation.

8.432. The proposed development is designed with the tallest tower (block B) situated to the north of the application and the most western building (block A) which is closest to the Basin at no higher than 5 storeys. The proposed massing, arrangement and orientation of the building blocks minimise the impact on the Basin with regards to overshadowing and solar glare and as a consequence, avoid adverse impact on the biodiversity interest of the Basin.

8.433. The Lower Lea Valley Park sought £500,000 in section 106 contributions for improvements to the basin and aid the funding of learning programmes regarding bio diversity matters. The adoption of the Councils CIL however prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.

8.434. The Bio-diversity officer and Natural England raised no objection to the impact on the basin and the proposals are considered acceptable in accordance with London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

Bio diversity Enhancements

8.435. The Council's Biodiversity officer advised that the Ecology chapter of the ES is generally sound. The methodology is appropriate, the identification of potential receptors appear comprehensive, and most of the evaluation of importance is correct.

- 8.436. The Biodiversity officer however did state that the Lesser Black-backed Gull is still an uncommon and localised breeding bird in London, albeit one which is increasing. The 3-4 pairs estimated as breeding on site in the applicant's Breeding Bird Survey are therefore of at least Local importance. Nevertheless, as the nesting habitat favoured by the species in London is flat or gently sloping roofs of which there are plentiful across the city. The changing of the value of this receptor however, would not affect the conclusions, which are the mitigation measures and biodiversity enhancements proposed in the development would overall have a positive impact on biodiversity.
- 8.437. The proposal biodiversity enhancements which would contribute to targets in the Local Biodiversity Action Plan (LBAP) include timber rendering and intertidal terracing to enhance the 320m of river walls, over 1125 square metres of bio-diverse roofs, ground-level landscaping with lots of nectar-rich plants to benefit bumblebees and other pollinators, 6 bat boxes, boxes suitable for solitary bees, and a variety of bird boxes.
- 8.438. The Bio diversity officer stated that contributing to LBAP targets would depend on the detailed design and/or planting. The proposed bio diverse roofs would therefore be required to comply with best practice guidance published by Buglife via a safeguarding condition. The installation of appropriate nest boxes would also be secured by condition.
- 8.439. Subject to appropriate conditions, it is considered that the proposed development would have the potential to enhance the biodiversity value of the site in accordance with Policy SP04 of the Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.

Highways and Transportation

Policy Context

- 8.440. 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.
- 8.441. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.442. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.443. The site has a public transport accessibility level (PTAL) of 2. The proposed development includes 131 car parking spaces and 1,406 cycle parking spaces.

Access

- 8.444. The site would only be accessible via Orchard Place, excluding the proposed river boat terminal. The development would enable pedestrian and cycle access from Orchard Place via a pedestrian riverside walk along the northern boundary of the site. The pathway would provide connections to Leamouth North and later Canning Town.

- 8.445. Vehicular access to the site would be from Orchard Place. A number of crossovers would be installed to allow vehicles to access the ground floor car parks from the shared surface area and the individual garages of the proposed town houses.
- 8.446. The cycle parking area would be accessed via vehicle access ramps and lift cores installed within the individual blocks.

Car Parking and access

- 8.447. The proposal includes 131 car parking spaces, including the 18 garages within the townhouses. A total of 16 car parking spaces would be provided for blue badge holders of the development and an additional 2 spaces for the commercial elements. The parking provision would comply London Plan parking standards, in line with London Plan policy 6.13 'Parking'.
- 8.448. The location of the residential blue badge spaces would be appropriately positioned in accessible locations for wheelchair users, as previously discussed.
- 8.449. The installation of 20% vehicle charging points for parking spaces with a further 20% passive provision would be secured via condition.
- 8.450. The proposed development would be 'permit free'. The requirement for the development to be permit free and a submission of a Car Parking Management Plan would be secured via a s106 agreement and via condition.

Servicing and deliveries

- 8.451. The proposed locations for refuse collection and deliveries are considered acceptable for Blocks B to I inclusive. The proposed servicing arrangements allow refuse collection and other deliveries to take place on-site (with the exception of block A and the town houses). Goods vehicles up to 10m in length would be able to enter and exit the site in forward gear from the Highway. The Highways officer accepts the swept path diagrams for vehicle movement, which confirms that the larger vehicles can turn around on site.
- 8.452. The proposed arrangements would be formalised with a Delivery and Servicing Plan which would be secured by condition.

Public Realm

- 8.453. The proposed development includes alterations to the public highway on Orchard Place adjoining the site. The works required include but are not limited to an improved access between the site and local public transport, and enhanced walking and cycle networks.
- 8.454. The required highway works surrounding the application site would be subject to a section 278 agreement.

Cycling and walking

- 8.455. The applicant submitted a pedestrian environment appraisal investigating the current pedestrian condition and identifies proposed improvements to walking environment in the vicinity.
- 8.456. The development would benefit from the new proposed pedestrian and cycle route between the associated London City Island development and Canning Town.

- 8.457. A financial contribution of £9,800 toward providing two Legible London way-finding signs in close vicinity of the site at Orchard Place and Lower Lea Crossing slip road was requested by TfL to mitigate the unattractive and un-legible routes via Orchard Place, Leamouth Roundabout and Blackwall Way. The adoption of the Councils CIL however prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.
- 8.458. The proposed development would provide a total of 1,406 secure cycle parking spaces (inclusive of short stay visitor spaces) which would exceed London Plan policy requirements. The design, access arrangements and installation of associated facilities such as secured lockers, shower and changing for the non-residential part of the proposal would be secured by condition.
- 8.459. A contribution of £200,000 for Cycle Hire is sought by TfL via section 106 agreement to allow for the installation of up to 27 docking points cycle hire station within vicinity of the site. The adoption of the Councils CIL however again prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.

Public Transport

- 8.460. The development would generate additional demand on the bus network, in particular during peak hours, with AM peak outbound trips heading west especially impacted. While it is considered that most impacts of the development on the bus network can be managed using existing services, the impact on the peak hour westbound service requires mitigation by the applicant.
- 8.461. The Transport Assessment for the development shows an increase in morning peak trips westbound which TfL equate 84% of a double deck bus. TfL have confirmed that the cost of provision of a double deck bus return trip for five years is equal to £450,000, with 84% of the cost equalling £399,000. Given the circumstances of this individual site and the subsequent impact of this particular scheme on the westbound bus service, officers consider it appropriate that £399,000 is secured through a S106 Agreement towards the bus network.
- 8.462. The provision of new bus stops at Orchard Place was previously secured from the London City Island development and as a consequence no additional financial contribution was sought by TfL for the new bus stops.
- 8.463. TfL has confirmed that the estimated DLR trips as stated in the submitted Transport Assessment would not raise any concern regarding DLR services from both East India and Canning Town stations and as consequence no financial contribution was sought.
- 8.464. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL would contribute towards the funding of Crossrail.
- 8.465. The introduction of a new regular Thames Clipper service from Trinity Buoy Wharf pier in the near future is welcomed. Evidence of the agreement with Thames Clipper to serve the Leamouth South Peninsula should be provided as part of the Travel Plan to be secured via section 106.

Servicing and construction

- 8.466. The refuse and waste collections would take place via four proposed controlled share surface access routes from Orchard Place whilst household deliveries would be managed by the on site concierge. A submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.
- 8.467. TfL welcomed the submission of the details of the framework construction logistics plan. The submission of a finalised construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition. The required plans would identify the efficient, safe and sustainable arrangements to be employed at each stage of implementation the development, to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, amenity and highway safety.

Travel Plans

- 8.468. The submitted framework Travel Plan passed the TfL ATTrBute travel plan assessment. The submission and implementation of the finalised travel plan would be secured by s106 agreement by Tower Hamlets Council. The travel plan would be required to also include provisions to provide additional car club facility on site, which complements the existing provision at Trinity Buoy Wharf.

Waste

Container Numbers and Frequency

- 8.469. The number of containers required for the residential waste on the site would be 46 x 1280 litre recycling bins; 78 x 1100 litre residual waste bins and 80 x 240 litre food waste containers. The above requirements would ensure that the development is future proofed for potential and upcoming changes in policy and collection methodologies.
- 8.470. The submission of detailed plans which outline the storage and collection arrangements for the required number and type of waste containers for residential waste would be secured by condition.

Commercial waste

- 8.471. The LBTH Waste and Recycling Officer raised no concerns with the proposed commercial waste provisions which would be separated from the residential waste provisions accordingly.

Residential waste

- 8.472. The proposed strategy for the townhouses to store their own waste within the garage area is not supported by the Waste and Recycling Officer. The proposed development as a consequence would require an alternative arrangement to be provided. The required alternative arrangement which would prevent a blocking up of the highway on collection day would be secured as part of a waste management plan secured by a safeguarding condition.

Strategy and Waste Hierarchy

- 8.473. The Waste and Recycling Officer has confirmed that the information submitted is insufficient to confirm that the required waste hierarchy. A pre-commencement planning condition would therefore be required to evidence how the proposed waste storage and collections methodologies would comply fully with the waste hierarchy.
- 8.474. Subject to the attachment of the above conditions, the Waste and Recycling Officers did not raise any overarching objection to the scheme overall.

Energy & Sustainability

- 8.475. 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 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.
- 8.476. 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).
- 8.477. 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 per cent 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.
- 8.478. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy and supplying the energy as efficiently as possible and integrating renewable energy technologies. The current proposals would incorporate measures to reduce CO2 emissions by 31.9%.
- 8.479. The submitted Energy Strategy (WSP – December 2014) identifies that the applicant has held preliminary discussions with Cofely relating to a connection to the Cofely ExCel Exhibition and Conference Centre District Heating Network, with negotiations relating to a connection on going.
- 8.480. A condition would be attached to ensure that an updated district energy strategy is submitted with a preference for a connection where feasible, in accordance with London Plan policy 5.6 which seeks developments to connect to an existing district heating system where available.
- 8.481. The CO2 emission reductions currently proposed fall short of the 45% reduction requirements of policy DM29. The LBTH 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 2015 which states:

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

- 8.482. The cost of a CO₂ shortfall is £1,800 per tonne of CO₂. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.483. For the proposed scheme, a financial contribution of £252,000 for carbon offset projects would be secured via a section 106 agreement.
- 8.484. 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 non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme would achieve a BREEAM Excellent rating. This is welcomed and would be secured via Condition.
- 8.485. The GLA raise no strategic concerns with the proposed energy strategy.
- 8.486. Subject to safeguarding conditions and a s106 agreement, the proposed development would comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan 2015, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

Environmental Considerations

Noise and Vibration

- 8.487. 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.
- 8.488. Policy 7.15 of the London Plan, 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.
- 8.489. Notwithstanding the assessments of the impact of an operating Orchard Wharf as discussed previously, the resulting noise and vibration impacts of the proposed scheme on the residential amenity of the future residents of the development was assessed as part of the submitted ES and reviewed on behalf of the Council by LUC.
- 8.490. The findings of the assessment by LUC confirmed that appropriate internal noise levels within all of the residential facades of the proposed development would be achieved in accordance with the requirements of BS 8233. The external terraces and balconies of the proposed development would be exposed to no more noise and disturbance than that typical of an urban environment. The increase in noise levels resulting for additional traffic generated by the development would be insignificant.

- 8.491. The Council's Environmental Health Noise and Vibration officer reviewed the submitted ES and raised also raised no objection, subject to the attachment of safeguarding conditions to ensure the relevant standards are met.
- 8.492. Subject to safeguarding conditions, officers consider that the proposed development would not result in the creation of unacceptable levels of noise and vibration during the life of the development in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Air Quality

- 8.493. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy 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 would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.494. Notwithstanding the assessments of the impact of an operating Orchard Wharf as discussed previously, the submitted Air Quality Assessment which seeks to demonstrate how the development prevent or reduce associated air pollution during construction and demolition was assessed as part of the ES and reviewed on behalf of the Council by LUC.
- 8.495. The findings of the assessment by LUC confirmed that the dust impacts from the Demolition and Construction phase would be temporary and of minor adverse significance, with good practice mitigation measures in place. The emission from vehicles and plant equipment would also be insignificant.
- 8.496. During the operational phase, even with considering the precautionary basis and combined with traffic and energy centre emissions, the development would still not exceed the Air Quality Strategy (AQS) objectives. The resulting highest levels of nitrogen dioxide would therefore fall well within the statutory limits.
- 8.497. The magnitude of change in pollutant levels would be imperceptible and therefore the effects of the development on air quality would also be negligible.
- 8.498. The submitted Air Quality Neutral Assessment within the ES also confirms that the development would be compliant with benchmarks for traffic-related emissions, although it would not meet the buildings emissions benchmark.
- 8.499. The applicant indicates that further work on energy centre design is required in accordance with the Supplementary Planning Guidance (SPG) Sustainable Design and Construction 'Air Quality Neutral Appendix'. The requirement for the development to comply with the relevant benchmarks would therefore be secured via condition.
- 8.500. The LBTH Environmental Health Officer raised no objection to the approval of the proposed scheme with regards to air quality and recommended that compliance of the development with the Sustainable Design and Construction 'Air Quality Neutral Appendix' be secured by condition.
- 8.501. Subject to safeguarding conditions, officers considered that the resulting associated air pollution is appropriately reduced and as such, the proposal complies with policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD, which seeks to reduce air pollution.

Microclimate

- 8.502. 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.
- 8.503. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflect the fact that sedentary activities such as sitting require a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.504. The findings of the ES were that the wind levels based on the existing surroundings would be generally appropriate for the required land uses. A number of minor adverse to moderate adverse effects were noted at amenity space and terrace receptors, entrance receptors and thoroughfare receptors.
- 8.505. The findings of the assessment by LUC confirmed that the methodology and mitigation measures stated within the ES, which included landscaping, balustrades and vertical screening would sufficiently minimise the microclimate impacts. The four receptors which would be subject to speeds, which exceed Beaufort Force 6 for more than hour are all positioned on pedestrian thoroughfares and as a consequence would be unlikely to cause nuisance.
- 8.506. Subject to safeguarding conditions to secure the mitigation measures, officers consider that the resulting impact of the development on the microclimate would be acceptable.

Demolition and Construction Noise and Vibration

- 8.507. The submitted Environmental Statement Chapter 9: Noise and Vibration and considers that the most likely cause of noise and vibration would be during the demolition and construction works.
- 8.508. The demolition and construction works would be likely to result in temporary, short-term effects to occupants on the surrounding streets particularly with regards to the occupants at Faraday School, 42-44 Orchard Place and Trinity Buoy Wharf.
- 8.509. The submitted ES states that the resulting noise levels however would also tend to be reasonable low to neighbouring receptors due to the existing separation distances, screening effects and periods of plant inactivity.
- 8.510. The findings of the assessment by LUC as part of the review of the ES confirmed that the noise assessment does not take into account ambient noises resulting from demolition and construction at the sensitive receptors.
- 8.511. The securing of the submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 8.512. Subject to such safeguarding conditions, it is considered that the development would be acceptable in regards to noise and vibration.

- 8.513. Subject to safeguarding conditions, officers consider that the proposed development would not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 8.514. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that subject to safeguarding conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.
- 8.515. Subject to safeguarding conditions, it is considered that the proposed development would not result in any land contamination issues in accordance with the requirements of the NPPF and policy DM30 of the MDD.

Flood Risk and Water Resources

- 8.516. 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.
- 8.517. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The development is considered to be at a low risk of flooding however, as the site is protected from fluvial and tidal flooding due to the existing flood defences.
- 8.518. The FRA submitted as part of the ES confirms that the finished floors levels would be 2.7 AOD and all residential sleeping accommodation would be set at a minimum of 5.94m AOD. The construction of the development in accordance with the stated floor levels would be secured via condition.
- 8.519. The Environment Agency raised no objection to the proposed development and confirmed the proposed finished floor levels and location of habitable rooms would be sufficient to ensure that the impact of tidal and fluvial flood risk to the site would be insignificant.
- 8.520. The surface water run-off would discharge into the River Lea and the River Thames, which would result in a significant reduction in the discharge run off into the Thames Water's combined sewage system.
- 8.521. The risk of flooding from groundwater, pluvial and artificial sources were assessed as part of the ES and are considered insignificant.
- 8.522. LUC raised no objections to the findings of the ES, although recommended that the submission of further information regarding surface water management system should be secured via condition. The required condition would be secured accordingly.
- 8.523. Subject to safeguarding conditions, the proposed development as a consequence is considered to comply with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Television and Radio Service

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

8.525. The applicants submitted report confirms the proposed development would have no significant impact upon:

- broadcast radio reception;
- satellite television reception;
- terrestrial television reception in all directions apart from transmissions incident upon southerly and westerly facing elevations of the proposed Development.

8.526. The development would result in electromagnetic shadows that would be created to the northeast and to the south east of the Development. The impact however would be relatively narrow and short.

London City Airport Safeguarding Zone

8.527. London City Airport at this stage have raised no safeguarding objection to the scheme. An informative regarding the heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause a strikes would be attached to any decision.

Health Considerations

8.528. 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.

8.529. 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.

8.530. 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.

8.531. The proposed development would promote sustainable modes of transport, improve permeability through the site and provide local open space, new links to improved river walkways and sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

8.532. 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.

8.533. 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.

8.534. 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.

8.535. 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.

8.536. The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

8.537. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.538. The proposal would also be liable to pay the LBTH Community Infrastructure Levy. This is dealt with in the following section on financial considerations.

8.539. The development is predicted to have a population yield of 3019, 450 of whom would 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.

8.540. As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.

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

- Public Transport;
- Enterprise and Employment Skills and Training;
- End User;
- Energy; and
- Monitoring contribution

- 8.542. The applicant has also offered 27% affordable housing by habitable room with a tenure split of 66/34 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.
- 8.543. 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) would also be secured should permission be granted.
- 8.544. 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.
- 8.545. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Public Transport – Local Buses	£399,000
Employment, Skills, Construction Phase Skills and Training	£355,620
End User	£45,877.99
Carbon off-setting	£252,000
Monitoring	£5,000
Total	£1,057,498

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

9. FINANCIAL CONSIDERATIONS

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

- 9.1. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 9.2. Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.3. In this context “grants” might include New Homes Bonus.

- 9.4. These are material planning considerations when determining planning applications or planning appeals.
- 9.5. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be approx. £10,986,308.95.
- 9.6. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.7. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,246,348.00 in the first year and a total payment of £7,478,090.00 over 6 years.

10. HUMAN RIGHTS CONSIDERATIONS

- 10.1. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 10.4. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

11. EQUALITIES ACT CONSIDERATIONS

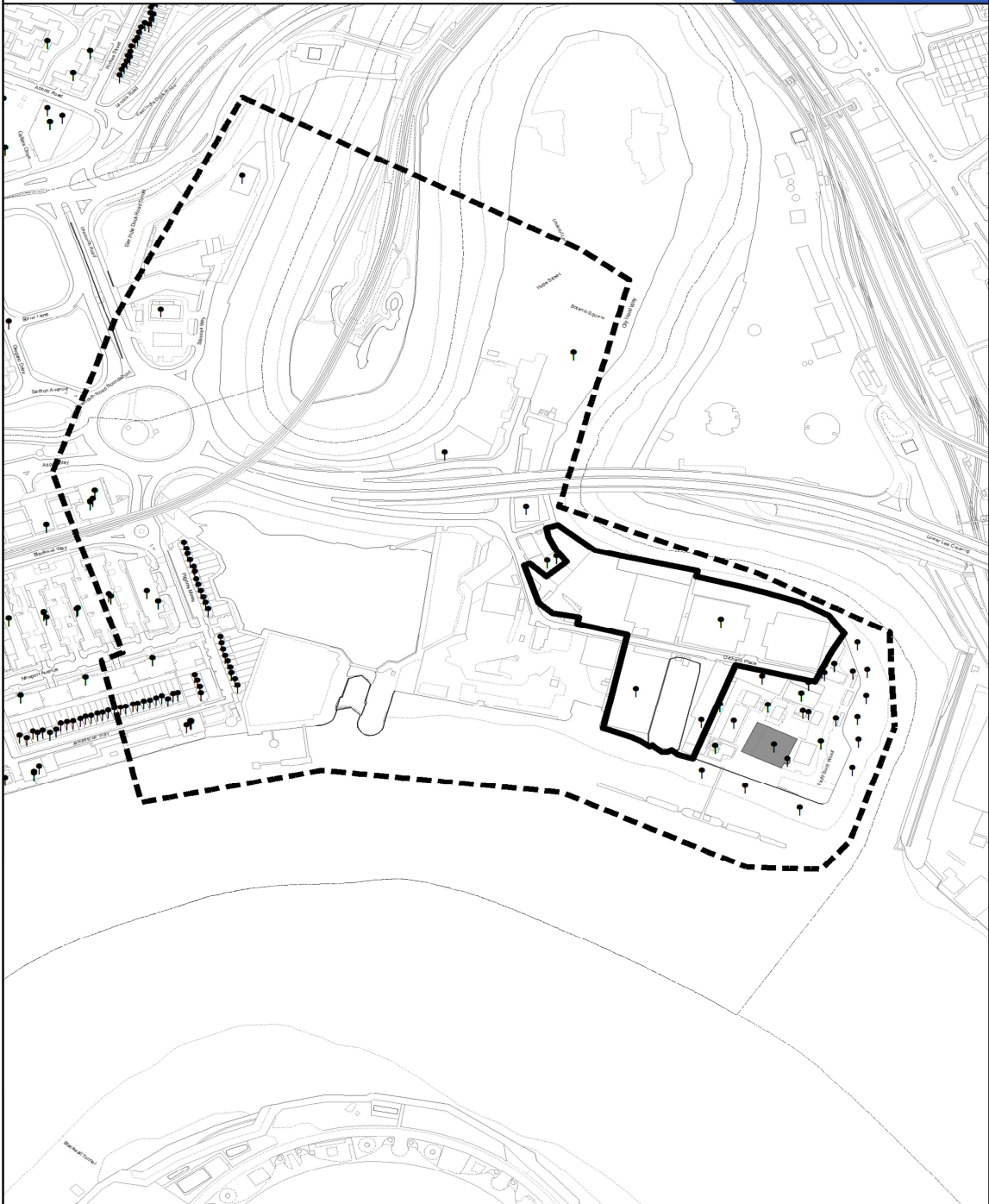
- 11.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. The chapter 7 (Socio-Economics) of the submitted Environmental Statement sets out how the proposed development would comply with the equality Act 2010.
- 11.3. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, 10% would be wheelchair accessible. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 11.4. In terms of employment, the commercial floorspace would be expected to offer a range of different jobs with different skills, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.

- 11.5. The introduction of a publically accessible children's playground and river walk would encourage and promote social cohesion across the site and within the borough generally.
- 11.6. The proposed development and uses as a consequence is considered to have no adverse impacts upon equality and social cohesion.

12. CONCLUSIONS

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

Planning Application Site Map
PA/14/03594



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 2

List of plans for approval and supporting documents

Site wide Plans

900_07_099 Lower Ground Floor P2
900_07_100 Ground Floor P2
900_07_101 First Floor P2
900_07_102 Second Floor P2
900_07_103 Third Floor P2
900_07_106 Sixth Floor P2
900_07_110 Tenth Floor P2
900_07_124 Twenty Fourth Floor P2
900_07_130 Roof Plan P1

Site Elevations

900_07_200 Site Wide Elevation North & South P2
900_07_201 Orchard Place Elevation North & South P2
900_07_202 Site Wide Elevation East & West P1

Site 3D Images

900_07_250 Axonometric view from South West P2

Site Sections

900_07_300 Site Wide Section North P2
900_07_301 Site Wide Section South P2
900_07_302 Site Section Block M P2

Blocks AB Plans

900_07_AB_099 Block AB Lower Ground Floor P2
900_07_AB_100 Block AB Ground Floor (Podium) P2
900_07_AB_101 Block AB First Floor P2
900_07_AB_102 Block AB Second Floor P2
900_07_AB_103 Block AB Third Floor P2
900_07_AB_104 Block AB Fourth Floor P2
900_07_AB_105 Block AB Fifth Floor P2
900_07_AB_106 Block AB Sixth Floor P2
900_07_AB_107 Block AB Seventh Floor P2
900_07_AB_108 Block AB Eighth Floor P2
900_07_AB_109 Block AB Ninth Floor P2
900_07_AB_110 Block AB Tenth Floor P2
900_07_AB_111 Block AB Eleventh Floor P2
900_07_AB_112 Block AB Twelfth Floor P2
900_07_AB_113 Block AB Thirteenth Floor P2
900_07_AB_114 Block AB Fourteenth - Sixteenth Floor P2
900_07_AB_117 Block AB Seventeenth – Nineteenth P2
900_07_AB_120 Block AB Twentieth - TwentySeventh Floor P2
900_07_AB_128 Block AB TwentyEight-TwentyNinth Floor P2
900_07_AB_130 Block AB Roof Plan

Block AB Elevations

900_07_AB_200 Block AB North P2
900_07_AB_201 Block AB South P2
900_07_AB_202 Block A East & West P1
900_07_AB_203 Block B East P1
900_07_AB_204 Block B West P1

Block CD Plans

900_07_CD_099 Block CD Lower Ground Floor P1
900_07_CD_100 Block CD Ground Floor (Podium) P1
900_07_CD_101 Block CD First Floor P1
900_07_CD_102 Block CD Second Floor P1
900_07_CD_103 Block CD Third, Fourth and Fifth Floor P2
900_07_CD_106 Block CD Sixth Floor P2
900_07_CD_107 Block CD Seventh Floor P2
900_07_CD_108 Block CD Eighth Floor P2
900_07_CD_109 Block CD Ninth Floor P2
900_07_CD_110 Block CD Tenth Floor P1
900_07_CD_111 Block CD Eleventh Floor P1
900_07_CD_112 Block CD Twelfth and Thirteenth Floor P1
900_07_CD_114 Block CD Fourteenth Floor P1
900_07_CD_115 Block CD Fifteenth Floor P1
900_07_CD_116 Block CD Sixteenth Floor P1
900_07_CD_117 Block CD Roof Plan P1

Block CD Elevations

900_07_CD_200 Block CD North Elevations P2
900_07_CD_201 Block CD South Elevations P1
900_07_CD_202 Block C East Elevation P2
900_07_CD_203 Block C West Elevations P1
900_07_CD_204 Block D East Elevations P1
900_07_CD_205 Block D West Elevations P1

Block EFG Plans

900_07_EFG_099 Block EFG Lower Ground Floor P1
900_07_EFG_100 Block EFG Ground Floor (Podium) P1
900_07_EFG_101 Block EFG First Floor P1
900_07_EFG_102 Block EFG Second Floor P2
900_07_EFG_103 Block EFG Third Floor P2
900_07_EFG_104 Block EFG Fourth Floor P2
900_07_EFG_105 Block EFG Fifth Floor P2
900_07_EFG_106 Block EFG Sixth Floor P2
900_07_EFG_107 Block EFG Seventh Floor P1
900_07_EFG_108 Block EFG Eighth Floor P2
900_07_EFG_111 Block EFG Eleventh Floor P2
900_07_EFG_112 Block EFG Twelfth Floor P1
900_07_EFG_116 Block EFG Sixteenth Floor P1
900_07_EFG_117 Block EFG Seventeenth Floor P1
900_07_EFG_120 Block EFG Twentieth Floor P1
900_07_EFG_121 Block EFG Twenty First Floor P1

900_07_EFG_122 Block EFG Roof Plan P1

Block EFG Elevation

900_07_EFG_200 Block EF North Elevation P2
900_07_EFG_201 Block EF South Elevation P2
900_07_EFG_202 Block E East Elevation P1
900_07_EFG_203 Block E West Elevation P1
900_07_EFG_204 Block F East Elevation P1
900_07_EFG_205 Block F West Elevation P1
900_07_EFG_206 Block G North & South P1
900_07_EFG_207 Block G East Elevation P1
900_07_EFG_208 Block G West Elevation P1
900_07_EFG_401 Apartment Layout F.S1.02 P1
900_07_EFG_402 Apartment Layout F.S2.02 P1
900_07_EFG_403 Apartment Layout F.S2.02W P1 900_07_EFG_404 Apartment Layout
G.R1.02 P1
900_07_EFG_405 Apartment Layout F.R2.01.W P1
900_07_EFG_406 Apartment Layout G.R2.01 P1
900_07_EFG_407 Apartment Layout G.R3.03 P1
900_07_EFG_408 Apartment Layout F.R3.02.D P1

Block HI Plans

900_07_HI_099 Block HI Lower Ground Floor P1
900_07_HI_100 Block HI Ground Floor (Podium) P1
900_07_HI_101 Block HI First Floor P2
900_07_HI_102 Block HI Second Floor P2
900_07_HI_103 Block HI Third Floor P2
900_07_HI_104 Block HI Fourth Floor P1
900_07_HI_105 Block HI Fifth Floor P1

Block JKL Plans

900_07_JKL_099 Block JKL Lower Ground Floor P1
900_07_JKL_100 Block JKL Ground Floor (Podium) P1
900_07_JKL_101 Block JKL First Floor P2
900_07_JKL_102 Block JKL Second Floor P2
900_07_JKL_103 Block JKL Third Floor P2
900_07_JKL_104 Block JKL Fourth Floor P2
900_07_JKL_105 Block JKL Fifth Floor P2
900_07_JKL_106 Block JKL Sixth Floor P2
900_07_JKL_107 Block JKL Seventh Floor P2
900_07_JKL_108 Block JKL Eighth Floor P2
900_07_JKL_109 Block JKL Ninth Floor P1
900_07_JKL_110 Block JKL Tenth Floor P1
900_07_JKL_111 Block JKL Eleventh Floor P1

Block JKL Elevations

900_07_HIJKL_200 Block J South, East, West Elevation P1
900_07_HIJKL_201 Site Elevation South P1
900_07_HIJKL_202 Site Elevation East P1
900_07_HIJKL_203 Site Elevation West P1
900_07_HIJKL_204 Union Dock West P1

900_07_HIJKL_205 Union Dock East P2
900_07_HIJKL_206 Courtyard Elevation West P2
900_07_HIJKL_207 Courtyard Elevation East P1

Document list

Design & Access Statement – prepared by Allies and Morrison
Environmental Statement – prepared by Watermans
Water Framework Directive Compliance Assessment – prepared by Watermans
Energy Assessment – prepared by WSP
Sustainability Statement – prepared by WSP
River Wall Strategy – prepared by Allies and Morrison and WSP
Employment Land Case – prepared by Chilmark
Transport Statement – prepared by Transport Planning Practice
Union Wharf Caisson Conservation Philosophy – prepared by Beckett Rankine
Financial Viability Assessment – prepared by Bespoke Property Consultants
Statement of Community Involvement – prepared by Thorncliffe
Aviation Assessment – prepared by Avia Solutions
Radio and Television Interference Assessment – prepared by EMC Consultants

Addendum document list

Design and Access Statement Addendum, September 2015 – prepared by Allies and Morrison
Environmental Statement Addendum, September 2015 – prepared by Waterman
Water Framework Directive Compliance Assessment Addendum, September 2015 – prepared by Waterman
Safeguarded Wharf Assessment Addendum, September 2015 – prepared by Waterman
Response to GLA Energy Strategy Comments, June 2015 – prepared by WSP
Addendum Transport Statement, September 2015 – prepared by TPP

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Agenda Item number:	6.4
Reference number:	PA/14/03594 & PA/14/03595
Location:	Hercules Wharf Castle Wharf And Union Wharf, Orchard Place, London, E14
Proposal:	<p>Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.</p> <p>The application is accompanied by an Environmental Impact Assessment</p> <p>Listed Building Consent application - Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.</p>

1.0 Additional Consultation responses

New Model School Company LTD

- 1.1 The Chief Executive officer of New Model School (NMS) who manages Faraday School, which is on Trinity Buoy Wharf indicate their on-going broad support for the application being made by Ballymore.

