

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 16 June 2016 at 5.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis

Vice Chair :

Councillor Asma Begum, Councillor Danny Hassell, Councillor Denise Jones, Councillor Helal Uddin, Councillor Md. Maium Miah, Councillor Gulam Robbani and Councillor Julia Dockerill

Substitutes:

Councillor Amina Ali, Councillor John Pierce, Councillor Andrew Cregan, Councillor Muhammad Ansar Mustaqim, Councillor Oliur Rahman, Councillor Chris Chapman and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 14 June 2016**

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

The deadline for submitting material for the update report is **Noon Wednesday, 15 June 2016**

Contact for further enquiries:

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

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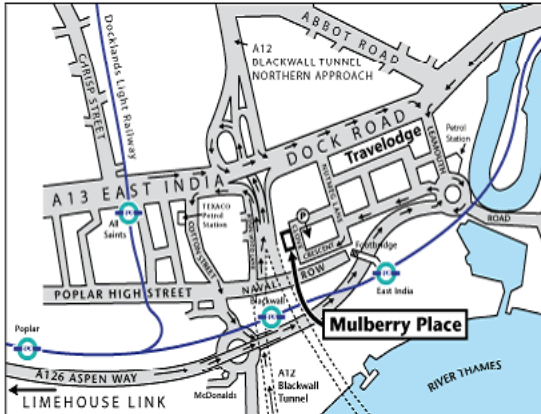
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APOLOGIES FOR ABSENCE

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE

To elect a Vice-Chair for the Committee for 2016/17.

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

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 12 May 2016

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

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

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (Pages 17 - 26)

Recommendation:

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

	PAGE NUMBER	WARD(S) AFFECTED
7. DEFERRED ITEMS		
No items.		
8. PLANNING APPLICATIONS FOR DECISION	27 - 28	
8 .1 34-40 White Church Lane and 29-31 Commercial Road, London, E1. (PA/15/02527)	29 - 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 17 upper storey building (72.5m AOD metre) with basement to provide a flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 39 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, the prior completion of a legal agreement to secure planning obligations; conditions and informatives.		
8 .2 225 Marsh Wall, E14 9FW (PA/15/02303)	77 - 144	Canary Wharf
Proposal:		
Demolition of all existing structures and redevelopment to provide a 56 storey building (186.35 m AOD) comprising 414 residential units (Use Class C3) and 1,418 sq. m. of flexible office/community/retail uses (Use Classes B1/D1/A1/A3), resident amenities, basement car parking, public realm and associated works.		
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. The Council must take the environmental information into consideration.		
Recommendation:		
That subject to any direction by the London Mayor, planning permission is REFUSED for the reasons set out in the Committee report.		

Next Meeting of the Strategic Development Committee

Thursday, 28 July 2016 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Melanie Clay Corporate Director of Law Probitiy 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, 12 MAY 2016

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

Members Present:

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

Other Councillors Present:

Councillor Andrew Wood
Councillor Dave Chesterton

Apologies:

Councillor Gulam Robbani

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Marcus Woody	– (Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Christopher Stacey – Kinchin	– (Planning Officer, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Jerry Bell	– (East Area Manager, Planning Services, Development and Renewal)
Tim Madelin	– (Senior Public Health Strategist, Adults' Services)
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 6.2 Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS (PA/16/00437) as he had received representations from interested parties on the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 12 April 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 South Quay Plaza 4, Marsh Wall, London, E14 (PA/15/03073)

Update report tabled

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the erection of a 56 storey building comprising of 396 residential (Class C3) Units, Retail (Class A1-A4) Space, together with

basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

The Chair then invited registered speakers to address the Committee.

Richard Horwood (Chair, Isle of Dogs Neighbourhood Planning Forum), Jim Kean (Discovery Dock East Tenants Association) and Councillor Andrew Wood (Ward Councillor) spoke in opposition to the application. They expressed concern about the impact that the scheme would have on social infrastructure. The infrastructure must be in place first including the new South Quay bridge before the scheme was implemented to mitigate the impact. The current bridge has been deemed inadequate by TfL. They also considered that the height of the scheme would be out of keeping with the area and the South Quay Masterplan. They also objected to the density of the scheme more than double that recommended for the PTAL for the application in guidance.

In terms of the land use, the scheme conflicted with the GLA policy produced in March 2016 expressing a preference for commercial use of the site (not residential). Concerns were also expressed about the adequacy of the combined access route (given the expected usage figures including those for large vehicles) that would result in increased traffic congestion on the highway and the impact on neighbouring sunlight and daylight (given the findings in the Committee report). Concern was also expressed about the quantum, and quality of the child play space. Reassurances were also sought about access rights to existing parking spaces.

In response to questions from the Committee, the speakers clarified their concerns about the impact that the scheme would have on the transport network. They also answered questions about the cumulative impact from this and other schemes on the nearby junction, increased traffic congestion from the development, the unsuitability of the current bridge, the methods used for calculating the PTAL rating in the Committee report, the lack of play space and the changes to GLA policy.

Mike Nisbet, Patrick Campbell and James McAllister addressed the Committee on behalf of the applicant. They considered that the application would regenerate a vacant site maximising the development potential of the site in accordance with policy resulting in the delivery of good quality new homes that would be tenure blind, new public realm, a consolidated access route and generous levels of child play space. Consultation had been carried out and the scheme had been amended to mitigate the concerns. Care had been taken to minimise the impact of the scheme and the developer would continue to engage with the local community.

The speakers were mindful of the concerns about the impact on the highway and the combined access route. They reassured Members that a detailed transport assessment had been carried out. The findings showed that the combined access route could support this scheme and the other schemes without impacting on the highway. LBTH Highways and TfL had raised no

concerns about the scheme and a Travel Plan would be submitted to ensure that the impact would be minimal. They also provided reassurances about the sunlight and daylight assessment that had been tested by independent experts. It was considered that given the circumstances this did not warrant refusal on these grounds

In response to questions from the Committee, the speakers clarified the number of expected vehicles trips to the development and the measures to allow the free flow of traffic at peak hours. It was considered that the provision of eight delivery bays would be sufficient as shown in the travel plan. It was unlikely that all eight bays would be occupied at any one time and that there would be vehicles queuing outside the development given the findings of the travel assessment. It was required that details of the child play space be submitted for approval to ensure that it was of a high quality. The GLA welcomed the scheme's approach to child play space.

Jermaine Thomas, (Planning Officer, Development & Renewal) presented the detailed report explaining the site location, the surrounding consents, the nature of the existing site and the site designations in policy. Consultation had been carried out and the outcome was noted. The Committee were advised of the key features of the scheme including the quality of the housing, the new public realm, the play space, and amenity space and the measures to safeguard neighbouring privacy and outlook. The scheme showed no signs of overdevelopment.

The scheme would fit in and would improve the appearance of the area and would not harm local views. Regarding the housing mix, the applicant had agreed to provide 25% affordable housing in excess of what the scheme could afford with 3 and 4 bed units at social target rent levels.

In terms of amenity, Officers were mindful that the application would have a moderate to major impact on neighbouring properties. Slides were shown of the assessment. However, given that any development of the site would have some impact and the public benefits of the scheme, on balance, this was considered to be acceptable.

The Committee were also advised of the vehicle access/egress arrangements and the operation and merits of the single access arrangements allowing a greater quantum of public realm to be provided. The scheme would be car free. They also noted the waste management arrangements involving an in bin compaction system. Whilst the evidence submitted indicated that it would work, it was required that details of the proposed system be submitted for approval to ensure that it was acceptable prior to implementation.

Officers were recommending that the planning permission be granted

In response, the Committee asked questions relating to the impact on infrastructure, particularly the DLR, schools and health facilities. They also asked about the failure to provide a policy compliant level of affordable housing and the decision to provide 25% affordable housing given this

exceeded what the scheme could actually afford. They asked for further details of the viability assessment including the estimated land values compared to other recently approved schemes.

Questions were also asked about the density of the scheme, the exceptional circumstances that justified the deviation from policy in this regard, the progress with delivering the South Quay bridge and about the traffic management for the site.

In response, Officers confirmed that the plans included a CIL contribution to mitigate the impact on infrastructure. The viability assessment had been independently tested that supported the conclusion regarding the affordable housing. Some of the factors taken into account in the assessment were noted. The applicant had decided to take a calculated risk in providing 25% affordable housing in the hope of capturing more profit from the scheme at a later date. There would also be a viability review mechanism for the affordable housing and the operation of this was explained including the time scales involved.

Officers were mindful of the density of the scheme in relation to policy. However, having assessed the scheme against the relevant criteria in policy, Officers did not consider that on balance it would be appropriate to refuse the scheme due to excessive density. Officers also clarified the special circumstances that justified this level of development of the site given the site allocation in policy as an opportunity area site and that the plans would reactivate a site that had been vacant for so long.

It was also explained that the Council had undertaken a considerable amount of work with partners to improve connections across the area and in particular to deliver the South Quay bridge and it was anticipated that the planning application for the new bridge would be submitted to the Council this year. It was confirmed that the issues around the bridge were a material consideration however it was down to the Committee how much weight they placed on this.

Officers also clarified the traffic calming measures within the scheme to prevent traffic queuing from the scheme on the highway.

In summary the Chair, considered that the plans had some merit. However he did not consider that they outweighed the negative impacts of the application such as the sunlight and daylight failings, that was a hall mark of overdevelopment. There were also questions about the level of affordable housing.

On a vote of 0 in favour and 7 against, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Danny Hassell seconded a motion that the planning permission be not accepted (for the

reasons set out below) and on a vote of 7 in favour and 0 against, it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at South Quay Plaza 4, Marsh Wall, London, E14 for the Erection of a 56 storey building comprising of 396 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works

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

- Excessive density.
- Impact on infrastructure particularly the transport network, the highway, social infrastructure including education and health facilities.
- Unacceptable level of affordable housing.
- Impact on residential amenity in terms of sunlight and daylight.

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.

6.2 Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS (PA/16/00437)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of 3. no existing modular units and siting of 6 no. modular units for use as a primary school temporarily for 1 academic year, until 31 August 2017 and the retention of 3 no. modular units after 31 August 2017 for use by Docklands Sailing and Watersports Centre for a period of 5 years from the date of permission.

The application had attracted 21 objections meaning it was referable to Committee. The application had been referred to the Strategic Development Committee (as opposed to the Development Committee that did not meet until 8 June 2016), by the Corporate Director of Development and Renewal, as he considered it appropriate as the applicant is seeking a timely outcome of the planning process prior to the start of the new school term in September.

The Chair then invited registered speakers to address the Committee.

Daniel Anson (Governor of Arnhem Wharf Primary School) Katy Bennett-Richards and Councillor Dave Chesterton addressed the Committee in objection. (Councillor Chesterton explained that he was not speaking as a Councillor or a Trustee of the Dockland Sailing Centre).

They objected to the impact of the development on the highway during the school run given its close proximity to the Arnhem Wharf Primary School. Given the overlap in the school hours, the plans would worsen the existing problems with traffic and parking congestion around the school.

They also objected to the impact on the Dockland Sailing Centre from the loss of the club facilities and the position of the new modular units that would 'bisect' the site. Furthermore, there was no guarantee that the development would only be temporary.

In response to questions from the Committee, they clarified their concerns about the ongoing issues with parking congestion outside the Arnhem Wharf Primary School, expressed concerns about the safety of the highway in the vicinity and outlined the measures that the school implemented to try to prevent this. They also answered questions about the impact on the Dockland Sailing Centre and the lack of consultation with the centre

Sarah Counter (Canary Wharf College), Peter Webb and Councillor Andrew Wood spoke in support of the scheme emphasising the need for a new school in the area. They considered that if refused, the children would have to be bussed to schools outside the Borough. Council Officers had raised no objection to the scheme. There would be staggered start times to avoid conflict with the Arnhem Wharf Primary School and any undue impact on the highway. The students would be from the local area, resulting in minimal vehicle activity. The college operated a similar college nearby that had not given rise to any highway issues.

The Council and the sailing club had been consulted about the plans and the management were supportive of the plans given the long term benefits for the centre so were many parents.

Chris Stacey-Kinchin (Planning Officer, Development and Renewal) gave a presentation on the application explaining the application site, the surrounding area and the existing site plan and the outcome of the consultation and the issues raised. The Committee were advised of key features of the scheme and the implications for the Docklands Sailing Centre and how this would be managed. The Docklands Sailing Centre were generally supportive of the proposals. A travel plan had been submitted indicating that the impact on the highway would be minimal given the staggered start times and the low number of vehicle trips predicted. Furthermore the college had a good track record with enforcing travel plans at their other colleagues. It was also considered that the design of the proposed development complied with policy given it would be a temporary structure and would have minimal impact on the street scene.

Officers were recommending that the planning permission be granted

In response, Members questioned whether the permission could be extended beyond the proposed period under the permitted development rights especially if there were a change in law permitting this. Members were keen

to avoid this. Officers explained that given the status of the site the applicant would not automatically benefit from such rights so would have to apply for a new permission. However, a condition could be added to ensure that any permitted development rights would be removed. Councillor Marc Francis moved an additional condition requiring the removal of any permitted development rights for the development and on a unanimous vote, this was agreed.

In response to further questions, Officers clarified the outcome of the transport assessment, the number of predicted vehicle trips to and from the new school. Officers also clarified the measures to minimise any impact on the highway and that there would be a requirement to ensure that the land was returned in its existing state following the expiry of the permission.

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

That planning permission be **GRANTED** at Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS for the Demolition of 3. no existing modular units and siting of 6 no. modular units for use as a primary school (Class D1) temporarily for 1 academic year, until 31 August 2017. Retention of 3 no. modular units after 31 August 2017 for use by Docklands Sailing and Watersports Centre (D1/D2) for a period of 5 years from the date of permission (PA/16/00437) subject to the conditions and informatives set out in the Committee report and the additional condition agreed at the Committee meeting regarding the removal of any permitted development rights for development if Officers consider such rights are applicable.

7. OTHER PLANNING MATTERS

7.1 S106 Planning Obligations - Use of Health Contributions for Preventive Health Projects.

Paul Buckenham (Development Manager, Development and Renewal) introduced the report seeking approval of the use of a proportion of the health s106 contributions (£1,392,773) secured in connection with planning permission PA/06/02068, for preventive health measures such as the proposed green grid projects.

With the prior permission of the Chair, Councillor Andrew Wood addressed the Committee. He expressed concerns about the delays in implementing some of the projects within the green grid programme, and questioned the merits of some of the spending decisions and whether they represented value for money. Whilst mindful of the timescales involved, he stressed the need for such issues to be taken into account and that the proposals be subject to a cost benefit analysis.

Tim Madelin (LBTH Public Health Strategist) presented the detailed report. He explained the aims of the proposal to mitigate demand on health care by improving the environment. The Council's Planning Contributions Panel had

considered the proposals and they considered that it provided a practical solution to improve health and wellbeing. The plans also complemented the Council's approach of providing support and funding to NHS schemes that it could not fund itself. Details of current projects were noted.

A letter of support from the Clinical Commissioning Group for the proposal was set out in the agenda.

The Committee asked about the process for selecting projects and how they could get involved in the programme.

In response, officers discussed in greater detail some of the projects included in the programme. They also highlighted the process for identifying projects, determined by the Council's Green Grid Strategy. Officers undertook to circulate to Members information on the Council's Green Grid Strategy that would be refreshed as part of the Local Plan review.

In summing up, the Chair welcomed the greening of the Borough and felt that this was an innovative use of money. Nevertheless he felt that it was important that some of the funding was allocated to the provision of health care facilities given the pressures on such facilities in the Borough.

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

That the Committee agrees the use of a proportion of the health s106 contributions (£1,392,773) secured in connection with planning permission PA/06/02068, for preventive health measures such as the proposed green grid projects.

The meeting ended at 9.40 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

<p>Non-Executive Report of the:</p> <p>Strategic Development Committee</p> <p>16th June 2016</p>	
<p>Report of:</p>	<p>Classification: [Unrestricted]</p>
<p>Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings</p>	

<p>Originating Officer(s)</p>	
<p>Wards affected</p>	<p>[All wards]</p>

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Strategic Development Committee for the Municipal Year 2016/17 for the information of members of the Committee

Recommendations:

The Committee is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.

3.1 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 18 May 2016.

3.2 In accordance with the programme, meetings are scheduled to take place at 7.00pm with the exception of the meeting in June which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 18 May 2016.

5. LEGAL COMMENTS

The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 18 May 2016

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value implications arising from this noting report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 – Strategic Development Committee Terms of Reference and Quorum

Appendix 2 - Strategic Development Committee Membership 2016/2017

Appendix 3 - Strategic Development Committee Meeting Dates 2016/2017

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

- [N/A]

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APPENDIX 1

EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee

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

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

STRATEGIC DEVELOPMENT COMMITTEE
(Eight members of the Council)

<i>Labour Group (5)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>
<p>Councillor Asma Begum Councillor Marc Francis Councillor Danny Hassell Councillor Denise Jones Councillor Helal Uddin</p> <p>Substitutes:-</p> <p><i>Councillor Amina Ali</i> <i>Councillor John Pierce</i> <i>Councillor Andrew Cregan</i></p>	<p>Councillor Gulam Robbani Councillor Maium Miah</p> <p>Substitutes:-</p> <p><i>Councillor Muhammad Ansar Mustaquim</i> <i>Councillor Oliur Rahman</i></p>	<p>Councillor Julia Dockerill</p> <p>Substitutes:-</p> <p><i>Councillor Chris Chapman</i> <i>Councillor Andrew Wood</i></p>

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APPENDIX 3

SCHEDULE OF DATES 2016/17

STRATEGIC DEVELOPMENT COMMITTEE

- Thursday, 16th June 2016 (5:30pm)
 - Thursday, 28th July 2016
- Thursday, 8th September 2016
- Thursday, 20th October 2016
- Tuesday, 29th November 2016
- Thursday, 12th January 2017
- Thursday, 16th February 2017
- Thursday, 23rd March 2017
- Tuesday, 25th April 2017

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 16th June which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

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

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Agenda Item 8

Committee: Strategic Development	Date: 16 th June 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 5.