Lea Valley Regional Park Authority

- 1.2 A request that a proportion of CIL (community facilities and public open space) which will be accrued from the development of this site and other sites currently under construction in the area space be directed to the regeneration of East India Dock Basin to achieve the outcomes which both the Borough and the Park Authority desire. This will support the delivery of the Lea River Park.
- 1.3 The Lee Valley Regional Park Authority has during the last few years worked with a range of partners including the London Boroughs of Newham and Tower Hamlets to secure the delivery of the Lea River Park. This is designed to extend south from the Queen Elizabeth Olympic Park to the Thames. The new park will comprise a new dedicated cycle and pedestrian link, (a section of this will be opened in the summer) to connect with the Royal docks and a series of existing open spaces. Some of these already lie in the Regional Park and include Bow Creek ecology park and East India Dock Basin. Others will be created.

- 1.4 East India Dock Basin lies within 100m of the site of the planning application. This is an area of open space deficiency and whilst the current planning application scheme adheres to adopted 'play standards' the Basin could be regenerated to form a valuable area of open space, enabling access to the wider parkland to the north. It is only one of two Sites of Metropolitan Interest for Nature Conservation in the Borough and is designated MOL. However, it requires significant capital investment to reduce the amount of siltation, improve the listed lock gates and include facilities such as a classroom to enable education visits for local children to access and understand nature.

2.0 Typographical errors

Proposal

- 1.1 Paragraph 4.3 Line 2 page 5 should state 'range in height from 3 – 29 storeys' not 'range in height from 3 – 16 storeys'

Density and level of development

- 1.2 Paragraph 8.161 should state '(2041 habitable rooms)' not '(2037 habitable rooms).

3.0 Clarifications

Applicant

- 3.1 The applicant is Ballymore (Hayes) Limited and not Clearstorm Ltd

Ownership

- 3.2 Ballymore (Hayes) Limited is also one of the land owners

Proposal

- 1.3 Paragraph 8.189 should be deleted in its entirety. The Gateway House (block A) would not comprise of any affordable rent units.

Other Material Considerations

Paragraph 5.4 'English Heritage Guidance on Tall Buildings' should be replaced with 'Design Council – Guidance on Tall buildings'

Loss of Employment

- 1.4 Paragraph 8.34 Line 2 – 'The new employment space include retail provision, management offices and education spaces' should read 'The new floorspace includes 1,912sqm of employment space, 428sqm of management space and 223sq.m education space'

Affordable Housing

- 1.5 Paragraph 8.291 should state 'the affordable housing is being delivered at a 76:24 split between affordable-rented units and shared ownership units, respectively' and not 'the affordable housing is being delivered at a 66:34 split between affordable-rented units and shared ownership units, respectively'

4.0 Update on Affordable Rent Housing

4.1 The proposed 101 affordable rent units would comprise of the 1 and 2 bedrooms delivered at Borough Framework rents, and the 3 and 4 bedrooms delivered at Social Rent Levels.

5.0 Update on Faraday School extension

5.1 The Faraday school is not yet confirmed as the eventual operator of the proposed education space.

5.2 The applicant and Faraday School however remain in discussion regarding the possibility of Faraday school operating the proposed educational space.

6.0 RECOMMENDATION

6.1 Officers' original recommendation to GRANT planning permission and listed building consent remains unchanged.

Agenda Item 6

Committee: Strategic Development	Date: 12 April 2016	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:
See Individual reports	✓	See Individual reports

-
- 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: 12 th April 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jermaine Thomas	Ref No: PA/15/01231
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: 120 Vallance Road & 2-4 Hemming Street, London, E1

Existing Use: Light industrial buildings housing the body repair workshops, parts department and administrative offices of KPM, a taxi related business.

Proposal: Demolition of existing buildings at 120 Vallance Road and 2-4 Hemming Street and erection of two buildings to provide 1,311 sqm (GEA) of commercial space, 144 residential units and new public realm, landscaped amenity space, cycle parking and all associated works

Drawing and documents: See appendix

Applicant: One20 Developments Limited

Ownership: One 20 developments Limited
London Borough of Tower Hamlets

Historic Building: None

Conservation Area: None

2. EXECUTIVE SUMMARY

- 2.1. The Council 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 (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for a residential-led mix use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.3. The proposed tall buildings would be of an appropriate scale, form and composition for the surrounding context and townscape. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on 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 accommodation provided, along with and external amenity spaces would create 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. Transport matters, including parking, access and servicing are on balance considered acceptable.

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 **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £56,512.00 towards employment, skills, training and enterprise and construction stage;
- b) A contribution of £34,080.75 towards employment skills and training to access employment in the commercial uses within the final development;
- c) A contribution of £5,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £96,092.75

Non-financial contributions

- d) Delivery of 35% Affordable Housing comprising of 12 intermediate units, and 25 affordable rented units (12 Borough Framework and 13 Social Target Rent)
- e) Affordable housing delivery and phasing;
- f) Viability review mechanism;
- g) Permit Free for future residents;
- h) Apprenticeships and work placements;
- i) Access to employment and construction - 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs;
- j) Public access retained for all public realm, walking, cycling and vehicular routes;
- k) Implementation and monitoring of the carbon emission reductions (Energy Statement)

l) Bond for laying out disabled parking spaces (x2) on street

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:

Prior to Commencement' Conditions:

1. Noise mitigation measures to ensure satisfactory relationship to adjacent Network Rail Route;
2. Sound insulation scheme;
3. Access arrangement to basement (including wheelchair accessibility);
4. Construction Environmental Management plan;
5. Surface water drainage scheme;
6. Water Supply infrastructure in consultation with Thames Water
7. Ground contamination remediation and mitigation
8. Biodiversity mitigation and enhancements;
9. Compensatory habitat creation scheme;
10. Waste management strategy to ensure compliance with waste hierarchy;
11. District energy and heating strategy;
12. Piling Method Statement

Prior to completion of superstructure works conditions:

13. Secure by design principles;
14. Details of all external plant and machinery including air quality neutral measures;
15. Details of all external facing materials, including balconies
16. Details of public realm, landscaping and boundary treatment;
17. Child play space strategy
18. Details of all external CCTV and lighting;
19. Details of extraction and ventilation for Class A3 uses
20. Waste Management Plan
21. Scheme of highway works surrounding the site (Section 278 agreement)

Prior to Occupation' Conditions:

22. Details of all shop fronts and entrances to ground floor public spaces;
23. Details of step free and wheelchair access arrangements;
24. Surface water management system
25. Travel Plan;
26. Permit free development;
27. Site management inclusive of a cleaning regime
28. Delivery and servicing plan;
29. Details of cycle parking, inclusive of visitors cycle parking and associated facilities;
30. Wheelchair accessible residential units
31. Delivery of BREEAM Excellent for commercial element of the scheme
32. Updated energy assessment

Compliance' Conditions –

33. Permission valid for 3yrs
34. Development in accordance with approved plans;
35. Hours of operation of commercial units (A1-A3, B1 use class)

36. Restriction on total floor area of A1-A3 retail units to 500sqm
37. Any individual A1/A3 use shall be limited to 100sqm
38. Internal Noise Standards
39. Renewable energy technologies in accordance with approved Energy Strategy

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Environmental Health informatives

4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide a residential led mix use scheme.
- 4.2. The development comprises of the following uses:
 - 144 residential units (Use class C3)
 - 1,214sqm GIA Commercial Use (Use class A1/A3 and B1)
- 4.3. The proposed scheme comprises of two main building blocks known as the Vallance Road Building (Building A) and the Hemming Street Building (Buildings B and C).
- 4.4. The building blocks are both designed to increase in height towards the north of the site.
- 4.5. The proposed site layout seeks to provide increased connectivity to Vallance Road and Hemming Street with the creation of a new west to east pedestrian link under the proposed Vallance Road building.
- 4.6. The Hemming Street building situated to the eastern edge of the site would front Hemming Street and range in height from 5 to 8 storeys. This building would comprise of residential uses only.
- 4.7. The Hemming Street building would be designed with maisonettes at ground and first floor level. The building would be set away from the neighbouring properties to the east, which allows for the creation of ground floor private rear gardens of the maisonettes at ground floor level.
- 4.8. The Vallance Road building situated to the western edge of the site would be located between Hemming Street and Vallance Road and would range in height from 7 – 10 storeys. This building would comprise of the A1/A3 and B1 floor space on the ground floor and basement level.
- 4.9. The proposed non-residential uses within the Vallance Road building would provide active frontages on along both Vallance Road and Hemming Street. The layout of the commercial spaces includes the creation of voids to allow for the basement to receive maximum levels of natural light.

- 4.10. The foot print of the Vallance Road building designed with a significant set back from Hemming Street allows for the creation of a public realm provision adjacent to Hemming Street and breathing space for the building.
- 4.11. The proposed residential use would comprise of 144 residential units, 35% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 107 private units, 12 intermediate units, and 25 affordable 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	% units	Habitable Rooms	% hab rooms
Open Market	107	74%	248	65%
Affordable rent	25	17%	95	25%
Intermediate	12	8%	39	10%
TOTAL	144	100%	382	100%

Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	28	31	34	14	0
Affordable rent	0	7	5	13	0
Intermediate	0	3	6	3	0
TOTAL	28	41	45	30	0
Total as %	19.5	28.5	31	21	0

- 4.12. The proposal would also include cycle parking spaces, refuse provisions and landscaping works.

Site and Surroundings

- 4.13. The following plan shows the extent of the application site outlined in red.



- 4.14. The application site is split into two parts by Hemming Street known as 120 Vallance Road and 2-4 Hemming Street which are situated to the south of the railway viaduct which carries the mainline railway east out of Liverpool Street Station.

- 4.15. The site 0.39 hectares and currently comprises light industrial buildings housing the body repair workshops, parts department and administrative offices of KPM, a taxi related business.
- 4.16. The existing 120 Vallance Road site is occupied by a single and two-storey industrial/commercial building which has been vacant since 24 September 2014.
- 4.17. The 2-4 Hemming Street site is occupied by a two storey building housing the taxi related business.
- 4.18. The existing buildings across the application site provide 2,389sq.m (GIA) of commercial floor space, although only 1,095sq.m is currently occupied.
- 4.19. The adjacent viaduct space to the north and land to the east at Trent Street is identified as a Spitalfields Viaduct and bank local open space and habitat. Weavers field is situated to the north of the viaduct.
- 4.20. To the east of the application site Surma Close which consists of three storey residential buildings.
- 4.21. To the south of the site is 6-8 Hemming Street which comprises of a 3 storey commercial buildings. Further south is a four storey residential development situated adjacent to the Hemming Street and Selby Street junction.
- 4.22. To the west of the site is 2 -7 storey residential buildings at the land at Pedley Street and Fakruddin Street.
- 4.23. The site is served by bus routes with stops on Vallance Road and Bethnal Green Road, 380 metres to the north. The nearest station is Bethnal Green, approximately 280m metres to the north east which provides access to national rail and London Overground services between Liverpool Street and Enfield Town/Cheshunt.
- 4.24. Whitechapel station is also within reasonable walking distance and provides access to District, Hammersmith & City and Overground services.
- 4.25. The application site has a very good Public Transport Accessibility Level (PTAL) of 5 and is highly accessible.

Spatial policy designations

- 4.26. The site is located within the 'wider hinterland of the City Fringe Opportunity Area and also designated as a 'Place to Live' within the Whitechapel Vision SPD.
- 4.27. The site is within an Environment Agency designated Flood Zone 1
- 4.28. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.29. The site is within the London Plan Crossrail SPG Charging Zone.

Relevant Planning History

Application site

No relevant Planning History

6-8 Hemming Street

PA/13/01813

Redevelopment of the site to provide a five storey mixed use development comprising office accommodation (Use Class B1) at ground floor level and 34 residential units (Use Class C3) comprising 16 x 1 bedroom, 10 x 2 bedroom, 7 x 3 bedroom and 1 x 4 bedroom.

Approved 24/10/2014

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. The list below sets out some of the most relevant policies to the application, but is not exhaustive.

National Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2015 (MALP 2016)

Policies

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 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 uses
- 4.1 Developing London's economy
- 4.4 Managing Industrial land and premises
- 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
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.10 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
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.3. Managing Development Document (adopted April 2013) (MDD)

- DM0 Delivering Sustainable Development
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality

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

Supplementary Planning Documents

Planning Obligations SPD (January 2012)
Draft Planning Obligations SPD (March 2015)
CIL Charging Schedule (April 2015)
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)
SPG: London Housing Guidance

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

5.4. Other Material Considerations

EH Guidance on Tall Buildings
Seeing History in the View
Conservation Principles and Practice

6. CONSULTATION RESPONSES

- 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 Environmental Health - Contaminated Land

- 6.3. A condition is recommended to ensure any contaminated land is appropriately dealt with.

LBTH Environmental Health - Air Quality

- 6.4. The air quality assessment is accepted. The assessment shows that the development will not have a significant adverse impact on the air quality and the development is air quality neutral.
- 6.5. The construction section of the assessment is accepted provided that the mitigation methods recommended are included in the Construction Environmental Management Plan, which is to be submitted prior the construction commencing.

LBTH Environmental Health – Noise and Vibration

- 6.6. Subject to the attachment of conditions, no objection to the approval of the development.

LBTH Refuse

- 6.7. Subject to the attachment of a safeguarding condition to secure a detailed service and waste management plan, the proposed development would comply with policy requirements.

LBTH Highways

Car parking

- 6.8. The applicant has proposed that the development will be car and permit free, this is welcomed. Highways require a S106 condition to be attached for “car and permit” free agreement for the development as it is located in very good PTAL area (PTAL 5).
- 6.9. The applicant has proposed to provide two disabled bay on public highway. This is acceptable in principle. However, the applicant will be required to meet the costs to deliver this proposal. This should be secured via condition.

Cycle spaces

- 6.10. The number of cycle spaces provided within the site complies with the Local and the London Plan. However, Highways require further details about each cycle spaces. Especially, design and specification of the cycle stands and dimensions for each of the cycle spaces to ensure users have sufficient space to manoeuvre their bikes.
- 6.11. In addition, there are a number of cycles stands are proposed on the public highways. This was not agreed with the highway. From the submitted drawing available width of the footpath appears to be very narrow. Therefore, Highways require the applicant provide these spaces within the site boundary.

Change of use

- 6.12. The applicant is proposing to change the existing industrial usage into residential. Highways require further information about where the existing occupants will be relocated (if they are relocated) in order for highway to assess the impact on the borough’s highway network in full.

Transport Assessment

- 6.13. Highways accept the forecasts in the TA that shows there will be significant reduction in vehicular trips to and from the site as a result of the proposals.

Residential and work place travel plan

- 6.14. Highways are satisfied with the submitted travel plans. However, the implementation of the Travel Plan should be secured through condition.

Highway works

- 6.15. The proposals seek to change the nature of Hemming Street from one of largely commercial/light industrial character to one of largely residential in nature with some retail employment. The nature of the highway environment will need to be enhanced including, but not limited to, flush kerbing and tactile paving at crossing points, modernising street lighting including the railway underpass and for both Vallance Road and Hemming Street, ensuring the footways and carriageways are left in good order using materials of a style suitable for a residential road. A legal agreement under Section 278 of the Highways Act 1980 will be necessary and this will enable the above works.
- 6.16. In addition, the applicant is proposing some changes to Hemming Street. The applicant is required to provide further information about the type of crossing they are proposing. The Highways design team will only support an informal crossing at Hemming Street.
- 6.17. Moreover, the parking bays appear to be on the footway, the applicant is required to confirm what changes are proposed to existing carriageway layout.

Requested conditions

- 6.18. Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development (including those mentioned above). The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.
- 6.19. The applicant is required to make contributions towards street scene and built environment enhancements within the Weavers area in addition to the street scene adjacent to the proposed development. This should be secured via Section 106.

LBTH Biodiversity

- 6.20. The application site consists entirely of buildings and hard surfaces, and the existing buildings are unsuitable for bat roosts. There will therefore be no significant adverse impacts on biodiversity.
- 6.21. A safeguarding condition would be required to secure biodiversity enhancements.

LBTH Economic Development

- 6.22. The existing site generates 15 full time and 6 part time jobs.

- 6.23. The planning statement indicates that over 70 direct jobs will be created from the commercial space and supports the proposal's reduction in floorspace, which still outweighs the existing active employment.
- 6.24. However, in principle, Economic Development cannot support this as it means a physical reduction in active employment floorspace and they should meet the criteria and requirements specified in policy DM15. In addition, commercial space calculated for the uses given indicates that only 51 direct jobs will be generated from the operational phase of the development.
- 6.25. In the event the application is supported by officers conditions and financial contributions will be required.
- 6.26. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skills match Construction Services.

External responses

Crossrail Limited

- 6.27. No response received

Natural England

- 6.28. Natural England has no objection to the proposed development.

Historic England

- 6.29. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Historic England Archaeology (GLAAS)

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

National Grid

- 6.32. National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.
- 6.33. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.
- 6.34. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Environment Agency (EA)

- 6.35. No objection received.

London Fire and Emergency Planning Authority

6.36. No response received

Metropolitan Police - Crime Prevention officer

6.37. No objections to the development proceeding, however it is requested that conditions shall secure measures to minimise the risk of crime and achieve Secured by Design throughout the development. Full details of these can be found within the New Homes guide 2014 and via the Secured by Design website.

6.38. 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.

London Bus Services Ltd

6.39. No comments received.

TFL London Underground

6.40. Response received confirming no comments to make on this application.

Network Rail Infrastructure Ltd.

6.41. The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Docklands Light Railway

6.42. No comments received

The Victorian Society

6.43. No comments received

Commission for Architecture and Built Environment CABE

6.44. No comments received.

Thames Water Utilities Ltd.

6.45. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair

and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

- 6.46. Thames Water would advise that with regard to sewerage infrastructure capacity, they would not have any objection to the above planning application.
- 6.47. 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.

Greater London Authority

- 6.48. The following is a summary of the Stage I response received prior to the submission of substantial amendments to the scheme:

Principle of development

- 6.49. The principle of development of the site as a residential led mixed use development with reasonable level of commercial floor space is acceptable.
- 6.50. Any net loss of commercial space within the City Fringe Opportunity Area is a concern, however, in this instance, the proposal optimises the commercial offer which has increased from 624sq.m (at the pre-application stage) to 1,311sq.m.
- 6.51. This proposal will have a positive impact on the regeneration of this part of the city fringe, through the delivery of modern competitive office floorspace and new housing in a landmark development with associated improvements to the public realm.

Employment

- 6.52. This site is identified as being within the 'wider hinterland' of the City Fringe Opportunity Area and is an area allocated for residential led mixed use development. The London Plan identifies Whitechapel as an area with 'significant development capacity', and encourages the growth/uplift in capacity of such areas benefitting from Crossrail.
- 6.53. This replacement floorspace will be far more suited to current demands, will represent a much more efficient use of space, and yield more jobs than is currently provided on site. In response to the pre-application recommendations put to the applicant by GLA officers, with regard to the numbers of jobs to be created by the scheme; it is noted that upto 70 jobs will be created, against the current 18 jobs. The uplift in jobs through the replacement of the inefficient buildings being used at a sub-optimal level are therefore supported.

Housing

- 6.54. The development contains 152 units. The proposal provides 30% affordable housing by habitable room, with a tenure split by habitable room of 70% affordable and 30% intermediate.
- 6.55. The applicant has indicated in the planning statement that the full amount of affordable housing (35% local policy target) is not considered practical or viable on-site in this location. A financial viability assessment should be shared with the GLA prior to the application being

determined. It is understood that the acceptability of the 30% affordable housing offer by the applicant will be subject of an independent viability review by the Council. As above, GLA Officers would request that the findings of this review are shared prior to a stage 2 referral.

Density

- 6.56. The density is towards the top of the range set by the London Plan density matrix, which for a central site such as this with excellent public transport accessibility, suggests a range of 650 – 1100 habitable rooms per hectare. The London Plan density matrix is intended to be applied flexibly taking into account a number of factors. On the basis of the advice provided at the pre-application stage, the proposed density of this development is appropriate given its location and the need to maximise the development potential of sites with excellent public transport accessibility.

Play space

- 6.57. The applicant has specified that the scheme will provide 2,079.8sq.m of private space in the form of balconies and terraces. The scheme will also provide 1,185sq.m of communal amenity space, including 400sq.m of play space which will also exceed the required provision. This overall quantum is generous and is supported. The applicant should provide a playspace strategy setting out how this will be achieved, how play space features will be arranged and accessed. It is noted that the development is in close proximity to a range of public open spaces, sports and recreation facilities and playgrounds, which is of further benefit to potential residents and addresses the pre-application request to applicants.

Design

- 6.58. The scheme is generally well thought and has been subject to a number of design iterations throughout the pre-application process. A key strategic issue is the ability of the scheme to provide east/west connectivity between Vallance Road and the northern end of Sutra Place and this is also highlighted as a key aspiration of the Whitechapel Vision Masterplan SPD. This would significantly address barriers to east-west movement, improve pedestrian permeability and help reintegrate currently isolated residential development. Future development opportunities could further augment this to create a new strategic east-west pedestrian route linking Scott Street all the way to Cheshire Street via Pedley Street and the bridge over the railway lines to the north-east of Allen Gardens.
- 6.59. Following pre-application discussion, the applicant has amended the scheme to include a double height link through block A which is welcomed however it is disappointing that this link is not continued to enable full connection to Sutra Place.
- 6.60. GLA officer would welcome further discussion on this point as it is understood that the Council also have concerns about the usability of the private amenity space. The boundary treatment is not specified and it is not clear whether this is solely for residents or for the general public.
- 6.61. The residential quality across the scheme appears high and the applicant has responded to pre-application comments to adjust the layout of upper floors to ensure that each core serves no more than eight units. This is welcomed and has also contributed to maximising the proportion of dual aspect units.
- 6.62. The form and massing approach is broadly supported with a varied heights strategy ranging between five and twelve storeys to respond to both the immediate and wider context of the site.

- 6.63. The positioning of the tallest element at the northern end of block A and alongside the railway viaduct ensures that any overshadowing of the wider site from this block will be minimised while also denoting the transition point in townscape terms between Whitechapel and Bethnal Green town centres. The southern end of blocks B and C gradually decrease in height from eight to five storeys to acknowledge and align with the scale of the neighbouring nos. 6-8 development which is supported.
- 6.64. In response to pre-application discussion, the appearance of the buildings have been simplified and this results in a more refined and calmer composition which is welcomed. The proposed use of a limited palette of materials, including facing brickwork, aluminium window frames and varying glass and brick fronted balconies will further contribute to a clean-lined and residential aesthetic. The Council is encouraged to secure key details such as protruding balconies, curtain walling and parapet lines to ensure the highest quality of architecture is secured within the application.

Access

- 6.65. The application includes 19 accessible residential units, equating to 12.5% of provision which is strongly supported. All the homes will also meet Lifetime Homes standards and thus meets the requirements of policy 3.8. Although typical flat layouts have been provided, the corridor widths appear to be narrow and should be 1.5m to ensure wheelchair access with ease.

Energy

- 6.66. The applicant has stated that the CO2 savings will exceed the target set within Policy 5.2 of the London Plan. However, the applicant should provide the required tables detailing the carbon emissions in tonnes per annum for each stage of the energy hierarchy. See Table 1 and Table 2 in the latest GLA assessment guidance for the correct format: <https://www.london.gov.uk/sites/default/files/GLA%20guidance%20on%20preparing%20energy%20assessments%20April%202015.pdf>

Transport

- 6.67. TfL are satisfied with the provision of car parking, number of cycle parking spaces and impact on Bus and Underground capacity. However, the applicant should reconsider the basement cycle parking arrangements, provide shower and changing facilities for the commercial employees, assess kerb heights of the nearest bus stops, reassess public realm on Vallance Road, allow cyclists access to the new pedestrian route and revise the workplace Travel Plan.

Transport for London

- 6.68. TfL are satisfied with the provision of car parking, number of cycle parking spaces and impact on Bus and Underground capacity. However, the applicant should reconsider the basement cycle parking arrangements, provide shower and changing facilities for the commercial employees, assess kerb heights of the nearest bus stops and revise the workplace Travel Plan
- 6.69. Subject to the attachment of safeguarding conditions, TfL raise no objections.

7. LOCAL REPRESENTATION

- 7.1. At application stage, a total of 82 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The

application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	1	Objecting:	0	Supporting:	1
No of petitions received:	0				

7.2. The received response was raised in representations is material to the determination of the application. The full representation is available to view on the case file.

7.3. The following is a summary of the comment received.

Support

- The proposal is well designed
- The scheme includes improvement works to Vallance Road / Hemming Street
- The proposal provides good quality housing, social housing, jobs and improved townscape

8. PLANNING CONSIDERATIONS AND ASSESSMENT

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

- The Environmental Impact Assessment
- Land Use
- Density / Quantum of Development
- Design
- Heritage
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Transport
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood risk and water resource
- Biodiversity
- Television and Radio Reception
- Health
- Impact on Local Infrastructure and facilities
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations
- Conclusion

The Environmental Impact Assessment

Legislation

8.2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning

applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.

- 8.3. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

EIA Screening

- 8.4. A formal EIA Screening Opinion was submitted on 10th April 2015. Upon the review of EIA request, the Councils EIA officer confirmed that the proposed development does not require an EIA to be undertaken to accompany the planning application.
- 8.5. The scheme therefore does not constitute an EIA development.

Land use

General Principles

- 8.6. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.7. The London Plan policy 1.1 seeks to realise the Mayors vision for London's Sustainable Development to 2036 and commitment to ensuring all Londoners enjoy a good.
- 8.8. The London Plan policy 2.13 deals with Opportunity Areas, map 2.4 gives their indicative locations and Annex 1 sets out the strategic policy direction of each opportunity area. The site is identified as being within the 'wider hinterland' of the City Fringe Opportunity Area and is an area allocated for residential led mixed use development. The London Plan identifies Whitechapel as an area with 'significant development capacity', and encourages the growth/uplift in capacity of such areas benefitting from Crossrail.
- 8.9. The site is also designated as a 'Place to Live' within the Whitechapel Vision SPD.
- 8.10. The proposed development would result in the net loss of employment floor space and provide a mix use residential scheme (Use class C3) with commercial space (use class A1/A3 and B1).

Loss of employment uses

- 8.11. The Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition'.

- 8.12. Policy (DM15) Paragraph 2 also states 'Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere'.
- 8.13. The proposed development would comprise of B1, A1 and A3 floorspace.
- 8.14. The ground floor level and basement level would provide 361sqm and 651sqm of commercial floorspace, respectively. The total level of A1/A3 floor space provided on site would not exceed 500sqm and no individual A1/A3 unit would exceed 100sqm either.
- 8.15. The development is estimated to generate up to 70 direct permanent jobs (based on typical employment yields for A Use Class (500sqm) and B1 Use Class (501sqm). This would represent an increase in employment by nearly 4 times.
- 8.16. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. While, the scheme would also result in a net loss of employment space. The proposal however, providing an uplift in employment provisions on site, significant regeneration and delivering housing in accordance with the 'Place to Live' aspiration of the Whitechapel Vision SPD would provide significant public and economic benefits.
- 8.17. On balance, it is therefore considered that the loss of the existing employment uses and floor space, which in part is vacant to facility, the delivery of the proposed mix use residential development would be broadly acceptable in principle.

Residential development

- 8.18. 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."
- 8.19. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.20. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.21. The proposed development would provide 144 residential units as part of a mixed use scheme.
- 8.22. The introduction of a residential led development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Retail uses

- 8.23. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

- 8.24. Development Managing Document Policy DM2 (Local Shops) states development for Local shops outside of town centres will only be supported where:
- a. There is demonstrable local need that cannot be met within an existing town centre
 - b. They are of an appropriate scale for their locality
 - c. They do not affect amenity or detract from the character of the area; and
 - d. They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres
- 8.25. The proposed development would result in the creation of 144 residential units and the nearest Tower Hamlets neighbourhood centre is Whitechapel District Centre which is situated over 350m away. The total level of retail floorspace provided would not exceed 500sqm and no individual retail unit would exceed 100sqm either. The above limitations to the floor area of the retail provisions would ensure that an appropriate level of vitality to the northern end of Vallance Road would be secured in the form of local shops without undermining any existing Tower Hamlets town centre. The resulting level of activity is therefore suitable for this locality. While, any proposed local shops would meet the new local need which results from the introduction of new residential units on site and within the immediate vicinity. The introduction of active frontages in the form of shop fronts would also allow for the activation of space and enhance the character of the area.
- 8.26. It is therefore considered that subject to the above floor area conditions and the retail uses (A1 / A3) shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail uses are acceptable in principle.

Density and level of development

- 8.27. Policies 3.4 of the London Plan (2015) 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.
- 8.28. 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.
- 8.29. Officers consider that given the sites close proximity to Whitechapel the setting of the site can be reasonably regarded as 'Urban'. The PTAL of the site is 5. The suggested density for an urban location with a PTAL of 4-6 is 200 – 700 hr/ha in accordance with London Plan Density Matrix.
- 8.30. The proposed density for the 144 residential units (382 habitable rooms) scheme calculated on a developable site area of 0.38767 hectares is 985 ha/hr.
- 8.31. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. While, the existing high PTAL level, does not take into consideration the forthcoming Whitechapel Crossrail Station.
- 8.32. London Plan policy 3.4 also 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.

- 8.33. The proposed density of 985 hr/ha however would be greater than the London Plan density range of 200 to 700 hr/ha stated within the density matrix.
- 8.34. The London Plan Housing SPG advises that development outside density 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.
- 8.35. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

Design

- 8.36. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.37. 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).
- 8.38. 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.
- 8.39. Core Strategy Policy SP10 and Policies 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.
- 8.40. Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

Local context

- 8.41. The site is situated to the south of an existing Viaduct and fronts Hemming Street and Vallance Road.

- 8.42. The built environment and townscape of Hemming Street and Vallance Road is experiencing significant change as former commercial sites are being redeveloped with mix use residential schemes in accordance with the Whitechapel Vision to create the locality into a place to live.
- 8.43. To the south of the site at 2- 4 Hemming Street which is a 3 storey high industrial building. Further to the south is a 4 storey high residential block.
- 8.44. To the east of the site is 1 – 3 Trent Street which was formally in use as a buildings yard and remains undeveloped.
- 8.45. The residential area around Surma Close which is characterised by three storey residential buildings is located to the south of 1-3 Trent Street and east and south east of the application site.
- 8.46. To the south of the application site at 118 Vallance Road is a two storey commercial building and further south is the existing petrol station.
- 8.47. To the west of the site is the Land at Fakruddin Street and Pedley Street which now comprises of 2 – 7 storey residential buildings.
- 8.48. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn.
- 8.49. The developments in the immediate vicinity are of modest heights ranging from 2 – 7 storeys. The footprints of the neighbouring buildings vary in scale and form. The existence of the viaduct creates a bookend to the Vallance Road and Hemming Street towards the northern edge of the site.
- 8.50. The proposed existence of the viaduct and its visual impact on the townscape would allow for the potential introduction of tall buildings of a reasonable scale. Having said that, it is considered any building along Hemming Street should be subordinate in scale to that proposed on Vallance Road, as Vallance Road is more of a strategic north to south route than Hemming Street.
- 8.51. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

- 8.52. The proposed scheme comprises of two building blocks known as the Vallance Road Building (Building A) and the Hemming Street Building (Buildings B and C).

Hemming Street building

- 8.53. The Hemming Street building would consist of residential dwellings only and range in height from 5 to 8 storeys.
- 8.54. The 5 storey element of the building would be at the southern end of the site and adjacent to no. 2-4 Hemming Street which is of a similar scale. The building would also be constructed in brick to be of a form and appearance similar to the neighbouring 2-4 Hemming Street building. The building would also be designed with overhanging balconies constructed with either predominantly brick or glass detailing.
- 8.55. The proposed building would provide 12 market sale units, 12 Intermediate units and 25 affordable rents units.