5. RECOMMENDATION

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

Agenda Item 8.1

Committee: Strategic Development Committee	Date: 16th June 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 17 upper storey building (72.5m AOD metre) with basement to provide a flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 39 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Drawing Numbers:

3316 PL 01 rev P1 - OS Site Location Plan
3316 PL 02 rev P1 - Site Location Plan with existing footprint
3316 PL 03 rev P1 - Site Location Plan with prop ground floor
3316 PL 04 rev P1 - Site Location Plan with proposed footprint
3316 PL 200 rev P1 - Proposed Basement Floor Plan
3316 PL 201 rev P4 - Proposed Ground Floor Plan
3316 PL 202 rev P6 - Proposed First Floor Plan
3316 PL 203 rev P6 - Proposed Second Floor Plan
3316 PL 204 rev P6 - Proposed Third Floor Plan
3316 PL 205 rev P4 - Proposed Fourth Floor Plan
3316 PL 206 rev P4 - Proposed Fifth Floor Plan
3316 PL 207 rev P4 - Proposed Sixth Floor Plan
3316 PL 208 rev P4 - Proposed Seventh to Thirteenth Floor Plan
3316 PL 209 rev P5 - Proposed Fourteenth to Sixteenth Floor Plan
3316 PL 210 rev P3 - Proposed Seventeenth Floor Plan
3316 PL 211 rev P3 - Proposed Eighteenth Floor Plan
3316 PL 212 rev P1 - Proposed Roof Plan
3316 PL 300 rev P5 - Proposed Section A
3316 PL 400 rev P5 - Proposed South Elevation
3316 PL 401 rev P3 - Proposed West Elevation
3316 PL 402 rev P6 - Proposed North Elevation
3316 PL 403 rev P5 - Proposed East Elevation
3316 PL 404 rev P3 - Proposed Elevation along Commercial Road
3316 PL 405 rev P2 - Proposed Elevation along White Church Lane
3316 PL 406 rev P5 - Proposed Elevation along Assam Street

3316 PL 407 rev P3 - Proposed Elevation along Commercial Road
 3316 PL 410 rev P1 - Proposed Base Detail Elevation
 3316 PL 411 rev P1 - Proposed Typical Detail Elevation
 3316 PL 412 rev P1 - Proposed Top Detail Elevation
 3316 PL 413 rev P1 - Proposed Brick Panel Detail Elevation
 3316 PL 414 rev P1 - Proposed Metal Panel Detail Elevation
 3316 PL 420 rev P2 - Existing Elevation along Commercial Road
 3316 PL 421 rev P1 - Existing Elevation along White Church Lane
 3316 PL 422 rev P1 - Existing Elevation along Assam Street
 1426/003 Rev. B
 PL 500 rev P1 - Proposed 3 Bed 4 Person Layout Plan
 PL 501 rev P1 - Proposed 2 Bed 4 Person Layout Plan
 PL 502 rev P1 - Proposed 1 Bed 2 Person Layout Plan
 PL 503 rev P1 - Proposed Studio Layout Plan
 PL 504 rev P1 - Proposed 3 Bed 5 Person Duplex Lower Plan
 PL 505 rev P1 - Proposed 3 Bed 5 Person Duplex Upper Plan
 PL 506 rev P1 - Proposed 2 Bed 3 Person Wheelchair Plan
 PL 507 rev P1 - Proposed 2 Bed 3 Person Wheelchair Plan

Supporting Documents:

- Design and Access Statement
- Design and Access Statement Addendum
- 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
- Landscape Masterplan (1426/002 Rev. E)
- Tall Building Analysis (CL14276/01) dated April 2016

Applicant: David Abraham Partnership

2.0 Executive Summary

2.1 There have been a number of material changes made to this proposal following its consideration at the Council's Strategic Development Committee on 10 March 2016. As such, this Officer Report considers the planning merits of this application as a revised proposal rather than as a deferred item reflecting the resolution to refuse made by the previous Committee.

2.2 Owner/occupiers of 845 neighbouring properties were consulted on the scheme on two separate occasions with the second consultation undertaken after amendments being made to the proposals following the resolution by the Members in March. Three representations were received in total, objecting to the scheme raising concerns surrounding construction noise, loss of views, overlooking,

overshadowing and the cumulative impacts of the scale of development in the area on infrastructure.

- 2.3 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:
- 2.4 The proposed height of the tall building is considered to be consistent with the emerging built context for Aldgate providing 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).
- 2.5 In the context of a number of existing local consented 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 on balance acceptable.
- 2.6 The scheme's provides a small public realm space facing Commercial Road helping to enhance the views and setting of the adjacent Grade II listed former St George's Brewery warehouse building.
- 2.7 The development would provide a range of residential unit sizes and tenures including a maximum quantum of affordable housing (35.8 % by habitable room) given the viability constraints of the scheme, including the provision of 6x threebedroom affordable units at Borough framework rents (inclusive of service charges).
- 2.8 The housing would be of suitably high quality, with over 50% of the units benefiting from triple aspect and the remainder of the units double aspect (with the exception 1 single aspect unit) which is indicative of a good standard of amenity for the future residents.
- 2.9 The scheme does present some significant challenges in respect of daylight/sunlight. However these need to be considered with regard to the site context and, in particular, the degree of impact the consented scheme at No. 27 Commercial Road would impose on 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 loss of daylight/sunlight, increased sense of enclosure, loss of privacy, increased overlooking, noise and construction impacts.
- 2.10 Transport matters including parking, access and servicing arrangement are considered acceptable.
- 2.11 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

Application for full planning permission

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

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

3.2 Financial contributions:

- a) £14,457 construction phase employment training
- b) £2,835 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: £129,907 plus monitoring contribution

3.3 Non-financial contributions:

- a) On-site affordable housing consisting of 6 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) 1 x one-bedroom and 2 x three-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 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
- 27) Details of external louvers to mitigate overlooking

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 **BACKGROUND INFORMATION**

4.1 Following a resolution to refuse this application at the Council's Strategic Development Committee on the 10th March 2016, the applicant made a number of amendments to the proposals which were the subject of a further public consultation as the changes were considered to be material changes to the application.

4.2 The Strategic Development Committee resolved to refuse the previous iteration of the application for the following reasons (as quoted from the Committee minutes):

- *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 at the 10th March 2016 Committee 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.

- 4.3 Officers prepared a supplementary deferral report, which was published for the subsequent 12th April 2016 Strategic Development Committee, which made the following recommendation to Members:

*“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.*

*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 amenities 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 on its setting and its significance as a designated heritage assets. 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)."*

4.5 Despite the publication of the Officer report, the deferred item was withdrawn from the 12th April 2016 Strategic Development Committee agenda with the following reason cited in the Committee minutes:

"The decision was taken after the applicant agreed to enter into further negotiations with officers and is preparing amended drawings that seek to address the reasons for refusal given by Members at March Strategic Development Committee . These amendments will be re-consulted on with the application targeted to return to the June SDC"

4.6 A further statutory public consultation was undertaken on the revised scheme . The revised scheme is now the subject of this report and is presented to the 16 June 2016 Strategic Development Committee as a new, rather than deferred, agenda item due to the material amendments made to the proposal.

5.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Site and Surroundings and Designations

5.1 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.

5.2 The redline boundary (as shown in figure 1 below) measures approximately 829sqm (or 0.08 hectares) however the actual development plot occupies approximately 380sq.m when the public highway is excluded. Currently the site 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

- 5.3 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 service 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
- 5.4 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)

- 5.6 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.
- 5.7 The site falls within the:
- Borough's Aldgate Masterplan boundary;
 - London Plan's Central Activity Zone.
 - Core Growth Area to the City Fringe / 'Tech City' Opportunity Area Planning Framework (OAPF).

Proposal

- 5.8 The proposal is for demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 16 upper storey building (72.5m AOD metre) with basement to provide a flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 39 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.



Figure 3: CGI of proposal (showing south facade) including schemes under construction and approved

- 5.9 The residential units would consist of 8x studio units, 16x one-bedroom units, 5x 2 bedroom units, 10x three-bedroom units. The ground floor would contain the flexible use commercial space, residential lobby space, a waste and recycling room serving the residential units.
- 5.10 There would be two entrances to the residential accommodation from Commercial Street and Assam Street for all three residential tenures with a shared ground floor communal lobby space.
- 5.11 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.



Figure 4: proposed ground floor plan

- 5.11 The basement would contain a commercial waste store that is serviced by two lifts in addition to providing a plant room and residential cycle store.
- 5.12 The affordable tenure rented accommodation would be provided on the 2nd, 3rd and 4th upper floors and the intermediate units on 5th upper floor and 6th upper floor with two market units also on the 6th floor and on all the floors above that. All the residential floors set are arranged in a mix of two and three units per floor with maisonette arrangement for the units on the top two floors. Each flat would benefit from an individual balcony (or a roof private terrace to one of the maisonette units). The on-site child play space provision for the scheme would be provided on the floor immediately above the ground floor.
- 5.13 The scheme would provide four wheelchair adaptable or accessible units (10%). The scheme would provide no on-site car parking spaces

6.0 RELEVANT PLANNING HISTORY

Site specific

- 6.1 None relevant to this application

Surrounding Sites

27 Commercial Road

- 6.2 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.
- 6.3 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.
- 6.4 Aldgate is an identified tall building cluster in the Borough's local plan and has been subject to major redevelopment in recent years with planning permission been granted for a number of tall buildings.
- 6.5 The following sites and the consents granted upon them are of relevance to this application. All of the schemes (except Beagle House) is under construction or has been built out:
- 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. 33-35 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.

7.0 POLICY FRAMEWORK

7.1 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).

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

7.3 Core Strategy Development Plan Document (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

7.4 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

7.5 Supplementary Planning Guidance/Documents

- Planning Obligations Supplementary Planning Document (2016).
- Aldgate Masterplan Interim Guidance (2007)

7.6 London Plan (MALP 2016)

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

7.8 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance (2016)
- Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (2014)
- Accessible London: Achieving an Inclusive Environment SPG (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

7.9 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)

7.10 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)

8.0 **CONSULTATION RESPONSES**

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

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

Internal Consultees

Waste Management Team

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

Environmental Health

- 8.4 Contaminated Land Team: No objection, subject to the imposition of a relevant planning condition should planning permission be granted.
- 8.5 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
- 8.6 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

- 8.7 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 a minimum of 2 accessible bays on the public highway.
 - Travel Plan
 - Demolition / Construction logistics Plan
 - Service Management Plan
 - s278 Agreement being enter into
 - Legal agreement to secure raised table

Biodiversity Officer

- 8.8 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

- 8.9 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 therefore required.
- 8.10 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

8.11 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.

Sustainable Urban Drainage (SUDs) Officer

8.12 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 Consultee

8.13 Historic Royal Palaces

No objections - requested additional information regarding the visibility of the proposed development from the Tower of London which was provided.

Historic England

8.14 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)

8.15 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

8.16 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

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

NATS

8.18 No objection

London Borough of Southwark

8.19 No objection

National Grid

8.20 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)

8.21 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)

8.22 No objection

Thames Water (TW)

- 8.23 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

- 8.24 No objection

City of London Corporation

No comments to make.

Greater London Authority (including Transport for London):

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

Children's 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. The introduction of a shared entrance for all residents is welcomed

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. Four 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 might be 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.

9.0 LOCAL REPRESENTATION

- 9.1 845 neighbouring properties were notified about the application and invited to comment on both the revised proposal and the application as originally submitted. The application was also been publicised in East End Life and with a set of site notices on two separate occasions.

- 9.2 Across both consultations, a total of three objectors made written representations. The nearby The Castle Public House (opposite in Commercial Road) objected on the grounds of the disruption it would cause to their business and the physical damage it would cause to the building. The other objections were made on the following 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.
- d. Noise and disruption from construction, particularly cumulatively with nearby construction sites.
- e. Loss of views.

10.0 ASSESSMENT OF APPLICATIONS

10.1. 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) Highways & Transportation

Land Use

- 10.2 At a national level, the National Planning Policy Framework (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. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. Aldgate is identified within the London Plan as part of the City Fringe Opportunity Area. The site falls within the London Plan Central Activity Zone. The eastern boundary of the CAZ is located approximately 200m to the east of the site along Commercial Road, at the junction with Greenfield Road. 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.
- 10.4 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. However the site falls within the within the Borough Aldgate Master Plan area and the principle of a mixed use

development with commercial use at ground floor to maintain activity and residential use above is considered 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

- 10.5 The statutory tests for the assessment of planning applications affecting the setting of listed buildings and conservation areas are set out at paragraph 7.1 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.

NPPF:

- 10.6 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.
- 10.7 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.
- 10.8 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"*

London Plan

- 10.9 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.

Local Plan

- 10.10 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.

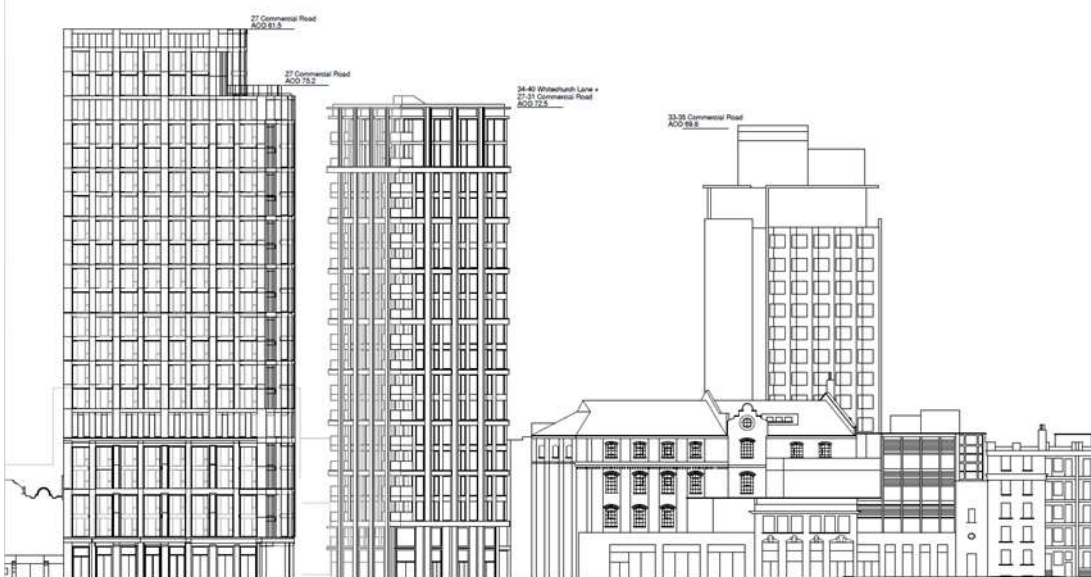
Principle of a Tall Building

- 10.11 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.
- 10.12 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

- 10.13 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 buildings. 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*”.
- 10.14 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.

- 10.15 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.
- 10.16 Recent consented tall buildings schemes falling within and on the edges of the Aldgate area are set out in paragraphs 6.2, 6.3 and 6.5 of this report and should be taken into account when considering the height of this proposal at 18 storeys (72.5m AOD).
- 10.17 As set out in paragraphs 6.2, 6.3 and 6.5, the tallest tall buildings 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.
- 10.18 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. This would reach a maximum height of 81.5m (AOD) with it possessing a lower ‘shoulder height’ element reaching 75.2 metres (AOD). In addition and set just to the east of the application site is the student accommodation at No. 33-35 Commercial Road built out at 69.8m (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 9m lower than the immediate tall building consented to the west of the site and approximately 2.5m taller than the completed student block to the east of the site.



No 27 Commercial Road
(consented scheme)

Proposal

No 33-35 Commercial
(Student Block)

Figure 4: Scheme in relation to surrounding consented tall buildings at No.27 and No. 33-35 Commercial Road

- 10.19 The scheme is consistent with the tall building hierarchy in the manner in which it appreciably step downs in height compared with the core area of Aldgate, although the proposed development would still benefit from a further reduction in height. A reduction of two storeys was suggested to create a greater distinction between the proposed development and the consented building at 27 Commercial Road, to help to soften the overall impact of built form. The proposed height of the building has been reduced by one floor. This has resulted in a slight improvement to the height transition, but it is apparent that a further reduction would create a more satisfactory outcome. However, on balance, Officers consider the proposed scale and massing is acceptable.
- 10.20 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 very 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 similar to that of the permitted development at 27 Commercial Road. This is particularly evident in views to the east along Commercial Road, as illustrated by CGI View 02 (dated 6-4-2016). With respect to perceived heights of buildings, it is worth noting the tallest element at No 33-35 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.
- 10.21 In the interests of creating a varied townscape, in which building heights can be seen to appreciably step down from the core area of Aldgate, Officers consider the current scheme benefit from a further reduction in height to help: (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.
- 10.22 However, on balance Officers consider the scheme as submitted is acceptable in respect of the proposed scale and massing, albeit the very close proximity of the scheme to the consented hotel at No 27 Commercial Road and the narrow street that separates the two developments would accentuate the scheme's visual impact, most acutely from the south of the site and from views along Commercial Road.
- 10.23 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 18 storeys is considered to 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

- 10.24 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 delineate the base, middle and top sections of the tower.

- 10.25 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.
- 10.26 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 assets and

- 10.27 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.
- 10.28 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.
- 10.29 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 would cause it to 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 neutral/minor adverse impact on the setting of this heritage asset. In considering this impact on the setting of the listed building, Officers have given it very special weight in accordance with the legal and planning policy framework referred to in paragraph 7.1 above. Taking into account other benefits of the scheme, such as the creation of small but attractive area of opens space in a prominent position on Commercial Road, this impact is, on balance, considered acceptable.



Figure 5: Image of scheme from Alie Street with the exposed foot of the listed brewery building (in right of image)

- 10.30 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.
- 10.31 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 has been applied to the impact on the setting of the Locally Listed 17 White Church Lane.



Figure 6 CGI of Proposal taken from Altab Ali Park Tower (with No 33-35 Commercial Road to left of proposal and consented No 27 Commercial Road hotel to right)

- 10.32 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. Although we consider that overall the impact is neutral, Officer's have given special regard to what minor adverse impacts there are and consider them to be 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 7: CGI image of scheme looking west along Commercial Road (with No. 33-35 Commercial Road in right of image and the consented serviced apartment scheme at No 27 Commercial Road set beyond the proposed scheme)

Strategic Views

- 10.33 With 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.

Residential Density

- 10.34 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.
- 10.35 The proposed development would have a residential density of approximately 2,500 habitable rooms per hectare (ha/ha), after taking into account the proportion of vertically mixed non-residential floorspace, and excluding the area of the red line boundary which is public highway. 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 therefore exceeds 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, sits comfortably within its townscape context and does not exhibit symptoms of overdevelopment.

- 10.36 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 standard 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

- 10.37 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.*”
- 10.38 The application proposes 39 residential units as part of a mixed use scheme. The principle of residential-led re-development of the site. 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.

Affordable Housing

- 10.39 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.
- 10.40 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.
- 10.41 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.

- 10.42 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.
- 10.43 The scheme’s affordable housing offer is 35.8% 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. Indeed the revised affordable offer made by the applicant since March 2016 relies upon a future improvement in residential sales values relative to build costs for the scheme to deliver a predicated profit, or a reduced profit will be realised by the developer.
- 10.44 The affordable housing is being offered at a 71:29 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 scheme is therefore in line with policy in terms of tenure mix.
- 10.45 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

- 10.46 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).
- 10.47 The table below compares the proposed target mix against policy requirements:

Affordable Housing – Market housing split (below)

	Number of units	% of Units	% of habitable rooms
Market	31	74.4	64.2%
Affordable	10	25.6	35.8%
TOTAL	39	100%	100%

Tenure	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	27
	1 bed	50	50
	2 bed	30	17
	3 bed	20	7
	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	33
	2 bed	50	0
	3 bed	25	66
	4+ bed	0	0

Dwelling numbers and mix by tenure (below)

	Studio	1 bed	2 bed	3 bed
Market	8	15	5	2
Affordable Rent	0	0	0	6
Intermediate	0	1	0	2
TOTAL	8	16	5	10
Total as %	21	41	13	26

10.48 The scheme provides all the rented units as family sized units, whilst the policy target is to provide 55% of the affordable rented units as 1 and 2 bedroom units. The proposed intermediate mix over provides 3 bedroom units - which is problematical given the challenges around affordability for 3-bed intermediate units in high value areas. However, on balance, the deviation from policy in respect of the affordable housing provision is considered acceptable given the provision of the 6x three-bedroom borough framework rented units and how it would help meet the greatest area of need within residents on the Borough's Housing Register, namely for larger sized affordable rented units.

10.49 The private mix is focussed towards studio units and 1 and 2 bed 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.

- 10.50 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

- 10.51 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.
- 10.52 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 18 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

- 10.53 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must be read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.
- 10.54 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

- 10.55 The application is accompanied by a daylight and sunlight assessment report. The results of the analysis for the original submission show that 55% of the windows serving the residential accommodation would experience Vertical Sky Component above the BRE guidance. Assessing the individual rooms, as opposed to individual windows, this submitted analysis recorded daylight distribution assessment would be met for all but a single figure number of living and bedroom and similarly in respect to achieving the BRE Average Daylight Factor guidance. The amended scheme is not considered to impact on these compliance figures in any significant manner. The scheme is considered would provide adequate daylight to its future occupants.