- 8.56. The proposed residential units would exist in the form of duplexes and flats which are broadly orientated to face east and west.
- 8.57. The ground floor residential units would benefit from private gardens and the upper floor units would be designed with private amenity space in the form of balconies.
- 8.58. The building would be set back from the highway to allow for the creation of defensible space in the form of front gardens.
- 8.59. The proposed roofs of the building would provide amenity space and child play space.

Vallance Road building

- 8.60. The Vallance Road building would consist of A1/A3 and B1 commercial floor space at basement and ground floor level and 95 market sale residential units on the upper floors.
- 8.61. The building would range in height from 7 to 10 storeys. The tallest element of the proposal at 10 storeys would be adjacent to the existing viaduct. The reduction in height of the building to the south would in part mirror the stepping down massing approach of the proposed Hemming Street building.
- 8.62. The appearance of the building fronting Vallance Road is designed with three main components, which includes a small recessed central element. The northwest corner of the building would also be designed without a bricked edge, which is a key design characteristic of the building.
- 8.63. The appearance of the eastern side of the Vallance Road building fronting Hemming Street is informed strongly by its footprint. The buildings footprint comprises of the majority of the building block set well back from Hemming Street with two projecting elements at either side, which would read as book ends.
- 8.64. The central recessed element also consists of a west to east passageway, which provides a new pedestrian link between Vallance Road and Hemming Street.
- 8.65. The proposed commercial units would be accessed via Vallance Road and secondary entrances under the proposed passage. The commercial floor space is characterised by the introduction of voids which provide double height space to the basement. The commercial floor space within the proposed basement would be accessed via internal staircases accessed from first floor level.
- 8.66. The proposed residential units would be accessed from both Vallance Road and Hemming Street. The majority of the proposed flats would be orientated to face east and west, and single aspect. All of the proposed units would be designed with private amenity space.
- 8.67. The set back of the building allows for the creation of a public realm offer which includes child play space.
- 8.68. The proposed roofs of the building would also provide additional amenity space and child play space.
- 8.69. The building would be of a modern and contemporary appearance, which is characterised by floor to ceiling glazed elevations throughout, and recessed balconies situated within the envelope of the building.

Ground Floor Design

- 8.70. The recession of the central element of the Vallance Road building would provide a new public space located at the heart of the development.
- 8.71. The public space would be accessible directly from both Hemming Street and Vallance Road.
- 8.72. The proposed location of the A1/A3 and B1 use at ground floor level of the Vallance Road building would provide a degree of commercial activity and active frontages along both Vallance Road and Hemming Street.
- 8.73. The existence of two highways, one to the west (Vallance Road) and one through the centre of the site (Hemming Street) combined with the designs of the building ensures that all of the entrances to the residential accommodation are located on the highway network.
- 8.74. The proposed development blocks positioned on existing brownfield sites and set back from the public highway would preserve the north south vehicle and pedestrian routes of Vallance Road and Hemming Street.
- 8.75. A proportion of the shared amenity space and child play space would also be located at ground floor level.

Building Heights

- 8.76. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:
 - 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.
- 8.77. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. 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.

8.78. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall 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.

8.79. The following is an assessment of the proposal against policy DM26.



8.80. The application site is located within an area which is neither a designated 'Major centre', 'district centre' or 'neighbourhood centres and main streets'. The surrounding area however is not a typical of 'areas outside of town centres' which would often be characterised by small buildings and a coherent human scale townscape.

8.81. The immediate setting of application site as previously discussed includes a viaduct to the north of the site and residential and commercial building blocks with large foot prints to the south of the site.

8.82. The application site is also considered to be in an 'urban location' with regards to density matrix which is characteristic more a typical of a 'district centre' or 'neighbourhood centre' than 'areas outside of town centres'. On balance, it is therefore considered that the site could deliver appropriately scaled and formed tall buildings without being detrimental to the skyline or surrounding townscape.

8.83. The following CGI of the proposed development provides an indication of the heights and scale of the buildings proposed with the existing surrounding context.



- 8.84. The proposed location of the taller buildings adjacent to neighbouring service yards, the viaduct at the northern end of the site and the proposed public realm would provide breathing space for the tallest elements.
- 8.85. The location of the tallest element of the Vallance Road building (10 storeys) at the north west corner of the site would also allow for a maximum separation distance to the neighbouring residential properties of Surma Close which are 3 storey high to be achieved. The proposed separation distance would ensure the development would not be overbearing on the neighbouring small scale residential estate located to the east and south east.
- 8.86. The reduced heights of the Vallance Road building adjacent to the a development site of 118 Vallance Road and heights of the Hemming Street building which are deliberately designed to relate to the existing and approved heights along Hemming Street are also considered appropriate.
- 8.87. This is a view shared by the GLA which stated in the Stage 1 response:

'The positioning of the tallest element at the northern end of block A and alongside the railway viaduct ensures that any overshadowing of the wider site from this block will be minimised while also denoting the transition point in townscape terms between Whitechapel and Bethnal Green town centres. The southern end of blocks B and C gradually decrease in height from eight to five storeys to acknowledge and align with the scale of the neighbouring nos. 6-8 development which is supported'.

- 8.88. The delivery of high quality urban design with improved legibility and permeability, enhanced public realm, new active frontages and pedestrian route through the site would also provide an appropriate setting for tall buildings.
- 8.89. It is therefore considered that the staggered heights, mass, form, design of the buildings would enhance the surrounding area, provide a human scale of development and make a significant contribution to regeneration in accordance with the criteria of London Plan policy 7.7 and MDD policy DM26.

Setting and Local Views

- 8.90. With any tall buildings, there is an expectation that it would be situated within a high quality public realm commensurate with its height and prominence.

- 8.91. As previously discussed, the introduction of public realm along Hemming Street, which elsewhere is broadly characterised by buildings built up to the highway would provide a welcomed visual relief and breathing space for the development.
- 8.92. The proposed stepped heights of the Hemming Street building and subordination to the scale of the proposed heights of the Vallance Road building would ensure that the development would not be overbearing or insensitive to the surrounding area.
- 8.93. The Vallance Road building was previously designed with a height of 12 storeys. Officers, due to the overall scale, height and relationship with the 2 – 7 storey development at the land at Fakruddin Street and Pedley Street, did not support such a height. The proposed height of the Vallance Road building was therefore reduced in scale by two storeys by the applicant. The above revision to the scheme combined with further amendments to the ground floor access arrangements ensure that the development would be of appropriate in scale in local views and of a human scale viewed from the public highway and Weavers Fields to the north.
- 8.94. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how compatible a scheme of this scale is with the surrounding area when viewed at the local level.
- 8.95. The following is a view of the proposed development from the north overlooking the viaduct from the west along Pedley Street looking east.



- 8.96. The development with its dual frontage commercial units is also designed to maximise the level of active and engaging frontages at ground floor level on Vallance Road and Hemming Street. It is considered that such an arrangement would only enhance local views in comparison to the existing situation.
- 8.97. The provisions for waste, cycle and plant are located to directly fronting Hemming Street on projecting bookend elements instead of adjacent to the new public realm offer. Such an arrangement is considered acceptable, as the success of the public realm would be reliant on ensuring that active uses such as the commercial uses and residential entrances face the public realm.

Architecture

- 8.98. 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 that the elevation treatment of the proposed buildings are of a high standard.

- 8.99. The design and appearance of the Hemming Street building would provide a coherent, high quality built environment, especially when read in conjunction with the approved 5 storey development at 6-8 Hemming Street.
- 8.100. The design and appearance of the Vallance Road building alternatively would read as deviation from the established and emerging character of Hemming Street. The contrast in designs however would be welcomed, as it would add visual interest and enhance the character of the emerging residential area as a whole.

Relationship to neighbouring buildings and sites

- 8.101. The Vallance Road building abuts 118 Vallance Road which is located to the south of the application site. The absence of any habitable room windows, combined with the recessed hallway windows on the southern elevation would ensure that no habitable room would be reliant on sunlight, daylight or outlook from the neighbouring site to be deemed acceptable. The proposal as a consequence would safeguard the development potential of no. 118 Vallance Road.
- 8.102. The limited level of separation distance and introduction of north facing habitable rooms (bedrooms) and terraces along the northern elevation of the 10 storey element of the Vallance Road building however would potentially impact on the development potential of the former 160-168 Vallance Road site to the north. In this instance however, as the north facing bedrooms in any event would receive the lowest levels of sunlight and daylight within the proposed of a dual aspect flats, any proposed development at 160-168 Vallance Road would have a limited impact on the living conditions of the future occupants overall. While, it is also acknowledged that as the neighbouring site provides access to the railway arches, it is considered unlikely a large scale development would be likely to come forward on the site in any event.
- 8.103. The proposed southern elevation of the Hemming Street building would be designed with south facing habitable room windows. This arrangement however is considered acceptable, as the proposed southern elevation and shared boundary positioned 4m away would negate the requirement for the proposed habitable windows to rely on a neighbouring site for sunlight, daylight and outlook. The proposed development would be compatible with the approved scheme at 6-8 Hemming Street.
- 8.104. The proposed northern end of the Hemming Street development alternatively would have the potential to impact on the development potential of the Trent Street site. The proposed development as a consequence is designed with saw tooth windows on the east facing elevation to limit the reliance on the neighbouring site to provide high quality living conditions for future occupants.
- 8.105. The proposed introduction of northeast facing saw tooth windows would ensure that no windows within the development would directly face the neighbouring north facing habitable room windows of the existing properties of Surma Close. The proposed arrangement as a consequence would also reduce any concerns regarding overlooking and perceived overlooking from the development.
- 8.106. The proposed location of the commercial uses within the Vallance Road building would be appropriately situated between and fronting two different highways. The positioning of residential units at ground floor level of the Hemming Street building would also appropriately respond to the fact that the site abuts the residential properties and gardens of Surma Close located to the east.

8.107. In light of the above, it is considered that the proposed layout of the scheme characterised by the well thought-out positioning of building blocks and uses on site would appropriately interface with the surrounding land uses, contribute positively to making places better for people, and as a consequence achieve a high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The development as a consequence would accord to London Plan Policy 7.1 and the NPPF.

Secure by Design

8.108. Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that developments are safe and secure.

8.109. The proposed development would have the potential to result anti-social behaviour and other crime generators issues. A safeguarding condition would therefore be attached to any approval, to ensure that the development would comply with Secure by Design Principles.

8.110. Subject to such safeguarding conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

8.111. 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.

8.112. 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'.

8.113. The proposed public realm would be provided at a level access and provide links to Hemming Street, Vallance Road and the wider area. All of the communal amenity space and child play space, inclusive of those located on the roofs of the buildings would also be accessible for all and flat.

8.114. The proposed commercial floor space within the basement at present would not be wheelchair accessible. A condition would therefore be attached to any approval to secure the installation of a wheelchair accessible lift.

8.115. Subject to the above condition, it is therefore considered that the proposed scheme would be well connected with the surrounding area and broadly constitute a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with policies 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

8.116. The proposal would provide a new public realm provision, which would result in a high quality setting commensurate of buildings of such moderate, varying heights. The proposed development would be broadly in keeping with the scale of surrounding developments and where notably taller at 10 storeys than the immediate townscape mark the location of the primary north to south route of Vallance Road within the immediate vicinity, which includes a vehicle/pedestrian link under the viaduct.

- 8.117. The proposed development designed with a variation in heights, duplex with front and rear gardens and appropriate levels of breathing space would provide a human scale of development at street level. The introduction of double frontage retail uses would also enhance levels of activity on site.
- 8.118. The proposed buildings and uses would be compatible with the neighbouring sites and provide a comprehensive development.

Housing

Principles

- 8.119. 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."
- 8.120. The application proposes 144 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931.
- 8.121. Policy 3.3 of the London Plan 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.
- 8.122. The following table details the housing mix proposed within this application.

Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	28	31	34	14	0
Affordable rent	0	7	5	13	0
Intermediate	0	3	6	3	0
TOTAL	28	41	45	30	0
Total as %	19.5	28.5	31	21	0

- 8.123. The quantum of housing proposed would 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 would therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 8.124. 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.

- 8.125. 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.
- 8.126. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme.
- 8.127. 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.
- 8.128. 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”.
- 8.129. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.130. The applicants submitted viability appraisal was independently reviewed by the Council’s financial viability consultants. The findings of the appraisal based on the amended scheme confirmed that a 34.6% affordable housing scheme would only be viable if all of the affordable rented units would be provided at Borough Framework Rents. The delivery of the 3 bedroom units at Social Target Rent for example would impact on the viability of the scheme and reduce the viable affordable housing provision down to 29.7%.
- 8.131. The applicant however has made a commercial decision following negotiations with officers to provide an affordable housing offer of 35% (based on habitable rooms) and also provide 3 bedrooms at Social Target Rent level.
- 8.132. The affordable housing offer at 35% which is above and beyond what the Council’s viability consultants have confirmed viable is therefore welcomed and considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.

8.133. The affordable housing is being delivered at a 71:29 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.

8.134. The proposed percentage of shared ownership units is broadly in alignment with the Local Plan. Officers support such a mix, as it would secure the delivery of a greater proportion of affordable rented units.

8.135. The 1 and 2 bedroom affordable rented units would be provided at the following LBTH borough framework levels:

1 bed = £234 2 bed = £253

8.136. The Social Target Rent levels for the 3 bedroom affordable rented units would be £158.06.

8.137. The delivery of Social Target Rent 3 bed units optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing, especially with regards to family housing.

Housing Mix

8.138. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council’s most up to date Strategic Housing Market Assessment (2009).

8.139. The following table below compares the proposed target mix against policy requirements:

		Affordable Housing						Market Housing		
		Affordable Rented			Intermediate					
Unit size	Total Units	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
Studio	28	0	0	0	0	0	0%	28	26%	0%
1 Bed	41	7	28%	30%	3	25%	25%	31	29%	50%
2 Bed	45	5	20%	25%	6	50%	50%	34	32%	30%
3 Bed	30	13	52%	30%	3	25	25%	14	13%	20%
4 Bed	0	0	0%	15%	0	0		0	0	
5 Bed	0	0	0	0	0	0		0	0	
Total	144	25	100%	100%	12	100%	100%	107	100%	100%

Dwelling numbers and mix by tenure

8.140. The proposed percentage of one bedroom affordable rented units at 28% would broadly be in alignment with the 30% policy requirement. The percentage of three bedrooms (52%) would exceed the combined target levels for 3 and 4 bedrooms of 45%. In this instance, the

significant over provision of affordable family housing is supported, as it would maximise the quantum of affordable Social Target Rent family sized units delivered.

- 8.141. Within the Shared Ownership element of the scheme, the proposed split complies with policy requirements.
- 8.142. The proposed market sale housing would consist of an over provision of studios / one beds. This is considered acceptable however, as the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "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".

Quality of residential accommodation

- 8.143. 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.
- 8.144. 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.
- 8.145. All of the proposed flats meet or exceed the London Plan (MALP) minimum internal space standards and the Minimum National Floorspace standards.
- 8.146. The Housing SPG recommends that no more than 8 flats should be served by a core to ensure that the development provides the required sense of ownership for future occupiers.
- 8.147. The development would consist of only one core which serves more than 8 units. This core is situated on the second floor within the Vallance Road Building and serves 9 units. The proportion of units failing the recommended threshold is therefore considered marginal.
- 8.148. The proposed development would not consist of any north facing single aspect residential units.
- 8.149. The proposal includes 17 wheelchair accessible units, 3 of which are social target rent duplexes within the Hemming Street building. The proportion of wheel chair accessible units would exceed the policy requirement of 10%. The housing officer advised that there is a waiting list within the Borough for wheelchair accessible units. A condition would therefore be attached to any approval to ensure that the wheelchair accessible lifts are installed in the maisonettes prior to occupation of the development.
- 8.150. The proposed flats would not be unduly overlooked by neighbouring properties. Subject to appropriate conditions securing appropriate glazing specifications and ventilation, the development would not result in subject to undue noise or vibration to the proposed residential units.
- 8.151. The positioning of shared amenity space adjacent to habitable room windows however would result in privacy issues and unacceptable living conditions for future occupants. A condition would therefore be attached to ensure a physical barrier in the form of defensible space between communal amenity space and habitable room windows is delivered prior to

occupation of the development. The full details would be secured as part of an updated landscape strategy.

- 8.152. The minimum floor-to-ceiling height exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.153. Subject to safeguarding conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with LP policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 8.154. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.155. 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."
- 8.156. 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.
- 8.157. 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.
- 8.158. 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.

Vertical Sky Component

- 8.159. Of the 482 windows serving 381 habitable rooms assessed for the VSC only 28% of the windows (137) would achieve above BRE guidance.
- 8.160. The level of failings however, is common for a high density development in an urban location as this application falls within. While, officers acknowledge that in many cases the failings are marginal and in part a consequence of the location of windows below balconies.

Average Daylight Figures

- 8.161. The proposed scheme consists of north to south building blocks, primarily served by windows on the east and west facades which reduces the number of north facing units. The potential for good sunlight to the west and the east is lower than that for south facing windows. The proposed development as a consequence broadly provides some direct

sunlight to the vast majority of the units rather than good sunlight to some with others receiving none at all.

- 8.162. The results of the ADF assessment show that of the 381 rooms assessed, 95.3% of the rooms (363) achieve the BRE Guidelines. This is considered exceptionally high for a development of this size in an urban location.
- 8.163. It is also acknowledged that of the 18 rooms with ADF levels below the guide lines, 13 are combined living room / kitchens, 1 is a living room and 4 are bedrooms which are broadly positioned at the lower levels of the building. The failures experienced would also be marginal breaches.

Conclusions

- 8.164. On balance, it is considered that the proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive good levels of interior daylighting, which is considered acceptable for a high density development in an urban setting such as this.

Outdoor amenity space and public open space

- 8.165. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) 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

- 8.166. 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.
- 8.167. The application proposes private balconies or ground floor private gardens for all of the proposed residential dwellings. All of the proposed forms of private amenity would comply with the minimum space requirements in accordance with Policy DM4 of the MDD.

Communal Amenity Space

- 8.168. 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 184sqm.
- 8.169. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 8.170. The proposal would provide approximately 184sqm of communal amenity space within the six proposed gardens, one of which is located at ground floor level to the south of the Hemming Street building.

- 8.171. The proposed communal amenity spaces would be predominantly positioned on the roofs of the proposed buildings. The proposed massing and heights of the buildings broadly reducing to the south would minimise the level of overshadowing. While, the proposed communal amenity space at ground floor level is also located to the south of the proposed buildings. The proposed communal amenity spaces as a consequence would benefit from appropriate levels of sunlight and daylight.
- 8.172. Officers however do have concerns regarding the relationship and the location of communal amenity space abutting proposed habitable rooms. The requirement for the submission of an updated landscape strategy which ensures that all private units have a reasonable level of defensible space and no privacy issues arise would be secured by condition.
- 8.173. Subject to the attachment of conditions, it is considered that the quantum and quality of the shared communal amenity space is acceptable for the enjoyment of future residents.
- 8.174. The following plan illustrates the ground floor public realm, communal amenity space, child play provisions and ground floor private amenity space.



Public Open Space

- 8.175. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 8.176. The proposed development would provide 950sqm of public open space in the form of the new public square and public realm positioned to the west of Hemming Street.
- 8.177. The design of the public realm and settings of the buildings has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.
- 8.178. The benefits of the scheme would include improving accessibility to Vallance Road to Hemming Street and creating a new public space along Hemming Street.
- 8.179. The design strategy for the ground floor ensures that the buildings facing the proposed public realm have an active frontage in the form of residential entrances and commercial frontages to secure a visual connection with the public space. Such a strategy would maximise activity and animation within this space.
- 8.180. The introduction of a new public space in an area characterised by buildings typically built up to the highway is a welcomed design feature and enhances the overall quality of the scheme. Having said that, it is noted that the proposal would not provide the required 12sqm of public realm per person contrary to the planning obligations SPD. The failure to provide the required level of public realm as a consequence would be off-set with the securement of a borough CIL payment.
- 8.181. On balance, it is therefore considered that the proposed public realm offer combined with a CIL payment would result in sufficient public benefits and an appropriate quantum of high quality public realm for the enjoyment of future occupants of a scheme of such density.

Child play space

- 8.182. 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.
- 8.183. The scheme is predicted to contain 40 children (0-15 years of age) using LBTH yields methodology. The following is a breakdown of the expected number of children per age group
-
- 8.184. In accordance with LBTH methodology a total child play space provision of 400sqm is required on site for all three age groups, respectively.

- 8.185. The proposed development as previously discussed the proposal would provide 410sqm of play space on site for all age groups.
- 8.186. The applicants approach is for the play space for each age group to be separated across the site.
- 8.187. The child play for the over 12 age group would consist of two 45sqm of play space within the proposed public realm adjacent to Hemming Street.
- 8.188. A larger child play space provision of 185sqm would be positioned on the 5th floor of the Hemming Street building within the communal amenity space. This space would accommodate over 5 – 11 year olds and over 12 years.
- 8.189. The roof of the Vallance Road building at 7th floor level would also provide 140sqm of play space for all age groups.
- 8.190. The proposed 30sqm of 0-4 age group play space would be provided at 6th floor level on the Hemming Street building. The positioning of the door step play space on a podium would provide a safe and secure environment set away from the highway.
- 8.191. The inclusion of door step play space across the site is welcomed in accordance with the London Plan and The Shaping Neighbourhoods: Play and informal Recreation SPG which states:

'3.4 if children and young people are to have the chance to play out in the fresh air, to be physically active and to socialise with friends and peers, they need access to out of doors space. The first step to securing this is ensuring there is sufficient physical space, of quality in the neighbourhoods where children live'.

- 8.192. The location of child play space on the roofs of the ground floors of the building blocks is also considered acceptable, in accordance with Children and Young People's Play and Information Recreation' SPG which states:

"3.8 In new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play, careful consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities"

- 8.193. For the reasons above, the proposed child play space strategy would provide external play space that is accessible for all, delivers an appropriate provision for play and meets the requirements of the child population generated by the scheme and an assessment of future needs.
- 8.194. Given the sites close proximity to Weavers Field situated 140m away to the north, the absence of an on-site large aggregated recreational area such as a multi-use games area for the 11 years plus age group in this instance would also be acceptable.
- 8.195. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Heritage

Strategic Views

- 8.196. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites – Guidance on Settings SPG (2015) 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.
- 8.197. London Plan (2015) 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.
- 8.198. The proposed development by reason of its positioning, scale and maximum height at 10 storey would not affect a designated Strategic view within the London View Management Framework.
- 8.199. Historic England, the GLA and the LBTH Design officer raised no concerns regarding the heights, scale and prominence of the development when viewed from Strategic viewpoints. It is therefore considered that the proposed development would safeguard the integrity and importance of the World Heritage Sites.

Surrounding Conservation Areas and Listed Buildings

- 8.200. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.201. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.202. Core Strategy Policy SP10 seeks to preserve and enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. 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.
- 8.203. Core Strategy Policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed places across the borough through retaining and respecting features that contribute to each places' heritage, character and local distinctiveness.
- 8.204. Managing Development Document Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.

- 8.205. Managing Development Document Policy DM27 states that development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.206. The proposed development is positioned 284m and 334m away from the nearest listed buildings of St Matthews Church (Grade II* listed) and St Anne's Presbytery (Grade II* listed), respectively. The level of separation and limited height of the proposal ensures that the setting of the listed buildings would not be impacted upon.
- 8.207. The nearest conservation area is Fournier Street Conservation Area which positioned 91m away to the north east of the application site and on the other side of the existing viaduct. The proposed development would not be visible from parts of the conservation however by reason of its scale and separation distance, it would not impact on the appearance or character of the council's heritage asset.
- 8.208. The proposed development would therefore be in accordance with the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24 and DM27 of the DMM.

Archaeology

- 8.209. The National Planning Policy Framework (Section 12) and the 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.
- 8.210. Historic England Archaeology officer (GLAAS) confirmed that the proposal would be unlikely to have a significant effect on heritage assets of archaeological interest.
- 8.211. The proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015).

Neighbours Amenity

- 8.212. 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

- 8.213. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.214. The application site is surrounded by a number of residential properties, which can be impacted by the development. Having said that, as the neighbouring residential properties are positioned primarily to the east, west and south of the application site is considered that any impacts should be marginal.
- 8.215. A sunlight and daylight study which sets out the impacts for the neighbouring properties was submitted as part of the application and reviewed by officers accordingly.

8.216. The findings of the Sunlight and Daylight Study are discussed below.

Receptors

8.217. The Sunlight and Daylight report identified the properties and windows which should be tested for sunlight and daylight based on land use and proximity to the site.

8.218. The following is a list of the properties tested for Daylight and Sunlight:

- 1 Fakruddin Street
- 32 Fakruddin Street
- 20 Selby Street
- 1-3 Surma Close
- 4-7 Surma Close
- 11 Surma Close
- 12 Surma Close
- 18 Surma Close
- 24-34 Cheshire Street
- 170 Vallance Road
- 16 Menotti Street
- Land at Pedley Street / Fakruddin Street
- 6-8 Hemming Street

Daylight

8.219. 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.

8.220. ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.

8.221. BRE guidelines recommend the following ADF values for dwellings:

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

8.222. 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.

8.223. The following table is a summary of the VSC and ADF results:

	Assessed	Above	% Compliant	Below	% Compliant
1 Fakruddin Street	3	3	100%	0	0%
32 Fakruddin Street	4	4	100%	0	0%
20 Selby Street	3	3	100%	0	0%
1-3 Surma Close	9	9	100%	0	0%
4-7 Surma Close	20	20	100%	0	0%
11 Surma Close	3	3	100%	0	0%
12 Surma Close	8	8	100%	0	0%
18 Surma Close	1	1	100%	0	0%
24-34 Cheshire Street	25	25	100%	0	0%
170 Vallance Road	5	5	100%	0	0%
16 Menotti Street	5	5	100%	0	0%
Pedley Street Development	8	0	0%	8	100%
6-8 Hemming Street Development	23	11	47.8%	12	52.2%
Total	117	97	82.9%	20	17.1%

Table 5.1: Summary of VSC results for neighbouring properties

	Assessed	Above	% Compliant	Below	% Compliant
Land at Pedley Street /Fakruddin Street	8	7	87.5%	1	12.5%
6-8 Hemming Street	9	9	100%	0	0%
Total	17	16	94.1%	1	5.9%

Table 5.2: Summary of ADF results for neighbouring developments

- 8.224. The results of the daylight analysis illustrates that all of the windows serving existing properties would comply fully with BRE guidance of ambient daylight.
- 8.225. The proposal would result in 20 windows serving the new residential developments at Pedley Street and no. 6-8 Hemming Street failing the guidelines. The failing of some windows following the proposal of a new development in an urban environment however is expected
- 8.226. The ADF study also confirms that all but one of the rooms requiring assessment within the Pedley Street and no. 6-8 Hemming Street developments would comply with the BRE guidelines for ADF.
- 8.227. The single room that would experience a lower level of interior daylight is a bedroom which would receive an ADF level of 0.84% with the development in place. The impact is therefore confirmed to be isolated and marginal.
- 8.228. In summary, it is considered that effects of the proposed scheme on the daylight levels experienced by existing neighbouring properties and emerging development are acceptable in the context of the BRE guidance.

Sunlight

- 8.229. 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 probable 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

8.230. The following table is a summary of the outline sunlighting conditions for the following residential properties which are relevant for assessment:

Annual Sunlight						
Neighbouring Property	Assessed	Above	% Compliant	Below	% Compliant	Marginal
1 Fakruddin Street	0	-	-	-	-	-
32 Fakruddin Street	0	-	-	-	-	-
20 Selby Street	0	-	-	-	-	-
1-3 Surma Close	0	-	-	-	-	-
4-7 Surma Close	0	-	-	-	-	-
11 Surma Close	0	-	-	-	-	-
12 Surma Close	3	3	100%-	0	0%	-
18 Surma Close	1	1	100%-	0	0%	-
24-34 Cheshire Street	25	25	100.00%	0	0.00%	-
170 Vallance Road	5	5	100.00%	0	0.00%	-
16 Menotti Street	5	5	100.00%	0	0.00%	-
Pedley Street Development	6	6	100.00%	0	0.00%	-
6-8 Hemming Street Development	0	-	-	-	-	-
Total	45	45	100%	0	0%	0
Winter Sunlight						
Neighbouring Property	Assessed	Above	% Compliant	Below	% Compliant	Marginal
1 Fakruddin Street	0	-	-	-	-	-
32 Fakruddin Street	0	-	-	-	-	-
20 Selby Street	0	-	-	-	-	-
1-3 Surma Close	0	-	-	-	-	-
4-7 Surma Close	0	-	-	-	-	-
11 Surma Close	0	-	-	-	-	-
12 Surma Close	3	3	100%-	0	0%	-
18 Surma Close	1	1	100%-	0	0%	-
24-34 Cheshire Street	25	25	100.00%	0	0.00%	-
170 Vallance Road	5	5	100.00%	0	0.00%	-
16 Menotti Street	5	5	100.00%	0	0.00%	-
Pedley Street Development	6	6	100.00%	0	0.00%	-
6-8 Hemming Street Development	0	-	-	-	-	-
Total	45	45	100%	0	0%	0

8.231. The results presented in the table above confirm that all of the 63 windows assessed comply with the BRE guide levels for annual and winter sunlihting (100% compliance). While, it was

not considered necessary to assess the impacts of the development on the properties of Fakruddin Street, Selby Street, 6-8 Hemming Street and 1-3, 4-7 and 11 Surma Close due to their position and orientation to the development.

- 8.232. The full compliance with the guidelines in relation to neighbouring properties sunlight conditions is considered to be a merit of the scheme, especially given its location in an inner London environment.

Conclusion

- 8.233. The proposed development would result in insignificant impacts on neighbouring properties and is broadly complies with BRE Guidance.

Overshadowing

- 8.234. The submitted sunlight and daylight report confirms that all of the gardens and amenity spaces serving neighbouring properties would comply with the BRE guide lines with the proposed development in place.

- 8.235. The ecological habitat / open space on the adjacent viaduct would also benefit from good levels of sunlight with the development in place.

- 8.236. In light of the above, officers have no concerns the impact of the development regarding the overshadowing of neighbouring sites.

Privacy

- 8.237. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new buildings and the existing facing buildings on neighbouring sites.

- 8.238. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

- 8.239. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

Landscaping and Biodiversity

- 8.240. 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.

- 8.241. The application site consists entirely of buildings and hard surfaces, and the existing buildings are unsuitable for bat roosts.

- 8.242. The proposed redevelopment of the site would therefore not result in any significant adverse impacts on biodiversity.

- 8.243. The Landscape Strategy includes a number of improvement works which would contribute to objectives and targets in the LBAP. The most significant of these is 936 square metres of bio-diverse roof of two different types, one of which would be associated with photovoltaics.
- 8.244. The Bio diversity officer confirmed that the proposed planting for both types of bio-diverse roof is acceptable and advised the addition of a few piles of stones and/or logs should be secured to provide additional habitat for invertebrates.
- 8.245. The other aspects of the development which would contribute to LBAP targets include ornamental landscaping with a good diversity of nectar-rich plants to provide forage for bumblebees and other invertebrates, and the provision of bat boxes and nest boxes for swifts, house sparrows and black redstarts.
- 8.246. The Bio-diversity officer and Natural England raised no objection to the scheme or its impact on the habitat on the viaduct, subject to the securement of the discussed bio-diversity assessment.
- 8.247. Subject to the securement such conditions, it is therefore considered that the proposal would comply with the London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

Highways and Transportation

Policy Context

- 8.248. 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.
- 8.249. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.250. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.251. The site has a public transport accessibility level (PTAL) of 5. The proposed development includes 253 cycle parking spaces and zero car parking spaces, with the exception of 2 disabled parking bays.

Access

- 8.252. The site would only be accessible via Vallance Road and Hemming Street. The development would enable pedestrian and cycle access between the two highways.

Car Parking and access

- 8.253. The applicant has proposed that the development would be car and permit free which is welcomed. A S106 agreement would ensure that the development is “car and permit” free scheme.

8.254. The applicant would be required to meet the costs to providing two disabled bay on public highway which would be secured via s106 Agreement.

Highway works

8.255. The proposals seek to change the nature of Hemming Street from one of largely commercial/light industrial character to one of largely residential in nature with some retail employment.

8.256. The nature of the highway environment would therefore need to be enhanced. The improvement works would include, but not be limited to, flush kerbing and tactile paving at crossing points, modernising street lighting including the railway underpass and for both Vallance Road and Hemming Street, ensuring the footways and carriageways are left in good order using materials of a style suitable for a residential road.

8.257. A legal agreement under Section 278 of the Highways Act 1980 would therefore be necessary to enable the above works.

8.258. The proposal includes crossings along Hemming Street. The Boroughs Highway officer would only support an informal crossing arrangement at Hemming Street. The details of the crossing would therefore be secured by condition and any works required will be secure through a s278 Agreement.

Public Transport

Buses

8.259. TfL are satisfied that this development would not have a detrimental impact on bus capacity however, the kerb heights of the two local bus stops (Fakruddin Street- stop SG and Fakruddin Street- stop V) should be at least 125mm high in line with TfL's bus stop accessibility guidelines.

Cycle Hire

8.260. The closest cycle hire station is Selby Street and Whitechapel has a total of 17 docking points.

8.261. TfL stated that it expects the cycle hire capacity and operation to be constrained by the cumulative level of development within the local area and as a consequence requested that the Council allocate £70,000 of CIL funding towards increasing its capacity by an additional 15 docking points.

8.262. The allocation of CIL however cannot be secured as part of the assessment of a planning application.

8.263. The failure to a deliver cycle hire station or additional capacity would also not result in highway and transport issues which would outweigh the overall merits of scheme.

Servicing and construction

8.264. The refuse and waste collections would take place along Hemming Street whilst household deliveries would be managed by the on site concierge.

8.265. The submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.

- 8.266. A construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition.
- 8.267. The required plans would be required to identify the efficient, safe and sustainable arrangements to be employed at each stage of implementation the development, to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, amenity and highway safety.

Travel Plans

- 8.268. The submission and implementation of a finalised work place and residential travel plans would be secured by s106 agreement by Tower Hamlets Council.
- 8.269. Subject to the attachment of the above conditions and s106, it is considered that the proposed development would not result in any highway or transport issues in accordance with the NPPF, policies 6.1 and 6.13 of the London Plan 2015, Core Strategy policies SP08 and SP09 and policy DM22 and DM22 of the MDD.

Waste

Container Numbers and Frequency

- 8.270. A waste management plan would ensure that the development is future proofed for potential and upcoming changes in policy and collection methodologies.

Commercial waste

- 8.271. The LBTH Waste and Recycling Officer also raised no concerns with the proposed commercial waste provisions which would be separated from the residential waste provisions accordingly.

Residential waste

- 8.272. All of the residential building blocks would comprise of their own refuse storage space which would be directly accessible from the highway and positioned in close proximity to the main entrances to the shared lobbies.

- 8.273. The proposed arrangement and positioning of the storage spaces would maximise the use of the storage space and reduce the likelihood of waste being left on the highway. The proposed arrangement is therefore considered acceptable.

Strategy and Waste Hierarchy

- 8.274. The Waste and Recycling Officer has confirmed that the information submitted was sufficient to confirm that the required waste hierarchy would be implemented.

Conclusions

- 8.275. Subject to the submission of a detailed service and waste management plan secured by condition, the Waste and Recycling Officer raised no objection to the proposed scheme.
- 8.276. The proposed development which would implement the waste management hierarchy is therefore considered acceptable and in accordance with Policy DM14 of the MDD.

Energy & Sustainability

- 8.277. 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 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.
- 8.278. 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).
- 8.279. 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 per cent 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.
- 8.280. The applicant must ensure that they comply with Policy 5.6 of the London Plan 2015 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.

Proposed Carbon Emission Reductions

- 8.281. The submitted Vallance Road Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand, utilising a CHP system and integration of renewable energy technologies. The current proposals are anticipated to achieve CO₂ emission reductions of 6.4% through Be Lean Measure, 20% through a CHP site wide heat network and 19% from a photovoltaic solar panel system. The cumulative CO₂ savings from these measures are proposed to be in accordance with policy DM29 requirements at 45.8%
- 8.282. To ensure the delivery of the carbon emission reductions in accordance with the approved energy strategy the applicant shall submit an updated energy assessment, including final calculations with Building Control approval. Should the 45% reduction in CO₂ emissions not be deliverable, the applicant shall provide a carbon offsetting financial contribution to fulfil the 'Carbon Gap'.
- 8.283. The 'Carbon Gap' is the amount of carbon that remains when applying the policy target reduction in carbon emissions beyond that required by Part L of the Building Regulations.
- 8.284. The mechanism to secure a financial contribution in the event that there is a 'Carbon Gap' would be secured via a legal agreement.

Whitechapel District Energy Masterplan Considerations

- 8.285. The submitted Energy Strategy identifies that the applicant has looked into the potential for connecting to a district heating system through consulting the London Heat map. The applicant has identified that there are no existing heat networks to connect with; however, the Council are currently producing an Energy Masterplan for the Whitechapel area to deliver a district heating system. It is recommended that a Condition be applied relating to the district heating proposals for further discussions to be undertaken with the Council and an updated district energy strategy submitted. This is to ensure that the scheme is compliant with London Plan Policy 5.6 and connects to an existing district heating system where available.

Sustainability

- 8.286. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 72.87%. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.

Summary and Securing the Proposals

- 8.287. The current proposals have sought to implement energy efficiency measures, a site wide heating system and renewable energy technologies to deliver CO2 emission reductions in accordance with policy DM29 requirements. Whilst the current proposals are anticipated to achieve policy compliant carbon emission savings, the scheme must also ensure it is compliant with London Plan policy 5.6 and connect to a district heating system where feasible.
- 8.288. The Whitechapel area is currently undergoing significant transformation and a district energy system is currently being investigated by the Council. It is acknowledged that a key challenge of delivering a district heating network is the timing between the delivery of the new network and the completion of new developments, which would be connected to the network. Where the heat network is delivered late, new developments may need to secure contingency supplies of heat, or they may have to commit to alternative heat supply solutions.
- 8.289. Given the uncertainty of timeframes for both the Whitechapel district heat network and the proposed Vallance Road Development, it is considered appropriate to re-evaluate the connection potential post any approval when both parties would be more informed on delivery timeframes and heating load timings.
- 8.290. Subject to safeguarding conditions, the proposed development would comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan 2015, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

Environmental Considerations

Noise and Vibration

- 8.291. 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.

- 8.292. Policy 7.15 of the London Plan, 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.
- 8.293. The Council's Environmental Health Noise and Vibration officer reviewed the submitted Noise report and raised no objection, subject to the attachment of safeguarding conditions to ensure the relevant standards are met.
- 8.294. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during the life of the development in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Air Quality

- 8.295. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy 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 would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.296. The LBTH Environmental Health Officer accepted the findings of the air quality assessment which confirmed there would not be a significant adverse impact on the air quality.
- 8.297. The proposed development is considered to be air quality neutral.
- 8.298. The compliance of the development with the Sustainable Design and Construction 'Air Quality Neutral Appendix' would also be secured by condition.
- 8.299. In light of the above and subject to safeguarding conditions, officers considered that the resulting associated air quality would comply with policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD, which seeks to reduce air pollution.

Microclimate

- 8.300. 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.
- 8.301. A Wind and Micro-climate Analysis Report was submitted as part of the application.
- 8.302. The results of the wind assessment for the development did not indicate any major adverse effects on local wind conditions when the proposed development was assessed either in isolation or along with future developments.
- 8.303. Given the proposed limited scale of the development and the findings of the report, officers consider that the resulting impact of the development on the microclimate would be acceptable without the requirement for mitigation.

Demolition and Construction Noise and Vibration

- 8.304. The demolition and construction works would be likely to result in temporary, short-term effects to occupants on the surrounding streets particularly with regards to the occupants at Surma Close and Fakruddin Street.
- 8.305. The submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 8.306. The Councils Environmental Officers raised no objections on ground for demolition and construction noise and vibration.
- 8.307. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 8.308. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that there are no objections on the grounds of contaminated land issues, subject to, the attachment of safeguarding conditions to ensure that appropriate mitigation measures are in place.
- 8.309. Subject to safeguarding conditions, it is considered that the proposed development would not result in any land contamination issues in accordance with the requirements of the NPPF and policy DM30 of the MDD.

Flood Risk and Water Resources

- 8.310. 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.
- 8.311. The site is located within Flood Zone 1 and the proposal is therefore at minimal risk of fluvial flooding.
- 8.312. A Preliminary Drainage Strategy Design Statement was submitted as part of the application.
- 8.313. The Statement confirms that the one viable option available for the disposal of surface water from the site would be to discharge into the existing combined sewer running along Hemming Street. While, it also recommends that the green roofs and subsurface storage be used for rainwater attenuation.
- 8.314. The Council's Surface Water Run Off officer confirms that the approach stated within the Preliminary Drainage Strategy is acceptable, however; it was advised that the preferred approach should be as reasonably practicable to the Greenfield Qbar run-off rate.
- 8.315. A condition would also be attached to secure the submission of strategy which demonstrates how any SuDS and/or attenuation features would be suitable maintained for the lifetime of the development.
- 8.316. The Environment Agency raised no objection to the proposed development.

8.317. Subject to the above condition, it is considered that the development would comply with 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.

Television and Radio Service

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

8.319. Officers consider that the proposed development by reason of its limited scale at 10 storeys would be unlikely to have a significant upon broadcast radio reception, satellite television reception and terrestrial television.

8.320. In the event any television receptors problems arise either during construction or upon practical completion, the installation of taller satellites or the rotation satellites would address such impacts.

Health Considerations

8.321. 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.

8.322. 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.

8.323. 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.

8.324. The proposed development would promote sustainable modes of transport, improve permeability through the site and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

8.325. 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.

8.326. 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.

8.327. 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.

8.328. 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.

8.329. The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

8.330. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.331. The proposal would also be liable to pay the LBTH Community Infrastructure Levy. This is dealt with in the following section on financial considerations.

8.332. The development is predicted to generate extra demand for school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place 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.

8.333. As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.

8.334. 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;
End User;
Monitoring contribution

8.335. The applicant has also offered 35% affordable housing by habitable room with a tenure split of 71/29 between affordable rented/ social target rent and shared ownership housing. This offer has been independently viability tested and is considered to be above the maximise affordable housing levels in accordance with relevant policy.

8.336. 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) would also be secured should permission be granted.

8.337. 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) and residential and workplace travel plans.

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

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£56,512.00
End User	£34,080.75
Monitoring	£5,500
Total	£96,092.75

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

9. FINANCIAL CONSIDERATIONS

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

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

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

9.2. Section 70(4) defines "local finance consideration" as:

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

9.3. In this context "grants" might include New Homes Bonus.

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

9.5. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

9.6. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-

ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

- 9.7. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £213,636 in the first year and a total payment of £1,281,813 over 6 years.

10. HUMAN RIGHTS CONSIDERATIONS

- 10.1. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 10.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 10.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

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

- 10.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

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

- 10.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

11. EQUALITIES ACT CONSIDERATIONS







- 11.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, over 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 11.3. In terms of employment, the commercial floorspace would provide an up lift in employment opportunities, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.
- 11.4. The introduction of a publically accessible route from Hemming Street to Vallance Road and a new public realm would also increase permeability and promote social cohesion across the site and within the borough generally.
- 11.5. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

12. CONCLUSIONS

- 12.1. 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/15/01231



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 50 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 2

List of plans for approval

120 GA Basement Level P03
121 GA Ground Floor Level P04
122 GA First Floor Level P04
123 GA Second Floor Level P04
124 GA Third Floor Level P05
125 GA Fourth Floor Level P04
126 GA Fifth Floor Level P04
127 GA Sixth Floor Level P04
128 GA Seventh Floor Level P04
129 GA Eighth Floor Level P04
130 GA Ninth Floor Level P04
131 GA Roof Plan P04

410 GA Section A-A Looking North P03
411 GA Section B-B Looking South P02

613 Vallance Road Elevation to Buildings A1 & A2 P03
0600 GA Elevations 0 614 Hemming Street Elevation to Buildings A1 & A2 P03
0600 GA Elevations 0 615 Hemming Street Elevation to Buildings B & C P02
0600 GA Elevations 0 616 East Elevation to Buildings B & C P03
0600 GA Elevations 0 617 North Elevation to Buildings B & A1 P03
0600 GA Elevations 0 618 South Elevation to Buildings A2 & C P03

1100 Apartment_10_0BT1 P02
1101 Apartment_10_0BT2 P02
1102 Apartment_10_0BT3 P02
1103 Apartment_10_0BT4 P02
1104 Apartment_10_0BT5 P02
1105 Apartment_10_0BT6 P02
1106 Apartment_10_0BT7 P01
1110 Apartment_10_1BT1 P02
1111 Apartment_10_1BT2 P02
1112 Apartment_10_1BT3 P02
1113 Apartment_10_1BT4 P02
1114 Apartment_10_1BT5 P02
1115 Apartment_10_1BT6 P04
1116 Apartment_10_1BT7 P02
1117 Apartment_10_1BT8 P03
1118 Apartment_10_1BT9 P02
1119 Apartment_10_1BT10 P01
1120 Apartment_10_1BT11 P01
1121 Apartment_10_1BT12 P01
1130 Apartment_10_2BT1 P03
1131 Apartment_10_2BT2 P02
1132 Apartment_10_2BT3 P02
1133 Apartment_10_2BT4 P02
1134 Apartment_10_2BT5 P02
1135 Apartment_10_2BT6 P02
1136 Apartment_10_2BT7 P03
1137 Apartment_10_2BT8 P02
1138 Apartment_10_2BT9 P02

10 1139 Apartment_10_2BT10 P02
1140 Apartment_10_2BT11 P03
1141 Apartment_10_2BT12 P03
1142 Apartment_10_2BT13 P03
1143 Apartment_10_2BT14 P03
1144 Apartment_10_2BT15 P01
1150 Apartment_10_3BT1 P02

1151 Apartment_10_3BT2 P02 Planning Application * Amendment to apartment layout
1152 Apartment_10_3BT3 P02 Planning Application ** Renumbered flat type
10 1153 Apartment_10_3BT4 P01 Planning Application *** New flat type

1100 Apartment_20_1BT1 P02
1101 Apartment_20_1BT2 P02
1102 Apartment_20_1BT3 P02
1103 Apartment_20_1BT4 P02
1104 Apartment_20_1BT5 P01
1110 Apartment_20_2BT1 P02
1111 Apartment_20_2BT2 P03
1112 Apartment_20_2BT3 P02
1113 Apartment_20_2BT4 P02
1114 Apartment_20_2BT6 P03
1115 Apartment_20_2BT7 P02
1116 Apartment_20_2BT8 P02
1117 Apartment_20_2BT9 P02
1120 Apartment_20_3BT1 P03
1121 Apartment_20_3BT2 P03
1122 Apartment_20_3BT3 P05
1125 Apartment_20_3BT6 P02
1127 Apartment_20_3BT8 P03
1128 Apartment_20_3BT10 P02
1000 Flat Plans 20 1129 Apartment_20_3BT11 P04
1000 Flat Plans 20 1130 Apartment_20_3BT12 P03

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Agenda Item 7

Committee: Strategic Development	Date: 12 April 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		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 matters other than planning applications for determination by the Committee. 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. PUBLIC SPEAKING

- 3.1 With the permission of the Chair of the Committee, public speaking will be permitted on this application in accordance with the Development Committee Procedure Rules in the Council's Constitution.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 7.1

Committee: Strategic Development	Date: 12 th April 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Richard Humphreys	Title: Application for full planning permission Recommendation: To agree observations to the Mayor of London Tower Hamlets Ref: PA/15/02216 GLA Ref. D&P/1200B&C/JPC Ward: Canary Wharf
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1 APPLICATION DETAILS

Location: Westferry Printworks, 235 Westferry Road, E14 8NX

Existing Use: Vacant. Previously used for Use Class B2 (General industry) and Class B8 (Storage and distribution)

Proposals: Demolition of existing buildings and structures and the comprehensive mixed use redevelopment including buildings ranging from 4 - 30 storeys in height (tallest 110 m. AOD) comprising: a secondary school (Class D1), 722 residential units (Class C3), retail use (Class A1), flexible restaurant and cafe and drinking establishment uses (Classes A3/A4), flexible office and financial and professional services uses (Classes B1/A2), Community uses (Class D1), car and cycle basement parking, associated landscaping, new public realm and enabling work.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Both the Council and the Mayor of London as local planning authority must take the environmental information into consideration in formulating their decision.

Drawings:

Site Plans PLP-1164-A-008 PLP-1164-A-009 PLP-1164-A-010 PLP-1164-A-011 PLP-1164-A-012 PLP-1164-A-013	Demolition Plans PLP-1164-A-030 PLP-1164-A-031 PLP-1164-A-032 PLP-1164-A-033 200 Series – Elevations and sections
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Existing Plans	PLP-1164-A-B6-110
PLP-1164-A-020	PLP-1164-A-B6-111
PLP-1164-A-021	PLP-1164-A-B6-112
PLP-1164-A-022	PLP-1164-A-B6-113
PLP-1164-A-023	PLP-1164-A-B6-114
PLP-1164-A-024	PLP-1164-A-B6-161
PLP-1164-A-025	
PLP-1164-A-026	PLP-1164-A-B7-100
PLP-1164-A-027	PLP-1164-A-B7-101
PLP-1164-A-028	PLP-1164-A-B7-102
	PLP-1164-A-B7-104
	PLP-1164-A-B7-151
Masterplans GA	
PLP-1164-A-040	
PLP-1164-A-041	PLP-1164-A-T0-101
PLP-1164-A-042	PLP-1164-A-T0-150
PLP-1164-A-043	PLP-1164-A-T0-151
Masterplan sections	
PLP-1164-A-050	PLP-1164-A-T4-100
PLP-1164-A-051	PLP-1164-A-T4-101
PLP-1164-A-052	PLP-1164-A-T4-102
PLP-1164-A-053	PLP-1164-A-T4-103
PLP-1164-A-054	PLP-1164-A-T4-128
	PLP-1164-A-T4-150
	PLP-1164-A-T4-151
Masterplan elevations	
PLP-1164-A-060	PLP-1164-A-B1-201
PLP-1164-A-061	PLP-1164-A-B2-201
PLP-1164-A-062	PLP-1164-A-B3-201
PLP-1164-A-063	PLP-1164-A-B4-201
PLP-1164-A-064	PLP-1164-A-B6-201
	PLP-1164-A-B6-202
	PLP-1164-A-B7-201
100 Series GA Plans	PLP-1164-A-T1-201
PLP-1164-A-B1-100-L	PLP-1164-A-T2-201
PLP-1164-A-B1-100-U	PLP-1164-A-T3-201
PLP-1164-A-B1-101	PLP-1164-A-T4-201
PLP-1164-A-B1-151	
PLP-1164-A-B2-100	PLP-1164-A-B1-211
PLP-1164-A-B2-100-M	PLP-1164-A-B2-211
PLP-1164-A-B2-101	PLP-1164-A-B3-211
PLP-1164-A-B2-150	PLP-1164-A-B4-211
PLP-1164-A-B2-151	PLP-1164-A-B6-211
	PLP-1164-A-B7-211
PLP-1164-A-B3-100	PLP-1164-A-T1-211
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PLP-1164-A-B3-101	PLP-1164-A-T3-211
PLP-1164-A-B3-150	PLP-1164-A-T4-211
PLP-1164-A-B3-151	
PLP-1164-A-B3-111	400 Series Enlarged plans
PLP-1164-A-B3-160	PLP-1164-A-B2-401
PLP-1164-A-B3-161	PLP-1164-A-B3-401
	PLP-1164-A-B4-401
PLP-1164-A-B4-100	PLP-1164-A-B6-401
PLP-1164-A-B4-100-M	PLP-1164-A-B7-401

PLP-1164-A-B4-101	PLP-1164-A-GA-400
PLP-1164-A-B4-150	PLP-1164-A-GA-401
PLP-1164-A-B4-151	PLP-1164-A-B2-410
	PLP-1164-A-B3-B4-410
PLP-1164-A-B6-099	PLP-1164-A-B6-410
PLP-1164-A-B6-100	PLP-1164-A-B6-411
PLP-1164-A-B6-101	
PLP-1164-A-B6-102	
PLP-1164-A-B6-103	
PLP-1164-A-B6-104	
PLP-1164-A-B6-105	
PLP-1164-A-B6-151	

Documents:

Design & Access Statement, incorporating:

- Volume I - Masterplan – PLP Architecture;
- Volume II - Residential Buildings – PLP Architecture;
- Volume III - Landscape and Public Realm – Land Use Consultants; and
- Volume IV - Westferry School – Atkins;

Affordable Housing Statement – DS2;

Environmental Statement (Revised March 2016):-

Environmental Statement Volume 1 (Main Text and Figures) – EPAL;

Environmental Statement Volume 2 (Townscape, Visual and Built Heritage Assessment) – EPAL;

Environmental Statement Volume 3 (Transport Assessment) - Royal Haskoning DHV;

Environmental Statement Volume 4 (Appendices) – EPAL;

Environmental Statement – Non Technical Summary – EPAL;

Framework Travel Plan– Royal Haskoning DHV;

Energy Statement – Blyth + Blyth;

Sustainability Statement – White Young Green;

Statement of Community Involvement – Thorncliffe;

Utilities Infrastructure Report – Blyth + Blyth;

Arboricultural Impact Assessment – SJ Stephens Associates;

Ground Floor Uses Demand Report – CBRE Limited.

AMENDMENTS SUBMISSIONS 14 DECEMBER 2015

Scheme Amendments Document, prepared by PLP;

Transport Assessment Addendum Letter, prepared by Royal HaskoningDHV;

Revised Internal Daylight and Sunlight Assessment, prepared by Anstey Horne;

Energy Statement Addendum Report, prepared by Blyth + Blyth;
 Additional View from Chapel House Conservation Area;
 ES Letter of Compliance, prepared by Epal;
 Revised proposed plans, sections and elevations, prepared by PLP;
 Revised Drawing List, prepared by PLP;
 Revised GIA Area Schedule, prepared by PLP;
 Revised NIA Area Schedule, prepared by PLP;
 Unit by Unit Area Schedule, prepared by PLP;
 Mayor's Housing Guidance Compliance SPG Checklist, prepared by PLP;
 Revised SUDS Assessment, prepared by Walsh Group;
 Revised Drainage Strategy Plan, prepared by Walsh Group;
 Revised Landscape Drawings, prepared by Land Use Consultants.

Applicant:	Northern & Shell Investments No. 2 Limited
Ownership:	Northern & Shell Investments No. 2 Limited, the Canal and River Trust and Railsite Limited
Listed buildings:	None on site. The site is visible from the Maritime Greenwich UNESCO World Heritage Site and Grade II listed St Paul's Presbyterian Church, Westferry Road.
Conservation Areas:	Chapel House Conservation Area lies to the south

2 EXECUTIVE SUMMARY

- 2.1 Application is made for full planning permission to redevelop the vacant former Westferry Printworks, 235 Westferry Road, for the proposals summarised above and described in more detail in Section 5 below.
- 2.2 By letter dated 4th February 2016, the Mayor of London directed the Council that he will act as the local planning authority for the purposes of determining the planning application. The Council is consequently unable to determine the application.
- 2.3 This report informs the Strategic Development Committee of the content of the application and representations received following statutory consultation and publicity.
- 2.4 Officers have assessed the application against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area that comprises the Mayor's London Plan 2015

(including minor alterations March 2016) and the Tower Hamlets Local Plan; comprising the Core Strategy 2010 and the Managing Development Document 2013, together with other material considerations.

- 2.5 In land use terms, officers consider that the proposed mix of uses, involving a strategic housing development, together with a mix of retail, office, community and leisure uses, a new secondary school and public open space, accords with adopted policy and the Council's aspirations set out in the Westferry Printworks Site Allocation 18 in the Managing Development Document 2013.
- 2.6 However, officers identify conflict with planning policy because of a failure to demonstrate that the development would not adversely affect sailing conditions on Millwall Outer Dock and consequently would jeopardise the viability of the adjoining Docklands Sailing and Watersports Centre. The affordable housing offer of 11% is not financially justified and the development would fail to provide an adequate amount of affordable housing. Further, the proposed dwelling mix within the intermediate housing would fail to achieve a mixed and balance community due to overprovision of one bedroom flats.
- 2.7 The Mayor of London intends to hold a Representation Hearing on 27th April 2016 when the application will be determined. This report recommends that the Council informs the Mayor that objection is raised to a grant of planning permission for the reasons set out in Section 3 below.
- 2.8 The officer recommendation is that the Council should request the Mayor of London to refuse planning permission. Should the Mayor decide to grant permission, a set out Heads of Agreement are recommended, without prejudice, concerning matters that officers consider should be included in any agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the developer. Whilst the development is considered unacceptable in planning terms; these are directly related to the development; fairly and reasonably related in scale and kind and would help mitigate the development should it proceed.
- 2.9 Should the Mayor decide to grant planning permission provisional sets of indicative conditions and informatives are recommended at Appendix 1 that officers consider necessary to enable the development to proceed.

3 RECOMMENDATIONS

- 3.1 That the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission for the following reasons:

Reasons for refusal

Site design principles and microclimate

1. It has not been satisfactorily demonstrated that the proposed development would not place the important Docklands Sailing and Watersports Centre in jeopardy due to adverse effect on wind climate in the northwest corner of Millwall Outer Dock with resultant conditions unsuitable for young and novice sailors. This would conflict with London Plan Policy 7.27 '*Blue Ribbon Network: Supporting infrastructure and recreational use*' and Policy

7.30 *'London's canals and other rivers and waterspaces,'* Tower Hamlets Core Strategy Policy SP04 *'Creating a green and blue grid,'* Tower Hamlets Managing Development Document Policy DM12 *'Water spaces'* and Policy DM26 *'Building heights.'*

Affordable housing

2. Westferry Printworks is a crucial element within Tower Hamlets supply of land for both market and affordable housing. The affordable housing offer of 11% within the proposed development would fail to meet the minimum requirement of the Tower Hamlets Local Plan, is not financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with the NPPF, London Plan Policy 3.8 *'Housing choice,'* Policy 3.11 *'Affordable housing targets,'* Policy 3.12 *'Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites'* or Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone.'*

Housing mix and choice

3. The proposed dwelling mix within the intermediate housing sector would fail to provide a satisfactory range of housing choices in terms of the mix of housing sizes and types. There would be a failure to provide a mixed and balanced community, particularly insufficient affordable family housing, caused by an unacceptable overemphasis towards one bed 2-person units. The development consequently is inconsistent with London Plan Policy 3.8 *'Housing Choice,'* Policy 3.9 *'Mixed and balanced communities,'* Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone'* and Managing Development Document Policy DM3 *'Delivering Homes.'*

Planning obligations - Heads of Agreement

- 3.2 The Council requests that the Mayor of London refuses planning permission for the above reasons. Should the Mayor decide to grant permission, it is recommended without prejudice that this should be subject to the prior completion of a legal agreement with the developer to secure the following planning obligations:

Financial contributions:

- a) A contribution of £496,116 towards employment, skills, training and enterprise for local residents within the London Borough of Tower Hamlets;
- b) A contribution of £77,617 towards the training and development of unemployed residents in Tower Hamlets to access either:
 - i) Jobs within the A1, A2, A3, A4, B1a uses of the development or
 - ii) jobs or training within employment sectors relating to the final development
- c) A £70,000 contribution to expand local cycle-hire docking stations.
- d) To fund improved bus stop facilities on Westferry Road.
- e) Unless alternative arrangements are agreed, a carbon offset payment to the London Borough of Tower Hamlets to offset the carbon gap currently estimated at £59,058.

- f) To fund any impact of the proposed development on the operation of the Barkantine Energy Centre, including any remedial measures required to the existing chimney.
- g) A section 106 Monitoring fee payable to the London Borough of Tower Hamlets at £500 per clause applicable to the borough.

Total Identified Financial Contribution £702,791 (including carbon offsetting but excluding monitoring fee)

Non-financial obligations

- h) Provision of land (at nil consideration) to facilitate the provision of a secondary school or a cash in lieu payment for education provision if the option to take a lease of the school site is not triggered within a specified period)
- i) Delivery of the affordable housing within Blocks 6 & 7 prior to the market housing in Phase 1.
- j) An Affordable Housing Review of the affordable housing provision relating to the phasing of the development.
- k) Permit free arrangements to ensure that all future residents of the development (except registered Blue Badge holders and those that qualify under the Tower Hamlets Permit Transfer Scheme) are exempt from purchasing on street parking permits from the London Borough of Tower Hamlets.
- l) To provide in perpetuity the pedestrian routes running east–west to Millharbour and alongside Millwall Outer Dock, and north – south routes within the site including links to Millwall Dock Road and Starboard Way giving access to the Tiller Road Leisure Centre..
- m) To ensure that provision for pedestrian access alongside the north side of Millwall Outer Dock is maintained during construction.
- n) To ensure the public open spaces and access routes are delivered within each phase of the development.
- o) To ensure the public open spaces and pedestrian routes within the development are maintained, cleansed and lit and made available for public access 24 hours a day except in emergency or at times to be agreed;
- p) To ensure the Sports Hall and Multi Use Games Areas (MUGAs) are available for use by the general public;
- q) To provide and retain within the development a GP surgery of no less than 553 sq. m.
- r) To provide within the development approximately 30% of the B1 (Business) and / or A2 (Financial and professional services) floor space for SME and start-up companies split equally between units of less than 250 sq. m. and units of less than 100 sq. m.
- s) Access to employment by local residents (20% Local Procurement; 20% Local Labour in Construction; 20% End Phase jobs) with all vacancies advertised through the London Borough of Tower Hamlets Employment and Skills Centre.
- t) The developer to use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.
- u) The developer to use best endeavours to ensure that 20% of the goods/services used during the construction phase should be procured from businesses in Tower Hamlets.
- v) The developer to use best endeavours to ensure that 20% of the end phase workforce will be local residents of Tower Hamlets.

- w) Provide a minimum of 43 apprenticeships for local residents during the construction period and 1 apprenticeship during full occupation by the end users leading to minimum of NVQ Level 2 qualification.
- x) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

Conditions and Informatives

- 3.3 To adopt the indicative conditions and informatives at Appendix 1 for recommendation to the Mayor should he decide to grant planning permission.

4 SITE AND SURROUNDINGS

- 4.1 The application site comprises 6.1 hectares located in the centre of the Isle of Dogs. It is bounded by Westferry Road (A1206) to the west, Millwall Outer Dock to the south, Millharbour to the east and to the north by a residential area off Tiller Road, Starboard Way, Claire Place and Omega Way.



Figure 1. Aerial view. Application site edged red

- 4.2 The site is occupied by the former Westferry Printworks comprising a large three and four-storey 1980's building. Associated areas of hardstanding provide approximately 192 car parking spaces. The Printworks comprise some 43,281 sq. m. and has been unused since the printing operations were relocated to Luton in February 2012. The existing buildings have been partially stripped of plant and infrastructure.
- 4.3 Westferry Road accommodates residential and leisure uses, the Barkantine Estate and associated energy centre, Arnhem Wharf Primary School (on the west side of the road) and commercial buildings. Millharbour accommodates Greenwich View estate, a 5-6 storey business estate comprising commercial data centres and industrial uses. The East London Business Alliance building at the eastern end of the dock rises to 10 storeys. The area to the north accommodates the Tiller Centre and residential properties ranging in height from 2 & 3 storeys at Claire Place and Omega Close to 10 storeys at Starboard Way rising to the 21 storey point blocks at the Barkantine Estate.
- 4.4 The Docklands Sailing and Watersports Centre (a charity) occupies No. 235a Westferry Road immediately south of the application site and comprises a

sailing and watersport centre and associated facilities that use Millwall Outer Dock. This includes at the western end of the dock pontoons and other water based facilities that enable access on and off the dock. The Centre also has the use of the old lock entrance and slipway to the west of Westferry Road that affords limited access to the tidal Thames. 4-storey low rise residential accommodation runs along the south side of the dock.