Sunlight

- 10.56 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.
- 10.57 The internal sunlight potential was tested for the original submitted scheme. 67% of those rooms would experience BRE's annual sunlight levels and 75% would achieve the winter sunlight guidance. This level of compliance is considered reasonable in the context of a higher density urban environment such as Aldgate. The failings mainly relate to secondary windows serving dual aspect units. The sunlight analysis was not rerun for the amended scheme however it is not considered the changes would be of a magnitude to lend the scheme unacceptable on sunlight grounds

Amenity space

- 10.58 For all major developments there are four forms of amenity space: 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

- 10.59 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 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.
- 10.60 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

- 10.61 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 79sq.m. The proposal provides no dedicated communal amenity space for future occupants of the development. However it does provide new public realm space within the development plot of approximately 140sq.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

- 10.62 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 by the Borough to yield 12 children and approximately 14 children using the GLA child yield evidence base. Whilst the GLA child yield estimate is based upon all London data it is considered the more reliable estimate figure given it is currently derived from a more recent data set, than that used to produce the Borough based estimate. Accordingly the scheme is estimated to yield:

- o 5 children under age of 5,
- o 5 children between ages of 5-11 and
- o 4 children over the age of 12

The scheme is expected to provide a minimum 142sq.m of dedicated play space, assessed against the GLA child yield calculator.

- 10.63 The scheme proposes to dedicate the entire first floor to an internal playspace area, that would occupy an area of 137sq.m with a floor to ceiling height of approximately 2.5m. In terms of sum of area, the child playspace provision would meet all the child space provision for children under 12 and fall only marginally short against the total sum required for all age groups. The application documentation refers to this on-site play space being supplemented by existing or being built out open space facilities - principally from Altab Ali Park, Chaucer Gardens and the Aldgate Place development. Chaucer Gardens forms part of the 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.

- 10.64 Officers consider the quantum of on-site communal play space is adequate, given the expected child yield amongst younger children. The playspace would contain a small 7sq.m domestic scale balcony. The expanded size of the internal playspace, compared to when the scheme was originally submitted, is considered of benefit to the usability of the space (notwithstanding the scheme yields a greater number of children than previously) as the bigger area lends itself to some degree of subdivision between an early years play space zone and other sub divided spaces structured toward older children. However there remain concerns with the overall quality of the space as the floor to ceiling is minimal and in this aspect contrasts with amenity internal play space decks consented within much larger strategic development schemes located in the east of the Borough.

With regard to off-site provision 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) with the Aldgate Place play space due to the requirement of this space to primarily serve that scheme's own child yield, (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 and again the expectation this space was designed in the first instance to serve the children of the Goodmans Field development.

- 10.65 Notwithstanding the above Officers 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 grounds nor do officers consider they would be able to sustain that ground on appeal, should it be applied.

Overlooking/ Privacy

- 10.66 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.

To address the approximate 10m separation distance the applicant has agreed, were the scheme to be consented, to install fixed louves to mitigate these privacy issues. In addition, it needs noting that overlooking relates to a relationship set across an established street (with existing habitable room windows with a comparable separation distance to the prospective hotel), and, as such, there is a degree of expectation that privacy would fall short of the level experienced and expected of new development where there is no street set between habitable rooms. Taking the existing relationship into account, the mitigation measures proposed and the fact the majority of the most effected rooms are bedrooms (as opposed to main living room spaces) the privacy issues are not considered such as to warrant a reason of refusal.

Neighbours Amenity

- 10.67 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' & MDD Policy DM25 'Amenity' require development to protect the amenity of adjoining properties. 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 by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Effect on daylight and sunlight received by neighbouring properties

- 10.68 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.
- 10.69 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 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

- 10.70 A second measurement is 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.
- 10.71 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.
- 10.72 The scheme in its original form was 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 residential student accommodation. The assessment not only 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. This assessment has not been revised following the reduction the height of the scheme by one storey , however given the proposed building enveloped has otherwise remained unchanged it is not considered the results would change in adverse manner in respect to daylight/sunlight impact to neighbours. In total the assessment considers the effects on the level of daylight received by 177 windows, serving 111 rooms.
- 10.73 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).
- 10.74 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.
- 10.75 There are no adverse impacts, under either scenarios outside BRE guidance for Vertical Sky Component or daylight distribution to the Naylor Building East.
- 10.76 The greatest cumulative effects are experienced by properties in Manningtree Street and No 42 Commercial Road.
- 10.77 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 wen 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.
- 10.78 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 2 of these failings would be classified of minor significance.

Assessment of impacts

35 Commercial Road

- 10.79 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.
- 10.80 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

- 10.81 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

- 10.82 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 remaining 2 serving kitchens.
- 10.83 All 10 rooms comply with BRE guidance on daylight distribution.

42 Commercial Road

- 10.84 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)

- 10.85 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.
- 10.86 When account is taken account of daylight distribution and the levels of residual sunlight within these rooms the overall impact to these rooms is considered fair.

7-8 Manning Street

- 10.87 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

- 10.88 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 rooms affected, against BRE guidance.

The Castle Pubic House

- 10.89 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.
- 11.90 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 and with the daylight distribution to the 4 rooms tested meet recommended BRE guidance.

Goodmans Fields

- 10.91 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

- 10.92 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.
- 10.93 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

- 10.94 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.

- 10.95 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

- 10.96 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

- 10.97 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.
- 10.98 A wind microclimate assessment report was prepared for the original application proposal 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 to be relevant to the revised proposal. Mitigation measures are proposed in respect of balconies.

Secure by Design

- 10.99 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.
- 10.100 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

- 10.101 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.

- 10.102 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.
- 10.103 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

- 10.104 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.
- 10.105 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

- 10.106 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.
- 10.107 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.
- 10.108 The applicant has submitted a Transport Statement contains trip generation analysis and details of servicing arrangements. The Transport Statement estimates the scheme would generate 18 additional car trip journeys. Deliveries to the ground floor commercial unit are expected to be predominantly by transit vans and not large goods vehicles. Residential refuse collection is anticipated would replicate the existing arrangement with collection from Assam Street. In respect to servicing, short term loading and unloading along White Church Lane is currently possible, with no loading restrictions in place. On Commercial Road there is an existing 20 minutes loading bay located less than 50m away from the site. It is anticipated that most service vehicles would load/ unload in Assam Street akin to the servicing arrangements for the neighbouring student housing development. Assam Street is a cul-de-sac and vehicles are able to turn-round and manoeuvre.
- 10.109 As set out in the comments received from both Transport for London 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.

- 10.110 An on-site disabled car parking bays is not practical on this small and tightly constrained site. 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 a need for such bays. Transport for London sought a commuted sum for four disabled bays, whilst the scheme as proposed would provide two, should the demand for the bays arise. The Borough Highway Officer considers 2 bays is the maximum capable, as there is no opportunity to provide more than two bays on the Borough's own adopted roads within a convenient distance of the development, and considers this provision on balance acceptable, although if an opportunity arose that a Transport for London managed road could provide two extra bays this would be welcomed.
- 10.111 The secure cycle bay provision is in line with London Plan standards.

Noise and Dust

- 10.112 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.
- 10.113 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

- 10.114 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.
- 10.115 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 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

- 10.116 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.

- 10.117 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.
- 10.118 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

- 10.119 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.
- 10.120 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 accordance with relevant policy and guidance

Biodiversity

- 10.121 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.
- 10.122 The application site has no significant existing biodiversity value.
- 10.123 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

- 10.124 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 (2016) 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.

10.125 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.

10.126 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.

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

- a) £14,457 construction phase employment training
- b) £2,835 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: £45,907 plus monitoring contribution.

10.128 The non-financial planning obligations include:

- a) On-site affordable housing consisting of 6x 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) 1 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 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

- 10.129 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.
- 10.130 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

- 10.131 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.
- 10.132 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 10.133 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy.
- 10.134 Mayor of London CIL liability is estimated to be £98,781.06 (following estimated social housing relief (£6,438.94)).
- 10.135 Tower Hamlets CIL liability is estimated to be £405,559 (following estimated social housing relief (£124,909))
- 10.136 Using the DCLG's New Homes Bonus Calculator, this development is likely to generate approximately £50,301 of New Homes Bonus in the first year and a total payment of £301,807 over 6 years.

Health Considerations

- 10.137 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.
- 10.138 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

- 10.139 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:-
- 10.140 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".
- 10.141 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.
- 10.142 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.
- 10.143 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.
- 10.144 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.145 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.
- 10.146 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

10.147 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs 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.

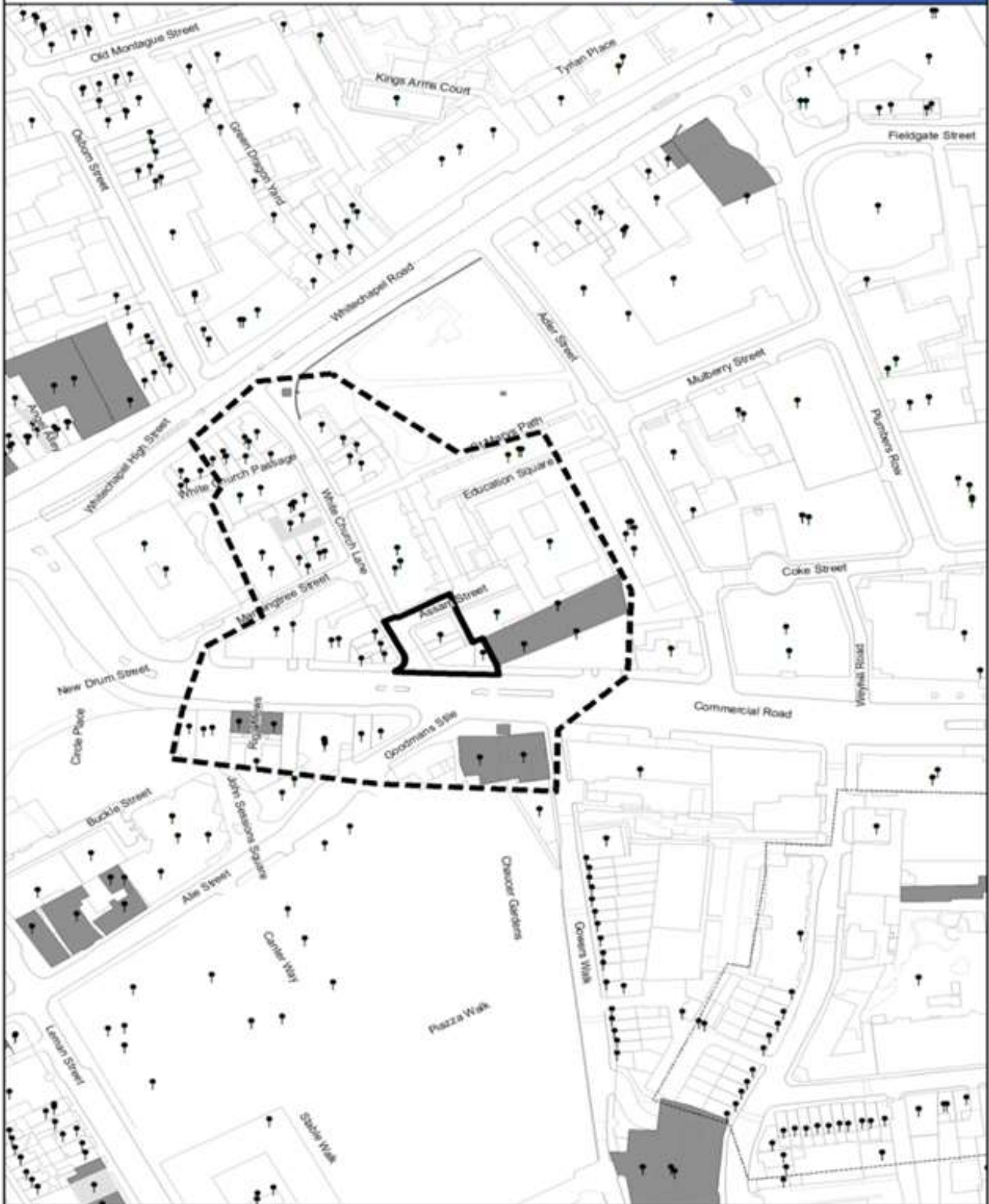
11.0 CONCLUSION







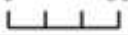
11.1 All other relevant policies and considerations have been taken into account. Planning Permission should be approved for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

12 SITE MAP

12.1 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 8.2

Committee: Strategic	Date: 16 th June 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for full Planning Permission
Case Officer: Richard Humphreys	Ref No: PA/15/02303 GLA Ref. D&P/3620 Ward: Canary Wharf

1. APPLICATION DETAILS

Location: 225 Marsh Wall, E14 9FW

Existing Uses: 4-storey 5,288 sq. m. office block. Approximately 60% occupied on short term lets. 40% vacant.

Proposal: Demolition of all existing structures and redevelopment to provide a 56 storey building (186.35 m AOD) comprising 414 residential units (Use Class C3) and 1,418 sq. m. of flexible office/community/retail uses (Use Classes B1/D1/A1/A3), resident amenities, basement car parking, public realm and associated works.

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. The Council must take the environmental information into consideration.

Drawing and documents:

Drawings:

Site Plans

1088-MAK-PL-001-Location Plan
1088-MAK-PL-005-Existing Site Plan
1088-MAK-PL-006-Proposed Site Plan
1088-MAK-PL-010-Site Survey
1088-MAK-PL-011-Demolition Plan
1088-MAK-PL-020-Proposed Landscape Plan
1088-MAK-PL-021-Proposed Detailed Landscape Plan
1088-MAK-PL-050-Existing Building Plans

Plans

1088-MAK-PL-099-Basement Level
1088-MAK-PL-100-Ground Level
1088-MAK-PL-100M-Mezzanine Level
1088-MAK-PL-101-Office Level
1088-MAK-PL-102-Affordable Amenity

1088-MAK-PL-103-Social Rented
1088-MAK-PL-109-Intermediate Floors
1088-MAK-PL-109-Intermediate Plant Floors
1088-MAK-PL-114-Private Levels
1088-MAK-PL-114-Private Levels
1088-MAK-PL-143-Private Amenity Step One - Terrace
1088-MAK-PL-144-Private Step One
1088-MAK-PL-148-Private Step Two - Terrace
1088-MAK-PL-149-Private Step Two
1088-MAK-PL-151-Private Step Three – Terrace
1088-MAK-PL-152-Private Step Three
1088-MAK-PL-154-Roof Plant Level
1088-MAK-PL-156-Roof Level
1088-MAK-PL-160-Wheelchair Units

Sections

1088-MAK-S-200-Section A-A
1088-MAK-S-201-Section B-B
1088-MAK-S-202-Section C-C

Elevations

1088-MAK-E-302-Eastern Elevation
1088-MAK-E-303-Southern Elevation
1088-MAK-E-304-Western Elevation
1088-MAK-E-304-Northern Elevation
1088-MAK-E-320-Detailed North & East Elevations
1088-MAK-E-321-Detailed South & West Elevations
1088-MAK-E-350-Existing North & East Elevations
1088-MAK-E-351-Existing South & West Elevations

Documents

Design and Access Statement including Landscape Statement;
Planning Statement incorporating a Housing Statement and Draft Heads of Terms;
Environmental Statement Volumes 1 and 2 (Figures)
Environmental Statement Volumes 3: Townscape, Heritage and Visual Assessment;
Environmental Statement Volume 4: Appendices
Environmental Statement: Non-technical Summary;
Environmental Clarifications Document (December 2015) including Transport Assessment Addendum
Energy Strategy;
Sustainability Statement;
TV and Radio Interference Assessment;
Statement of Community Involvement;
Transport Assessment, including Delivery Servicing Management Plan and Travel Plan;
Aviation Report;
Drainage Strategy;
Waste Management Strategy;
Aboriginal Survey;

Gordon Ingrams letter 6th May 2016

Applicant:	Cubbitt Property Holdings Limited
Ownership:	Cubbitt Property Holdings Limited Meridian (Two) Property Holdings Limited LBTH (Highway land to south of site)
Historic Building:	None
Conservation Area:	Coldharbour to the east UNESCO Maritime Greenwich World Heritage Site

2. EXECUTIVE SUMMARY

- 2.1. 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 (with 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 principally the Mayor's '*Housing*' Supplementary Planning Guidance 2016 and the Council's South Quay Masterplan 2015.
- 2.2. No objection is raised to the demolition of the existing building. In land use terms, officers consider that the proposed residential-led, mixed use development would accord with the Marsh Wall East Site Allocation 20 within the Managing Development Document 2013 and the South Quay Masterplan.
- 2.3. The proposed residential density however involves a development of such height, bulk and mass that there would be significant adverse impacts typically associated with overdevelopment in terms of residential quality, dwelling mix, inadequate amenity space and impact on the surroundings particularly sunlight / daylight including adverse effect on the development potential of adjoining sites.
- 2.4. The development would fail to provide a suitable transition between the Canary Wharf tall building cluster via South Quay Plaza to the west and Dollar Bay to the east.
- 2.5. The development would fail to provide a satisfactory mix of housing types and tenures and fail to provide adequate family accommodation in both the affordable and market sectors.
- 2.6. The affordable housing offer of 23.7% is a shortfall of some 11% against the Local Plan target. The applicant's Financial Viability Assessment and Addendum following the submission of revised plans is currently being reviewed for the Council by BNP Paribas. The outcome of the review will be provided to the Committee in an Update Report.
- 2.7. The scheme would not adversely impact on heritage assets comprising the Coldharbour Conservation Area and the UNESCO Maritime Greenwich World Heritage Site. Strategic views in the London View Management Framework would not be adversely affected.
- 2.8. Transport matters, including car and cycle parking, access and servicing are considered acceptable in principle subject to conditions and a legal agreement.

- 2.9. The scheme would fail to meet development plan carbon emission savings. Unless a connection can be made to the Barkantine District Heating network this would require mitigation by a carbon offsetting contribution. The submitted BREEAM pre-assessment shows the design and construction techniques are intended to achieve BREEAM 'Excellent' and would be policy compliant.
- 2.10. Flood risk and drainage strategies would be satisfactory in principle subject to further details to secure sustainable urban drainage.

3. RECOMMENDATION

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

Reasons

Site design principles

1. The proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan Policy 3.4 'Optimising housing potential' (including Table 3.2 - 'Sustainable residential quality density matrix'), Policy 7.6 'Architecture', Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' and the Mayor's 'Housing' SPG 2016. This is explained more fully in the reasons below.

Impact on surrounding sites

2. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, breaching guidance in the Building Research Establishment handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 'Architecture', Tower Hamlets Core Strategy Policy SP10 'Creating Distinct and durable places', the Managing Development Document Policy DM25 'Amenity' and Site Allocation 20 Marsh Wall East. There would also be conflict with the Placemaking Principles of the South Quay Masterplan 2015 that require development to maximise levels of natural light. These indicate that the density, height, massing and layout of the scheme are not appropriate. Of particular concern is the cumulative impact on Meridian Place, Antilles Bay and 1-13 Chipka Street. There are also a number of plots surrounding 225 Marsh Wall which are anticipated to come forward for development. The proposed development due to height, mass and bulk would unacceptably affect the development potential of these sites particularly Meridian North and the eastern plot of Skylines Village.

Housing mix and choice

3. The proposed dwelling mix within both the market and affordable housing sectors would fail to provide a satisfactory range of housing. The dwelling mix within the affordable rented units would result in an over-provision of 1 bed units and an under-provision of family sized homes (3 bed+). In the intermediate sector, there would be an overemphasis on studios, 1 bed units and under provision of 2 bedroom units. In the market housing there would be an under provision of family accommodation. The development would be inconsistent with London Plan Policy 3.8 'Housing

Choice, Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone'* and Managing Development Document Policy DM3 *'Delivering Homes'*.

Housing quality

4. There would be deficiencies in housing quality standards with no private amenity space for the studios, failures of the Building Research Establishment's daylight and sunlight guidance within the development particularly within bedrooms set behind winter gardens, the potential for disturbance between adjoining residential units and inadequate on-site provision of children's play space. This would conflict with London Plan 2015 Policy 3.5 *'Quality and design of housing developments'* and Policy 3.6 *'Children and young people's play and informal recreation facilities'*, the Mayor's *'Housing'* SPG 2016, together with Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone'* and the Managing Development Document Policy DM4 *'Housing Standards and Amenity Space'* and Policy DM25 *'Amenity.'*

Urban Design

5. The proposed design, layout, height, scale and bulk and details would fail to achieve an appropriate transition from the Canary Wharf tall building cluster. There would be an unacceptable impact on the skyline and a failure to achieve a human scale at street level due to an oppressive architectural typology that would loom uncomfortably over the public realm, including views from South Dock. The scheme would conflict with the design principles within Chapter 7 of the London Plan particularly Policy 7.4 *'Local Character'*, Policy 7.6 *'Architecture'* and Policy 7.7 *'Tall and large scale buildings.'* There would also be conflict with Tower Hamlets Core Strategy Policy SP10 *'Creating distinct and durable places'* and Managing Development Document Policy DM24 *'Place sensitive design,'* Policy DM26 *'Building heights'* and Site Allocation 20 together with the design principles of the Mayor's Housing SPG 2016 the South Quay Masterplan 2015. Collectively statutory policy and guidance require development within South Quay to provide buildings and places of a high quality design, suitably located and sensitive to the locality. Whilst the development of this site has the potential to generate substantial public benefits, the public benefits of the development, namely new housing, would not outweigh the harm that would ensue.

4. SITE AND SURROUNDINGS

- 4.1. Meridian (Two) Property Holdings Limited own the Marsh Wall Estate that comprises three properties:
 - 199-207 Marsh Wall – **Meridian Gate** (currently being redeveloped as The Madison)
 - **225 Marsh Wall** - the application site sometimes referred to as Angel House or the Innovation Centre
 - 213-226 Marsh Wall – **Meridian North** that lies immediately north of 225 Marsh Wall and comprises Moorfoot House, Drewry House, Snowdon House, Cumbrian House and Cotswold House.
- 4.2. The application site (225 Marsh Wall) site measures 0.21 ha. (blue line shown on the Site plan below). The application includes public realm improvements that result in a red line area of 0.297 ha. also shown on the plan below.



Figure 1. Site plan

- 4.3. The site is located in the northern part of Isle of Dogs and occupied by a 4-storey building constructed in 1993 accommodating 5,288 sq. m. of offices. The site lies within the South Quay area and is bounded by the private roads Meridian Place to the north, Lord Amory Way to the west and Lawn House Close and No. 227 Marsh Wall (Sovereign House a 7 storey office block) to the east. Marsh Wall lies to the south.



Figure 2. 225 Marsh Wall – Marsh Wall elevation

- 4.4. To the west, beyond Lord Amory Way, the recently permitted 'Meridian Gate' development (Ref. PA/14/01428) has begun to construct a 54 storey building of 423

residential units and 500 sq. m. of ground floor offices and retail units. The eastern part of this development will comprise an area of public open space adjacent to the current application site. West of Meridian Gate 'Thames Quay' comprises an office development and the University of Sunderland in London campus.

- 4.5. North of the Meridian Gate development and north-west of the application site is Meridian Place, a 7 storey residential block. Immediately north of the application site fronting South Quay is Meridian North which comprises office buildings between 3, 4 and 5 storeys.
- 4.6. North of No. 227 Marsh Wall is a part 6, part 7 storey multi storey car park and Antilles Bay, a part 5, part 6 storey residential building fronting South Quay.
- 4.7. East of Antilles Bay, development has commenced at Dollar Bay to construct a 31 storey building of 121 residential units and 105 sq. m. of shops and restaurants. South of this is Jack Dash House, a 5 storey local authority office block.
- 4.8. Syklines Village, comprising 1980's low-rise business units lies opposite the application site on the corner of Marsh Wall and Limehourbour.
- 4.9. The application site does not contain any listed buildings. The closest conservation area is 'Coldharbour' to the east and north east of Jack Dash House. The character of the conservation area closest to the application site comprises is a row of Victorian terraced dwellinghouses. The closest listed building is 'The Gun' public house on Coldharbour.
- 4.10. The site sits within a number of strategic views and river prospects, identified in the Mayor's London View Management Framework, including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View 11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge. South Quay is outside of the boundary of the Maritime Greenwich UNESCO World Heritage Site and its buffer zone but within the wider setting.
- 4.11. South Quay DLR station is approximately 250 m. to the west on Marsh Wall. Bus stops are located along Marsh Wall and Limeharbour with bus routes D3, D6, D7 and D8 running towards Bethnal Green, Stratford, Pembury Road, Mile End Station, Crossharbour ASDA and Poplar. The site has a TfL Public Transport Accessibility Level PTAL4 'Good'.
- 4.12. The nearest section of the TfL road network is the A1203 Aspen Way 900 m. to the north. Marsh Wall and other streets in the locality are borough roads. The site lies within a Controlled Parking Zone and both Marsh Wall and Limeharbour have double yellow line (at any time) parking restrictions.
- 4.13. The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is located to the east of the site on Preston's Road providing 26 docking points.
- 4.14. The site 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).
- 4.15. The site, as with the whole borough, is within an Air Quality Management Area.
- 4.16. The site is within the London City Airport Safeguarding Zone, the Crossrail Safeguarding Area and Crossrail SPG Charging Zone.

- 4.17. The site lies within the GLA's Isle of Dogs & South Poplar Opportunity Area, the South Quay Masterplan Area and the Isle of Dogs Neighbourhood Planning Area.

5 PROPOSAL

- 5.1 Application is made for full planning permission for the redevelopment of 225 Marsh Wall to provide a 56-storey building comprising:
- 414 residential units,
 - 663 sq. m. of offices (Use Class B1),
 - 448 sq. m. of flexible office/ community floorspace (Use Classes B1/D1),
 - 307 sq. m. of flexible retail, office and community floorspace (Use Classes A1 & A3/B1/D1).
- 5.2 The proposed ground floor layout comprises a podium at ground and first floors with a residential tower above rising to 186.5 m. AOD.
- 5.3 The applicant says the office floorspace would be tailored to suit SMEs, whilst the community floorspace could potentially provide a nursery. All non-residential floorspace would be located at ground, mezzanine and first floors with access to the basement provided at the rear off Meridian Place.
- 5.4 The development includes approximately 0.1 ha of publically accessible open space. Whilst this includes a small amenity area at the western end of the site adjoining the residential entrance, it would mostly comprise shared surface private vehicular access roads and footways. It is proposed to link the public garden within the Meriden Gate development to the public realm at 225 Marsh Wall.
- 5.5 Two resident amenity floors are proposed at Levels 2 and 36, comprising a lounge, community function room, screening room, gym, games area, homework area and residents viewing galleries. Two terraces to serve the market residential units are proposed at Level 47 (communal) and Level 51 (private).
- 5.6 The proposal includes a basement containing ancillary space for refuse and plant, 16 car parking spaces (including 4 blue badge spaces) and cycle parking. There would be a total of 824 resident cycle parking spaces and 32 non-residential cycle parking spaces. Additionally, 24 visitor spaces are proposed at grade. The scheme also includes a management office, a service road and associated highway works.
- 5.7 The residential tenure mix would be 326 market and 88 affordable units comprising 36 intermediate and 52 affordable rented. A detailed breakdown of the proposed tenure split is provided in '*Material Planning Considerations*' below. The affordable housing offer is 88 units comprising 236 habitable rooms (23.6%).
- 5.8 Separate entrances for the private residential units and the intermediate and social/affordable rent units are proposed. Separate entrances on the south, east and west sides of the tower would provide access to the commercial and community floor space at ground, mezzanine and first floor level.
- 5.9 The scheme has evolved following consideration of the application by the GLA at Stage 1 with revised plans submitted amending the proposal as follows:

- Revisions to the ground floor:
 - Re-designed public realm to the west of the tower;
 - Revised waiting area for the car lift;
 - Set-back to the building line to the north to create larger footway;
 - Reduced frontage to the corner retail unit;
 - Removal of drop-off point to the east; and
 - Removal of temporary wind mitigation measures to the east of the building.
- Changes to the unit mix comprising:
 - Reduction in proportion of studio units from 18% to 13.7% by combining a 1-bed unit and studio unit to create a three-bed triple aspect unit (across private tenure floors); and consequential changes to unit mix. The number of residential units reduced to 414 from 426. The intermediate units increased from 32 to 36 but with 3 bedroom units deleted. The proposed affordable rented remained at 52 units while the market housing reduced to 326 from 342 units.
- Changes to the residential layout including:
 - Consequential reduction of units per core in affected floors from 10 to 9;
 - Changes to unit entrances;
 - Inclusion of storage area for studio units; and
 - Provision of additional amenity space on Level 51.

6 MATERIAL PLANNING HISTORY

Application site

- 6.1 PA/09/01637. Erection of a building of between 11 and 43 storeys comprising 265 residential units, a 56-bedroom hotel, offices, retail and leisure uses. Refused 16th December 2010:

Reasons:

1. The scheme by virtue of height, scale and mass would have detrimental impacts upon townscape within the surrounding area as a result of the development proposed on the adjacent Skylines village site (ref. PA/10/00182). The schemes, by virtue of their cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views. The proposals would result in the 'canyonisation' of the public realm on Marsh Wall by virtue of the scale of the buildings that would encapsulate it.
2. The south-facing residential units within the lower twenty-two storeys would receive substandard level of daylight and sunlight, as a result of the development proposed under planning application PA/10/00182 at the adjacent Skylines Village.
3. The north facing, single-aspect residential units are inappropriate and would result in poor quality amenity, leading to an over reliance on artificial lighting and ventilation as well as creating a sense of enclosure, detrimental to the amenity of future occupiers. This would be exacerbated should adjacent sites come forward for redevelopment and could be detrimental the optimisation of their use.
4. The development, by virtue of height, scale, mass and design fails to take into consideration the development potential of adjacent sites within the designated development site of which is forms a part. (Site ID46 within the then Interim Planning Guidance Isle of Dogs Area Action Plan.

- 6.2 PA/12/02414. In outline, redevelopment by a 47 storey building with an 11 storey podium comprising 249 residential units, 554 sq. m retail, 1,863 sq. m offices and a 155 bedroom hotel. Treated as disposed of due to insufficient information.

Nearby sites

- 1-3 South Quay Plaza. PA/14/00944. Planning permission granted 31st March 2015 for development including two mixed use buildings of 73 storey, 36 storey and 6 storeys (Part 181 m. AOD part 220 m. AOD) to provide 947 residential units, offices and Class A Uses A1-A4
- 6.3 Meridian Gate PA/14/01428. Planning permission granted 6th March 2015 for redevelopment by a building of 54 storeys comprising of 423 residential apartments and 425 sq. m. offices and 105 sq. m. retail/café.
- 6.4 Skylines Village. PA/11/03617. 16th April 2013 planning permission refused for a 50 storey residential led redevelopment due to overdevelopment and loss of business floorspace.
- 6.5 Dollar Bay. PA/11/01945. 23rd March 2012, planning permission granted for redevelopment by a 31 storey building (114.505 m. AOD), to provide 121 residential units & 105 sq. m. of ground floor Class A1/A3 uses.

7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS

- 7.1 In determining the application the Council has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Development Plan

- 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 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 national housing standards and car parking policy.
- 7.4 The following principle national, regional and local development plan policies are relevant to the application:
- 7.5 National Planning Policy Framework (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

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard 2015

7.6 The London Plan 2015 (with Minor amendments March 2016)

- 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
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 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
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.7 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
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

Managing Development Document 2013 (MDD)

- 7.8
- DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - DM2 Local shops
 - DM3 Delivery 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
 - DM16 Office locations
 - DM20 Supporting a Sustainable transport network
 - DM21 Sustainable transportation of freight
 - DM22 Parking
 - DM23 Streets and the public realm

DM24 Place sensitive design
DM25 Amenity
DM26 Building heights
DM27 Heritage and the historic environments
DM28 World heritage sites
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

Supplementary Planning Documents

7.9 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:

Housing May 2016

Accessible London: Achieving an Inclusive Environment 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;

River Action Plan 2013

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 March 2012

The Mayor's Energy Strategy 2010;

The Mayor's Transport Strategy 2010;

The Mayor's Economic Strategy 2010.

7.10 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 2015, public consultation will be in 2016 with adoption anticipated in 2018.

7.11 Tower Hamlets

The South Quay Masterplan 2015

Draft Planning Obligations SPD – April 2015

Historic England Guidance Notes

Historic England / Design Council Updated Guidance on Tall Buildings 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

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 in January & February 2016 following the receipt of amended plans. 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

Greater London Authority (including TfL)

8.2 The Mayor considered the application at Stage 1 on 27th October 2015. The Council was informed that whilst the principle of the proposal is strongly supported, the following matters of strategic concern conflicted with the London Plan unless resolved.

- **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. It is also not possible to determine whether the density of the proposal can be successfully mitigated, and whether the application accords with London Plan policies 3.4 and 3.8.*
- **Urban design:** *The application does not accord with London Plan policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6 and 7.7, and significant concern is raised with regards to residential quality, public realm and ground-floor layout, and wind mitigation.*
- **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 Barkentine heat network and the site-wide heat network, and renewables 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:** *In accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10 a financial contribution towards improving bus capacity and London's cycle hire scheme is required; all car parking should be allocated for blue badge use, and the applicant should address concerns regarding cycle parking allocation for private residential units. Finally, section 278 works will be required in the vicinity to support the development.*

8.3 Informally, in response to revised plans the GLA case officer advised:

- *The ground-floor layout is significantly improved, as is the public realm design. The wind summary demonstrates that the public realm can provide successful and meaningful amenity space, without being adversely impacted on by either wind, or cumbersome and/or dominant wind mitigation measures.*
- *Welcome the positive amendments made with regards to residential quality. Overall, 55% of the floors now have eight or less than eight units per core, 39% have nine, and crucially, only 6% have ten.*
- *Innovative and high-quality response to cycle storage, and the commitment to providing at least 2.6 metres clear floor-to-ceiling heights. The amendments to individual unit entrances are also a positive step. The considerable reduction in*

studio provision is welcomed, and assists in addressing concerns regarding overall units per core and north-facing units; their over-sized nature is a further important element to their quality, as is the approach to storage, particularly for the southern facing unit. Whilst still remaining at the very top of end of what can be considered acceptable, the reduced quantum proposed (56 in total, representing 13.65%), needs to be appropriately assessed in the context of their overall quality and their impact on other elements of residential quality. In that context, and given the overall package of improvements set out, considers the proposal responds well to London Plan policies relating to residential quality, and therefore the proportion of studios is acceptable in this instance. However, any further amendment to either housing mix or units per core that worsens this position will not be supported.

- *On balance, and given the range of amendments proposed, satisfied that matters relating to ground-floor layout, residential quality and housing mix (as it relates to studio provision) as set out in the Mayor's Stage 1 report have been addressed. Keen to ensure that a similar positive response is also provided with regards to the remaining Stage 1 issues, including the need to secure the maximum reasonable amount of affordable housing, flood risk, climate change, and transport.*
- *The applicant should open discussion with TfL to safeguard land for a 36 docking-point cycle hire station. Car Parking should be provided at 100% Blue Badge allocation in line with the London Housing SPG. CIL funds should be allocated towards improved links across South Dock.*

Metropolitan Police Crime Prevention Officer

8.4 No representations received.

Canal and Rivers Trust

8.5 No objections in principle but comments:

Overshadowing: The daylight and sunlight report within the Environmental Statement considers the potential overshadowing of the dock space, but concludes that the impact would be limited due to the 'slender' design of the building. Request that the applicant consider this impact on the dock's ecology, and make appropriate mitigation, such as offsite ecology enhancements.

8.6 Requests a £5,000 contribution towards improvements to the water space and waterside areas. This could include upgrading of the dockside signage within the South Quay Master Plan area. Officer comment: Such a financial contribution would fall within the Council's Community Infrastructure Levy.

Environment Agency

8.7 The development will result in a 'more vulnerable' use within Flood Zone 3. The site is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The most recent study shows that the site is unlikely to flood during a breach event. The development is at a low risk of flooding.

8.8 The use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere.

LFEPA

8.9 No representations received.

Thames Water Plc

8.10 Waste discharge: The existing waste water infrastructure is unable to accommodate the needs of the development. Should the development be permitted, a 'Grampian' condition is recommended to require the approval of a drainage strategy detailing any on and/or off site drainage works before development commences.

8.11 Surface water drainage: The developer should make proper provision for drainage to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Discharge to a public sewer will require prior approval from Thames Water.

8.12 Water supply: The existing infrastructure has insufficient capacity to meet the demands of the development. Recommends that any planning permission be conditioned to require, before development commences, the approval of an impact study of the existing water supply infrastructure to determine the magnitude of any new additional capacity required and a suitable connection point.

8.13 Also requests:

- A condition to prevent impact piling until a piling method statement has been approved.
- An informative regarding the need for a Groundwater Risk Management Permit to discharge groundwater into a public sewer.
- Informative regarding the need for a Trade Effluent Consent.

London City Airport

8.14 No safeguarding objection but requests a condition that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

National Air Traffic Services

8.15 No conflict with safeguarding criteria.

Natural England

8.16 No comments.

Historic England

8.17 No comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's conservation advice.

Historic England Archaeology

8.18 No representations received.

Port of London Authority

- 8.19 No objection in principle but comments that little consideration has been given to the promotion of river based transport particularly use of the River Bus. Any permission should be conditioned to require:
- 1) Provision of targets for river bus use,
 - 2) Measures to encourage river bus use,
 - 3) Timetable for River Bus stop.
- 8.20 Disappointed that the Transport Assessment does not consider the potential the river could play in the transport of construction materials and waste.
- 8.21 Officer comment. Whilst the Mayor of London's River Action Plan 2013 refers to a potential new pier at Wood Wharf, the existing Canary Wharf Pier is approximately 1.5 km to the north-west of the application site on the River and it is not clear that the site could be readily served by the Thames Clipper Service. It may be possible to use the water for the transport of building materials and this could be investigated and reserved by condition were planning permission granted.

Internal consultation

Conservation and Design Advisory Panel

- 8.22 The Council's Conservation and Design Advisory Panel considered the amended scheme on 14th March 2016 advising:
- The proposed 10 units per core exceed the 8 units per core recommended in London Housing Design Guide. Officer comment: 55% of the floors have eight or less than eight units per core, 39% have nine and 6% have ten.
 - The scheme relies on the neighbouring Meridian Gate scheme for play space and amenity space. More clarity is required on the level of provision within the scheme for play space, private amenity space and communal amenity space.
 - The scheme lacks transition in height from the South Quay Plaza development to the west and the Dollar Bay scheme to the east and fails to respond to the difference in scale of buildings within the local area.
 - The linear footprint along Marsh Wall is a concern in townscape views due to the proposed scale and bulk that would be very dominant in the views from the surrounding area.
 - Whilst bulk is a bigger concern than height, the proposed tower is not elegant compared to the recently consented schemes in the area.
 - Views from the dock are particularly important but do not appear to have informed design considerations about bulk and massing.
 - The northern elevation with the proposed vertical treatment would receive very little sunlight and potentially create a very long, dark, shadowy bulk in views from the dock.
 - The architecture has not been fully thought through. Unconvinced the proposal would deliver a high quality scheme. The vertical language of the architecture appears very rigid and the relationship between the podium and the tower unresolved.
 - The material palette lacks detail and does not show commitment to high quality. Material samples and design details should be secured within the application.
 - Unconvinced that the public benefits justify such a tall and bulky proposal.