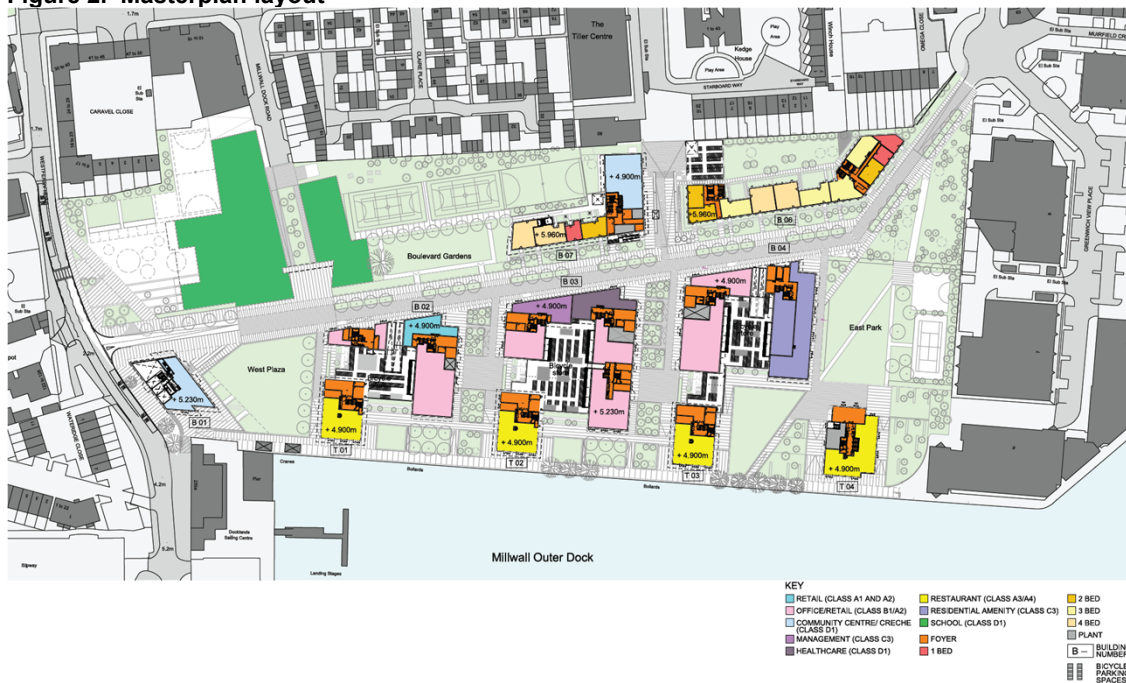
- 4.5 The main access to the application site is via Westferry Road, with secondary accesses through Millwall Dock Road from the north (from Tiller Road) and from Millharbour Road to the north-eastern corner of the site, all gated.
- 4.6 The A1203 Aspen Way, 1.2 km north of the site, is part of the TfL road network (TRLN). Other roads in the vicinity of the site are borough roads. Westferry Road is subject to single yellow line daytime parking restrictions and the area surrounding the site lies within a controlled parking zone.
- 4.7 Westferry Road is served by three bus routes D3, D7, and 135. Crossharbour DLR Station lies approximately 400 m. to the east across Glengall Bridge. The site has a TfL Public Transport Accessibility Level (PTAL) that varies from 2 towards Westferry Road to 3 towards Millharbour (where 6 is excellent and 1 is very poor). A Mayor of London Cycle Hire Docking Station is located adjacent to the Millharbour entrance to the site providing 19 docking points.
- 4.8 The site is located 100 m. east of the tidal River Thames and lies within Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.9 The site contains no designated heritage assets and does not lie within a conservation area. The closest listed building is the Grade II former St Paul's Presbyterian Church on Westferry Road. The Chapel House Conservation Area lies some 450 m. to the south beyond Millwall Outer Dock and Spindrift Avenue.
- 4.10 The site is located within the designated London View Management Framework (LVMF) viewing corridor for the protected strategic view from the General Wolfe Statue in Greenwich (View 5A), and the background of the river prospect from London Bridge (Views 11 B1). It also lies within the wider setting of the UNESCO Maritime Greenwich World Heritage Site.
- 4.11 The site lies immediately south of the Council's Millennium Quarter. It is also outside the South Quay Masterplan area but within the Greater London Authority's Isle of Dogs & South Poplar Opportunity Area.

5 PROPOSAL

- 5.1 Application is made for full planning permission to demolish the existing buildings and structures of Westferry Printworks and to redevelop the site by buildings of 118,738 sq. m. GIA to provide:
 - 722 residential units (including a residents management centre (224 sq. m. GIA), clubhouse (864 sq. m. GIA) and gym (1,377 sq. m. GIA)
 - A Secondary school (Class D1) – 10,375 sq. m. GIA, six forms of entry and a sixth form (1,200 pupils).

- Retail (Class A1) – 193 sq. m. GIA;
- Flexible restaurant and drinking establishment (Classes A3/A4) – 1,348 sq. m. GIA;
- Flexible office and financial and professional services (Classes B1/A2) – 2,340 sq. m. GIA;
- Non-residential institution use (Class D1) including a health centre (253 sq. m. GIA), and crèche / community centre (702 sq. m. GIA).
- car and cycle basement parking,
- associated landscaping, new public realm

Figure 2. Masterplan layout



- 5.2 The proposal would introduce a new east-west route through the site connecting Millharbour and Westferry Road. The scheme would also extend the existing Millwall Dock Road through the site to connect to the proposed east-west link. The existing link to the Tiller Centre from Tiller Road would be extended to the new east west road to create further north- south links and increase accessibility from and to the wider area. A new pedestrian dockside walkway would be created along the length of the site fronting Millwall Outer Dock.
- 5.3 Nine buildings of heights varying from 4 to 30-storeys are proposed. The tallest (Tower 04 at the eastern end of the site) would have a maximum height of 110.9 m. AOD (105 m. above ground). Seven of the buildings would be 9 storey height or less.
- 5.4 The new school would be located at the western entrance to the site set back from Westferry Road by an entrance plaza. It would comprise two separate buildings; the main school building incorporating a school hall, dining area, classrooms, laboratories, library and staff rooms; and a sports block providing a sports hall, dance studio, changing rooms and storage. To the rear of the sports block would be three Multi Use Games Areas (MUGAs), a landscaped buffer and an ecology area between the MUGA pitches and the residential properties to the north at Claire Place.

- 5.5 The school building and sports block would be separated at ground floor level by the public north/south pedestrian route connecting the site to Millwall Dock Road. There would be separate, secure, entrance points from this pedestrian route into the school and the sports block to allow out of hours access. At the upper level, a proposed covered link route would allow pupils to move between the school and sports block without leaving the school building.
- 5.6 722 residential units would be distributed throughout the site in 6 blocks including 4 towers located along the dock edge. All residential units would have access to private amenity balcony or terrace space. In addition, residential courtyard gardens would be provided within Blocks 2, 3 and 4, and to the rear of Blocks 6 and 7. Residents would also have access to private residential amenity space at the roof level (on Blocks 2, 3 and 4 and Towers 1, 2, 3 and 4).
- 5.7 The dockside promenade would incorporate pockets of open space and play space. In addition, three large areas of open space would be provided at a West Plaza (located adjacent to Millwall Outer Dock, between Blocks 1 and 2 and opposite the school), Boulevard Gardens to the north of the east-west route and an East Park between the Millharbour entrance and Millwall Outer Dock east of Tower 4. A garden would also be provided between the east-west route and the MUGAs.
- 5.8 Affordable housing comprising 11% of the residential accommodation measured by habitable rooms would be provided on site. Block 6 would be affordable rented whilst Block 7 would be mixed market housing and shared ownership.
- 5.9 The proposed residential mix is as follows:

Unit Type	Market		Intermediate		Affordable		TOTAL	
1 bedroom	237	37%	18	72%	15	29%	270	37%
2 bedroom	224	35%	7	28%	11	22%	242	34%
3 bedroom	185	29%	0	0	17	33%	202	28%
4 bedroom	0	0%	0	0	8	16%	8	1%
TOTAL	646		25		51		722	

- 5.10 The split by unit numbers of the affordable housing would be Intermediate 33% - Affordable rent 67%.
- 5.11 Retail, restaurant, drinking establishment, office, financial and professional services and community uses would be provided at ground floor level throughout the development to activate these frontages. The ground floor uses would face areas of publicly accessible open space and key routes through the site.
- 5.12 Flexible A3/A4 uses are proposed at the base of the four towers fronting the dockside promenade. It is envisaged that these units would provide south facing space with outdoor tables adjoining the water. A retail unit is proposed within Tower 02 which could be used to accommodate a small scale comparison or convenience goods retailer.
- 5.13 Eight small flexible B1/A2 employment units would be provided for small and medium sized enterprises (SME's) and/or financial and professional services within Towers 02, 03 and 04.

- 5.14 A mix of Class D1 uses including community centre, crèche and a health centre would be provided at ground floor level within Tower 01, 03 and Building 7.
- 5.15 The new east west route through the site would provide pedestrian and cycle access. Vehicular movements through the site would be restricted by control bollards on both the western and eastern entrances. This would allow access for residents only to the basement car parks, and would be managed by an on-site team to control access and egress of delivery vehicles, taxis etc. Two entrances to the basement car park are provided within Blocks 2 and 4 where 246 car parking spaces are proposed. There would be 1,682 cycle parking spaces comprising 238 'short stay' spaces provided external to the building for the use of visitors and at least 1,444 residents' cycle parking spaces (2 per unit) provided in the basement or as covered spaces associated with Block 6.
- 5.16 The scheme proposes the reconfiguration of bus stops on Westferry Road, including a new bus stop outside the proposed school entrance and the provision of a zebra crossing on Westferry Road.
- 5.17 In December 2015, following consultation and Stage 1 comments by the Greater London Authority, amended plans were submitted making the following revisions to the scheme.

Layout:

- Additional lift cores in Blocks 2, 4 and 7 to reduce the number of units per core to a maximum of 8.
- A reduction in the number of residential units from 737 to 722.
- Reduction in private units from 667 to 646
- Increase in number of affordable units from 70 to 76
- Increase the number of dual aspect apartments

Residential Unit Mix

- The ratio between affordable rented & shared ownership changed to 33:67
- Amendments to Blocks 6 and 7 to improve daylight levels within dwellings
- Amendments to Blocks 2, 3 & 4 to reduce overlooking between corner units on the inside of courtyards

Basement

- Reduction in the number of car parking spaces from 0.51 space per dwelling to 0.35 spaces per dwelling resulting in 246 spaces with a reduction of the basement area
- Reduction in number and sizes of exhaust vents
- Relocation of attenuation tank into the basement as part of increased SUDS measures

Waterfront retail units

- Internal layouts drawn to demonstrate how A3 units facing the other public realm can be fitted out to activate 3 frontages

Raised courtyards and north/south routes

- Detail sketches to illustrate the public realm strategy along the dock edge and coordination with flood defence and basement ventilation requirements
 - More details provided on the ground floor uses and landscape treatment to the lateral streets
- 5.18 The application indicates that the development would be constructed in two main phases over five years and seven months. It is intended that the Council would separately organise the procurement, construction and funding of the school.

6 MATERIAL PLANNING HISTORY

- 6.1 The site was historically occupied by a timber yard. The printworks was constructed in 1984-86 within the then Isle of Dogs Enterprise Zone and operated by Telegraph Media Group and Express Newspapers. Printing operations ceased in February 2012 and the works were decommissioned in May 2013.
- 6.2 On 15th November 2013, a Certificate of lawfulness Ref. PA/13/ 02301 was granted confirming the lawful use of No. 235 Westferry Road for uses within Classes B2 (General industry) and B8 (Storage and distribution).
- 6.3 On 6th March 2014, the GLA provided detailed pre-application advice on a proposal by London and Regional Properties Ltd for a residential-led (up to 1,000 units), mixed-use redevelopment of the site, including provision of a secondary school. GLA officers strongly supported the principle of the redevelopment although further discussions were required regarding housing, design, inclusive design, climate change and transport.
- 6.4 PF/14/00011. Following initial pre-application advice on 18th July 2014 and a presentation to the Council's Design Review Panel, proposals by the current applicant for a comprehensive mixed use development of 235 Westferry Road by 737 residential units, commercial uses, a secondary school and open space were presented to the Mayor of Tower Hamlets and officers in December 2014. Concern was expressed about height and mass and that just 15% of the housing provision would be affordable. It was considered an increase in densities might improve the viability of the scheme and the amount of affordable housing.
- 6.5 On 9th July 2015, following presentations to officers of revised proposals involving 907 residential units, key pre-application was provided as follows:
- In terms of height and massing, the development should “*acknowledge the design of the adjacent Millennium Quarter and continue to step down from Canary Wharf to the smaller scale residential to the north and south*”.
 - Concerned about the impact of the revisions on the LVMF view from the General Wolfe statue with the widening of the mass of the lower buildings compared to the 2014 scheme.
 - Concern about the impact of the increased height and mass on the courtyard spaces in terms of daylight and overshadowing

- Concern that tall buildings should not push to the edge of the east-west route and should be set back from street edges to maximise pavement widths and enhance the pedestrian environment and counter “canyonisation.”
- The introduction of a public park to the east of the site and public access to the central gardens was welcomed in response to concerns about open space provision and the Development Plan site allocation. However, the increase in residential densities raised concerns about the function of these spaces and their role as public open spaces versus their role in meeting the open space requirements of the denser development.
- It was disappointing that information on the amount of affordable housing was not available.
- It was imperative that the amenity value of the Dock for sailing isn’t prejudiced by tall buildings along the dock edge.

Direction by the Mayor of London

6.6 On 4th February 2016, following a request from the applicant dated 25th January 2016, the Mayor directed under article 7 of the Mayor of London Order 2008 and the powers conferred by Section 2A of the Town and Country Planning Act 1990 that he will act as the local planning authority for the purposes of determining the planning application. The Mayor said his reasons are:

- a) *“The development would have a significant impact on the implementation of the London Plan,*
- b) *There are sound planning reasons for my intervention.”*

The Mayor added:

“I must also have regard to the targets identified in development plans. I recognise that Tower Hamlets has fallen short of its housing delivery target although does has a healthy supply of permissions. In terms of other targets regarding the delivery of physical and social infrastructure, the Council has identified an established need for additional secondary schools in the Borough, and in particular a need for new schools within the Isle of Dogs, and an increasing need to deliver new public open space in order to support the borough’s growing population. The Council’s latest Annual Monitoring Reports demonstrate that these needs are not being met and remain significant.”

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

7.1 Were the Council empowered to determine the application it would have the following main statutory duties to perform. These duties now fall to the Mayor of London:

- 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).
- 7.2 The development plan for the area comprises the London Plan 2015 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Tower Hamlets Core Strategy 2010 and the Managing Development Document 2013.
- 7.3 On 14th March 2016, Minor Alterations to the London Plan (MALPS) were published to bring the London Plan in line with the Government's national housing standards and car parking policy.

The London Plan 2015

- 7.4 The site lies in inner London within the Isle of Dogs and South Poplar Opportunity Area identified on Map 2.4 page 79 of the London Plan. Map 2.5 page 81 shows the site lying within an Area of Regeneration. Map 4.1 page 159 shows the Isle of Dogs within an area where the transfer of industrial land to other uses is to be '*managed*.'

The Tower Hamlets Local Plan

Adopted Policies Map

- 7.5 The Adopted Policies Map, reproduced on page 89 of the Tower Hamlets Managing Development Document 2013, shows Westferry Printworks lying within the Place of Millwall and annotated:
- Site Allocation 18
 - Within a Flood Risk Area

- 7.6 Millwall Dock is annotated as '*Water Space*' forming part of the Blue Ribbon Network and a Site of Importance for Nature Conservation Area.

Tower Hamlets Core Strategy 2010 (CS)

- 7.7 At the heart of the Core Strategy '*Vision Statement*' page 26 is the concept of reinventing the hamlets of which there are 24 including Millwall. The East End's historic hamlets, or places, make Tower Hamlets unique. One of the Vision Statement's Core Principles is to "*Reinforce a sense of place*." Core Strategy Figure 12 identifies Westferry Printworks located in the Place of Millwall.
- 7.8 The Key Diagram page 27 identifies Westferry Printworks as part of a Regeneration Area that includes the Millennium Quarter and Crossharbour. Other CS allocations are:
- Fig. 24 page 44 '*Urban living for everyone*' identifies Millwall for Very High Growth (3,500+ residential units) over the Plan period to year 2025.
 - Figure 29 page 29 '*Creating healthy and liveable neighbourhoods*' identifies the location of an '*existing leisure centre*' (The Docklands Sailing and Watersports Centre).
 - Figure 30 page 53 '*Creating a green and blue grid*' shows Millwall Outer Dock as forming part of the Green Grid.
 - Fig. 34 page 66 '*Improving education and skills*' shows the application site within an area of search for a new primary school.

- Figure 35 page 76 *‘Creating attractive streets and spaces’* shows east – west *‘Improvements to connectivity’* in the vicinity of Westferry Printworks.
- Figure 37 page 80 *‘Creating distinct and durable places’* shows Westferry Printworks within an area where the policy is *‘Protecting and enhancing areas of existing character around waterways and open spaces.’*
- Figure 38 page 84 shows Westferry Printworks within a *‘Low Carbon Area.’*

7.9 Core Strategy Annex 7 and Annex 9 concern *‘Delivering Placemaking.’* Fig. 39 *‘Strategic visions for places’* and Figure 65 *‘Millwall vision diagram’* identify Millwall as:

‘A community brought together through its waterways and a newly established high street at Millharbour. The north of Millwall will continue to be transformed to provide opportunities for local employment and new housing that will better connect with waterfronts, green spaces and areas to the south.

There will be greater integration with Canary Wharf, offering a diverse retail and evening economy focused along Millharbour and dock fronts. Areas in the south will retain their quieter feel, being home to conservation areas and revitalised housing.

Local communities will be supported by excellent services, provided in the town centre alongside better connections to a wider range of services and transport interchanges in Canary Wharf and Crossharbour.

There should be animated and active edges to Docks.’

7.10 The Housing Investment and Delivery Programme CS pages 146 – 147 identifies Millwall as providing 6,150 new homes by year 2025 with High or Very High Growth from 2015 to 2025.

Tower Hamlets Managing Development Document 2013 (MDD)

7.11 MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 44 page 148 identify Westferry Printworks as Site Allocation 18:

“A comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses.”

Figure 3. MDD Site Allocation 18

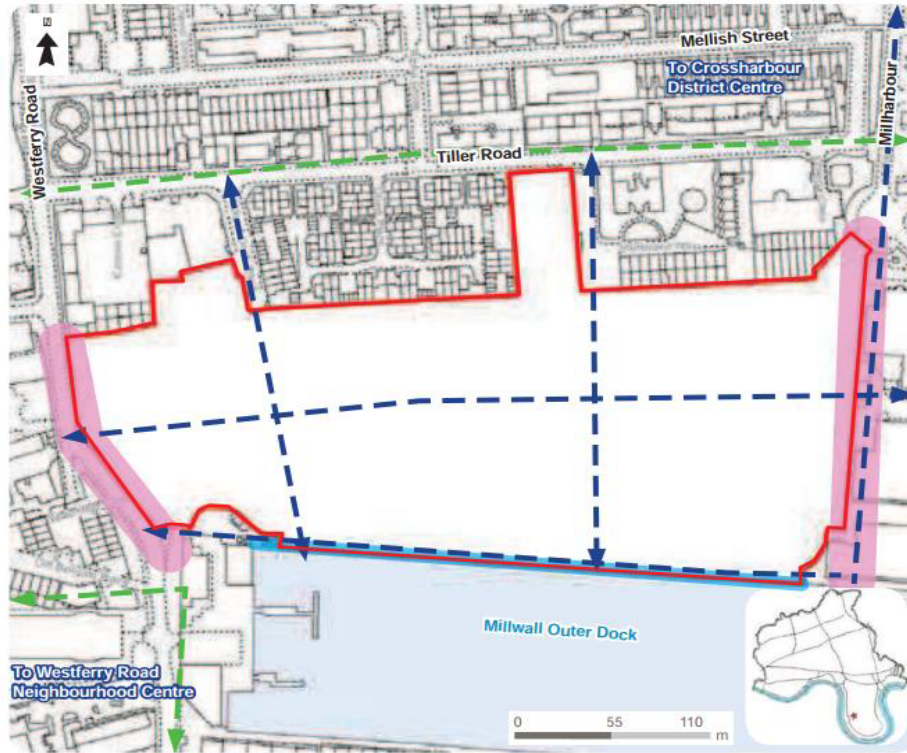


Figure 44: Site allocation map - Westferry Printworks

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Key

- Site boundary
- - - Walking / cycling route
- - - Green Grid route
- █ Improved public realm
- Activated waterspace

7.12 The MDD adopts the following design principles for the site:

- Development should 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 acknowledge the design of the adjacent Millennium Quarter and continue to step down from Canary Wharf to the smaller scale residential to the north and south.
- Development should protect and enhance the setting of the Maritime Greenwich World Heritage Site and other surrounding heritage assets.
- Development should be stepped back from the surrounding waterspaces to enable activation of the riverside.
- Development should successfully include and deliver family homes.
- Public open space should be located adjacent to the Millwall Outer Dock and of a usable design for sport and recreation.
- Walking and cycling connections should be improved to, from and created within the site, specifically to improve connections to Millwall Outer Dock and to Barkantine Estate centre, Westferry Road centre and Crossharbour centre. These routes should align with the existing urban grain to support permeability and legibility.
- The public realm should be improved at active site edges, specifically along Westferry Road and Millharbour.

7.13 Implementation considerations are:

- Development is envisaged to begin between 2015 and 2020.
- Development should align with any proposals for adjacent sites within the Millennium Quarter masterplan.
- Development should accord with any flood mitigation and adaptation measures stated within the borough's Level 2 Strategic Flood Risk Assessment 2011 and the sequential test.
- The potential for the co-location of 'dry' sports facilities with the secondary school and the Tiller leisure centre should be explored to ensure the borough meets its leisure needs.
- A new secondary school site takes first priority over all other non-transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough.
- Development must examine the potential for a district heating facility.

7.14 Two walking and cycling routes are shown running north – south through the site together with two east – west routes, one through the centre of the site another along the dock edge. Improved public realm is indicated on Westferry Road and Millharbour.

7.15 The following national, regional and local development plan policies are relevant to the application:

National

NPPF

Forward	Achieving sustainable development
Chapter 4	Promoting sustainable transport
Chapter 6	Delivering a wide choice of high quality homes
Chapter 7	Requiring good design
Chapter 10	Meeting the challenge of climate change
Chapter 12	Conserving and enhancing the historic environment

NPPG

Technical housing standards – nationally described space standard 2015

The Development Plan

The London Plan 2015 (with MALP amendments March 2016)

- 2.10 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential

- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large residential development
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.15 Coordination of housing development and investment
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 3.19 Sports facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.4 Managing industrial land and premises
- 4.5 Support for and enhancement of arts, culture, sport and entertainment
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 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
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 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 Lifetime neighbourhoods
- 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
- 7.10 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 deficiency
- 7.19 Biodiversity and access to nature
- 7.24 Blue Ribbon Network (BRN)
- 7.26 Increasing the use of the BRN for freight transport
- 7.27 BRN: Supporting infrastructure and recreational use
- 7.28 Restoration of the BRN
- 7.30 London's canals and other rivers and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Annex One Opportunity Areas No. 17 Isle of Dogs
 Annex Four Housing Provision Statistics

Tower Hamlets Core Strategy 2010 (CS)

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

Tower Hamlets Managing Development Document 2013 (MDD)

- DM0 Delivering sustainable development
- DM2 Local shops
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing waste
- DM15 Local job creation and investment
- DM17 Local Industrial Locations
- DM18 Delivering schools and early learning
- 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

Supplementary Planning Documents

Greater London Authority

The Mayor has published Supplementary Planning Guidance / Documents (SPGs / SPDs), which expand upon policy within the London Plan and are material considerations including:

- Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance 2014;
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction SPG 2014;
- The Control of dust and emissions during construction and demolition 2014;
- Shaping Neighbourhoods: Character and Context 2014;
- London Planning Statement 2014;
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013;
- Housing Supplementary Planning Guidance 2016
- London View Management Framework 2012;
- East London Green Grid Framework 2012;
- Shaping Neighbourhoods Play and Informal Recreation 2012;
- London World Heritage Sites - Guidance on Settings SPG March 2012
- The Mayor's Energy Strategy 2010;
- The Mayor's Transport Strategy 2010;
- The Mayor's Economic Strategy 2010;

The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in summer 2015, the public consultation will be in spring 2016 with adoption anticipated in 2018.

Tower Hamlets

- Draft Planning Obligations SPD – April 2015

Historic England Guidance Notes

- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans 2015
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015
- Historic England / Design Council Updated Guidance on Tall Buildings 2015

Building Research Establishment

Site layout planning for daylight and sunlight: a guide to good practice 2011.

8 CONSULTATION

- 8.1 The following bodies have been consulted on the application. Re-consultation was undertaken following the receipt in December 2015 of amendments itemised at paragraph 5.17 above and revisions to the Environmental Statement in March 2016. Representations received are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

External consultees

Mayor of London Stage 1 (including TfL)

- 8.2 The Mayor received an initial report on the application 20th October 2015. He considered that whilst the principle of the housing-led redevelopment, including provision of public open space and education facilities, is strongly supported, the application does not, at this stage, comply with the London Plan. However, possible remedies set out in the report and amendments proposed by the applicant, could address these deficiencies. The Mayor's observations, concerns and possible remedies were:
- ***"Housing:*** *It is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The proposed tenure split does not accord with London Plan Policy 3.11; amendments subsequently proposed by the applicant would address this concern.*
 - ***Urban design:*** *It is not possible at this stage to determine whether the proposal accords with the standards and proposed standards set out in Annex 1 of the draft interim Housing SPG and Mayor's Housing Standards Policy Transition Statement.*
 - ***Flood risk:*** *The application does not accord with London Plan Policy 5.13. The applicant should further reduce surface water run-off to the combined sewer, and revise its approach, increasing sustainable drainage techniques and use of direct discharge to the dock.*
 - ***Climate change mitigation:*** *The energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkantine heat network, and the site-wide heat network is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.*
 - ***Transport:*** *The proposal does not accord with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.4, 6.7, 6.9 and 6.10. The applicant should provide further information on its impact assessment, and submit evidence that all modelling outputs provided have been validated in accordance with TfL's guidelines. This will assist in informing TfL's response on the proposed car parking, and also the extent of mitigation required. The access to the proposed cycle parking can be improved, and the applicant should demonstrate the impact of the proposed zebra crossing on bus reliability along Westferry Road. Finally, conditions should be attached to any draft planning consent securing a car parking management plan; delivery and servicing plan; construction logistics plan, and water freight feasibility study, in addition to travel plans to be secured within the section 106 agreement."*

- 8.3 A 2nd report was considered by the Mayor on 4th February 2015 following the request that he take over the application. This followed amendments to the scheme comprising a reduction in the number of residential units from 737 to 722, a revised tenure split for the affordable housing, three additional residential cores to address design issues relating to number of units per core and the proportion of single aspect units, ground floor layout amendments, a reduction of 130 car parking spaces and the basement parking area, changes to the basement ventilation and location of exhaust vents, revisions to the proposed surface water drainage strategy and associated landscaping, revisions to Blocks B8 and B7 to improve internal daylight and sunlight, and amendments to corner windows within the courtyard.
- 8.4 The report to the Mayor does not consider the merits of the application, but addressed the impacts of the proposal on the implementation of the London Plan in respect of the tests in Article 7(1) of the Mayor of London Order namely Test 7(1) (a): Significant impact on the implementation of the London Plan, and Test 7(1) (c): Sound planning reasons for intervening. The Mayor concluded that both tests were met and there were sound planning reasons for issuing a direction.
- 8.5 With regards to the Mayor's Stage 1 concerns, the report advised that the following remained outstanding issues:
- The affordable housing offer,
 - Detailed matters relating to securing the delivery of the secondary school,
 - Modelling any potential impact on the sailing conditions in Millwall Outer Dock,
 - Flood risk,
 - Transport,
 - Energy and,
 - Section 106 contributions.

Port of London Authority

- 8.6 No objection in principle. Consideration should be given to the use of the River Bus as an alternative form of sustainable transport and for the use of Millwall Dock for the waterborne transport of bulk materials.

Canal and River Trust

- 8.7 No objection. To safeguard the waterway environment and waterway infrastructure, recommends that any planning permission is conditioned to require the submission and approval of a Construction Environmental Management Plan and a Site Waste Management Plan and details of Surface Water Drainage should it be proposed to that surface water run-off and ground water drain into the dock. No further comments on the revised plans.

National Air Traffic Services Ltd

- 8.8 The development does not conflict with safeguarding criteria.

Historic England

- 8.9 The development would be visible in views from Maritime Greenwich World Heritage Site, from the Grade II listed St Paul's Presbyterian Church and in views from LVMF Viewpoint 11B.1 from London Bridge towards Grade I listed Tower Bridge. Considers the impact in these views would not be so significant as to warrant significant concerns. Recommends the application is determined in accordance with national and local policy guidance.

Historic England Archaeology

- 8.10 The submitted Historic Environment Assessment identifies a moderate to high potential for prehistoric remains at the site. Recommends any permission is conditioned to require a two-stage process of archaeological investigation comprising an evaluation to clarify the nature and extent of surviving remains to inform a final mitigation strategy.

Environment Agency

- 8.11 No objection. The proposed uses are appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test whereby the local planning authority is satisfied that there are no alternative sites available for the development at a lower risk of flooding. A Flood Risk Assessment (FRA) is also required to ensure the development passes the Exception Test.
- 8.12 Although the site is located within Flood Zone 3 it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event, but is at risk if there was to be a breach or they were to be overtopped. The submitted FRA accurately assesses the risk of flooding and demonstrates that floor levels would be above predicted flood depth and that the occupants would have safe refuge.

London Fire and Emergency Planning Authority

- 8.13 No representations received.

Tower Hamlets Primary Care Trust

- 8.14 No representations received.

London Borough of Greenwich

- 8.15 No objection.

Transport for London

- 8.16 Incorporated in the Mayor of London's comments above.

London Bus Services Limited

- 8.17 No representations received.

Docklands Light Railway

- 8.18 No representations received.

London Underground Limited

- 8.19 No comments.

Sport England

- 8.20 No objection. Encourages the Council to consider the sporting needs arising from the development and to direct CIL monies to deliver new and improved facilities.

Thames Water Authority

- 8.21 Waste discharge: The existing waste water infrastructure is unable to accommodate the needs of the development. Should the development be permitted, recommends a '*Grampian*' condition to require the approval of a drainage strategy before development commences.

Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Thames Water therefore recommends that any planning permission should be conditioned to require the approval, before development commences, of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Also requests a condition to prevent impact piling until a piling method statement has been approved.

London City Airport

- 8.22 No safeguarding objection. Should cranes or scaffolding be required at a higher elevation than that of the planned development, their use must be subject to separate consultation.

National Grid

- 8.23 Advises that National Grid has apparatus in the vicinity of the site and requests the developer to contact National Grid before any works are carried out to ensure such apparatus is not affected by the proposed works.