- The setbacks in the floor plans to create dual aspect units would result in significant impacts on privacy and overlooking for adjacent residential units.
- Concerned about the level of private amenity space provided for larger family units in such a high density scheme.
- The street proposed to the west of the site should be a shared surface linking with the open space in Meridian Gate to form one integrated public realm secured by a legal agreement.

Biodiversity officer

- 8.23 The application site consists largely of existing buildings, which do not offer potential roost sites for bats. Several non-native mature trees would be lost, a small adverse impact on biodiversity.
- 8.24 MDD Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include small areas of soft landscaping, at ground level and on roof terraces but little information on the sort of planting. The Design & Access Statement suggests evergreen shrubs likely to be of limited biodiversity value. It is not clear whether there is an opportunity for bio-diverse green roofs on parts of the roof without access to residents. There is nothing in the proposals which would obviously contribute to objectives and targets in the LBAP, as required by Policy DM11, and it is far from clear that the proposals would lead to an overall benefit for biodiversity.
- 8.25 If permission is granted, recommends conditions requiring:
- Details of bio-diverse roofs
 - Landscaping details
 - Details of bat boxes and nest boxes for appropriate bird species.

Environmental Health

- 8.26 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.
- 8.27 Air quality: The Air Quality Assessment shows that there will not be any significant impacts on air quality & the proposed development meets the Air Quality Neutral requirements and the site is suitable for residential use. The boilers and CHP plant must comply with the emissions standards set out in the GLA's '*Sustainable Design and Construction SPG*'. The demolition and construction assessment finds a medium risk for dust emissions therefore mitigation measures along with details of dust monitoring should be incorporated in a Construction Environmental Management Plan to be submitted prior to commencement of the development. The GLA's Non Road Mobile Machinery Low Emission Zone policy came into force on the 1st September 2015, all major construction sites in Greater London must now comply with this policy.

Noise and Vibration: These matters have been fully considered within the Environmental Statement and conditions are recommended to ensure noise and vibration is appropriately controlled during construction and also during the operation of any noise generating commercial uses.

Energy Efficiency and Sustainability

- 8.28 The submitted Energy Strategy broadly follows the principles of the Mayor's energy hierarchy. The CO₂ emission would be a 23% reduction against the Building

Regulations 2013. The applicant has omitted the integration of renewable energy technologies due to space constraints and limited scope for renewable energy generations.

- 8.29 The scheme is significantly below MDD Policy DM29's target of 45% CO2 reduction. The applicant has examined the potential for connection to the Barkantine district heating company. Barkantine is currently undertaking an expansion strategy and a challenge is the timing between the delivery of the new network and the completion of new developments. Given the uncertainty of timeframes for the district heat network expansion and the 225 Marsh Wall development it would be appropriate to re-evaluate the connection potential post any planning permission. If that is not possible, a carbon offsetting contribution would be appropriate, in this case £199,800.
- 8.30 MDD Policy DM 29 also requires sustainable design assessment tools to be used to ensure development maximise climate change mitigation measures. The submitted BREEAM pre-assessment shows the scheme is designed to achieve a BREEAM 'Excellent' and would be policy compliant.
- 8.31 Recommends that any planning permission is subject to conditions and a section 106 agreement to secure:
- An updated district heating feasibility study to demonstrate possible connection to Barkantine District heating System and an Updated Energy Strategy.
 - If necessary a carbon offsetting contribution secured through a section 106 contribution £199,800.
 - Delivery of BREEAM 'Excellent'.

Housing Development & Private Sector Team

- 8.32 The revised scheme would deliver 24% affordable housing by habitable rooms beneath the 35% minimum policy requirement. This should be independently reviewed to ensure affordable housing is maximised.
- 8.33 The breakdown by tenure type of the affordable rented units is:
- 40% of one bed units against policy target of 30%,
 - 23% of two bed units against policy target of 25%,
 - 37% family sized homes against a policy target of 45%.
- 8.34 The developer should address the imbalance of family units to be closer to policy compliance.
- 8.35 The breakdown of intermediate units is:
- 17% studio units,
 - 39% one bed units against policy requirement of 25%,
 - 44% of two bed units against policy requirement of 50%.
- 8.36 The Council does not have a policy requirement for intermediate studio units. The one and two bed units need to be more aligned to policy. The studio units appear not benefit from the provision of private amenity space.
- 8.37 All the affordable rented wheelchair units should meet with the new Building Regulations and be designed as fully accessible.

- 8.38 On-site car parking for the wheelchair units within the affordable rented element should be secured by a planning condition.
- 8.39 Internal amenity space for the affordable element would be on the 3rd floor. There should be a management agreement within a section 106 agreement or a planning condition to ensure that this area provides a permanent management strategy for future use by residents of the affordable housing. The cost associated to this area should be within the service charges included within the affordable rent payment charged.
- 8.40 The affordable rents for these units will be at Borough framework rental levels for this postcode which will be inclusive of service charges. The viability consultants should test the scheme to see if any of the larger family rented units can be delivered at social target rent.
- 8.41 Separate kitchens within the larger family rented units could be provided by inserting an internal wall to subdivide the kitchen and living room area.
- 8.42 All units should meet with the Mayor's residential space standards.

Transport and Highways

- 8.43 The site has 'Good' accessibility to public transport PTAL 4. The proposed density is more suited to an area rated 'Excellent'. Given the availability of local services in the Isle of Dogs only accessible parking should be provided. The proposal, involves 16 parking spaces with only two designated for blue badge holders. This is the minimum required under LBTH policy but is not considered adequate for a development of this size. Officer comment: The amended scheme proposes four parking spaces for disabled motorists.
- 8.44 Access to the car park would be by a single lift and the plans supplied show no waiting area for vehicles. This would result in vehicles waiting on the highway to access the car park and is not supported in terms of the operation of the highway, even though this road is privately owned. Officer comment: Revised plans have been submitted.
- 8.45 Access to the accessible spaces from the car park does not appear straightforward, particularly for the affordable units. Expects the affordable units to have equal access to the accessible parking spaces.
- 8.46 The Transport Assessment says that the use of car clubs could be investigated. It is recommended that all non-blue badge car parking spaces are removed and car clubs spaces provided on Meridian Way as an alternative.
- 8.47 Cycle parking would exceed London Plan standards with affordable residential and other uses situated at mezzanine level, accessed via stairs and a lift with the private residential situated on each individual floor. This is supported but may lead to overcrowding in the lifts. It is proposed to use stacking stands but LBTH recommends 'Sheffield' stands. Whilst these are more accessible and secure, it is acknowledged they require more room. Expect a mixture of stands to allow for choice and to cater for adapted or recumbent cycles.
- 8.48 A vehicle drop off point is not supported as it would encourage vehicle use.
- 8.49 A dedicated servicing bay for two vehicles is proposed and welcomed although trip generation estimated in the transport assessment seem very low and home food deliveries needs to be considered. The owners of Pan Peninsula recently reported

'hundreds' of such deliveries per day. More accurate servicing levels should be provided in a Service Management Plan, which should be a condition of any planning permission together with a Travel Plan and a Demolition and Construction Management Plan.

- 8.50 Recommends a section 106 financial contribution towards the proposed additional pedestrian / cycle footbridge over South Dock. Pedestrian connectivity across Marsh Wall also requires improvements with the increase of residential population in the area and we would seek a financial contribution of £200,000 towards improvements in the pedestrian and cycle infrastructure (Officer comment: "*Roads and other transport facilities*" are funded by CIL). A section 278 agreement would be necessary to fund highway works adjacent to the site.

Employment/Enterprise

- 8.51 Existing jobs: 40% of the building is let short term but no details of the occupiers or the impact the proposal could have on their business. Whilst there would be a significant reduction in employment floorspace, it is not protected within MDD Site Allocation 20.
- 8.52 New jobs and suitable space for SMEs: There would be 675 sq. m. of space for SMEs broken into small units. In line with MDD Policy DM15 suitable space should be less than 250 sq. m. or 100 sq. m.
- 8.53 Proposed employment/enterprise contributions at construction phase: The developer should use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Economic Development will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.54 To ensure local businesses benefit from the development, 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development 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.
- 8.55 Recommends that arrangements that Planning obligations 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 construction (£182,136) including the provision of 28 apprenticeships, and employment/enterprise contributions at end-use phase (£36,740). No end-user apprenticeships required.

Communities, Localities & Culture - Strategy

- 8.56 No comments received.

Education Development

- 8.57 No comments received.

Waste Management

- 8.58 No objection in principle. Recommends that the developer should submit a revised table of storage containers to meet Waste Management's draft capacity guidelines and a revised Service Management Plan to address the means bulky and commercial waste.

Sustainable Drainage Officer

- 8.59 The Flood Risk Assessment and Outline Drainage Management Plan are in principle accepted. However, a detailed Drainage Management Plan should be conditioned confirming the location of the attenuation tanks and permeable paving.

9 LOCAL REPRESENTATION

Community involvement by the applicant

- 9.1 The Localism Act 2011 requires developers of “*large scale major applications*” to consult local communities before submitting planning applications.
- 9.2 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 who were given a chance to ask questions and give feedback.
- 9.3 An advertisement announcing a public exhibition was placed in East End Life and an information leaflet was distributed to approximately 4,000 homes and businesses in the local area. The Isle of Dogs Neighbourhood Planning Forum published details of the exhibition on their website, five ward councillors were notified and the following community groups invited.
- Alpha Grove Community Centre
 - Docklands Outreach
 - Island History Trust
 - Island Neighbourhood Project
 - East End Community Foundation
 - St. John’s Bengali Welfare Organisation
 - Isle of Dogs Neighbourhood Planning Forum
 - Meridian Place Management
 - St. John’s Tenants and Residents Association
- 9.4 A public exhibition was held at 223 Marsh Wall on 18th June 2015. 23 people attended and 16 people provided feedback. Seven people welcomed the proposal, eight did not and one was unsure. Key issues were:
- Concerns about the size of the development
 - Concern about the affordable housing provision
 - Concern about the design of the building
 - Support for the provision of retail space
 - Concern about the impact on traffic
- 9.5 The applicant says the submission of the planning application does not mark the end of this consultation will continue to meet with local groups and individuals as appropriate throughout this process.

Representations following statutory publicity

- 9.6 The application has been publicised by the Council by site notices and advertisement in East End Life. 844 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.

Representations received			1
Objecting:	1	Supporting	0
No of petitions received:			0

- 9.7 The objector considers a 55-storey building would cause neighbouring houses and flats to lose significant level of sun light and view to the dock. Worried that if this continues later new buildings in the surrounding area will also propose these extreme heights.

10 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development & land use
- Residential use and affordable housing
- Density and amount of development
- Housing quality and standards
- Urban design
- Open space
- Impact on surroundings
- Privacy
- Micro climate
- Highways and Transport
- Energy and Sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood Risk and sustainable urban drainage
- Radio and television reception
- Airport safeguarding
- Biodiversity
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

Principle of development & land use

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. 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, particularly for new housing. Local authorities are expected boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.

The London Plan 2015

- 10.3 The London Plan identifies ‘*Opportunity Areas*’ which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be maximised.
- 10.4 The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 shows the site also lying within an Area of Regeneration. London Plan Policy 2.13 sets out the Mayor’s policy on opportunity areas and paragraph 2.58 says 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 Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 10.5 Policy 3.7 encourages ‘*Large residential developments*’ and complimentary uses in areas of high public transport accessibility.

The Tower Hamlets Local Plan

Adopted Policies Map

- 10.6 The Adopted Policies Map, reproduced on page 151 of the MDD 2013 ‘*Place of Cubitt Town*,’ shows 225 Marsh Wall annotated:
- Within a Site Allocation
 - Within a Flood Risk Area
 - Within an Activity Area

Tower Hamlets Core Strategy 2010 (CS)

- 10.7 The Key Diagram page 27 also identifies 225 Marsh Wall lying within a Tower Hamlets Activity Area. Core Strategy paragraph 3.3 explains that the Activity Area is a specific area bordering the Canary Wharf Town Centre where the scale, continuity and intensity of town centre activity and land use is different to the rest of the borough. It should provide a transitional area achieved through a vibrant mix of uses that are economically competitive based on the principles defined in the Town Centre Spatial Strategy 2009.
- 10.8 Other Core Strategy allocations applicable to 225 Marsh Wall are:
- Fig. 24 page 44 ‘*Urban living for everyone*’ identifies Cubitt Town for Very High Growth (3,501+ residential units) to year 2025.
 - Figure 28 ‘*Spatial distribution of housing from town centre to out of centre*’ shows densities decreasing away from the town centre and dwelling sizes increasing.
- 10.9 Core Strategy Annex 7 and Annex 9 concern ‘*Delivering Placemaking*.’ Fig. 39 ‘*Strategic visions for places*’ says Cubitt Town will be a residential waterside place set around a thriving mixed use town centre at Crossharbour. Figure 66 ‘*Cubitt Town vision diagram*’ adds:

“Cubitt Town will continue to be a residential area experiencing some housing growth in the north. This growth will be supported by a revitalised and expanded

Crossharbour town centre, which will see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area. To the south, Manchester Road town centre will be extended to enable its retail offer to grow and to ensure it is better integrated with Island Gardens DLR Station, and Mudchute and Millwall Park.

The residential communities along the River Thames and at the heart of Cubitt Town will be brought together through activity and interaction at the Crossharbour and Manchester Road town centres, Mudchute and Millwall Park and the River Thames.”

- 10.10 The Core Strategy Housing Investment and Delivery Programme page.146–147 identifies Cubitt Town for Very High Growth delivering 4,190 new homes between 2015 & 2025.

Tower Hamlets Managing Development Document 2013 (MDD)

- 10.11 MDD Chapter 3 provides Site Allocations. Figure 12 page 86 and Figure 47 page 154 identify Marsh Wall East as Site Allocation 20:

“A comprehensive high density mixed use development opportunity to provide a strategic housing development and a district heating facility (where possible). The development should also include commercial floorspace for Small to Medium Enterprises, open space and other compatible uses in a new urban quarter.

Development should recognise the latest supplementary guidance for Marsh Wall East.”

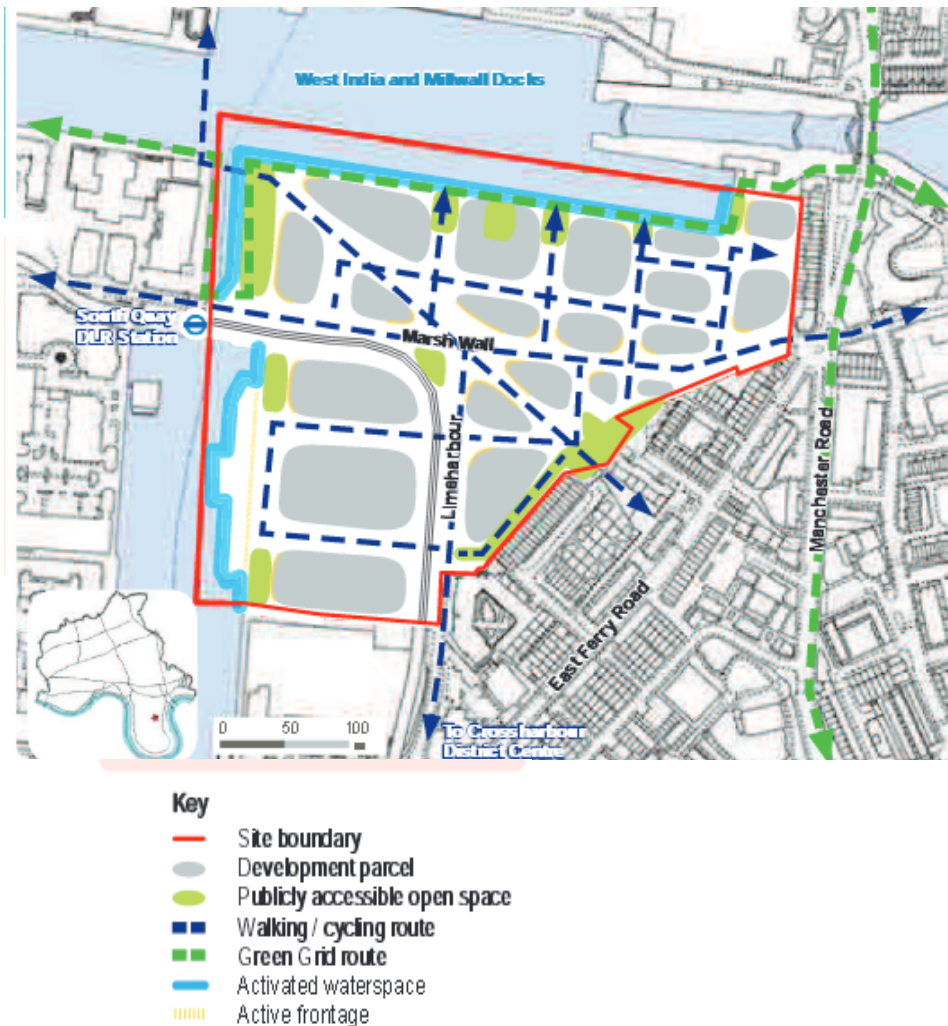


Figure 3. MDD Site Allocation 20

10.12 Site Allocation 20 also sets out design principles for the site which are considered under the ‘Urban Design’ section of this report.

10.13 The latest SPG for Marsh Wall is the South Quay Masterplan October 2015 that adopts the land use principles of the MDD and supports housing development alongside the provision of open space, commercial space and other compatible uses.

Loss of business floorspace

10.14 The proposal involves the loss of 5,288 sq. m. of B1 (Business) floorspace to be replaced by 1,418 sq. m. of flexible office / community / retail uses. For employment floorspace to be lost, MDD Policy DM15(1) normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, MDD paragraph 15.4 states:

“The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.”

- 10.15 As 225 Marsh Wall is part of the Marsh Wall East site allocation, the loss of employment space would be policy compliant. Proposing space for SME's, the proposal would again be compliant with Site Allocation 20.

Housing provision

- 10.16 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 10.17 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. 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.
- 10.18 NPPF Section 6 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.*”
- 10.19 London Plan Policy 3.3 ‘*Increasing Housing Supply*’ recognises the pressing need for new homes in London, and Table 3.1 sets a delivery target for the borough of 39,314 new homes over a ten year period and 3,931 new homes per year. These should be exceeded if possible.
- 10.20 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Core Strategy identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development at 225 Marsh Wall would contribute toward the borough’s and London’s housing delivery and is supported in strategic planning terms.

Non-residential floorspace

- 10.21 The provision of a small-scale mix of uses as part of high-density housing-led development within Opportunity Areas can help to meet the needs of local residents, and also assist in activating the ground-floor. The proposed active uses at ground floor also accord with the objectives of the MDD Policy DM1 regarding Tower Hamlets Activity Areas and Site Allocation 20.
- 10.22 The principle of a residential led mixed use development is consistent with national policy and the development plan and supported in principle.

Residential use and affordable housing

- 10.23 NPPF Section 6 concerns ‘*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%.
- 10.24 London Plan Policy 3.8 ‘*Housing choice*’ requires borough’s local plans to address the provision of affordable housing as a strategic priority, and for new developments to offer

- a range of housing choices, in terms of the mix of housing sizes and types. 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.
- 10.25 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.
- 10.26 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.
- 10.27 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).
- 10.28 The planning application was accompanied by a Financial Viability Assessment (FVA) by DS2 LLP wherein the applicant made an offer to provide 24.5% affordable housing measured by habitable rooms. This is despite the FVA claiming that the offer is currently over and above the maximum reasonable amount that can be supported by the development. DS2 says: *"the Applicant is willing to take a risk that the viability of the scheme will improve over the life of the development..."*
- 10.29 The scheme was amended following the GLA's Stage 1 Report reducing the number of units per core. This has impacted on the number of units and tenure mix. The number of units overall dropped to 414 from 426. The intermediate units changed from 32 to 36, the affordable rented remains at 52 units while the market housing has reduced to 326 from 342 units. This means the AH offer increased from 84 units to 88 units but with a reduction of 4 habitable rooms from 240 (24.5%) to 236 (23.6%). DS2 LLP has submitted an Addendum to FVA.
- 4.18. The affordable housing offer of 23.7% is a shortfall of some 11% against the Local Plan target. The Financial Viability Assessment and Addendum received following the submission of revised plans is currently being reviewed for the Council by BNP Paribas. The outcome of the review will be provided to the Committee in an Update Report.

Residential tenure mix

- 10.30 London Plan policy 3.8 *'Housing Choice'* requires the boroughs 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. Standard 7 of the Mayor's Housing SPG says that development proposals should

demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location.

10.31 Tower Hamlets Core Strategy Policy SP02 'Urban living for everyone' requires:

- A tenure split for new affordable homes 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.

10.32 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

10.33 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	60	0	0%	0%	6	17%	0%	54	16%	0%
1 bed	161	21	40%	30%	14	39%	25.0%	126	39%	50%
2 bed	154	12	23%	25%	16	44%	50.0%	126	39%	30%
3 bed	39	19	37%	30%	0	0%	25%	20	6%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	414	52	100%	100%	36	100%	100%	326	100%	100%

10.34 59% of the affordable housing would be social rent and 41% intermediate that broadly accords with London Plan Policy 3.11 which supersedes Core Strategy Policy SP02.

10.35 The dwelling mix within the affordable rented units fails to meet Core Strategy targets with an over-provision of 1 bed units and an under-provision of family sized homes (3 bed+):

- 40% 1 bed units - policy target 30%,
- 23% 2 bed units - policy target 25%,
- 37% family sized (3 bed +) - policy target 45%.

10.36 There is no policy requirement for intermediate studio units. In the intermediate sector, the proposals also fail to meet Core Strategy targets with an overemphasis on 1 bed units and under provision of 2 bedroom units:

- 17% studio units - no policy requirement
- 39% 1 bed units - policy target 25%,

- 44% 2 bed units against policy requirement of 50%.

10.37 In the market housing, the proposal is again inconsistent with the Core Strategy. Whilst there is no requirement for studio units, there is no prohibition. If the studios are considered with the 1 bed units there would be small overprovision (5%), there would be an overprovision of 2 bed units and under provision of family accommodation for which the applicant claims there is little market demand.

- 55% studios and 1 bedroom units – policy target for 1 beds 50%
- 39% 2 bed units – policy target 30%
- 6% family sized (3 bed +) - policy target 20%.

Inclusive design

10.38 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.

10.39 The applicant has confirmed that 10% of units by habitable room are designed to be wheelchair accessible/easily adaptable. All the residential units would be built to Lifetime Home Standards.

Density & amount development

10.40 The submitted site plan (Figure 1 above) includes part of the public highway on Marsh Wall and part of Lord Amory Way that was included within the Meridian Gate site. The red line area below, comprising 0.27 ha. is a more accurate area for the purpose of density calculation.

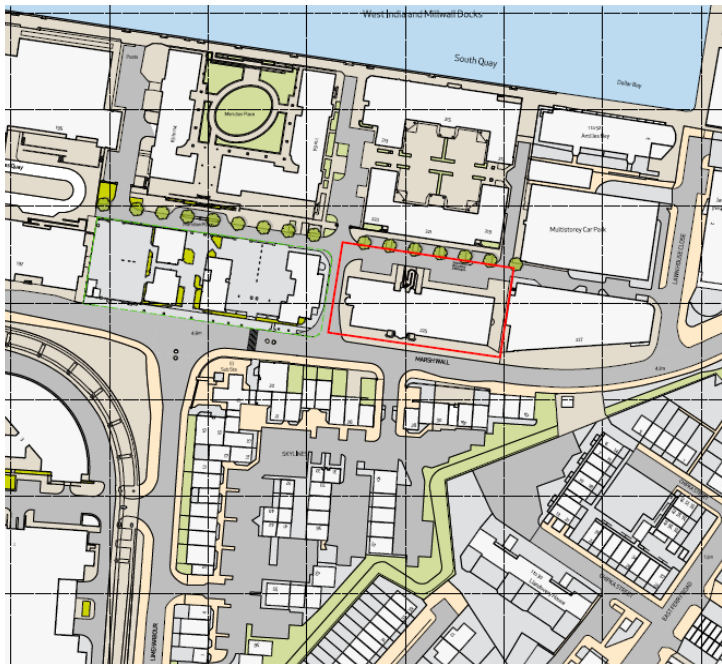


Figure 4. Site area for density calculation

10.41 Calculated using the GLA Housing SPG methodology (para 1.3.70) the resultant density is:

Residential GIA: 44,007 sq. m. (97%)
Non-residential GIA: 1,418 sq. m. (3%)
Total GIA: 45,425 sq. m.
No. of habitable rooms: 1,000
97% of site area is 0.26 ha.

Residential density = 3,846 habitable rooms / hectare

- 10.42 London Plan Policy 3.4 '*Optimising housing potential*' and Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' require development to '*optimise*' housing output taking account of public transport accessibility, local context and character and the design principles in London Plan Chapter 7. London Plan 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 '*Central*' areas with PTAL4, Table 3.2 provides an indicative density range of 650-1,100 habitable rooms per hectare (hrph). Development proposals which compromise this policy should be resisted.
- 10.43 Policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential. Generally, development should maximise housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.44 Guidance on the implementation of Policy 3.4 is provided by the Mayor's '*Housing*' SPG May 2016. The SPG advises that the density ranges should be considered as a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the justified, exceptional circumstances where the density ranges may be exceeded. SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 10.45 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*

- *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
- *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*

10.46 As detailed in this report, the application raises a number of concerns regarding residential quality, dwelling mix, amenity space and impact on the surroundings including sunlight / daylight including the development potential of adjoining sites. These concerns indicate that the proposal would not optimise the development potential of the site rather it would result in overdevelopment that would be inconsistent with strategic policy.

Housing quality and standards

10.47 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.

10.48 Guidance on these issues is provided by the Mayor's *'Housing'* SPG 2016 that sets standards on the minimum level of quality and design that new homes should meet. Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards will require clear and robust justification.

10.49 Core Strategy policies SP02(6) *'Urban living for everyone'* supports the London Plan requiring all housing to be high quality, well-designed and sustainable.

10.50 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 SPG 2012.

10.51 MDD Policy DM25 *'Amenity'* seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.

10.52 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 (Standard 24) reflect the national guidance.

10.53 SPG Standard 26 requires a minimum of 5 sq. m. of private outdoor space for 1-2 person dwellings and an extra 1 sq. m. for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of 1.5 m.

Internal space standards

10.54 With the exception of the studios, all units achieve or exceed minimum internal spaces standards including room sizes. Private amenity space standards would also be

achieved for all units with individual terraces or winter gardens. There are two variations of the studios (Unit Type 5 and Unit Type 6). Type 5 is 43 sq. m. & Type 6 is 44 sq. m both with an additional dedicated bike storage area of 3 sq. m. No amenity space is proposed for the studios. The applicant says the proposals involve the provision of private amenity space '*internalised*' within the studio units by shifting the thermal barrier to the outside wall of what would be the winter garden in larger units.

10.55 The Mayor's '*Housing*' 2016 SPG states (para. 2.3.32):

*"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.*

10.56 The applicant argues that such arrangements were accepted at Meridian Gate however it is not considered that 225 Marsh Wall has constraints that make it impossible to provide open space for the proposed dwellings. There are no obvious '*exceptional circumstances*' and the absence of private amenity space for the studios conflicts with the SPG.

Units per core

10.57 SPG Standard 12 says that each core should be accessible to generally no more than eight units per floor. The revised plans have reduced the number of units per core in floors in breach of this standard (Levels 13 to 35) from ten units to nine. However the cores are divided into two distinct areas and, on balance, arrangements are considered satisfactory.

Single aspect dwellings

10.58 SPG Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided. All units would be at least dual aspect, 20% would be triple aspect and therefore compliant with this standard.

Ceiling heights

10.59 All units have a minimum floor to ceiling height of 2.6 m. in principal rooms exceeding the 2.5 m. requirement of Design Standard 31.

Sunlight and daylight within the proposed residential accommodation

10.60 The application ES Appendix 14.3 provides an Internal Daylight and Sunlight Assessment by Gordon Ingrams Associates (GIA) that has been analysed by the Building Research Establishment (BRE) for the Council. GIA provides calculated values for the "*lowest occurrence of each residential floor plan*". Rooms on the second, third, ninth and thirteenth floors are analysed.

10.61 The BRE *Handbook 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'* provides guidance on daylight and sunlight matters but is not mandatory. The BRE provides advice on room depth and the no sky line within rooms. The BRE adopt British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for new residential dwellings:

>2% for kitchens;

>1.5% for living rooms; and
>1% for bedrooms

- 10.62 The BRE advises that according to GIA, all single aspect rooms would meet room depth criteria. Of the 80 rooms analysed below the thirteenth floor, 74 would meet the BRE no sky line criteria with six failures. All rooms on the thirteenth floor would meet the no sky line criteria, and therefore it is expected that rooms on floors above would also meet the criteria.
- 10.63 Of the 80 rooms analysed, 66 would meet the ADF recommendations and are comfortably above the minimum target. The 14 rooms in the results which would be below the recommendations are single aspect bedrooms which look out to the “winter garden” space. The spaces do provide an extra amenity area for residents but restrict daylight provision to these bedrooms. All bedrooms in these positions on the floors analysed fail the ADF recommendations. Equivalent rooms on the floors between and above those analysed would also be expected to be below the recommendations.
- 10.64 SPG Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
- 10.65 The BRE Handbook recommends that where possible living rooms should be arranged to face the southern part of the sky. The submitted plans indicate that in general around 50% of living areas have main windows facing within 90° of due south. However, on the west side of the building windows face just north of due west and could still therefore receive some sunlight, later in the day.
- 10.66 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. Annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each such window. If the window 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 receive enough sunlight.
- 10.67 GIA has not provide tabulated numerical data for sunlight provision to appropriate living areas, but provides coloured plots, for the sides of the building facing within 90° of due south and a text summary. The results appear to treat a living area and associated “winter garden” as one space. For the purposes of the BRE’s review, sunlight to living areas and to the “winter garden” spaces is dealt with separately.
- 10.68 The coloured plots in Appendix 14.3 suggest that all living rooms and “winter gardens” with a window on the south facing elevation would receive over 25% annual probable sunlight hours, including more than 5% in the winter months, and therefore meet the recommendations. The west elevation faces north of due west and is therefore not included in the analysis. On the east elevation, the colour plots in Appendix 14.3 of the GIA chapter suggest that two “winter gardens” on the first and second residential levels would be below the recommendation for annual probable sunlight hours. The window to the associated living rooms on the first to third floors would also be below the annual probable sunlight hours recommendations.
- 10.69 The windows to all ‘*winter gardens*’ on the east façade of the development appear to meet the winter probable sunlight hours recommendations. Windows to the living areas on the north end of the east façade would be below the winter probable sunlight hours guidelines on the first to fourth residential floors within the affordable housing.

Summary

- 10.70 Whilst many housing quality standards would be met there are deficiencies regarding private amenity space for the studios and failures of daylight and sunlight guidance, particularly bedrooms that would be set behind winter gardens. These factors are considered to be indicators of overdevelopment.

Waste

- 10.71 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 - 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. These are to be revised in emerging revisions to the Local Plan and a Waste SPG.
- 10.72 The application includes a separate Waste Management Strategy that provides a Household Waste Strategy, a Household Amenity Space Waste Strategy and a Commercial Waste Strategy. The applicant states that a Site Waste Management Plan would be prepared prior to demolition and construction works pursuant to a condition attached to any planning permission.
- 10.73 The Council's Waste Management Policy and Procurement raises no objection in principle to the proposed arrangements but recommends that the developer should submit for approval a revised table of storage containers to meet Waste Management's Draft Capacity Guidelines to be adopted in the future Local Plan and Waste SPG and a revised Service Management Plan to address the means bulky and commercial waste.

Urban design

NPPF

- 10.74 The parts relevant to design / appearance and heritage are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment.*' The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (paragraph 59).

The London Plan

- 10.75 The London Plan addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 '*Local Character*' 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 and be informed by the surrounding historic environment. Policy 7.5 '*Public realm*' emphasise the provision of high quality public realm. Policy 7.6 '*Architecture*' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 '*Tall and large scale buildings*' provides criteria for assessing such buildings which 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;*
- l make a significant contribution to local regeneration.*

10.76 The Plan adds that tall buildings should not adversely impact on local or strategic views 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.

10.77 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. Policy 7.10 *'World Heritage Sites'* requires development not to cause adverse impacts on World Heritage Sites or their settings.

Tower Hamlets Local Plan

10.78 Core Strategy Figure 37 page 80 *'Creating distinct and durable places'* shows 225 Marsh Wall within an area where the priority is to *'protect and improve local distinctiveness, character and townscape in areas of high growth.'*

10.79 Within the Core Strategy's Vision for Cubitt Town (page 124) development principles include:

- *New development should be focussed in the north of Cubitt Town on identified development sites:*
- *Development should provide transition between the higher rise commercial area to the north and the nearby low-rise residential areas to the south and east.*

10.80 Core Strategy Policy SP10 *'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.

10.81 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 and use of high quality materials.

10.82 MDD Policy DM26 ‘*Building heights*’ and Figure 8 require building heights to accord with the town centre hierarchy. It seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. In this case, the site is within an Activity Area, the second step down in the hierarchy.

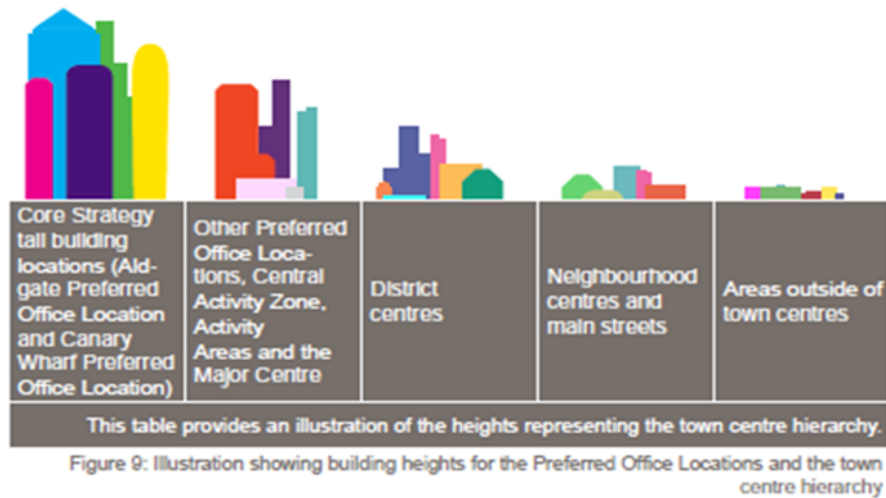


Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Figure 5. MDD Building heights and the Town Centre Hierarchy

10.83 Policy DM26 also requires tall buildings to achieve a high architectural quality contributing positively to the skyline, not adversely affect heritage assets or strategic views and present a human scale at street level. Residential buildings should include innovative, high quality usable amenity space and not adversely impact on the microclimate or biodiversity including water-bodies, TV and radio reception, civil aviation, provide positive social and economic benefits and consider public safety including evacuation routes.

10.84 MDD Policy DM27 ‘*Heritage and the Historic Environment*’ requires development to protect and enhance the borough’s heritage assets, their setting and their significance.

10.85 MDD Site Allocation 20 Marsh Wall East requires development to accord with the design principles set out in the latest SPG and should:

- *Complement the tall building cluster in Canary Wharf through appropriate taller building heights whilst respecting and being informed by the existing character, scale, height, massing, views and urban grain of its dockside location and surrounding built environment, particularly the lower rise buildings of Cubitt Town to the south-east.*
- *Be developed as a series of tall and medium scale buildings with a well-articulated built form and skyline, avoiding significant adverse environmental impacts, including overshadowing of adjacent sites either within the area or outside, particularly along the main routes of Marsh Wall East and Limeharbour.*
- *Create a legible, permeable and well-defined movement network through the site, centred on Millwall and Marsh Wall connecting to the surrounding existing street network and docksides, with a new bridge crossing to the north.*
- *Tall buildings should be fully integrated with and facilitate delivery of the new public realm and be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages.*
- *Create a series of inter-connected pocket parks and open spaces to deliver new amenity space and the Green Grid route network in the area, particularly along the waterfronts of West India and Millwall Docks. Additionally, walking and*

cycling connections should be improved to, from and be created within the site, specifically to the dock sides, north to Canary Wharf major centre and Mudchute Park. These routes should align with the existing urban grain to support permeability and legibility.

- *Protect and enhance the setting of all heritage assets in and around the area, including the historic docks and the setting of the Maritime Greenwich World Heritage Site to the south.*
- *Improve biodiversity and nature conservation along the water edges and within open spaces.*

Analysis against the Development Plan & SPG criteria for tall and large scale buildings

10.86 Officers are unconvinced that the proposed development meets the criteria of London Plan Policy 7.7 for tall and large scale buildings or advice in the 'Housing' SPG to assess schemes which exceed the ranges in the Sustainable Residential Quality Matrix:

- The site is located in an opportunity area and an activity area where tall buildings are generally directed. The proposal would be 186 m. AOD, considerably taller than the 154 m. AOD tall building (Ref. PA/09/01637) refused in 2010 due to unsatisfactory scale and mass in conjunction with development proposed at Skylines Village site (Ref. PA/10/00182). It was decided that the schemes, due to cumulative height, scale, mass and proximity, would result in a townscape which would appear incongruous in both local and long-distance views and canyonize the public realm on Marsh Wall. Whilst there is no current proposal at Skylines, and the local context has changed with permissions at South Quay Plaza, Meridian Gate and Dollar Bay. Permitted heights (AOD) for development in the surrounding area is as follows:

225 Marsh Wall proposed	186 m.
One Canada Square	245.75 m.
Pan Peninsula constructed	147 m.
South Quay Plaza permitted	Part 220 m. AOD part 181 m.
Baltimore Wharf under construction	154.8 m.
Meridian Gate under construction	187.45 m.
Dollar Bay under construction	144.5 m.
Wood Wharf permitted	Max 211.5 m.

- The height of the approved scheme at Meridian Gate was accepted because of site specific reasons, in particular because it terminates the northern vista up Limeharbour. 225 Marsh Wall, at almost the same height, does not benefit from such a location and is further away from 1 Canada Square than Meridian Gate. The statutory local plan policy requires heights to provide a transition between the Canary Wharf tall building cluster and the low rise townscape to the south and east of the Isle of Dogs. The scheme would fail to result in a suitable transition in building height stepping down from Canary Wharf via South Quay Plaza to the west and Dollar Bay to the east and also fail to respond to the difference in scale of buildings within the local area.
- The proposed linear building footprint along Marsh Wall is also a concern in townscape views due to the proposed scale and bulk. Rising 56 storeys from the back edge of pavement across much of the length of the site it is considered the proposal would not present a human scale of development at street level. The introduction of a podium in the amended plans does not provide sufficient design articulation to mitigate the impact of the scale and height of the proposed tower.