EDF Energy Networks Limited

- 8.24 No comments received.

Crossrail Limited

- 8.25 No comments. The site is outside the limits of land subject to consultation under the Safeguarding Direction.

Millwall Tenants Association

- 8.26 No representations received.

Mill Quay Tenants Association

8.27 No representations received.

Barkantine Tenants Association

8.28 No representations received.

Association of Island Communities

8.29 No representations received.

Docklands Sailing Centre Trust (DSCT)

8.30 Extremely concerned that the development would have a significant, negative and probably terminal impact on the use of the Millwall Outer Dock for recreational water sports, particularly sailing, by the community which is the Dockland Sailing and Watersports Centre's principal charitable activity.

8.31 Historically, the London Dockland Development Corporation ensured that developments around the Millwall Outer Dock would not adversely impact on the use of the dock for water sports, particularly sailing. Developments were required, before planning consent was granted, to demonstrate through interactive wind tunnel testing that any detrimental effect on the wind was minimised.

8.32 DSCT considers that the Applicant's wind tunnel study has been evaluated against incomplete assessment criteria. The Environmental Impact Assessment that accompanies its application is therefore seriously flawed and cannot be relied upon.

8.33 DSCT presently understands that the maximum detriment to the Watersport Centre's use of Millwall Outer Dock would be caused by turbulence at the western end, around and in the vicinity of the pontoons, in the early part of the sailing season between February and May with the following consequences:

- Novice sailors, even with expert tuition, would not be able to commence sailing training in that period of time because they would be unable to launch from the pontoon and there is no realistic alternative launching site available;
- Given the prevailing wind conditions in these months it would be fruitless to offer such sailing training sessions when the probability is they could not take place;
- Scope for launching from the Centre during these months would be restricted to advanced sailors and likely to be of limited appeal;
- Fee-paying novices would be attracted elsewhere to learn to sail before the summer when they will derive most enjoyment from their new skills.

8.34 This will put the Centre's future, certainly as a provider of sporting and recreational opportunity, in physical and financial jeopardy.

8.35 Tower Hamlets has seen the fastest growth in youth population in the country but, according to Sport England, is the London borough least well provided with sports facilities. The Millwall Outer Dock represents one of the Island's

principal open spaces. Loss or reduction of such provision at the Watersport Centre runs counter to planning policy and objectives to promote health and well-being. No development should be permitted which is likely to end or significantly diminish the use of the Millwall Outer Dock by the Centre in its current location.

- 8.36 DSCT considers that the detrimental impact might be reduced to acceptable levels if the four tall tower blocks on the edge of the Dock were moved northwards and located alongside the proposed diagonal road running across the site. The lower level 'C' shaped buildings could be positioned closer to the dock edge but would need to be made more permeable. Buildings generally would need to be aligned on a northeast/southwest axis. DSCT believes that testing alternative massing and height would demonstrate development of the proposed scale is possible without detriment to the sailing and watersport conditions on the Dock.
- 8.37 It is not possible to relocate or reconfigure the pontoon to the south-western corner, instead of its present central location, because it has not been established that any such relocation would be to an area which did not suffer from an unacceptable degree of turbulence in the February to May period. Relocation would have to be to the central southern part of the Dock which is too far from the Centre to be operationally viable.
- 8.38 DSCT is therefore unable to re-configure its operation to counter the detriment caused by the development as proposed and expects the local planning authority to require the applicant to re-configure its development to allow sailing and watersport for all from the established Centre to continue.

Royal Yachting Association

- 8.39 Supports the Docklands Sailing and Watersports Centre's concerns regarding the quality of the current information submitted in support of the application. Until further work has been carried out, the full impact of the proposed development on the activities on the dock cannot be fully understood.

Natural England

- 8.40 The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Network Rail

- 8.41 No objection.

Metropolitan Police Crime Prevention Design Advisor

- 8.42 No advice received.

Internal consultation

Sustainable Drainage Officer

- 8.43 Initially objected to the surface water drainage strategy. Welcomed the use of permeable paving, the Rain Water Harvesting System and green roofs but disagreed with the proposed measure to attenuate and discharge into

combined sewers. Requested that in consultation with the Canal and Rivers Trust, more of the surface water runoff should be discharged into the Dock with treatment / pollution control to maintain / improve water quality. Recommended a condition be applied to any planning permission to require a revised drainage strategy to address concerns.

- 8.44 Advises that the revised drainage strategy submitted in January 2016, and the March 2016 Addendum to the ES are now satisfactory. The applicant has also provided a typical inspection and maintenance regime and suggestion for the formation of a management team to ensure maintenance of the system. In principle this is accepted but should be adhered to for the life of the development.

Parks and Open Spaces

- 8.45 No comments received

Landscape Section

- 8.46 No comments received.

Biodiversity Officer

- 8.47 Satisfied with the scope of ES Ecology chapter in terms of surveys and receptors considered. Considers some of the existing site “dense scrub” in the north-west of the site would be better described as woodland and existing grassland should not be described as ‘poor’. Advises that Jersey Cudweed found on the site is protected under the Wildlife & Countryside Act.

- 8.48 The area of woodland and scrub to be lost is about 0.35 hectares, which would be replaced with 0.28 hectares of native tree and scrub planting. The area of ruderal and other “open mosaic” type habitats to be lost would be more or less the same as that to be created on green roofs. The area of semi-improved grassland in the north-east of the site would be lost, with no direct replacement. The new planting, especially woody planting, would, therefore, have to be of substantially higher quality than the existing woodland to ensure no net loss. Changes in habitat are likely to be neutral at best for black redstarts. The developer’s claim that with the implementation of mitigation measures, there would be a significant benefit in terms of habitat overall benefit for biodiversity is extremely optimistic.

- 8.49 Advises the development would cause significant adverse impacts on biodiversity, including loss of Local Biodiversity Action Plan (LBAP) priority habitats and impacts on protected species – Black Redstarts and bats. The proposed mitigation for protected species is sufficient to ensure no long-term adverse impacts. The position is less clear with regard to loss of priority habitats, especially woodland and a small area of comparatively species-rich grassland. Not convinced that the landscaping as currently proposed would lead to overall gains for biodiversity as required by MDD Policy DM11.

- 8.50 If planning permission is granted, recommends conditions regarding:
- Timing and method of demolition to avoid harm to protected species,
 - Timing of vegetation clearance to avoid harm to breeding birds,
 - Scheme to retain a viable population of Jersey Cudweed,

- Biodiversity mitigation and enhancement measures to be secured.

Environmental Protection

- 8.51 Noise and pollution: No adverse comments. Commercial plant should not be intrusive to residents. Construction hours should be conditioned.
- 8.52 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.
- 8.53 Air Quality: The Updated Air Quality Assessment is accepted. A condition should be applied requiring mechanical ventilation in all units that the Assessment states may be adversely affected by the energy centre emissions.

Community Occupational Therapist

- 8.54 Commenting on the proposed '*wheelchair adaptable*' affordable housing units advises that the units can all be classed as meeting with London Accessible Housing Category A- wheelchair standard and are better than '*adaptable*.' On the whole they are good wheelchair units subject to there being two wheelchair accessible lifts to each building.

Transportation & Highways

- 8.55 No objection in principle. The change of use from a printworks to mixed use will remove some vehicle movements, particularly HGV movements, which occurred during unsocial hours. The projected increase in person trips will affect the local public transport network, including buses, the DLR at Crossharbour and the interchange with the Jubilee Line and Crossrail at Canary Wharf. TfL should advise on whether the proposed uptake in users as a result of this development and cumulative development will adversely affect the network.
- 8.56 Parking provision at 0.35 spaces per dwelling would be within the maximum levels provided by the London Plan and the Council's MDD but exceeds recently consented schemes in the locality, which are more in the region of 0.2 – 0.22 which would reduce impact on the local road network. Cycle parking exceeds London Plan minimum standards for both long and short stay spaces.
- 8.57 The proposals open up pedestrian and cycle permeability which is welcomed. The dockside walkway would also be enhanced. The proposed school would be set back from Westferry Road to allow adequate space for students at opening and closing times. A PERS audit has been undertaken and this shows that much of the footway areas surrounding the site is acceptable but highlights some areas in Westferry Road and Millharbour that scored poorly. The proposal to introduce a new zebra crossing in Westferry Road will help in this respect.
- 8.58 Access would be from the existing vehicular access points on Westferry Road and Millharbour. Changes are proposed on Westferry Road to provide better sightlines, relocated bus stops and a new zebra crossing. All servicing would take place within the development which is welcomed. The width of the proposed service road is satisfactory. The proposal to use number plate recognition systems to control vehicular access is acceptable.

- 8.59 School traffic: The proposed school has the potential to be a major traffic attractor. Parking should be prevented on Westferry Road and the applicant is prepared to extend double yellow line controls which would also help to control possible parking from users of the MUGAs outside of school hours, and fund a new pedestrian crossing and zigzag lines. There should be staggered hours with Arnhem School. These proposals should form part of a school travel plan to be approved prior to the school opening.
- 8.60 Requests that any planning permission is conditioned to require:
- A car parking '*Permit Free*' agreement.
 - Details of cycle stands and stores to be submitted and approved.
 - A Car Parking Management Plan to be submitted and approved prior to first occupation.
 - A Service Management Plan for all uses to be submitted and approved prior to first occupation.
 - A Demolition / Construction Logistics Plan to be submitted and approved prior to any works taking place.
 - Travel Plans for all uses to be submitted and approved prior to first occupation.
 - A section 278 agreement to fund necessary mitigation works to Westferry Road.

Economic Development

- 8.61 Concerned that the employment generated by the development would not compensate for the loss of the previous industrial floor space. If permission is granted, recommends that arrangements (set out at paragraph 3.2 above - Planning obligations - Heads of Agreement), are put in place to secure contributions and measures to support and / or provide the training and skills needs of local residents to access job opportunities during both construction and within the employment sectors created by the development including the provision of apprenticeships.

Communities, Localities and Culture

- 8.62 Welcomes the proposal to deliver a school, three MUGAs and a sports hall given the high demand for such facilities in the borough as identified in the Council's Leisure Facility Strategy.
- 8.63 The Local Plan Site Allocation requires the provision of an expanded leisure facility within the application site with the potential for the co-location of 'dry' sports facilities with the secondary school and the Tiller Leisure Centre explored. It is imperative that the proposed MUGAs and sports hall are available for use by the general public and provisions are made for a link/access from the existing leisure facility at Tiller Road.
- 8.64 The proposed location for the link/access point should be verified to ensure the land is within the ownership of the Council. If this is not the case, then a suitable alternative access/link point should be identified as part of the development.
- 8.65 Consideration should be given to the school curtilage and sports facility as part of the section 106 drafting. If the sports facilities are to be located within the

area managed by the school operator, public access arrangements need to be agreed in the section 106 agreement.

Education Development Team

- 8.66 The proposals for a new 1,200 pupil 11-18 secondary school as part of a mixed use masterplan generally seem robust and considered. Considering this is a detailed application, designs however appear diagrammatic and would need detailed development to ensure the building is fully fit for purpose and acceptable to LBTH. It is noted however that there is an agreement in place with the applicant that LBTH will deliver the school in accordance with the consent they obtain.
- 8.67 There should be no provision for vehicle pick up/drop off due to traffic concerns. Even with the omission of vehicle stopping points, there are concerns regarding both vehicle and people traffic at the beginning and end of day, mostly due to the presence of Arnhem Wharf Primary School opposite the new school on Arnhem Place. It is recommended that there should be consideration of school management with regard to particular pupil year groups entering and exiting on Millwall Dock Road as well as through the main entrance.
- 8.68 There should be a secure boundary treatment for the school as a whole.

Waste Policy and Development

- 8.69 To follow in an Update Report.

Energy Efficiency Unit

- 8.70 Decentralised Energy: The applicant must ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and install an energy system in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
 - 2) Site wide CHP
 - 3) Communal heating and cooling.
- 8.71 In relation to district heating systems, the submitted energy strategy refers to discussions with operators of the Barkantine District Heating system that advised there is currently no capacity within the scheme to serve the Westferry Print Works Development. However, no evidence of correspondence has been provided within the submitted energy strategy.
- 8.72 To ensure the scheme meets London Plan Policy 5.6 and MDD Policy DM29, which require development to connect to a decentralised energy system, the applicant should contact the commercial manager at Barkantine to confirm the capacity within the system and strategy to connect.
- 8.73 Sustainability: The applicant has submitted a sustainability statement which outlines the commitments to integrating sustainable design and construction into the development and achieving BREEAM 'Excellent' for the non-residential uses. This is supported.

9 LOCAL REPRESENTATION

Community involvement by the applicant

- 9.1 The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents that helped inform the proposals.
- 9.2 Public exhibitions were held on 11th to 13th June 2014, 17th to 20th September 2014 and 18th to 20th June 2015 at the Docklands Sailing and Watersports Centre.
- 9.3 The public exhibition was advertised on each occasion in East End Life and by the delivery of around 2,200 information leaflets to the local area. Key stakeholders and councillors were notified with a personal invitation. A project website was also set up to publicise the exhibitions and to keep local residents informed. On each occasion, the public exhibition consisted of between eight and ten panels, together with models, that indicated the proposals. Members of the applicant's professional team attended to answer questions. A variety of ways to respond to the public consultation were available. Feedback could be given by using a Freephone number, a Freepost address, and a dedicated email address. The applicant says the submission of the planning application does not mark the end of this consultation and Northern & Shell Investments No.2 Limited will continue to meet with local groups and individuals as appropriate throughout this process.

Representations following statutory publicity

- 9.4 The application has been publicised by the Council by site notices and advertisement in East End Life. 5,772 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment. Re-consultation has been undertaken on the revised plans and additional information submitted with the Environmental Impact Assessment in March 2016.

Representations received			50
Objecting:	49	Supporting	1
No of petitions received:			0

Ground of support

- 9.5 Having attended an exhibition by the developer, a local resident has written expressing full support to this *'fine development.'*

Grounds of objection

- 9.6 There is general acceptance that the Westferry Printers site cannot be allowed to become derelict and some suitable form of development is required. However, objectors consider the scale of the proposal excessive and would negatively impact on the local community & services. Material grounds of objection may be summarised as:

- The high rise buildings will be over-development putting huge strains on local amenities.

- Tower 4 is too tall exceeding density guidance. Building heights should decrease steadily away from the Canary Wharf estate. While Tower 4 is shorter than the tallest towers at Canary Wharf, it is not in line with the decreasing height principle.
- Small towers ranging up to 10 levels would be more appropriate to the low level residential area around the dock.
- There is a great shortage of adequate family housing on the Island, and a good part of the development should be affordable family homes with adequate number of bedrooms and outdoor space. Focussing on studio flats will not address the housing problem only encourage more people to buy properties for 'weekday only.'
- Sewerage and water infrastructure is at capacity and further development threatens low or no pressure in properties further south. The development will require significant improvements to the water, sewage, power and telecommunications infrastructure.
- The development will exacerbate vehicular congestion at a dangerous bend in Westferry Road and on Millharbour.
- Arnhem Wharf primary school has severe parking problems in peak hours. Another larger school opposite will create chaos unless off-road drop-off and parking zones are created.
- Public transport improvements will be needed to cope with the influx of new residents. Buses on Westferry Road and the DLR at South Quay, Crossharbour and Mudchute are already at capacity during peak hours.
- The large number of proposed parking spaces will not encourage residents to use public transport.
- Inadequate provision of car parking. There should be one parking space per dwelling.
- The development will require the provision of public open space, including playing fields parks and social infrastructure which are inadequate within the scheme.
- Cumulative impact of all sites in progress on the Isle of Dogs is not being assessed.
- Loss of light and privacy to surrounding residential property.
- Increased air pollution.
- Serious affect for the local sailing club, preventing wind getting to the dock.
- Noise and light pollution from the 3 sports pitches which border the Claire Place Estate, especially if used late in the evenings outside school hours. The pitches should not be equipped with high intensity lightning to enable use after dark and should not be used after 8 pm.
- Tower 4 will generate noise (from balconies and TVs) impacting on the south side of the dock
- Extra noise and pollution would detrimentally affect the wildlife that inhabits the dock.
- The walkway on the northern side of Millwall Dock should remain open during construction.
- The secondary school would lead to an increase in anti-social behaviour around the dock.
- The entire site should be used to provide a new secondary school.

9.7 Non-material grounds of objection raised are:

- Disruption and the likelihood of burglaries during construction.
- Loss of property values.

- Obstruction of views of Canary Wharf.
- Increased fire hazard.

9.8 The following suggestions have been made should permission be granted:

- The location of bus stops is extremely important. Any location close to the bend in the road will create an extremely dangerous situation where vehicles overtake the bus at the point where they are on the blind part of the bend leading to accidents.
- A pedestrian crossing would be a positive addition, to allow school children to cross the road safely. This should be sensibly located next to the bus stops.
- The community centre is welcome, especially if it offers free space for local resident meetings.
- The development should retain the heritage of the two cranes near the sailing centre and the various mooring points along the dock side.
- Priority should be given to giving jobs and retail space to local businesses and people, rather than to high street chains, so local character is maintained.
- During construction, undertakings should be given to local residents about managing excessive noise, disturbance and dirt. There should be no weekend or evening working.
- Large lorries should not visit the site when children are moving in and out of Arnhem Wharf School.
- A recycling scheme should be established.
- The dock water should not be polluted.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the Mayor and the Committee must consider are:

- The principle of development
- Housing provision
- Public open space
- Non-residential commercial and community uses
- Design appearance and heritage assets
- Impact on surrounding residential amenity
- Microclimate
- Transport, connectivity and accessibility
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Flood risk & Sustainable urban drainage
- Biodiversity
- Environmental Statement
- Community Infrastructure Levy and Planning obligations
- Other Local Finance Considerations
- Human Rights
- Equalities

Principle of development

NPPF

- 10.2 Nationally, the NPPF promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. It promotes the efficient use of land by high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications should be considered in the context of a presumption in favour of sustainable development.

The London Plan 2015

- 10.3 The London Plan identifies Opportunity Areas which are capable of significant regeneration to accommodate new jobs and homes and requires their potential to be maximised.
- 10.4 The site lies within the Isle of Dogs and South Poplar Opportunity Area identified on Map 2.4 page 79 of the London Plan. Map 2.5 page 81 shows the site also lying within an Area of Regeneration. Map 4.1 page 159 shows the Isle of Dogs within an area where the transfer of industrial land to other uses is to be '*managed*.'
- 10.5 London Plan Policy 2.13 sets out the Mayor's policy on opportunity areas and paragraph 2.58 states they are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. The application site is not identified for employment use within the London Plan.
- 10.6 London Plan Policy 3.18 '*Education facilities*' supports provision of childcare, primary and secondary schools to meet the demands of a growing and changing population, particularly where these can be co-located with housing in order to maximise land-use and reduce costs. The policy requires that sufficient publicly accessible open space is provided as part of development proposals.
- 10.7 London Plan Table 3.1 sets Tower Hamlets a delivery target of 3,931 new homes per year until 2025.

The Tower Hamlets Local Plan

Adopted Policies Map

- 10.8 The Adopted Policies Map, reproduced on page 89 of the MDD 2013, shows Westferry Printworks annotated:
- Site Allocation 18
 - Within a Flood Risk Area

Tower Hamlets Core Strategy 2010 (CS)

10.9 The CS Key Diagram page 27 identifies Westferry Printworks as part of a Regeneration Area that includes the Millennium Quarter and Crossharbour. Other CS allocations are:

- Fig. 24 page 44 '*Urban living for everyone*' identifies Millwall for Very High Growth (3,500+ residential units) over the Plan period to year 2025.
- Figure 30 page 53 '*Creating a green and blue grid*' shows Millwall Outer Dock as forming part of the Green Grid.
- Fig. 34 page 66 '*Improving education and skills*' shows the application site within an area of search for a new primary school.

10.10 The Housing Investment and Delivery Programme CS pages 146 – 147 identifies Millwall as providing 6,150 new homes by year 2025 with High or Very High Growth from 2015 to 2025.

Tower Hamlets Managing Development Document 2013 (MDD)

10.11 MDD Chapter 3 provides Site Allocations and Fig. 12 page 86 and Figure 44 page 148 identify Westferry Printworks as Site Allocation 18 within Millwall:

"A comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publicly accessible open space, an expanded leisure facility, a district heating facility (where possible) and other compatible uses."

10.12 Land use design principles set out in the MDD for the site say:

- *"Development should successfully include and deliver family homes.*
- *Public open space should be located adjacent to the Millwall Outer Dock and of a usable design for sport and recreation.*
- *The public realm should be improved at active site edges, specifically along Westferry Road and Millharbour."*

10.13 Implementation considerations include:

- Development is envisaged to begin between 2015 and 2020.
- Development should align with any proposals for adjacent sites within the Millennium Quarter masterplan.
- The potential for the co-location of 'dry' sports facilities with the secondary school and the Tiller leisure centre should be explored to ensure the borough meets its leisure needs.
- A new secondary school site takes first priority over all other non-transport infrastructure requirements including affordable housing, in relation to the redevelopment of this site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the borough.
- Development must examine the potential for a district heating facility.

10.14 The proposed residential component would provide 722 residential units - 18.3% of the Council's annual housing target, together with ancillary uses. There would be a large secondary school together with retail, flexible office

and financial and professional services, restaurant and drinking establishments, a health centre, crèche / community centre and a significant amount of public open space. These uses are all welcomed in principle and are consistent with the NPPF and the development plan including MDD Site Allocation 18. In land use terms the development is considered acceptable in principle and no objection is raised to the loss of the existing employment floor space.

Housing provision

- 10.15 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 10.16 NPPF Paragraph 7 advises that a dimension of achieving sustainable development is a “*social role*” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

Market and affordable housing offer

- 10.17 NPPF Section 6 advises local planning authorities on ‘*Delivering a wide choice of high quality homes.*’ Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 10.18 London Plan Policy 3.3 ‘*Increasing housing supply*’ refers to the pressing need for more homes in London and makes clear that boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for Tower Hamlets is 3,931 new homes between years 2015 to 2025.
- 10.19 London Plan Policy 3.8 ‘*Housing choice*’ requires borough’s local plans to address the provision of affordable housing as a strategic priority. Policy 3.9 ‘*Mixed and balanced communities*’ requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 10.20 London Plan Policy 3.11 ‘*Affordable housing targets*’ requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of future developments.
- 10.21 London Plan Policy 3.12 ‘*Negotiating affordable housing*’ requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

- 10.22 Tower Hamlets Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:

Tower Hamlets faces significant housing challenges. There is a current affordable homes shortfall of 2,700 homes per year. 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.

- 10.23 Westferry Printworks is a crucial strategic element within the Council's supply of land for both market and affordable housing.
- 10.24 The amended planning application is accompanied by a revised Financial Viability Assessment by DS2 LLP that claims the scheme can only afford to provide 11% affordable housing, measured by habitable rooms. This is identified as 51 affordable rented units in Block 6 and 25 units providing intermediate housing in Block 7, a shortfall of 24% against target.
- 10.25 The Financial Viability Assessment by DS2 LLP has been independently reviewed by PBP Paribas on behalf of LBTH. BNP Paribas have amended some of the DS2's appraisal inputs where local evidence points to different assumptions, or where DS2's analysis relies on dated information. As a result of these amendments, BNP Paribas' appraisal indicates that the scheme can viably absorb 36% affordable housing, compared the 11% offered. This takes account of the provision of land for a secondary school, Mayoral CIL and section 106 obligations. However, BNP Paribas are concerned that the development programme has been extended beyond market norms, which has a depressing effect on the scheme's IRR (Internal Rate of Return). A modest adjustment to the Development Programme, moving commencement of Tower 04 forward by two years; alone improves the IRR by circa 3%. Additional changes to the programme would deliver further improvements.
- 10.26 BNP Paribas also note that the unit sizes in the Development are significantly over-sized and viability could be improved by re-gearing the unit sizes and mix.
- 10.27 Given the inherent uncertainty on any development of this scale, there could be a significant difference between current and outturn IRR and BNP Paribas have tested this to some degree through a sensitivity analysis but advises that the Council may wish to consider incorporating periodic review clauses in any section 106 agreement so that affordable housing provision can be maximised whilst also ensuring the scheme is deliverable.
- 10.28 Officers advise that the proposed market / affordable tenure mix has not been adequately justified in terms of financial viability, does not accord with the Mayor's London Plan policies outlined above or Tower Hamlets Core Strategy

Policy 02 which seeks to deliver 35-50% affordable homes. Therefore the proposed quantum of affordable housing is not policy compliant.

Residential tenure mix

10.29 London Plan policy 3.8 ‘Housing Choice’ requires the Boroughs to work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. London Plan Policy 3.9 ‘Mixed and balanced communities’ says that communities mixed and balanced by tenure should be promoted across London including by larger scale development such as this. London Plan Policy 3.11 ‘Affordable housing targets’ requires 60% of the affordable housing provision to be affordable rent and 40% to be for intermediate rent or sale.

10.30 Tower Hamlets Core Strategy Policy SP02 ‘Urban living for everyone’ requires:

- A tenure split for affordable homes from new development to be 70% social rented and 30% intermediate.
- A mix of small and large housing by requiring a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.

10.31 MDD Policy DM3 ‘Delivering Homes’ requires development to provide a balance of housing types, including family homes, in accordance with the following breakdown:

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

10.32 The proposed residential mix compared with the Core Strategy targets would be:

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%
1 bed	270	15	29%	30%	18	72%	25.0%	237	37%	50%
2 bed	242	11	22%	25%	7	28%	50.0%	224	35%	30%
3 bed	202	17	33%	30%	0	0%	25%	185	29%	20%
4 bed	8	8	16%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	722	51	100%	100%	26	100%	100%	646	100%	100%

10.33 In the market housing there would be an undersupply of 1 bed units - 37% against a target of 50%, an oversupply of 2 bed units – 35% against a target of 30% and an oversupply of family accommodation (3+ bedrooms) – 29% against

a target of 20%. This is considered satisfactory and reasonably compliant with the intentions of Core Strategy Policy SP02 and MDD Policy DM3.

- 10.34 Within the affordable housing there would be 76% affordable rented and 24% intermediate. This compares to the 60:40 ratio required by the London Plan and 70:30 ratio of Core Strategy Policy SP02. This tenure split is considered acceptable given the borough's preference for affordable rented housing.
- 10.35 Within the affordable rented sector 29% one bed units is proposed against a 30% policy target, 22% two beds against a 25% target, 33% three beds against a 30% policy target and 16% four beds or larger against a 15% target. The level of rented family sized units would be 49% against a 45% policy target. These are all considered broadly policy compliant.
- 10.36 Within the intermediate housing, the proposal is for 72% one bed units against a 25% policy target, and 28% two beds against a target of 50%. There would be no intermediate family accommodation (3 bed+) whereas the policy target is 25%. Whilst affordability concerns about the provision of family sized units in this high value area are appreciated, the proposed significant imbalance between intermediate one and two beds with an absence of family accommodation fails to accord with policy targets being unacceptably skewed towards one bed units.
- 10.37 It is considered that the proposed intermediate dwelling mix fails to comply with NPPF advice, the London Plan and Tower Hamlets Local Plan to secure mixed and balanced communities.
- 10.38 The affordable housing would be provided within Blocks 6 and 7 and are proposed as part of the first construction phase which is welcomed. Should the Mayor grant permission, a Head of Agreement is recommended to ensure that the affordable housing is delivered prior to the market housing in Phase 1.

Inclusive design

- 10.39 London Plan Policy 3.8 '*Housing Choice*,' the Mayor's Accessible London SPG, and MDD Policy DM4 '*Housing standards and amenity space*' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 3.8 '*Housing choice*' and Core Strategy Policy SP02 6 require all new housing to be built to Lifetime Home Standards.
- 10.40 The applicant states that the development accords with these policy requirements. 30% of the residential units have been designed to be easily adaptable to meet the needs of wheelchair users, exceeding the LBTH requirement by 20%. The wheelchair units would be distributed throughout the development (including a mix of tenure and unit sizes). All the residential units across the site would be built to Lifetime Home Standards.

Housing quality & standards

- 10.41 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 –

'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's *'Housing'* SPG 2016.

- 10.42 MDD Policy DM4 *'Housing Standards and Amenity Space'* requires all new developments to meet the internal space standards set out in the Mayor's earlier 2012 SPG.
- 10.43 In March 2015, the Government published *'Technical housing standards – nationally described space standard.'* This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's *'Housing'* SPG 2016 reflect the national guidance.
- 10.44 Key aspects of the amended residential layout would accord with the GLA's Housing SPG 2016:
- The number of dwellings accessed from a single core would not exceed 8 per floor,
 - Entrances would be illuminated with level access over the threshold,
 - Unit sizes meet or exceed the minimum standards save for some marginal shortfalls in the affordable rented accommodation with units of 49.9sqm and 49.8 sq. m. instead of 50 sq. m.
 - Minimum floor to ceiling heights of 2.5 m met.

Aspect and natural light

- 10.45 MDD Policy DM25 *'Amenity'* requires adequate levels of natural light for new residential development and the avoidance of sense of enclosure. This requires careful consideration of layout and massing. Single aspect dwellings should be avoided. The Mayor's *'Housing'* SPG says developments should avoid single aspect dwellings that are north facing defined as an orientation less than 45 degrees either side of due north. The SPG adds that: *'Where possible the provision of dual aspect dwellings should be maximised in a development proposal.'*
- 10.46 The applicant's Environmental Statement (ES) assesses daylight and sunlight within the proposed development. The assessment was undertaken by Anstey Horne was independently reviewed for LBTH by Delva Patman Redler.

Daylight within the proposed development

- 10.47 Delva Patman Redler advises that the ES provides Average Daylight Factor (ADF) results for rooms within the proposed development. The analysis has only been undertaken to 50% of the apartments on every floor within the buildings and the findings need to be viewed with regard to that.
- 10.48 Blocks B01, T01, T02, T03 and T04 are fully compliant for all the rooms tested and no reason is seen to expect that any rooms not tested would differ from these results.

10.49 There are some non-compliant rooms in Blocks B02, B03, B04, B06 and B07. The effect in respect of these particular blocks can be summarised as follows:

- In Block B02, the only rooms that do not meet the standard are bedrooms tucked into a corner of this “L” shaped block and other rooms in the particular flats will have adequate levels of ADF. The overall effect on the flat is not material.
- In Block B03, the rooms affected are living rooms where sky visibility is partly obstructed by other parts of Block B03. These are large rooms and consideration could be given to improving the results prospect by provision of larger areas of glazing.
- In Block B04, There is one flat on each floor located in the internal northeast corner of the block that has very restricted sky visibility and very little sense of external outlook. This particular flat in each case will appear poorly day lit and enclosed.
- In Block B06, there is one flat on each floor affected on the south elevation where it faces directly towards Block B04. The flats either side have not been tested so it is likely that there will be three flats on each of the first and second floors with substandard levels of daylight and these will appear poorly lit.
- In Block B07, the flats tested on the south elevation that face toward Block B03 have poor levels of ADF. As only 50% of the rooms have been tested, the results do not show that practically all rooms on this south elevation will have poor levels of ADF. The flats will appear poorly lit and gloomy even though they are south facing. Proposed daylight levels cannot be recommended.

10.50 In summary, Delva Patman Redler advised that the original proposals did not provide minimum recommended levels of ADF for some rooms but did for most of them with the flats on the south elevation of Block B07 generally having inadequate levels of internal daylight. Following this advice, revised plans were submitted amending Blocks 6 and 7 to improve daylight levels within dwellings. Delva Patman Redler has not been asked to review the amendments as daylight arrangements are generally now considered satisfactory.