- In some of the south and north views from the surrounding area the tower would appear very bulky and dominant. The bulk is a particular concern alongside the proposed height and, taken together, the proposed tower would not be an elegant composition.
- Views from the dock are particularly important for a scheme of this scale and bulk. However, they appear to have played no role in informing the design development.
- Despite the orientation, and difference in sunlight level that would be received on the north and the south facades, both elevations are detailed the same. The northern elevation, with the proposed vertical treatment would receive little or no sunlight and would appear as a very long, dark, shadowy bulk in views from the dock.
- The architecture is considered not fully thought through and raises concern about quality. The vertical language appears very rigid and the relationship between the podium and the tower unresolved.
- Although details could be reserved, the material palette lacks detail and does not indicate commitment to high quality.
- Officers remain unconvinced about the public benefit proposed to allow such a tall and bulky proposal. The scheme also relies on neighbouring Meridian Gate to provide play and amenity space.



Figure 6. Proposed podium and ground floor landscaping



Figure 7. CGI - Meridian Gate (permitted on the left) and 225 Marsh Wall (proposal on the right)

10.87 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, including views from the Greenwich Maritime World Heritage Site and London Bridge. No designated local important local views would be affected. It is not considered that there would be any adverse effect on the setting of the Coldharbour Conservation Area.

South Quay Masterplan 2015 (SQMP)

10.88 The latest supplementary guidance for Marsh Wall East is the South Quay Masterplan 2015. The Masterplan explains that within the South Quay area, the amount, scale, height and densities of residential development being proposed is greater than envisaged in the Local Plan and the previous Millennium Quarter Masterplan. There are nearly thirty developable sites within the South Quay area subject to significant development interest. Proposals are seeking residential tall building typologies that commonly exceed the density guidance set out in the London Plan and are some of the densest developments in the UK. This presents challenges and opportunities for coordinating development proposals and managing their impacts. As such, further planning guidance was required to help steer future development in a co-ordinated and planned way. The Masterplan was adopted on 6th October 2015, supplements the

development plan and is a material consideration in determining the planning application at 225 Marsh Wall.

10.89 The Masterplan explains that when looking at the proposed densities across South Quay, planning applications will need to consider the cumulative impacts of these densities in terms of infrastructure delivery, environmental impacts, health and well-being and place-making, in line with the planning policy requirements at a national, regional and local level.

10.90 The Placemaking Principles for South Quay include:

1. *Housing design (SQ1 & SQ3). Development should deliver exemplary sustainable housing design,*
2. *Connections & public realm (SQ2). Development should frame and deliver high quality, legible and inviting movement routes, connections and public realm.*
3. *Public open spaces (SQ2). Development should contribute to the delivery of usable high quality public green open spaces with biodiversity value in coordination with neighbouring sites.*
4. *Urban structure & frontages (SQ2 & SQ3). Development should deliver a well-defined urban block pattern fronted by active frontages throughout, with a focus on non-residential uses facing onto Marsh Wall, open spaces and docksides with clear distinctions between public, communal and private spaces.*
5. *Massing (SQ3). Development should deliver massing in a varied but coherent urban environment that delivers defined and engaging streets and spaces while maximising levels of natural light and providing a transition in scale from surrounding areas.*
6. *Skyline (SQ4). Development should contribute to a visually engaging and balanced skyline while acknowledging the Maritime Greenwich World Heritage Site.*

10.91 The Design Approach adopted is intended to help shape development to:

- *Complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas;*
- *Manage the delivery of high-density mixed-use areas with significant levels of housing;*
- *Improve connections to the wider area;*
- *Ensure buildings step down from dockside; and open spaces;*
- *Deliver a legible, permeable and well-defined movement network;*
- *Activate frontages along streets and docks; and protect and enhance heritage assets.*

10.92 Density options were tested between 1,100 & 7,000 hrph (habitable rooms per hectare) and established that the threshold for the greatest number of significant adverse effects was 3,000+ hrph. In developing development scenarios, density options of 1,100 and 3,000 hrph were tested as reasonable options.

10.93 'Towers in Space' and 'Podiums / Plinths / Towers' were considered the two main options for delivering high density development. 'Towers in Space' deliver all uses within a single tower, perhaps with open / private amenity space alongside. This type of development has been advanced within the Masterplan area and elsewhere. 'Podiums / Plinths / Towers' enables high density residential development in tall towers alongside

podiums [1-2 stories] and plinths [3-10 stories] with non-residential uses provided at lower levels within the podium / plinth elements and for private / amenity space contained around the built form. The 'Podiums / Plinths / Towers' form is considered to offer greater opportunities to deliver a more 'liveable' place both within individual development plots and across the Masterplan area and informed the adopted Vision and Place Making Principles.

Figure V1 Vision Map



Figure 8. South Quay Masterplan Vision Map

10.94 Design Principle SQ1 – '*Housing density*' advises that development seeking to exceed London Plan housing densities should:

- a. robustly demonstrate:
 - i. how it successfully mitigates its impacts; and
 - ii. how it delivers the vision, principles and guidance of the Masterplan.
- b. deliver exemplary design for housing and non-residential uses; and
- c. provide the required infrastructure in accordance with the Local Plan and the London Plan.

10.95 Design Principle SQ2 – '*Connections and public realm*' requires development to deliver legible and well-defined networks of routes and spaces by:

- a. delivering a clear urban block pattern to support walking and cycling desire lines and define public, communal and private spaces;
- b. ensuring these are well defined, legible, safe and inviting;
- c. delivering non-residential uses generating active frontages along Marsh Wall, Millharbour, Limeharbour, docksides and public open spaces;
- d. delivering a movement hierarchy of primary streets, secondary streets, tertiary streets / walking & cycling paths and dockside walking and & cycling paths. Marsh Wall is designated a '*Primary street*' and Lord Amory Way to the west and Lawn House Close are tertiary streets / walking & cycling paths.
- e. reflecting the recommended street section with a maximum plinth height of 35 m. AOD on the north side of Marsh Wall.

- f. Stepping back from the dock edges to improve the quality, character and continuity of dockside routes;
 - g. Addressing barriers to movement to and from areas to the south;
 - h. Supporting access to and from Canary Wharf by measure that include an additional footbridge across South Dock
- 10.96 Development should deliver and manage on-site high quality usable public open space that is coordinated with neighbouring sites. Within South Quay it is a priority to provide public open space on site, of a size and quality that provides for the residents and visitors in the area and helps to facilitate social interaction.
- 10.97 The Master Plan (Figures V1 & 3.1) identifies the site of 225 Marsh Wall for an active ground floor frontage on Marsh Wall, with massing comprising a tall building, a plinth (3-10 storey) and a podium 1-2 storey). The massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary. It should ensure that build step down from dock side and open spaces.
- 10.98 The height guidance for the podium and plinth are mutually exclusive and are expected to vary in accordance with the location of development on the movement hierarchy. Podium and plinth heights should correspond to recognised degrees of enclosure that ensure a sense of human scale along streets and in public open spaces.
- 10.99 Development should deliver communal amenity space as a mix of typologies that are distinct from public open space, private amenity space and child play space.

Analysis against South Quay Masterplan

- 10.100 The proposed density is significantly above the London Plan SRQ guidance. The SQMP requires development densities exceeding the matrix to robustly demonstrate how a scheme mitigates its impacts and deliver the vision for the masterplan area. The proposal however indicates adverse impacts (including sunlight/daylight, the development potential of neighbouring sites, local and long distant views) that are considered to demonstrate overdevelopment.
- 10.101 Furthermore, there are the following concerns about the design quality of the residential accommodation:
- Although north facing units have been made larger to overcome concerns for their limited aspect and meet space standards, there would be a large number of predominantly north facing units receiving limited direct sunlight. It is preferable, where predominantly north facing units have a second aspect, this should be west facing to capture afternoon sunlight. The high number of predominantly north facing units is due to the bulk and mass resulting of the tower being relatively *'broad shouldered.'*
 - On the southern face, units would have bedrooms facing due south with triple use kitchen/living/diners facing east or west receiving little sunlight.
 - The proposed setbacks in the floor plans to create dual aspect units create significant adverse impacts on privacy and overlooking for adjacent residential units on all residential floor levels.

- Whilst the applicant's planning statement highlights how the detailed design of the façade could be subject to a planning condition, this is a concern for a scheme of this magnitude. Façade design and materials should be expected initially within a detailed application.
- Whilst the scheme includes additional uses like flexible office/community/retail, resident amenities, basement car parking, public realm improvements and associated works, the scale of development relies heavily on the neighbouring Meriden Gate development for play and amenity space. Officers are unconvinced that the level of social infrastructure provided on site allows for such a dense, tall and bulky proposal (see Open Space below).

10.102 The SQMP advocates a design approach that includes a mix of three different building types to allow the integration of development sites to ensure that buildings and the public realm receive adequate sunlight and day light. There are concerns about the way the site would be developed.

10.103 Firstly, there is concern about the ratio of site coverage. When compared to other tall building proposals – South Quay Plaza or Meridian Gate, neither of these schemes are to be developed to the maximum available footprint. Instead publicly accessible open space is included to provide a setting to the tower elements. 225 Marsh Wall, however seeks to “borrow” open space from neighbouring development.

10.104 Secondly, there is concern about the ratio of the footprint of the tall building resting over the podium. The large footprint, above the podium taken up by the tall building compromises the principle of proposed podium / plinth and tower approach. The Masterplan indicates a tower limited to the eastern part of the site. The purpose of the podium / plinth and tower approach is to allow for a range of building heights to respond to neighbouring sites and create elegant building forms. This enables neighbouring sites to come forward in a planned manner by not letting one site to become dominant. In the case of 225 Marsh Wall, the proposed footprint of the tower has a far higher coverage over the podium and adversely impacts on the design. This is evident in the impacts in townscape views, sunlight /daylight implications and the development capacity of neighbouring sites.

10.105 Whilst Meridian Gate and South Quay have not followed a true plinth and podium approach, the provision of significant levels of public realm on the ground floor enables those schemes to do the necessary transition or aid in transition to the surrounding buildings in the absence of varying building heights through the podium plinth and tower approach. 225 Marsh Wall by relying totally on the Meridian Gate scheme and taking advantage of surrounding potential developments sites fails to mitigate its impacts by not addressing the transition in building heights. This would impact negatively on the surrounding sites.

10.106 Whilst the SQMP illustrates how development plan policy should translate on site and is not a blue print, it is important that the configuration of podium / plinth / tower is maintained. The proposed scheme with a podium and tower to the height proposed would fail to mitigate the proposed change in scale within the immediate local context.

10.107 As set out in the master plan principles, the varying height of podium, plinth and tower should respond to the street hierarchy and the impact on sense of enclosure defining in the public realm. This is not taken into consideration in the proposal due to the inclusion of a 54 storey tower over a 2 storey podium edged by narrow streets / private roads on three sides.

- 10.108 Thirdly, the design of the podium appears to be an afterthought to the design of the tower. The composition with too many ill-conceived elements jars with the simplicity of the vertical composition of the tower. The design of the podium would benefit from simplification of the proposed multitude of shapes / louvers / mesh panels / cantilevers and apertures.
- 10.109 In summary, by only proposing a podium and a tower occupying a large floor area over the podium, the scheme would fail to deliver the vision for the South Quay Master Plan and fail to result in a high quality residential environment.

Urban Design Conclusions

- 10.110 The proposed design, layout, height, scale and bulk and details of the development are considered to conflict with Chapter 7 of the London Plan, Core Strategy Policy SP10, Managing Development Document Policies DM24 and DM26 that collectively require development to provide buildings and places of a high quality design, suitably located and sensitive to the locality. There would also be conflict with the Mayor's Housing SPG and the design principles of the South Quay Masterplan. Collectively these conflicts demonstrate a proposal that would amount to overdevelopment.

Open space

Public open space

- 10.111 The applicant says the development comprises approximately 0.1 ha (1,000 sq. m.) of publically accessible open space, including new public realm and green spaces. This area is shown within the red line area shown on Figure 1 above but includes the area of the roadways Lord Amory Way and Meridian Place together with the public footpath on Marsh Wall. Whilst there is the intention for the roadways to become shared surfaces and integrate with the communal amenity space at the adjoining development, no meaningful ground floor amenity space is proposed at 225 Marsh Wall, the remainder of the area comprising an entrance to the building finished with hard surfaces, some seats and 11 trees.

Communal amenity space

- 10.112 In addition to private amenity space within the residential units, development is required to provide communal amenity space at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit, making a requirement of 454 sq. m. within the development.
- 10.113 The development proposes communal amenity space at 2nd, 36th, 47th & 51st levels, providing a total of 1,282 sq. m. of both internal and external space. Level 2 (podium roof) would serve the affordable units, providing 401 sq. m. of external terrace space and 305 sq. m. of internal amenity space, comprising child playspace, communal lounge, community function room and homework/games room. Level 36 would serve the private units and comprise a 171 sq. m. external terrace and 277 sq. m. internal amenity space containing library/residential lounge, screening room, games room, residents gym and business suites. There would also be private communal terraces of 128 sq. m. and 47 sq. m. at Levels 47 and 51. This amount of amenity space provision would exceed policy requirements.

Child play space

- 10.114 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 (provision for children under 5 should always be on-site) or off-site provision within 400 m. (Shaping Neighbourhoods: Play and Informal Recreation SPG).
- 10.115 The Council's child yields estimate that the development would generate 74 children requiring 744 sq. m. of play space on site. Ideally this should be apportioned between provision for Under 5s, 15-10 year and 11-15 age groups. Within the 74 children 56 children would be from the affordable housing.
- 10.116 The child play space provision within the development would form part of the 401 sq. m. communal space terrace at Level 2 providing communal amenity space for the affordable housing. It would include an area for climbing frames and a sand pit. In addition, there would be a 27 sq. m. internal all season soft play area for 0-10 year olds. The play area cannot be distinguished from the communal space but overall the provision would fail to meet the required standard of 560 sq. m. for child play. There would be no child play space on site for occupiers of the market housing and no play space for the over 10 age group. Child play space policy requirements would therefore not be satisfied on site. The nearest public open space is St John's Park which offers tennis courts, a games court and a play area. St John's Park is some 310 m. from 225 Marsh Wall as the crow flies and approximately 413 m. distant walking via Marsh Wall and Manchester Road, beyond the 400 m. deemed to satisfy requirements within the Mayor's SPG. Mudchute Park is some 0.75 km distant.

Impact on surroundings

Daylight and sunlight

- 10.117 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. The GLA's Stage 1 Report is silent on daylight and sunlight implications.
- 10.118 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.
- 10.119 To calculate daylight to neighbouring properties, affected by a proposed development, the BRE Handbook 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. The Handbook also provides guidance for assessing overshadowing of future adjoining development land.
- 10.120 The applicant's Environmental Statement (ES) chapter by GIA assesses the impact of the proposal on the sunlight and daylight impact on surrounding residential property and has been independently reviewed for LBTH by the BRE.



Figure 9 Application site and surrounding dwellings analysed by GIA

Impact on Meridian Place

- 10.121 Of the 366 windows assessed 352 would meet the BRE guidelines for VSC. As no window map is provided it is unclear where the 14 windows which don't meet the guidelines are located. The results table in Appendix 14.1 suggest that some rooms are lit by multiple windows. Of the 183 individual rooms in the results, 177 would have at least one window meeting the BRE guidelines. There would therefore be six rooms, all lit by a single window, where that window would be below the guidelines. The loss of skylight is assessed as minor adverse.
- 10.122 183 rooms at Meridian Place are also analysed for daylight distribution, via the calculation of the no sky line. 182 rooms would meet the BRE guidelines for daylight distribution by having an area of the working plane that can see skylight with the proposed development in place of more than 0.8 times the value before.
- 10.123 With regard to sunlight provision, it is unclear whether just windows facing within 90° of due south have been analysed, or all windows are included. The results show that there

would be five windows to living rooms and one to an unknown room which would not meet both the annual and winter probable sunlight guidelines, three to living rooms and one to an unknown room below the annual probable sunlight guidelines and two to living rooms and four to unknown rooms below the winter probable sunlight guidelines. This corresponds to 12 of the 87 potential living areas with at least one window with a loss of sunlight below the guidelines. However, four of these rooms would have at least one other well sunlit window which meets both annual and winter probable sunlight hours guidelines. Eight rooms would therefore have sunlight provision significantly impacted. The loss of sunlight is assessed as minor to moderate adverse.

- 10.124 Chapter 16 of the ES discusses cumulative impacts. Results are calculated with The Madison (Meridian Gate), Dollar Bay and Wood Wharf developments in place. The Madison / Meridian Gate development is of similar height to the proposed development directly to the south of Meridian Place. There would be a further 243 windows at Meridian Place which would not meet the BRE guidelines for VSC with a cumulative scenario (109 of 366 windows would meet the guidelines), and a further eight rooms which would not meet the daylight distribution guidelines (174 of 183 rooms would meet the guidelines). Comparing the results with the proposed scenario, The Madison has a much greater impact on Meridian Place than the proposed development. The cumulative impact on skylight is assessed as moderate to major, though most of this is due to The Madison.
- 10.125 With a cumulative scenario there would be a further 52 windows which would be below the sunlight guidelines in the BRE Report. Comparing the results with those of just the proposed development, The Madison is directly to the south of a portion of Meridian Place and therefore has a greater impact on sunlight to Meridian Place than the proposed development. The cumulative impact is assessed as moderate to major adverse, though most of this is due to The Madison.
- 10.126 GIA has also calculated the hours of sunlight received across the area of the existing courtyard amenity area at Meridian Place (Appendix 14.5). The BRE guidelines for existing amenity areas recommend that at least two hours of sunlight on 21st March should be received over at least half of the area of the space. If the area that can receive two or more hours of sunlight on 21st March is reduced to less than half with the proposed development in place and also less than 0.8 times the value before, then the loss of sunlight is likely to be noticeable. The values presented show that currently the amenity space can receive two or more hours over 55.08% of its area. With the proposed development in place 49.17% of the space would be able to receive two or more hours of sunlight on 21st March. Since this is 0.89 times the value before, the BRE guidelines would be met and impact assessed as negligible to minor adverse.
- 10.127 Cumulative impacts are discussed in chapter 16 of the Environmental Statement. The results suggest that the same area of the courtyard at Meridian Place would be able to receive two or more hours of sunlight on 21st March with cumulative surroundings. The impact would therefore still be assessed as negligible to minor adverse.

Impact on 1-52 Antilles Bay

- 10.128 Of the 59 windows analysed, 43 would meet the BRE guidelines for VSC. It is unclear where the 16 windows which do not meet the guidelines are located. The results table suggest that the windows analysed light 42 rooms, of which 31 rooms have at least one window which would meet the guidelines, meaning eleven rooms would be below the VSC guidelines. Daylight distribution results are also presented, which show that 39 of the 42 rooms would meet the BRE guidelines. Overall the impact on daylight the impact is assessed as minor to moderate adverse.

10.129 225 Marsh Wall lies to the south of 1 – 52 Antilles Bay and sunlight provision has been assessed by GIA. The results for loss of sunlight show that there would be twelve windows to living rooms which would be below the BRE guidelines for both annual and winter probable sunlight hours. There are seven living areas in total analysed and all would have at least one window below the sunlight guidelines. Several rooms have a window which would technically meet the guidelines. However these windows are very poorly sunlit initially and are unaffected by the development. Since no window map is included it is unclear where these windows are. The other windows which are impacted by the development should be seen as the primary source of sunlight to the rooms and therefore sunlight provision would be significantly impacted.

10.130 Since all living areas included in the analysis would be below the BRE guidelines for sunlight, the impact is assessed as major adverse.

10.131 Assessing cumulative impacts, a further 33 windows at Antilles Bay would be below the BRE guidelines for VSC (10 of the 59 analysed would meet the guidelines). A further three rooms would not meet the guidelines for daylight distribution (36 of the 42 analysed would meet the guidelines). The cumulative impact is assessed as moderate to major adverse. One further window would not meet the BRE guidelines for loss of sunlight. The cumulative impact is assessed as major adverse.

Impact on 12-24 East Ferry Road

10.132 12 – 24 East Ferry Road is to the south east of the proposed development. GIA's VSC assessment shows that all the 31 windows analysed would meet BRE guidelines. The loss of daylight is therefore assessed as negligible.