Sunlight within the proposed residential accommodation

10.51 Delva Patman Redler advises that ES explains that not all of the flats will have the recommended minimum levels of APSH to their living room. However, this is primarily a result of those particular flats having balconies limiting sunlight reaching the windows beneath, coupled with obstructions from other blocks within the development, which is inevitable on a site of this size. On balance, the proposed sunlight results appear to be reasonable for a scale of this development.

10.52 62% of the residential units would be dual aspect and the development seeks to avoid single aspect dwellings that are north facing.

10.53 On balance, it is considered the proposed residential units would receive adequate daylight and sunlight.

Residential amenity space

- 10.54 The London Plan '*Housing*' SPG and MDD Policy DM4 '*Housing standards and amenity space*' require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit, making a requirement of 762 sq. m. within the development.
- 10.55 All residential units would have access to private amenity balcony or terrace space meeting or exceeding the minimum standard. In addition, residential courtyard gardens would be provided within Blocks 2, 3 and 4, and to the rear of Blocks 6 and 7. Residents would also have access to private residential amenity space at the roof level (on Blocks 2, 3 and 4 and Towers 1, 2, 3 and 4). At ground level alone this amounts to 0.45 ha. exceeding requirements.

Child play space

- 10.56 London Plan Policy 3.6, the Mayor's SPG '*Providing for Children and Young People's Play and Informal Recreation*' & MDD Policy DM4 require child play space provision at 10 sq. m. per child. The Plan says this can be achieved by a combination of on-site (doorstep play space must be provided for children under 5) and off-site provision (within 400m), where appropriate.
- 10.57 The GLA's Child Yield Calculator estimates that the development would generate 161 children requiring 1,610 sq. m. of play space on site. The scheme includes a comprehensive play strategy. Within the development, a series of spaces are proposed, which are intended to provide play opportunities, in addition to general residential amenity. The proposal incorporates 3,495 sq. m. of dedicated play space; including incidental doorstep play for the younger children located within the communal courtyards, and dedicated facilities within two areas of public open space. This is in addition to general private residential amenity spaces located throughout the development, as well as the general amenity of the public park spaces and is substantially above requirements. Additionally, Sir John McDougall Gardens on Westferry Road is 300 m. from the site), Mudchute Farm and Park (600 m. distant) and Millwall Park (800 m.).

Proposed Residential density

- 10.58 London Plan Policy 3.4 '*Optimising housing potential*' requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and the design principles in London Plan Chapter 7. Table 3.2 provides a '*Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)*' for differing locations based on public transport accessibility levels (PTAL). For '*Urban*' areas with PTAL's 2-3, Table 3.2 provides an indicative density range of 200-450 habitable rooms per hectare (hrph) or 40 to 170 units per hectare u/ha. Development proposals which compromise this policy should be resisted.
- 10.59 Based on the net residential area (as required by paragraph 3.31 of the London Plan and excluding the school site), the scheme would generate a density of 433 hrph or 184 u/ha. This is within the recommended density range.

Public open space

- 10.60 The delivery of publicly accessible open space within the redevelopment of Westferry Printworks is a requirement of MDD Site Allocation 18 and supported by London Policy 7.18. *'Protecting local open space and addressing deficiency,'* Core Strategy SP04 1 *'Creating a green and blue grid,'* and MDD Policy DM10 *'Delivering open space.'*
- 10.61 Approximately 72% of the site area would be open space involving a total of 1.95 hectares of public open space, which includes a 6,353 sq. m. public park at the eastern end of the site, comprising ball courts, all-weather MUGA pitch, informal hard courts, in addition to lawn and planted areas. The proposal also includes a series of spaces adjacent to Millwall Outer Dock; a 1,864 sq. m. area of green space at the western section of the site, and a further 1,308 sq. m. garden space, which would also be open to the public.
- 10.62 The provision of the dockside promenade, to include walking and cycling routes as well as incidental areas for play and recreation, also accords with the Blue Ribbon Network (BRN) principles of the London Plan, and would help provide a recreational setting to the dock, improving its setting and the ability for it to be appreciated. Should the Mayor grant permission, Heads of Agreement are recommended to ensure the public use of the three proposed open spaces.

Non-residential commercial and community uses – Use Classes B1, A1, A2, A3, A4 & D1

- 10.63 The proposals would provide 6,400 sq. m. of ground floor commercial space:
- Shop A1 – 193 sq. m. GIA,
 - A3/A4 (Restaurant / café & drinking establishments– 1,348 sq. m. GIA
 - Flexible office and financial and professional services A2/B1 – 2,340 sq. m. GIA
 - Community uses: crèche/ community centre – 702 sq. m. GIA,
 - Health centre – 253 sq. m. GIA.
- 10.64 Four A3/A4 restaurant and drinking establishment units ranging between 291 sq. m and 476 sq. m are proposed at the base of the towers benefiting from the south facing dockside location. Community spaces would be provided adjacent to Westferry Road and the crèche located on a new link route to Starboard Way. The retail unit and the management office would be located along the new central route through the site with the residents gym located adjacent to the East Park. The flexible office and financial and professional units are proposed within the ground floor units on Blocks B, C and D.
- 10.65 The application documents indicate that around 564 jobs would be created on site making a significant contribution to the wider Opportunity Area employment.
- 10.66 The proposals should be considered in light of their relationship with the town centre hierarchy and the definition of edge of town centre given in the NPPF. The application site is not located within a designated Town Centre and can be classified as *'edge of centre'* because it lies within 300 m. of two defined centres: the eastern part is approximately 260 m. from Crossharbour district centre and the western part 280 m. the Barkantine Neighbourhood Centre.

Shop, restaurant & drinking establishment Use Classes A1, A3 and A4

- 10.67 Planning policy at all levels direct retail and leisure development to in centre locations in the first instance, then edge of centre locations, and finally out of centre locations. Policy 4.7 *'Retail and town centre development'* of the London Plan states that the scale of retail, commercial, cultural and leisure development should be related to the size, role and function of a town centre and its catchment.
- 10.68 Tower Hamlets Core Strategy Policy SP01 *'Refocusing on our town centres'* promotes a mix of uses at the edge of town centres to support the role of town centres. MDD Policy DM2 *'Local shops'* relates to the development of new local shops (defined as a shop which is local in nature and has a gross floor space of no more than 100 sq. m. (the equivalent of two small shop units). The policy states that *'development of local shops outside of town centres will only be supported where: a) there is demonstrable local need that cannot be met within an existing town centre; b) they are of an appropriate scale to their locality; c) they do not affect amenity or detract from the character of the area; and d) they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres'*. The supporting text identifies that *'in assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres (Paragraph 2.3)*.
- 10.69 The Core Strategy Millwall Vision page 123 says that in this northern part of Millwall *'there will be greater integration with Canary Wharf, offering a diverse retail and evening economy focussed along Millharbour and dock fronts.'*
- 10.70 Assessing the proposal against the Core Strategy Vision and MDD Policy DM2.2, it is considered that there is a local need for the A1/A3/A4 floor space demonstrated by the MDD site allocation to provide *'other compatible uses'*. The applicant considers the Class A uses would relate to local needs arising from both the new residents of the scheme as well as from the employees on site and not act as a retail destination in its own right. Given the population increase proposed by the development, officers consider the scale appropriate and would not undermine the Crossharbour or Barkantine Town Centres or proposals at the ASDA site.

Offices Class Use B1 & A2

- 10.71 London Plan Policy 2.9 *'Inner London'* says boroughs should ensure the availability of appropriate workspaces for the area's changing economy. Policy 4.1 *'Developing London's Economy'* promotes the availability of sufficient and suitable workspaces for both larger employers and small and medium sized enterprises. Policy 4.2 *'Offices'* supports the mixed use development of office provision including different types and sizes including SMEs. Policy 4.3 *'Mixed use development and offices'* requires the development of office provision not to be strategically constrained with provision made for a range of occupiers and to include a mix of uses including housing.
- 10.72 London Plan Table A1.1 *'Opportunities Areas'* page. 349 says that within the Isle of Dogs Opportunity Area there is scope to convert surplus business capacity south of Canary Wharf to housing and support services and for more effective coordination of social infrastructure, especially schools.

- 10.73 Core Strategy Policy SP06 (3) *'Delivering successful employment hubs'* encourages a range and mix of employment uses in edge of town centre and main street locations. MDD Policy DM15 (3) *'Local job creation and investment'* requires that development of new employment floor space will need to provide a range of flexible units including units less than 250 sq. m. and less than 100 sq. m. to meet the needs of Small and Medium Enterprise (SME's). A Head of Agreement is recommended to secure such arrangements.

Community uses Use Class D1

- 10.74 The community uses including the health centre are supported by London Plan Policies 3.1 and 3.2, Core Strategy SP03, MDD Policy DM8 the MDD Site Allocation 18.

School

- 10.75 The delivery of a secondary school is welcomed in this location. It would accord with:

- National policy at paragraph 72 of the NPPF,
- London Plan Policy 3.16 *'Protection and enhancement of social infrastructure'* (including schools) that says London requires additional social infrastructure to meet the needs of its growing and diverse population
- London Plan Policy 3.18 *'Education facilities'* that strongly supports the provision of schools,
- Tower Hamlets Core Strategy Strategic Objective 17 is *"To improve education, skills and training in the borough..."* The Core Strategy Programme of Delivery confirms the *'critical'* priority for 8FE of primary school provision in the borough by 2020 through expansion or new provision.
- Core Strategy Policy SP07.2 *'Improving education and skills'* seeks to increase provision of both primary and secondary schools in the borough to meet an increasing population, with Cubitt Town / Millwall identified amongst areas of search for the delivery of a new primary school. Policy 07.3c supports the co-location and clustering of services, particularly the use of schools after hours.
- MDD Policy DM18 – *'Delivering schools and early learning'* supports the development of schools on identified sites or where a need has been demonstrated and the location is appropriate in terms of accessibility within its catchment. Paragraph 18.5 confirms that the borough's existing schools are not able to meet identified future demands.
- MDD Site allocation 18 that specifically identifies the requirement to provide a new secondary school at Westferry Printworks.

Design, appearance and heritage assets

- 10.76 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Section 72(1) relates to applications affecting a

conservation area. It states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*” and also applies to development adjoining a conservation area.

- 10.77 The NPPF is the key policy document at national level, relevant to the assessment of individual planning applications. The parts relevant to heritage, design and appearance are Chapter 7 ‘*Requiring good design*’ and Chapter 12 ‘*Conserving and Enhancing the Historic Environment.*’ Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (NPPF paragraph 59).
- 10.78 NPPF Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 10.79 NPPF Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 10.80 NPPF Paragraph 132 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Any harm or loss should require clear and convincing justification.
- 10.81 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between ‘*Substantial*’ or ‘*Less than substantial*’ harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, the approach set out in paragraph 133 is to be followed, namely that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm.
- 10.82 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 134).
- 10.83 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (Bedford Borough Council v.SSCLG [2013] EWHC 2847 (Admin) at paragraph 25).
- 10.84 The relevant designated heritage assets in this case are the Chapel House Conservation Area, the UNESCO Maritime Greenwich World Heritage Site and the Grade II former St Paul’s Presbyterian Church, Westferry Road.
- 10.85 The London Plan 2015 addresses the principles of good design and in appropriate locations preserving or enhancing heritage assets. This includes Policy 7.4 ‘*Local Character*’ which requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to

the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 '*Public realm*' and 7.6 '*Architecture*' emphasise the provision of high quality public realm and architecture. Policy 7.7 '*Tall and large scale buildings*' provides criteria for assessing such buildings defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor. These all apply at Westferry Printworks.

10.86 Tall and large buildings should:

- a 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;*
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c 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;*
- d 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;*
- e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f have ground floor activities that provide a positive relationship to the surrounding streets;*
- g contribute to improving the permeability of the site and wider area, where possible;*
- h incorporate publicly accessible areas on the upper floors, where appropriate;*
- i make a significant contribution to local regeneration.*

10.87 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

10.88 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. London Plan Policy 7.10 '*World Heritage Sites*' states that development should not cause adverse impacts on World Heritage Sites or their settings.

10.89 The Core Strategy vision for Millwall page 123 requires new housing that will better connect with waterfronts, green spaces and areas to the south. Core Strategy Policy SP10(4) '*Creating distinct and durable places*' seeks 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 surroundings.

10.90 These principles are followed in the MDD and Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards. This

includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.

- 10.91 MDD Policy DM26 *'Building Heights'* identifies a number of criteria that need to be satisfied when considering the appropriateness of tall buildings. This includes the height being proportionate to the location in the town centre hierarchy. The tallest buildings should be located in the preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in the Central Activity Zone and Major Centres and expected to faller even more within District Centres and areas outside town centres. This relationship is shown within MDD Figure 9:



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Figure 4. MDD Building heights and the Town Centre Hierarchy

- 10.92 Policy DM26 also requires development to achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.
- 10.93 MDD Policy DM27 deals with *'Heritage and the Historic Environment.'* Policy DM27 (1) provides that:

"Development will be required to protect and enhance the borough's heritage assets, their setting and their significance"

- 10.94 MDD Site Allocation 18 says that development of Westferry Printworks site should respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location. It should acknowledge the design of the adjacent Millennium Quarter and continue to step down from Canary Wharf to the smaller scale residential to the north and south.

Analysis

- 10.95 The layout of the site is developed from establishing the key principle of introducing a new east-west route through the centre of site connecting

Millharbour and Westferry Road. The existing Millwall Dock Road would also be extended through the site to connect to the proposed east-west route as would the existing link to the Tiller Centre from Tiller Road to create a further north-south link. A new pedestrian dockside walkway would also be created along the length of the site fronting Millwall Outer Dock. The site, and the proposed layout of urban blocks, is structured by these principle routes.

- 10.96 The existing 4-storey building has a monolithic presence and the site's dereliction has resulted in a negative impact on the surrounding residential areas. No objection is raised to the demolition proposed.
- 10.97 The first construction phase includes the development parcels to the north of the proposed east west link. Phase I also includes section of basement to the west and two blocks to the west immediately north of Millwall Dock. Phase I a is for the block to the east of Phase I to the north of Millwall Dock. Phase II a is one block to the east of Phase I a to the north of Millwall Dock and Phase II b is the easternmost block fronting Millwall Dock.
- 10.98 The phasing plan would enable the delivery of the school, community centre and associated housing well ahead of the rest of the development to meet community needs.
- 10.99 The proposal to the north of the new east-west route is for two linear blocks that run along the length of the street with private/communal space to the east. To the south, the three C-shaped blocks would create an active frontage facing courtyards with a range of non-residential uses and communal amenity space. In addition, the proposals introduce four distinct rectilinear towers along the dock edge oriented N-S. The secondary school and a western block consisting of community and residential uses would be standalone blocks that serve as anchoring elements for the development.
- 10.100 Three distinct public open spaces are proposed. A West Plaza providing a strategic open space giving views through the site to the dockside and serving as a community focused open space fronted by community uses in the west block, the secondary school and the sailing club. Boulevard Gardens to the north of east-west route would act as play area for the secondary school and provide gardens for public use. An East Park would be a large open space with play and leisure uses providing the key link to the site from the east (Millharbour) and providing visual links to the dockside.
- 10.101 The masterplan proposes a legible and permeable street layout that would knit with neighbouring sites, provide large area of public open space with active frontages including along the dock edge and is strongly supported.
- 10.102 The proposed buildings to the north of the east-west route and the C-shaped blocks range in height from 4 to 6 storeys. The buildings along the dockside would be 6 to 30 storeys rising from west to east where the East London Business Alliance building rises to almost 10 storeys



Figure 5. Proposed South elevation



Figure 6. Proposed view across Millwall Outer Dock

10.103 The proposals meet some but not all the criteria for assessing tall building in London Plan Policy 7.7 '*Location and design of tall and large buildings.*' The site is not in the CAZ, nor a town centre. Whilst it lies within an opportunity area, access to public transport is poor to moderate (PTAL2 & 3). The rise in building height across the dockside to 30 storeys is well above the immediate local context including the 4 storey development on the south side of the dock. The issue is whether the arrangements would adversely affect the character of the area due to scale, mass and bulk. Officers consider there is an arguable case for the height proposed. The four point blocks would improve the legibility of the area emphasising the visual significance of the north side of the dock and enhance the skyline. The standard of architecture and materials would be high and the scheme would provide active frontages at important locations with improved permeability. There would also be a significant contribution to local regeneration of a derelict site.

10.104 Importantly, against the development there is concern about the impact of the development in terms of micro climate, particularly wind and impact on the adjoining sailing centre that is discussed further below.

10.105 The following table provides an assessment against Tower Hamlets MDD Policy DM26 '*Building heights*' criteria that proposals for tall buildings are required to satisfy.

Policy DM26 Criteria	Assessment
<p>a. 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.</p>	<p>The site is not within an area where policy supports tall buildings. This is illustrated at Figure 4 above and the proposal would bring tall buildings further south into the Island.</p> <p>However, the proposals involve lower heights in the northern part of the site to respect the scale of the residential properties to the north and to ensure no adverse impact on their daylight and sunlight.</p> <p>Building heights increase towards the dock edge stepping step down to the west. The increase of height and scale towards the south eastern corner would provide a visual marker for the site when viewed south along Millharbour and relate to taller buildings that have been granted planning permission to the east, including a 23-storey tower at Crossharbour District Centre (ASDA).</p> <p>If permitted, the tall building element could result in proposals for redevelopment of the sites along the dock to the east and north east.</p>
<p>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.</p>	<p>The site is not located within a Tower Hamlets Activity Area however the northern part of the scheme has been designed to respond to the building heights in the residential areas to the north but not the four storey development on the south side of the dock.</p>
<p>c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and</p>	<p>The design aims to create an urban destination with a hierarchy of heights that responds to the context, stepping down to the lower residential areas to the north and west. The dock side</p>

<p>silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements.</p>	<p>would be opened up to increase visual and physical permeability with north-south and east-west connections.</p> <p>Facing materials could be reserved by condition should permission be granted.</p>
<p>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.</p>	<p>The development would not consolidate a tall building cluster but could be considered to make a positive contribution on the skyline.</p>
<p>e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrop.</p>	<p>No objections have been raised by Historic England or the London Borough of Greenwich regarding impact on views protected by the London View Management Framework, particularly the views from the Wolfe statue within the Greenwich Maritime World Heritage Site or London Bridge. No designated local important local views would be affected.</p> <p>It is not considered that there would be any adverse effect on the setting of the Chapel House Conservation Area or the Grade II former St Paul's Presbyterian Church, Westferry Road.</p>
<p>f. Present a human scale of development at the street level.</p>	<p>The mixture of ground floor offices, retail / restaurant units, residential entrances, school and community facilities, means the streets and public spaces surrounding the buildings would provide activity and could create a new community in this part of the Isle of Dogs.</p> <p>The provision of areas of public realm would help ensure that the height of the towers would not adversely impact on the provision of development at a human scale.</p>
<p>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.</p>	<p>The scheme proposes generous private and communal amenity space.</p>

<p>h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.</p>	<p>In relation to the effect on wind at a pedestrian level within the development, the Environmental Statement Chapter 16 predicts some increases in wind speeds but mitigation landscaping measures indicate that conditions would meet the desired uses and associated Lawson comfort criteria for pedestrians and seating.</p> <p>There is concern that the development would adversely affect the Docklands Watersports and Sailing Centre, a revised Environmental Statement submitted in March 2016 predicting the effect of the completed development as '<i>adverse and significant</i>' at the north west portion of the dock.</p>
<p>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.</p>	<p>A biodiversity assessment and a flood risk assessment have been submitted.</p> <p>The proposals would significantly increase the provision of accessible public open space on the site. Whilst there would be some adverse impact on biodiversity, mitigation measures secured by condition would be implemented. The setting and views from existing open spaces and from the proposed open spaces on the site would be greatly improved.</p>
<p>j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities</p>	<p>The proposal includes a secondary school and community facilities and new homes (including affordable housing albeit the amount and dwelling mix are unsatisfactory), new public open space and an estimated 564 additional full time jobs.</p>
<p>k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks.</p>	<p>National Air Traffic Services confirm the development does not conflict with safeguarding criteria and London City Airport has no objection.</p> <p>The Environmental Statement advises there would be no unacceptable interference with telecommunication, television and radio transmission networks.</p>

<p>i. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.</p>	<p>The applicant says that a comprehensive approach to public safety has been pursued between the relevant consultants and the design team to achieve the highest standards of public safety. The application is supported by a Fire Strategy Report and a Flood Risk Assessment and no adverse comments have been made by LFEPA or the Environment Agency. A recommended condition would require life-saving equipment along the dock edge.</p>
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Summary

- 10.106 The construction of tall buildings on the Printworks site is not MDD policy compliant particularly regarding its location within the Town Centre Hierarchy. However, on balance, it is considered that the development would appropriately respond to local character through its height, scale massing and design, particularly in the way that it would address existing and new streets and open spaces including Millwall Dock. Importantly however, it has not been demonstrated that the layout, location and height of the buildings would not adversely affect the operation of Docklands Watersports and Sailing Centre. It is considered further radical work needs to be undertaken to the layout and design before the development can be considered satisfactory in this regard.
- 10.107 The application is for full planning permission but a completely worked up design for the school has not been submitted. As the intention is for the Council to separately organise the procurement, construction and funding of the school, it is recommended that the school element is treated as an application for outline planning permission and a condition is imposed on any planning permission to require the approval of full details of the design.

Impact on surrounding residential amenity

Daylight and sunlight

- 10.108 London Plan Policy 7.6 '*Architecture*' requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is said to be particularly important for tall buildings. Tower Hamlets Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' protects residential amenity and MDD Policy DM25 '*Amenity*' requires development to ensure it does not result in unacceptable sunlight and daylight conditions or unacceptable increase in sense of enclosure.
- 10.109 Guidance on daylight and sunlight is contained in the Building Research Establishment (BRE) handbook '*Site Layout Planning for Daylight and Sunlight*' 2011. For calculating daylight to neighbouring properties, affected by a proposed development, the BRE guide emphasises that vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable

sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March.

- 10.110 The applicant's Environmental Statement (ES) assessed the impact of the initial proposal on the sunlight and daylight impact on surrounding property. The assessment was undertaken by Anstey Horne and was independently reviewed for LBTH by Delva Patman Redler.

Daylight reaching neighbouring property

- 10.111 Delva Patman Redler advises that the ES analyses those neighbouring properties around the site likely to be affected by the development and are satisfied that these are the properties that need to be included. The Anstey Horne analysis includes summary tables for both VSC and daylight distribution derived from the more detailed tables in the appendices. The Tables show substantial compliance with both daylight standards but identifies properties in Wateridge Close, Claire Place, Starboard Way and Omega Close where the BRE standard is not met as a result of windows experiencing reductions in daylight of more than 20% from existing. However, it is agreed the impact on all of these properties is only minor adverse. All of the properties would be left with levels of VSC that are good for an urban location and the percentage reductions caused are primarily a factor of the current open nature of the application site as seen from these buildings. Where the daylight distribution results are not compliant, the pattern of daylight distribution in the rooms means that the practical use of the rooms would not be adversely affected.

Sunlight

- 10.112 The ES Chapter also includes a summary table for sunlight results derived from the more detailed tables in the Appendices. The sunlight results are compliant for most of the properties tested and the exception is only to some windows in Nos. 9 and 10 Starboard Way and No. 16 Claire Place. The ES explains the results and Delva Patman Redler agree that the impact is again only minor adverse. The impact is only to winter sunlight and the affected rooms will have very good levels of annual sunlight.

Sun on Ground Assessment

- 10.113 Delva Patman Redler advises that the sun on ground assessment for impact on neighbouring properties shows that the development will have little material impact on nearly all of the neighbouring gardens and amenity areas. Two gardens will be adversely affected. The impact on No. 9 Starboard Way is minor adverse. The impact on No. 10 Starboard Way is major adverse. This one garden will be left with almost no sunlight on 21st March but is already relatively poorly sunlit. It is not easy to see how this impact could easily be mitigated.
- 10.114 Within the development, the sunlight to the proposed amenity areas is very good and fully compliant with BRE standards. .

Conclusion

- 10.115 Delva Patman Redler advises that the proposed development would have a minimal impact on daylight and sunlight amenity to neighbouring residential properties and as a result, in daylight and sunlight terms, the massing seems to be appropriate for this location.

Privacy

- 10.116 MDD Policy DM25 '*Amenity*' also requires loss of privacy to form part of the consideration as to whether a development will protect neighbouring residents and stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 10.117 The four dockside residential towers would be sited apart by between some 48 m. and 58 m. Two C shaped blocks to the north would project between Towers T1 and T2 and between Towers T2 and T3. The separation distance between the towers and the residential accommodation within the C shaped blocks, and across the courtyards of the C shaped blocks, would (excluding projecting balconies) be some 22 m. The distance between the C shaped blocks and the residential buildings north of the new east-west access road would also be approximately 22 m. The separation distance between the two northern residential blocks B6 and B7 would be some 20 m. excluding projecting balconies.
- 10.118 All the above separation distances between opposing habitable rooms within the development exceed the Council's minimum standard of 18 m. and the development would comply with MDD Policy DM25 '*Amenity*' in terms of residential privacy. Separation distance to residential accommodation in Omega Close and Starboard Way would also meet standards.

Waste

- 10.119 Core Strategy Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 '*Dealing with waste*' implements the waste management hierarchy of reduce, reuse and recycle. MDD Policy DM14 '*Managing Waste*' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases. MDD Appendix 3 provides capacity guidelines for residential waste.
- 10.120 Comments on the submitted Waste Strategy will be provided in an Update Report.

Microclimate

- 10.121 London Plan Policy 7.7 '*Tall and large scale buildings*' Part D says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence. MDD Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. MDD Policy DM26 '*Building heights*' sets similar criteria.
- 10.122 The applicant's ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site and the surrounding area. It

considers wind impacts on pedestrian comfort following wind tunnel tests in accordance with the widely accepted Lawson Comfort Criteria (LCC). Three configurations were tested which included the baseline (as existing), the completed Proposed Development with existing surroundings and the completed Proposed Development with proposed (cumulative) surroundings.

- 10.123 The results for the existing site indicate that the wind microclimate is predominantly suitable for *'standing / entrance'* use during the windiest season, with some locally windier areas suitable for *'leisure walking'*, particularly to the east and north of the site.
- 10.124 The proposed development causes the wind microclimate in the vicinity of the new towers to become windier. This is due to down-drafting from the facades of the towers and channelling of winds between the buildings. The wind microclimate in proximity to the towers would mostly be suitable for *'leisure walking'* during the windiest season; however, one location in the South-East part of the site would only be suitable for *'business'* walking. These windier conditions are also associated with localised occurrences of strong winds which would potentially impede walking during the windiest times of the year and would require mitigation. Elsewhere on the site (away from the towers) the wind conditions would remain relatively calm and would be suitable for *'standing / entrance use'* or sitting during the windiest season. The new waterfront buildings would provide the area to the north of the site with additional shelter from the prevailing south-westerly winds, resulting in a calmer wind environment in this area.
- 10.125 The implementation of cumulative surrounding buildings does not change the wind microclimate significantly from the existing surrounding scenario.

Mitigation measures

- 10.126 The ES concludes that although the majority of the site would be suitable for its intended use, the localised occurrences of windy conditions will need mitigation measures in order to provide acceptable conditions. Given that occasional strong winds are involved, the planning authority should require proof that mitigation would be effective.
- 10.127 A comprehensive landscaping scheme is planned for the site. It is expected this would have a beneficial effect on the wind microclimate throughout the site. However, it is recommended that the scheme should incorporate hard landscaping elements or evergreen planting, particularly in the south-east part of the site, to ensure that adequate shelter is provided during the winter.
- 10.128 It is also recommended that the entrances in the vicinity of the proposed towers should be provided with additional shelter in the form of localized screening around the doorways or recessing the entrances into the buildings. Such measures would create a *'buffer zone'* of locally calm conditions outside the entrances. Alternatively, entrances could be re-located away from the windy areas. Roof-top terrace areas would benefit from having screens or soft landscaping, which should be used to create sheltered areas for seating.
- 10.129 Should the Mayor decide to grant planning permission, it is recommended that this is conditioned to require details of micro-climate wind mitigation measures for the site to be submitted and approved to ensure the development accords with the relevant standards set out in the Lawson's Comfort Criteria.

Impact on the Docklands Sailing and Watersports Centre

10.130 Following objections from the Docklands Sailing Centre Trust (DSCT) – reported above, the ES Chapter 17 has been revised and further wind tunnel testing has been undertaken at Southampton University using criteria supplied by DSCT. Various scenarios have been tested the most significant being:

Configuration	Description
C1	Existing buildings
C3	Phase 1 - (Buildings B04 & B07 and Towers 3 & 4 absent)
C4	Completed development as submitted
M1	Tower 1 deleted
M2	Tower 1 and building B02 deleted
M3	Masterplan retained with Buildings B03 & B04 and Towers 1, 2 3 and 4 at 25 m height
M4	Towers 1-4 moved northward to the edge of the internal road, with the courtyard blocks (B02-B04) moved southward toward the dock
M5	Variant of M4 with Towers 1-4 and courtyard blocks B02-B04 re-orientated north east and south west. The massing of the courtyard blocks required adjustment with B02 having a much reduced footprint and B04 a substantial elongation.

10.131 The effect of the completed development (C4) on wind climate and its effects on the sailing quality for junior and novice adult sailors would be **“Adverse and significant”** at four assessed locations in the northwest part of the dock where conditions would be ‘challenging’ for young or novice sailors.

10.132 Minor alterations to the development would not have a significant effect on the sailing area. Limiting the height of development with the same masterplan, or omitting buildings, yields a modest improvement in wind conditions.

10.133 It is notable that the effects of relatively low buildings are significant even when only Phase 1 if the development has been completed. The tallest building at this stage would be 13 storeys.

10.134 Some improvements in sailing quality result from a significant realignment of buildings. Reducing massing to a uniform height of 25 m with the same masterplan layout has a slight effect but less than the radical realignment of the buildings indicated by configuration M5.

10.135 The Revised ES has been publicised and re-consultation undertaken including with the DSCT. At the time of writing no further representations have been received (the GLA has requested comments by 13th April 2016).

10.136 Officers consider that the planning application fails to demonstrate that the development proposals would not place the important Docklands Sailing and Watersports Centre in jeopardy due to adverse effect on wind climate. This would conflict with:

- London Plan Policy 7.27 ‘Blue Ribbon Network: ‘Supporting infrastructure and recreational use’ that requires development proposals to enhance the use of the BRN in particular proposals that that result in the loss of existing

facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided. Whilst the development would not involve loss of water space for sailing, it has not been demonstrated that the DSCT would be able to continue with its main activity of teaching sailing to young and novice sailors. The development proposals do not to date suggest a satisfactory remedy in terms of alternative layout or building design.

- London Plan Policy 7.30 '*London's canals and other rivers and water spaces*' that requires development alongside London's docks promote their use for water recreation.
- Tower Hamlets Core Strategy Policy SP04 '*Creating a green and blue grid*' that says the Council will work with relevant agencies to ensure new development responds positively and sensitively to the setting of water spaces while respecting and animating water spaces to improve usability and safety.
- Tower Hamlets MDD Policy DM12 '*Water spaces*' that requires development adjacent to the BRN to demonstrate how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space.
- Tower Hamlets MDD Policy DM26 '*Building heights*' that requires development not to adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces. Millwall Dock is a public space.

10.137 The suggested wind mitigation measures within the ES outlined above are intended to ensure satisfactory conditions within the development itself and would not mitigate resultant sailing conditions within the adjoining dock.

10.138 The Sailing Centre is a unique and valuable local facility that is dependent on its dockside location. Whilst the proposed development has many positive attributes (provision of housing, a school, public open space and pedestrian facilities); officers consider the indications are that the required revisions to the scheme, in terms of layout and building heights so as to maintain satisfactory sailing conditions, would result in proposals so materially different from the current scheme as to require a fresh application for planning permission and cannot be dealt with by planning conditions applied to any permission the Mayor may decide to grant.

Transport, connectivity and accessibility

10.139 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, with access to high quality public transport facilities, create safe and secure layouts minimising conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

10.140 The London Plan, reflecting policy in the NPPF, 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. Tower Hamlets Core Strategy 2010 Strategic Objective SO20 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 ‘*Creating attractive and safe streets and spaces*’ provides detail on how the objective is to be met.

- 10.141 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport. MDD Policy DM22 ‘*Parking*’ requires developments to comply with LBTH car and cycle parking standards. In addition, the policy aims to prioritise sustainable approaches towards provision of electric charging points and ensuring appropriate allocation of parking spaces for affordable family homes and disabled persons.
- 10.142 MDD Site Allocation 18 shows walking and cycling routes running east-west and north south through the site. These are adopted in the proposed site layout.
- 10.143 The western part of the site achieves TfL public transport accessibility PTAL2, the eastern part PTAL3 (poor to moderate), making the site appropriate for residential development at the density proposed.

Trip generation

- 10.144 The change of use from a printworks to mixed primarily use will beneficially remove some vehicle movements, particularly HGVs, which occurred during unsocial hours. Approximately 192 surface car parking spaces would also be beneficially removed. The projected increase in person trips would affect the local public transport network, including buses, the DLR at Crossharbour and the interchange with the Jubilee Line and Crossrail at Canary Wharf.
- 10.145 There has been no reply from the DLR or London Buses following consultation. London Underground makes no comment. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport capacity and the Elizabeth Line (Crossrail) is due to open shortly. The draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour.
- 10.146 The submitted Transport Assessment identifies that the predominant mode of travel to the new secondary school would be on foot or by bus, and a relatively low pupil ‘car drop off’ mode share.

Permeability

- 10.147 The proposals open up pedestrian and cycle permeability east – west and north – south across the site including enhancement of the dockside pedestrian walkway. This all accords with MDD Site Allocation 18.
- 10.148 The applicant has offered to execute a section 278 Agreement to fund highway works to provide improved bus stops and shelters, a new zebra crossing on Westferry Road and the widening of footways in front of the Arnhem Wharf Primary School and the proposed secondary school.

Access and servicing

- 10.149 Access would be taken from the existing vehicular access points on Westferry Road and Millharbour controlled by drop down bollards with a number plate recognition system on entry. Changes are proposed to the Westferry Road access, along with other alignment works to Westferry Road to provide better sightlines. All servicing would take place within the development which is welcomed. The width of the proposed service road with separate footways is consistent with the Department of Transport's 'Manual for Streets' and is considered satisfactory for this development. Arrangements overall are considered satisfactory.
- 10.150 A recommended planning condition would secure a Delivery and Servicing Plan.

School traffic

- 10.151 The proposed school would be set back from Westferry Road to allow adequate space for students at opening and closing times. A TfL PERS audit (Pedestrian Environment Review System) has been undertaken that shows much of the footway areas surrounding the site is acceptable but highlights some areas in Westferry Road and Millharbour that scored poorly. The proposal to fund a new zebra crossing and zigzag lines on Westferry Road would help in this respect.
- 10.152 The proposed school has the potential to be a major traffic attractor. Mitigation measures are required to prevent parents parking on Westferry Road. The applicant has stated that they would be prepared to fund extending double yellow line controls on Westferry Road, which would also help to control possible parking from users of the MUGAs outside of school hours. There should be staggered hours with Arnhem School. A School Travel Plan should be secured prior to the school opening.

Car Parking

- 10.153 London Plan Policy 6.13 '*Parking*' (Minor Alterations 2016) explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In '*urban*' areas with PTALs 2-4 development should provide up to 1 space per unit, adequate parking for disabled people must be provided preferably on site and 1 in 5 spaces should provide an electric vehicle charging point both active and passive.
- 10.154 Core Strategy Policy SP09 (4) '*Creating attractive streets and spaces*' and MDD Policy DM22 (2) '*Parking*' require development located in areas of good PTALs or in areas of parking stress to be '*permit free*'. In areas with PTAL 1 & 2, MDD Appendix 2 allows for a maximum of 1 parking space for 3 bedroom plus units and 0.5 space for smaller units. In area with PTAL 3 & 4, 0.4 spaces for 3 bedroom plus units and 0.3 space for smaller units can be considered. The MDD says there should be no parking for A1, A2, A3 and A4 uses, 1 space per 600-1,000 sq. m. of offices outside the CAZ. Spaces can be considered for health centres where supported by a Travel Plan.

- 10.155 Two entrances to the basement car park would be provided within Blocks 2 and 4 where 246 car parking spaces are proposed - a parking ratio of 0.35 spaces per dwelling. There would be 1 parking space for every wheelchair unit which equates to 72 spaces. This is all in line with the standards provided by the London Plan and the Council's MDD.
- 10.156 20% of all on-site car parking spaces would be for electric cars, with an additional 20% passive provision (for future conversion) of residential units and 10% for commercial spaces in accordance with the London Plan standards.
- 10.157 For the non-residential floor space, 16 parking spaces would be allocated in the basement all reserved for Blue Badge Holders: A1 shop (1 space), B1/ A2 offices (2 spaces), A3/A4 restaurants / drinking establishments (4 spaces i.e. 1 space per unit), resident's gym (2 spaces), site management office (2 spaces), community health care (2 spaces and crèche (2 spaces). This is considered satisfactory.
- 10.158 The applicant has agreed to submit a Car Parking Management Plan to be secured by condition. A section 106 'car free' agreement has also been offered restricting the purchase of on-street parking spaces to Blue Badge holders or beneficiaries of the Tower Hamlets Permit Transfer Scheme.

Cycle parking

- 10.159 The scheme would provide 238 'short stay' cycle spaces, external to the building for the use of visitors. - At least 1,444 residents' cycle parking spaces (2 per unit) would be provided in the basement or as covered spaces associated with Block 6. This would exceed London Plan Table 6.3 and LBTH minimum standards for both long and short stay spaces. A submitted plan showing the general locations for the short term spaces appears acceptable. Transportation and Highways request a condition requiring the approval of details of the type of stands and cycle stores.
- 10.160 Should the Mayor decide to grant planning permission, LBTH Highways and Transport recommends there should be a section 106 'Permit Free' agreement, a section 278 agreement to fund mitigation works to Westferry Road and the following conditions are applied:
- Details of cycle stands and stores to be submitted and approved.
 - A Car Parking Management Plan to be submitted and approved prior to first occupation.
 - A Service Management Plan for all uses to be submitted and approved prior to first occupation.
 - A Demolition / Construction Logistics Plan to be submitted and approved prior to works taking place.
 - Travel Plans for all uses to be submitted and approved prior to first occupation.

Energy and sustainability

- 10.161 The NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 10.162 The climate change policies in Chapter 5 of the London Plan 2015, Tower Hamlets Core Strategy Policy SP11 & MDD Policy DM29 collectively require

developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. Core Strategy Policy SP10.4.b. '*Creating distinct and durable places*' requires design and construction techniques to reduce the impact of air pollution.

10.163 The London Plan provides the Mayor's energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

10.164 MDD 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, Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, which is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

10.165 MDD Site Allocation 18 requires redevelopment of Westferry Printworks to include a district heating facility (where possible).

10.166 It is considered that the energy systems within the proposed development should comply with London Plan Policy 5.6 in accordance with the following hierarchy:

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

Barkantine District Heating System

10.167 The submitted Energy Strategy says the applicant has examined the potential for connecting to the Barkantine District Heating System and discussed the potential with Barkantine Heat and Power Company without success. The applicant's energy consultant (Blyth & Blyth) has identified a maximum heat demand of 10.5 MW is required for the development. However, this is considered a significant overestimation and does not correspond to Barkantine's experience with similar developments.

10.168 Based on the submitted energy assessment, the applicant has identified a site wide CHP system as the best way to provide 10.5 MW heating loads.

10.169 It is considered that additional information on the '*actual*' energy requirement of the development and on the capacity of the dedicated plant the applicant intends to design and procure should be provided prior to commencement on site. There should be a review of the ability of the scheme to connect to Barkantine energy network. This would ensure that the scheme responds appropriately to London Plan Policy 5.6 connecting to an existing system where feasible. This is considered essential in this case, the Barkantine network being located only a few metres from the development.

10.170 Construction of a proposed 7-storey building directly to the south of the Barkantine energy centre would overlook the energy centre's chimney by approximately 12 m. from the top of the Barkantine chimney. This is not supported as the proposed new building, with a north wall only 10 m. from the

energy centre, would create a shield and impact on flue gas dispersions in contravention of Core Strategy Policy SP10.4.b that requires design and construction techniques to reduce the impact of air pollution. Potential impacts on the efficiency and operation of the Barkantine Energy network is of major concern and an assessment of the impact of the building on the operation of the energy centre should be undertaken and appropriate mitigation integrated into the design. Professional practice is to have chimneys extended beyond the top of the highest buildings and a full re-routing of the Barkantine gas flues would be required if such building was erected as planned.

Proposed Carbon Emission Reductions

10.171 The submitted Energy Strategy broadly followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand utilising a CHP system and integration of renewable energy technologies. The current proposals are anticipated to achieve CO2 emission reductions of 15.6% through Be Lean Measures, 24.78% through a CHP site wide heat network and 10.1% from a photovoltaic solar panel system (275kWp). The cumulative CO2 savings would accord with MDD Policy DM29 requirements of 42.93%.

Carbon Offsetting

10.172 Not all developments can meet MDD Policy DM29 policy requirements. Therefore a mechanism for any shortfall to be met through a carbon offsetting contribution has been adopted. This would allow the scheme to be supported in the absence of the CO2 emission reduction not being delivered on site. The Council has an adopted carbon offsetting solutions study (Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy for the site a carbon offsetting contribution of £59,058 would be appropriate for carbon offset projects. The calculation for this is as follows:

- Building Regulation compliant development would have emissions at 1582.7 tonnes/CO2
- Proposed development is at 903.3 tonnes/CO2
- 45% MDD Policy DM29 reduction would deliver a scheme at 870.49 tonnes/CO2.
- Shortfall to meet MDD Policy DM29 requirements = 32.81 tonnes/CO2 x £1,800 = £59,058 offset payment.

10.173 However, it is considered the actual carbon offsetting contribution should be based on an updated energy strategy to reflect any improvements in CO2 emission reductions from possible connection to the Barkantine district heating network.

Sustainability

10.174 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The interpretation of this policy is to require all non-residential to achieve BREEAM 'Excellent.' The applicant has submitted BREEAM pre-assessments which show the non-residential uses are designed to achieve BREEAM 'Excellent' and this should be secured by condition with BREEAM Final Certificates submitted to the Council within 3 months of occupation.

Summary and securing a satisfactory development

- 10.175 The proposals seek to implement energy efficiency measures, a site wide heat network and renewable energy technologies to deliver CO2 emission reductions. Whilst these broadly meet London Plan Policy 5.6, the applicant should undertake further work to establish the ability of the scheme to connect to the existing Barkantine district heating system.
- 10.176 The Barkantine district heating system lies on the boundary of the site and whilst discussions have been held with Barkantine Heat and Power Company, the detailed design of the energy system and the required heat loads will not be available until post planning. It is recommended that updated energy modelling and a review of the ability for the scheme to connect to Barkantine energy network should be undertaken and agreed in writing by the local planning authority prior to commencement.
- 10.177 In addition, there are potential impacts on the efficiency and operation of the Barkantine energy centre due to the location of the proposed building and the impacts on the Barkantine energy centre's chimney. This is of major concern and an assessment of the impact of the proposed building on the operation of the energy centre should be undertaken and appropriate mitigation integrated into the design.
- 10.178 The current proposals fall short of the required CO2 emission reductions of MDD Policy DM29. Linking to the Barkantine network could improve reductions achievable, enabling the development to respond better to MDD Policy DM29 and reducing the required carbon offset contribution (Planning Obligations SPD).
- 10.179 The presumption is that the scheme should be served by the Barkantine district heating system unless otherwise agreed in writing with the Council.
- 10.180 If that is not feasible, the shortfall in CO2 emissions should be met from a carbon offsetting contribution (currently calculated at £59,058). With that mechanism in place, the proposals could be considered appropriate for the development and policy compliant.
- 10.181 It is recommended that arrangements are secured by conditions requiring:
- Updated district heating strategy to be agreed with the local planning including detailed information on the 'actual' energy requirement of the development and the capacity of the dedicated plant the applicant intends to design and procure,
 - Carbon offsetting to be finalised following detailed design on actual energy requirements of the development with a contribution secured by a section 106 agreement,
 - Analysis of the impact of the development on the operation of the Barkantine Energy Centre, including assessment on impacts on dispersion from the existing chimney,
 - BREEAM '*Excellent*'.

Air quality

- 10.182 London Plan Policy 7.14 *'Improving air quality'* requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality particularly within Air Quality Management Areas (AQMA) through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least *'air quality neutral.'*
- 10.183 The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to address the impact of air pollution. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of air pollution. MDD Policy DM9 *'Improving air quality'* requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.
- 10.184 The submitted revised ES assesses the impact on air quality that would occur from the construction and operation of the development in terms of traffic generation, the proposed on-site energy centre emissions together with those from the Barkantine Energy Centre.
- 10.185 The ES concludes that during the construction phase, levels of airborne dust would increase. However, such increases would be infrequent and could be controlled by mitigation measures. Overall the assessment concludes that the air quality impacts arising during construction and demolition would be low following appropriate mitigation.
- 10.186 Both the estimated total building emissions and the total transport emissions are below the relevant benchmarks during the operational phase of the development and no mitigation measures need to be considered. The proposed development meets the London Plan policy requirement to be at least air quality neutral.
- 10.187 The ES is accepted. However, it identifies a need for mechanical ventilation in two flats within Block 7 that may be adversely affected by the currently proposed energy centre emissions. An appropriate condition is recommended.

Noise and vibration

- 10.188 NPPF paragraph 109 includes policy requirements to prevent new development from contributing towards unacceptable levels of noise pollution. The NPPG requires planning applications to identify any significant adverse effects on noise levels which may have an unacceptable impact on health and quality of life.
- 10.189 London Plan Policy 7.15 *'Reducing and managing noise'* seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals. The policy requires development proposals to manage noise by avoiding significant adverse noise impacts on health and quality of life and to mitigate and minimise the existing and potential adverse impacts of noise as a result of new development. Where it is not possible to achieve separation of noise sensitive development and noise sources, it is

recommended that any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles.

- 10.190 Core Strategy Policy SP10.4.b. '*Creating distinct and durable places*' requires design and construction techniques to reduce the impact of noise pollution. MDD Policy DM25.e. '*Amenity*' also requires developments not to create unacceptable levels of noise on the amenity of existing and future residents and the public realm.
- 10.191 The submitted ES includes an assessment of the potential and residual impacts on noise and vibration during demolition and construction and on completion and occupation of the development.
- 10.192 In summary, during construction, there is potential for adverse effects, dependent on the location of construction activities and the equipment being used, however such effects are to be expected for a construction site of this size, and mitigation measures can reduce noise impact effects. During the operation of the development, potential noise and vibration effects can be mitigated through the provision of mechanical ventilation to residential units and the installation of acoustic barriers for the roof plant. In addition, noise associated with deliveries can be controlled through conditions regarding delivery hours and servicing plans, and potential impacts arising from the proposed sports pitches could be controlled by conditions on operating hours. Overall the ES concludes that the proposed effects on noise and vibration are acceptable given the site's urban location.
- 10.193 Should the Mayor grant planning permission, it is recommended that conditions are imposed to secure satisfactory details of acoustic glazing and ventilation to the residential accommodation and to ensure that the noise level emitted from any plant/machinery/equipment shall be lower than the lowest existing background noise level by at least 10 dBA, and the operating hours of the MUGA sports pitches is controlled.

Contaminated land

- 10.194 London Plan policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination. MDD Policy DM30 '*Contaminated land*' requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted.
- 10.195 Due the former industrial uses of the site the land could be contaminated. This potential is confirmed by the ES which includes a desk based assessment of the site which identifies a history of potentially contaminative usage due to its docklands past and recent B2/B8 industrial use. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated remediation is recommended to the Mayor in accordance development plan policy should planning permission be granted.

Flood risk and Sustainable urban drainage (SUDS)

Flood risk

- 10.196 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.12 '*Flood Risk Management*,' and Tower Hamlets Core Strategy Policy SP04 (5) within '*Creating a Green and Blue Grid*'.
- 10.197 The Environment Agency's Flood Map shows that the site is located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.
- 10.198 The Environment Agency raises no objection to the proposed development on grounds of flood risk. The Agency advises that the proposed uses are appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test whereby the local planning authority is satisfied that there are no alternative sites available for the development at a lower risk of flooding. A Flood Risk Assessment (FRA) is also required to ensure the development passes the Exception Test.
- 10.199 NPPF Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:
- 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.
- 10.200 The site is allocated in the Tower Hamlets Local Plan for a strategic comprehensive mixed-use development and has passed the Tower Hamlets Sequential Test within the borough's Level 2 Strategic Flood Risk Assessment 2011. A site specific FRA has been submitted with the application which the Environment Agency confirms accurately assesses the risk of flooding and demonstrates that floor levels would be above predicted flood depth and that the occupants would have safe refuge. The proposals consequently pass the Exception Test.

Sustainable urban drainage (SUDS)

- 10.201 The London Plan provides policies regarding flood risk and drainage. Policy 5.11 '*Green roofs and development site environs*' requires major development proposals to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aim to achieve greenfield run-off rates and manage surface water run-off in line with the following hierarchy:

- 1 *Store rainwater for later use*
- 2 *Use infiltration techniques, such as porous surfaces in non-clay areas*
- 3 *Attenuate rainwater in ponds or open water features for gradual release*
- 4 *Attenuate rainwater by storing in tanks or sealed water features for gradual release*
- 5 *Discharge rainwater direct to a watercourse*
- 6 *Discharge rainwater to a surface water sewer/drain*
- 7 *Discharge rainwater to the combined sewer.*

10.202 Core Strategy SP04 5. within '*Creating a green and blue grid*' requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off. MDD Policy DM13 '*Sustainable drainage*' requires development to show how it reduces run off through appropriate water reuse and SUDS techniques.

10.203 The applicant's SUDS assessment was revised on 11th January 2016, and a revised drainage plan and strategy were also submitted. Regulation 22 Amendments to the ES were made in March 2016 and at the time of writing are subject to statutory publicity.

10.204 The revised strategy has incorporated comments made by Tower Hamlets and the GLA adopting a drainage strategy involving the use of SUDS including porous surfaces, storage tanks, living roofs and substantial areas of vegetated landscape and discharge into the Dock.

10.205 The revised drainage strategy is considered satisfactory. A condition is recommended to ensure the management and maintenance of the system for the life of the development.

Biodiversity

10.206 Core Strategy SP04 concerns '*Creating a green and blue grid.*' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 '*Living buildings and biodiversity*' requires developments to provide elements of a '*living buildings.*' This is explained to mean living roofs, walls, terraces or other building greening techniques. MDD Policy DM11 also requires existing elements of biodiversity value to be retained or replaced by developments and requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).

10.207 The application site contains a number of features of significant biodiversity value, including protected species and LBAP priority habitats: including bats, the Black Redstart and Jersey Cudweed.

10.208 As the site is to be totally cleared, all the existing habitats and non-mobile species would be lost. The proposed development would cause significant adverse impacts on biodiversity, including loss of LBAP priority habitats and impact on protected species.

10.209 The Council's Biodiversity officer considers that the proposed mitigation for protected species is sufficient to ensure no long-term adverse impacts. The

position is less clear with regard to loss of priority habitats, especially woodland and a small area of comparatively species-rich grassland. The officer is not convinced that the landscaping as currently proposed would lead to overall gains for biodiversity as required by MDD Policy DM11. To comply with this policy the losses must be more than mitigated with the replacement habitats larger and/or better than what is currently on the site. The scheme however includes three new substantial areas of public open space which could be viewed as compensation for the loss of existing area of biodiversity value.

- 10.210 Should the Mayor decide to grant planning permission, conditions are recommended to secure the proposed biodiversity measures and the safeguarding of protected species.

Environmental Impact Assessment

- 10.211 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). It was submitted in August 2015 accompanied by an Environmental Statement (ES) produced by Land Use Consultants (LUC). Regulation 3 prohibits the Mayor, as local planning authority, from granting planning permission without consideration of the environmental information.
- 10.212 The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 10.213 The Council appointed The Temple Group to independently examine the applicant's ES, to prepare an Initial Review Report (IRR) and to confirm whether the ES satisfies the requirements of the EIA Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR identified both clarifications and '*further information*' required under Regulation 22.
- 10.214 Following consultation on the planning application, formal amendments to the application were submitted on 14th December 2015. On 4th February 2016, the Mayor of London '*called in*' the application. In March 2016, the applicant submitted to the GLA further environmental information under Regulation 22. The GLA is now responsible to undertake statutory consultation and publicity on the amendments to the ES which was undertaken on 21st March 2016 by the Council on behalf of the GLA and included the Docklands Sailing Centre Trust. The GLA has requested comments in writing no later 13th April 2016. At its meeting on 12th April, The Committee will be provided with any new comments in an Update Report.

Community Infrastructure Levy (CIL) and Planning obligations

- 10.215 The Mayor of London's CIL was introduced in April 2012. The Mayor when considering planning applications of strategic importance, also takes account of the existence and content of planning obligations under section 106 of the Act supporting the funding of Crossrail.
- 10.216 Tower Hamlets Core Strategy Policy SP13 seeks planning obligations to offset the impacts of development on local services and infrastructure. The Council's

'Planning Obligations' SPD 2012 set out in more detail how these impacts can be assessed and appropriate mitigation.

10.217 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

10.218 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.

10.219 The Tower Hamlets CIL was introduced on 1st April 2015 following independent examination by the Planning Inspectorate in 2014. With regard to the four large sites allocated for development in the Local Plan (London Dock, Wood Wharf, Bishopsgate Goods Yard and Westferry Printworks) among his findings, the Examiner found:

"the proposed CIL charges could be determinative of whether or not one or more of the large allocated site schemes would be likely to come forward."

And,

"I consider that if implemented in an unmodified form there is a reasonable likelihood that development on the large allocated sites would be rendered unviable by CIL. As such neither the development nor CIL income associated with it would be achieved" (Paragraph 90).

10.220 This included Westferry Printworks where the Examiner set a NIL charging rate.

10.221 The introduction of the Council's CIL necessitated a review of the Council's Planning Obligation SPD 2012. The SPD was approved for public consultation by Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015. Although the SPD has not finally been adopted, the borough's four main priorities are:

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

10.222 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.223 The redevelopment of Westferry Printworks would place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.224 The Council's Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except:-

1. The infrastructure required by the Council's Managing Development Document on the Wood Wharf, **Westferry Printworks**, Bishopsgate Goods Yard and London Dock sites.
2. Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements.
3. Site specific carbon reduction measures/initiatives.

10.225 Requirements in the Local Plan Managing Development Document at Westferry Printworks are thus excluded from the Regulation 123 List by Exception 1. Consequently, it is appropriate to secure section 106 obligations towards anything that is required by the MDD, shown within Site Allocation 18. This includes the provision of the public open spaces and walking and cycling routes within the development together with consequences. Given the proposals necessitate improvements to bus services on Westferry Road and to expand local cycle-hire docking stations, it is considered appropriate to seek section.106 financial contributions to fund these off-site to achieve what is proposed by the MDD.

10.226 Should the Mayor decide to grant planning permission, paragraph 1.12 above in the 'RECOMMENDATIONS' section of this report provides a set out Heads of Agreement concerning matters that officers consider should be included in an agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the Developer. It is considered that these meet the CIL Regulation 122 tests being necessary to make the development acceptable in planning terms, directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF & local and regional planning policies including the Tower Hamlets Local Plan and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local finance considerations

10.227 Section 70(2) of the Planning Act 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.

10.228 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.

In this context “*grants*” include the New Homes Bonus Scheme (NHB).

10.229 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB 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. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.230 If planning permission is refused for the current Westferry Printworks proposal the NHB would not be received but would be payable were the Mayor to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.

10.231 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate some £1,059,896 in the first year and £6,359,376 over 6 years.

Human rights Act 1998

10.232 Section 6 of the Act prohibits authorities (including the Council and in this case the Mayor of London as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

10.233 Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998.

Equalities Act 2010

10.234 The Equalities Act 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. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the

Committee must pay due regard to the need to:







1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.235 It is considered that the proposed development would not conflict with any of the above considerations. As such it is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

11 CONCLUSION

11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the Westferry Printworks development should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 200 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 1

Recommended Conditions and Informatives

Should the Mayor decide to grant planning permission, it is recommended that this be subject to the following conditions and informatives:

Conditions

1. No development of the school shall commence on site until details of the following matters have been submitted to and approved in writing by the local planning authority:
 - a) The scale of the development;
 - b) The layout of the development;
 - c) The external appearance of the development including facing materials;
 - d) The landscaping of the development
 - e) The means of access.
2. Application for the approval of all of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
3. The development of the school shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development of Phases 1 and 2 (other than the school) shall be begun within 3 years from the date of this permission.
5. The development shall be undertaken in accordance with the approved plans.
6. Details including samples of facing materials, including windows, balustrades and balcony screening to be submitted and approved.
7. Life-saving equipment to be installed alongside the edge of Millwall Outer Dock.
8. Historic cranes and mooring points alongside Millwall Outer Dock within the site to be retained.
9. Details of micro-climate wind mitigation measures for the site to be submitted and approved. The mitigation measures shall ensure the development accords with the relevant standards set out in the Lawson's Comfort Criteria. Development shall be carried out in accordance with the approved details.
10. Prior to the commencement of works on site, a revised hard and soft landscaping scheme for the site showing full details of biodiversity mitigation and enhancement shall be submitted to the local planning authority and approved in writing. Works shall be undertaken in accordance with the approved details. The submitted scheme shall include:
 - Details of bat boxes to be installed in those trees to be retained on site.
 - Details of the proposed timing and method of demolition to avoid harm to protected species.
 - Details of the proposed timing of vegetation clearance to avoid harm to breeding birds,
 - Details of a proposals to retain a viable population of Jersey Cudweed on the site

- Details of biodiverse roofs
 - A minimum of 0.28 hectares of predominantly native tree and shrub planting
 - Details of external lighting
 - Details of all gates, walls and fences including boundary treatments
11. All new hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings on each phase or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development on each plot die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
 12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens / balconies / terraces, shall be submitted to and approved in writing by the local planning authority prior to the occupation of each phase of the development. The landscape management plan shall be carried out as approved.
 13. Prior to works commencing on site, an updated district heating strategy shall be submitted to the local planning authority and agreed in writing. The submitted strategy shall including information on the 'actual' energy requirement of the development, the capacity of the proposed dedicated plant and feasibility of connecting to the Barkantine network.
 14. Prior to works commencing on site, analysis of the impact of the proposed development on the operation of the Barkantine Energy Centre, including assessment on impacts to the dispersion from the existing chimney, and remedial measures, shall be submitted to the local planning authority and approved in writing.
 15. Within 6 months of occupation of the non-residential parts of development the developer shall submit final BREEAM certificates to demonstrate achievement of the BREEAM 'Excellent' rating.
 16. Submission and approval of a Piling Method Statement.
 17.
 - A. No phase of the development other than demolition to existing ground level shall take place until the developer has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
 - B. If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the developer shall secure the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved by the local planning authority in writing.
 - C. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part B.
 - D. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance

- with the programme set out in the Written Scheme of Investigation approved under Part B, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
18. Ground decontamination – investigation and remediation.
 19. The revised Sustainable Urban Drainage Strategy shall be implemented prior to occupation of the buildings and thereafter maintained for the life of the development.
 20. Submission and approval of a signage strategy.
 21. A minimum of 10% of the housing measured by habitable rooms shall either be wheelchair accessible or wheelchair adaptable and shall be maintained as such for the life of the development.
 22. Retention of car parking spaces including disabled spaces for the duration of the development. No car parking spaces shall be rented or leased to non-residents.
 23. Car electrical charging points to be provided and retained (20% active 20% passive).
 24. All approved cycle parking facilities to be retained and maintained for their approved use for the life of the development.
 25. Details of the bicycle stores and the proposed type of cycle stand to be submitted and approved.
 26. The submission and approval of details of acoustic glazing and ventilation. Mechanical ventilation shall be installed in all units that the submitted Air Quality Assessment states may be adversely affected by the energy centre emissions.
 27. Development shall not be occupied until an agreement under section 278 of the Highways Act has been executed with the highway authority to secure essential works to the public highways.
 28. Prior to first occupation the submission and approval of a Car Parking Management Plan. The approved plan to be implemented and maintained for the life of the development.
 29. Prior to first occupation the submission and approval of separate Travel Plans for the school and the rest of the development. The approved plans to be implemented and maintained for the life each part of the development.
 30. Prior to first occupation the submission and approval of a Delivery and Service Management Plan for all land uses. The approved plan(s) to be implemented and maintained for the life of the development.
 31. Prior to development commencing on site the submission and approval of a Construction Management and Logistics Plan (to include a Site Waste Management Plan and a Water Freight Feasibility Study. Development to be undertaken in accordance with the approved plan.
 32. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
 33. Development should not be commenced until an impact study of the existing water supply infrastructure has been submitted to, and approved in writing by, the local planning authority. The study should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
 34. Details of extraction systems for Class A3 (Restaurant/ café) and Class A5 (Hot food take-away) uses to be submitted and approved. Development to be undertaken in accordance with the approved details.

35. The noise level emitted from all plant/machinery/equipment shall be lower than the lowest existing background noise level by at least 10 dBA assessed according to BS4142:2012 at the most affected noise sensitive premises with all noise sources operating together at maximum capacity.
36. Hours of use of the sports pitches and MUGAs to be limited to between 10.00 am and 08.00 pm on any day.
37. Control over the use of communal roof terraces to protect residential amenity.
38. Secured by Design certification.
39. Hours of operation of Class A3 (Restaurant/ café) and Class A4 (Drinking establishment), D1 (Non-residential institution) uses shall not take place other than between the hours of: 08.00 - 24.00 Mondays – Saturdays and 10.00 – 23.00 Sundays.
40. Removal of permitted development rights from A1 (Shop) to A3 (Restaurant / café).
41. Hours of construction (08.00 am until 17.00 pm Monday to Friday; 08.00 am until 13:00 pm Saturday. No work on Sundays or Bank Holidays).
42. Impact piling limited to 10.00 am to 4.00 pm.
43. School hours, other than after school activities, to be staggered by 30 minutes from Arnhem Wharf Primary School.

Informatives

- 1) Subject to section 106 agreement.
- 2) Subject to section 278 agreement.
- 3) Mayoral CIL liable.
- 4) Groundwater Risk Management Permit required from Thames Water.
- 5) There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Tel. No: 0800 009 3921 for further information.
- 6) Consultation with Thames Water regarding the Piling Method Statement.
- 7) Written schemes of archaeological investigation should be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines and approved by the planning authority before any on-site development activity occurs.
- 8) Protected species – black redstarts and bats.
- 9) Licence from Natural England required to allow the destruction of the existing Jersey Cudweed populations.
- 10) Consultation with the London Borough of Tower Hamlet's Biodiversity Officer regarding details of all biodiversity mitigation and enhancement measures
- 11) If during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to consultation with London City Airport.
- 12) Compliance with Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses.
- 13) The developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained and consult with the Trust regarding the discharge of surface water run-off into Millwall Dock.

- 14) Before works commence on site, the developer should contact National Grid, Plant Protection, Brick Kiln Street, Hinckley LE10 0NA.
- 15) Consultation with the London Borough of Tower Hamlet's School Travel Advisor (John Rymell john.rymell@towerhamlets.gov.uk) regarding the preparation of the required School Travel Plan.

Any other conditions or informatives considered necessary by the Corporate Director Development Renewal.

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