10.133 The development is to the north of 12 – 24 East Ferry Road and would therefore not impact sunlight provision.

10.134 With a cumulative scenario, seven windows would be below the BRE guidelines for VSC. All rooms would continue to meet the guidelines for daylight distribution. The cumulative impact is assessed as minor. There would be no cumulative impact on sunlight provision.

Impact on 42-46 East Ferry Road

10.135 The VSC assessment shows that of the 28 windows analysed, 20 would meet the BRE guidelines. The results suggest that the 28 windows light 27 rooms, of which 19 would have at least one window meeting the guidelines, meaning eight would not. The windows which are below the guidelines appear to receive very little daylight currently and the difference in absolute VSC values before and after construction of the proposed development are small. Since no window map is provided, it is unclear where these windows are located. It could be the windows are under an existing covered walkway at Nos. 42-46. The BRE Handbook gives guidance in such cases suggesting the calculations could be repeated with and without the walkways in place to assess their impact. This does not appear to have been carried out by GIA. The daylight distribution results for the 27 rooms show that all would meet the BRE guidelines. The loss of skylight is assessed as minor to moderate. The loss of skylight would tend to minor if the windows not meeting the guidelines are below the overhanging walkways and meet the guidelines when the calculations are repeated without them in place.

10.136 225 Marsh Wall is north of 26 – 44 East Ferry Road and would therefore not impact sunlight provision.

10.137 In a cumulative scenario, a further eleven windows would be below the BRE guidelines for vertical sky component (9 of the 27 windows would meet the guidelines). All rooms would continue to meet the daylight distribution guidelines. The cumulative impact is assessed as minor to major adverse. The impact would depend on the detailed calculation results and the effect of the overhanging walkways. There would be no cumulative impact on sunlight provision.

30-33 Chipka Street

10.138 All 32 windows analysed by GIA, all would meet the BRE VSC guidelines. The windows light 24 rooms, all of which would also meet the BRE guidelines for daylight distribution. The loss of skylight is assessed as negligible.

10.139 225 Marsh Wall is to the north of 30 – 33 Chipka Street and would therefore not impact sunlight provision.

10.140 In the cumulative scenario, all windows and rooms would continue to meet the BRE guidelines for skylight. The cumulative impact is therefore assessed as negligible. There would be no cumulative impact on sunlight provision.

6-13 Chipka Street

10.141 The VSC results presented by GIA show that of the 34 windows analysed, seven would meet the BRE guidelines. The table suggests that the windows light 33 rooms, of which seven would have at least one window meeting the guidelines, meaning 26 would not. Daylight distribution is calculated in the 33 rooms, with 28 meeting the BRE guidelines with 5 failures. There are overhanging balcony and walkway sections on the façade of the building facing 225 Marsh Wall. The results tables suggest that these have been included in the calculations. The BRE Report gives guidance in this case and suggests the calculations could be repeated with and without the walkways in place to assess their impact. This does not appear to have been carried out by GIA. There are overhanging balcony and walkway sections on the façade of the building. The results tables suggest that these have been included in the calculations. The BRE Report suggests the calculations could be repeated with and without the walkways in place to assess their impact. This does not appear to have been carried out by GIA. The loss of skylight is assessed as major, but could be minor or moderate depending on the results of calculations without the overhangs in place.

10.142 225 Marsh Wall is to the north of 6-13 Chipka Street and would not impact sunlight provision.

10.143 In the cumulative scenario, none of the windows analysed at 6 – 13 Chipka Street would meet the BRE guidelines for VSC. A further room would not meet the guidelines for daylight distribution. The cumulative impact is assessed as major adverse. However, this could change depending on results of calculations without the overhangs in place. There would be no cumulative impact on sunlight provision.

10-30 Llandoverly House

10.144 GIA has analysed 20 windows that are assumed to be the 20 closest to the development. All of the windows would meet the BRE guidelines for VSC. Windows along the rest of the façade would also be expected to meet the BRE guidelines. The results tables suggest that the windows analysed light 15 rooms, all of which would also meet the daylight distribution guidelines. Loss of skylight is assessed as negligible.

10.145 225 Marsh Wall is to the north of Llandoverly House and would not impact sunlight provision.

10.146 In the cumulative scenario, there would be four windows of the 20 analysed below the BRE guidelines for VSC. It is unclear where these four windows are located, or if any other windows not in the selection analysed would be impacted. All rooms would continue to meet the guidelines for daylight distribution. The cumulative impact is assessed as minor assuming that no other windows on the façade of the building would be below the guidelines. There would be no cumulative impact on sunlight provision.

Property	Assessed loss of skylight impact		Assessed loss of sunlight impact	
	By BRE	By GIA	By BRE	By GIA
Meridian Place	Minor adverse	Minor adverse	Minor to moderate adverse	Minor to moderate adverse
1 – 52 Antilles Bay	Minor to moderate adverse	Minor adverse	Major adverse	Minor to moderate adverse
12 – 24 East Ferry Road	Negligible	Insignificant	No impact	No impact
26 – 44 East Ferry Road	Minor to moderate (depending on impact of overhanging walkways)	Minor	No impact	No impact
30 – 33 Chipka Street	Negligible	Insignificant	No impact	No impact
6 – 13 Chipka Street	Major (based on data presented, could be minor or moderate depending on impact of overhanging walkways)	Minor to moderate	No impact	No impact
Llandoverly House	Negligible	Insignificant	No impact	No impact

Figure 10 Summary of loss of daylight and sunlight assessed impacts

Property	Assessed loss of skylight impact		Assessed loss of sunlight impact	
	By BRE	By GIA	By BRE	By GIA
Meridian Place	Moderate to major adverse	Moderate adverse	Moderate to major adverse	Moderate adverse
1 – 52 Antilles Bay	Moderate to major adverse	Moderate adverse	Major adverse	Moderate adverse
12 – 24 East Ferry Road	Minor adverse	Minor adverse	No impact	No impact
26 – 44 East Ferry Road	Minor to Major adverse (depending on impact of overhanging walkways)	Moderate adverse	No impact	No impact
30 – 33 Chipka Street	Negligible	Insignificant	No impact	No impact
6 – 13 Chipka Street	Major adverse (but could depend on impact of overhanging walkways)	Moderate adverse	No impact	No impact
Llandoverly House	Minor (assuming no other windows on the façade are below the guidelines)	Minor adverse	No impact	No impact

Figure 11 Summary of cumulative loss of daylight and sunlight impacts.

The Madison / Meridian Gate Development

10.147 The Madison (Meridian Gate) is under construction directly to the west of 225 Marsh Wall. Most facades of this building would not be significantly impacted by it. However, there is a relatively narrow, section of the building that would directly face the proposed

development. The Environmental Statement chapter on cumulative impacts states that windows on lower levels would have a loss of daylight outside the BRE guidelines for VSC. It could be useful to calculate average daylight factor to rooms in this situation. Sunlight provision to rooms on the narrow section of the façade facing the proposed development at The Madison is not considered by GIA. At The Madison there will be an open space amenity area directly neighbouring 225 Marsh Wall. This space would be able to receive sunlight from the south and would be expected to meet the BRE guidelines for sunlight provision.

Overshadowing of surrounding areas

- 10.148 GIA provides shadow plots at hourly intervals on 21st March (spring equinox), 21st June (summer solstice) and 21st December (winter solstice). This is appropriate as it illustrates a full range of potential shadowing from the proposed and surrounding buildings.
- 10.149 The shadow plots compare the current surroundings and existing situation with the current surroundings and proposed building. They do not include the cumulative impacts of nearby developments of The Madison and Dollar Bay, currently under construction.
- 10.150 The existing building (Angel House) is of a similar height to surrounding buildings and therefore does not create significant extra shadowing compared to its neighbours.
- 10.151 On 21st March (spring / autumn conditions) with the proposed development, in the morning there would be some additional overshadowing of buildings and roadways to the north and north-west. The shadow of the proposed development would pass over the outdoor amenity area at Meridian Place between 09:00 GMT and 11:00 GMT. There would be overshadowing of portions of South Dock as the shadow of the proposed building moves through the day. There would be extra overshadowing of areas to the east of the development near Manchester Road in the late afternoon. There is a public walkway area along the south side of South Quay. This is in shadow from current buildings to the south for much of the day and the proposed development would not cause any significant further shadowing.
- 10.152 On 21st June (summer conditions) there would be some additional overshadowing to areas to the south west in the early morning. The shadow of the proposed building would pass over the outside amenity area of Meridian Place between approximately 10:30 BST and 12:00 BST. The shadow would not reach South Dock, but pass over buildings to the north of the site (Meridian North) through the day. There would be some additional overshadowing of areas to the east of the development around Manchester Road in the late afternoon and evening.
- 10.153 On 21st December, because of the low angle sun, shadows from buildings are much longer. In the GIA chapter the shadow diagrams are limited to a certain area, so the full extent of the shadow cast by the proposed building is not shown. There would be additional overshadowing to South Dock, and beyond, during the day. Due to the surrounding buildings, there would not be a significant increase in overshadowing in the immediate vicinity of the proposal site.
- 10.154 The GIA ES chapter is silent on the impact of the proposal on the development potential of adjoining sites. Usually loss of daylight and sunlight to commercial premises need not be considered. However, Meridian North (owned by the applicant) is shown on Figure 3 above (MDD Site Allocation 20) and Figure 8 (South Quay Masterplan Vision Map) as a potential future residential site. The applicant has been asked to assess the proposed development at 225 Marsh Wall on the development potential at Meridian North and this in turn has been reviewed by the BRE.

10.155 In GIA's professional judgment:

"Provided that the most significant elements of the massing [of any new development at Meridian North] are located towards the north of the site and are orientated to benefit from light both from the east and west in addition to the south (possibly in a similar manner to 225 Marsh Wall) there is no reason why a significant development could not be attained with acceptable levels of light.

And,

"It is furthermore our view that the proposed development at 225 Marsh Wall does not compromise the development potential of Meridian North."

10.156 The BRE advises that GIA do not discuss the advisory guidelines in the BRE Handbook for assessing daylight and sunlight on adjoining development land but:

"It is clear that 225 Marsh Wall would present a significant obstruction to the southern boundary of Meridian North and the guidelines are very unlikely to be met. It is likely that any poor daylight provision at potential future windows on the southern boundary of Meridian North would extend beyond just the lower levels. Good daylighting may be very difficult to achieve, even with large glazing areas."

"Thus it is likely that the size of the development at 225 Marsh Wall could constrain the future development of the Meridian North site. Having a window wall on the line of the current Marsh Wall street elevation, for example with a courtyard type plan similar to the current built form, is likely to result in insufficient daylight to residential units in this part of a future Meridian North development."

"GIA have suggested an alternative massing for Meridian North concentrated at the north end of their site close to the dock. This type of approach, with south facing residential windows in massing located towards the north of the Meridian North site, could provide more daylight and sunlight to these windows, but without further analysis it is difficult to assess how effective that would be."

"Any potential north, east or west facing windows at a Meridian North development would be less impacted by 225 Marsh Wall and would have more potential to be adequately daylighted. However, since 225 Marsh Wall is to the south of Meridian North, it does present a significant obstruction to sunlight provision. The BRE Report recommends that proposed developments try to maximise the number of living rooms which have a window wall facing within 90° of due south, to be able to receive sunlight. It also recommends that, where possible, living rooms should face the southern or western parts of the sky. Since any south facing windows at Meridian North would face the significant obstruction of 225 Marsh Wall, sunlight would be restricted from this area and therefore the site could be potentially overly reliant on lower angle sunlight in the morning (from the east) and afternoon (from the west). Afternoon sunlight might be blocked in any case by a future development on the Madison (Meridian Gate) site to the south west."

"Shadow plots produced as part of the planning application for 225 Marsh Wall show that throughout the year the shadow of 225 Marsh Wall will cross the entire site of Meridian North during the middle of the day. This highlights the fact that any southerly facing windows would struggle to receive any sunlight during the middle of the day. The plots also show the restriction placed on any future open

space amenity areas at Meridian North. For proposed gardens and open spaces the BRE report recommends that at least half of their area should receive two or more hours of sunlight on 21st March. The proposed 225 Marsh Wall in place would restrict sunlight provision to the Meridian North site to lower angle morning and afternoon sun, which would create challenges when designing potential amenity areas. Sunlight provision to any potential development at Meridian North would therefore need to be carefully analysed to mitigate the significant obstruction at 225 Marsh Wall.”

10.157 Officers note that constructing significant height on the northern part of Meridian North, considered with the proposed development at 225 Marsh Wall due to its height and in particular its width, would conflict with design principles in the MDD Site Allocation 20 Marsh Wall East that says development inter alia should:

- *“Be developed as a series of tall and medium scale buildings with a well-articulated built form and skyline, avoiding significant adverse environmental impacts, including overshadowing of adjacent sites either within the area or outside, particularly along the main routes of Marsh Wall East and Limeharbour.*
- *Tall buildings should be fully integrated with and facilitate delivery of the new public realm and be stepped back from the docksides....”*

10.158 The BRE further advises that a tall development to the north part of the Meridian North site, as suggested by GIA, might have daylight implications for other developments too. For example the Meridian Place flats immediately to the west have windows facing east towards Meridian North and would lose a lot of light if a tall development were built there.

10.159 The BRE conclude that it is clear that the development at 225 Marsh Wall would place restrictions on daylight, and especially sunlight, provision to a potential future development at Meridian North. The BRE Report provides guidance on provision to adjoining development land. GIA have not undertaken an assessment using these guidelines. It is unlikely they would be met at the southern boundary to Meridian North. Well daylight proposed rooms on the north side of 225 Marsh Wall could take some further obstruction at Meridian North and still meet minimum recommended daylight levels, the exception being the already poorly lit bedrooms which look over balcony areas. Further study would be needed to ascertain how modest this potential obstruction would need to be.

10.160 Officers note that similar concerns could arise with regard to the eastern development plot at Skylines Village that lies directly across Marsh Wall from 225 Marsh Wall.

Conclusions

10.161 Officers consider that it has not been demonstrated that the proposed development would result in satisfactory sunlight and daylight conditions in surrounding buildings. The scheme fails to demonstrate that it would be a ‘good neighbour’. Of particular concern are the cumulative impact on Meridian Place, Antilles Bay and 1-13 Chipka Street. There are also a number of plots surrounding 225 Marsh Wall which are anticipated to come forward for development. The extent to which the proposed development of 225 Marsh due to height and bulk may unacceptably affect the development potential of these sites is of concern particularly at Meridian North and the eastern plot of Skylines Village. It is considered that this further demonstrates that the scheme amounts to overdevelopment rather than optimising its development potential.

Solar Glare

- 10.162 GIA have undertaken a solar glare assessment from three viewpoints. The intensity of glare is not quantified. One viewpoint is on the DLR approaching the site from the west. Since the DLR is driverless any glare experienced would be by passengers and should not present any safety issues for the train.
- 10.163 Another viewpoint is as a driver travelling east along the Marsh Wall approaching Limeharbour. GIA suggests there could be significant glare from the west façade of the building between 17:00 GMT and 19:00 GMT mid-April to mid-August. In the cumulative scenario, more of the proposed building's west façade would be visible at this position. This could create glare in the late afternoon / evening in the summer months, but would be outside of a 10° viewing angle and hence less likely to cause disabling dazzle.
- 10.164 A third viewpoint is near the junction of Meridian Place and Lord Anory Way. This is a private road used for residents' access to Meridian Place. The results suggest that there would be instances of solar glare between 06:00 GMT and 07:00 GMT and 16:00 GMT and 18:00 GMT from mid-March to mid-September. In the cumulative scenario more of the proposed building's west façade would be visible at this position potentially creating extra glare. However, this would be outside of a 10° viewing angle.

Privacy

- 10.165 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.
- 10.166 The proposed residential tower would be sited some 40 m. from residential accommodation in Meridian Place and some 65 m. from the Madison development with satisfactory privacy. The separation across Meriden Place to the existing Meridian North is approximately 22 m. and would allow a policy compliant development at Meridian North.

Microclimate

- 10.167 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur due to a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose.
- 10.168 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.
- 10.169 The applicant's ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site including entrances, the podium and roof top terraces and within the surrounding area. It considers wind impacts on pedestrian comfort following wind tunnel tests in accordance with the widely accepted Lawson Comfort Criteria (LCC).
- 10.170 Three configurations were tested which included the baseline (as existing), the completed proposed development with existing surroundings (of no consequence given the subsequent demolition of Meridian Gate) and the completed proposed development with proposed cumulative surroundings.

- 10.171 With no mitigation measures, wind conditions one category higher than desired were recorded at ground and terrace level entrances, during the windiest season. Similarly wind conditions at some locations in amenity spaces and on terraces were up to two categories higher than the desired sitting use, during the summer season.
- 10.172 Mitigation proposed at terrace level includes: balustrade heights of 1.8m (podium terrace) and 2.5m (terrace at levels 36, 47 and 51), and ground level canopies and screens and landscaping were expected to provide shelter for a range of activities (with wind conditions acceptable for standing/entrance use and sitting use, during the summer season). At Stage 1, the GLA considered these significantly undermined the quality and usability of the public realm, and overly dominated the landscaping. The GLA advised the applicant should review the approach to wind mitigation and adopt alternative methods, including through the massing and architecture of the building itself, that do not impact on the delivery of high-quality usable public realm.
- 10.173 Following the GLA Stage 1 Report, ground level mitigation has been revised. Ground level canopies and screens have been replaced by eleven Hornbeam trees carried across from the proposals for Meridian Gate gardens. Whilst the Environmental Statement has not been updated, further wind tunnel testing has been undertaken with cumulative development (Meridian Gate) in situ. The results indicate that with landscaping, the whole site is suitable for sitting and standing, during the windiest season.

Highways and Transport

- 10.174 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.
- 10.175 The London Plan Policies 6.3 and 6.7, reflecting policy in the NPPF, seek 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.
- 10.176 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.
- 10.177 MDD Policy DM20 *“Supporting a sustainable transport network”* 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.

Public Transport

- 10.178 The site has a TfL Public Transport Accessibility Level PTAL4 'Good'. It is considered the proposed density is more suited to an area rated 'Excellent'.
- 10.179 The projected development would increase person trips that would affect the local public transport network, including buses, the DLR at South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. 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. TfL raise no objection in principle and request financial contributions to improve bus capacity and Mayor's cycle hire scheme.

Car Parking

- 10.180 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.
- 10.181 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 4 MDD Appendix 2 in area with PTAL4, allows 0.4 parking spaces for 3 bedroom plus units and 0.3 spaces for smaller units.
- 10.182 The proposal, involves 16 basement level residential car parking spaces accessed off Meridian Place by a lift. The revised plans incorporate a revised waiting area for the car lift. Meridian Place is privately owned and the proposed arrangements would not impact on the public highway. The level of car parking provision complies with development plan standards and represents a decrease of 33 car parking spaces on site. Given the availability of local services in the Isle of Dogs, both TfL and the Council's Highway Engineers advise that only accessible parking provided. The applicant has amended the scheme to propose that four spaces are designated for Blue Badge holders. This exceeds the minimum 10% required by the development plan.

Cycle parking

- 10.183 There would be 824 resident cycle parking spaces and 32 non-residential cycle parking spaces arranged in stackers. Cycle parking would exceed London Plan standards with affordable residential and other uses situated at mezzanine level, accessed via stairs and a lift with the private residential provision situated on each individual floor. Additionally, 22 visitor spaces are proposed at grade within the public realm.
- 10.184 The applicant confirms a Travel Plan will be prepared which will further encourage residents to adopt sustainable modes of transport.

Pedestrian routes

- 10.185 MDD Site Allocation 20 shows walking and cycling routes running east-west and north south through the site. These are adopted in the proposed site layout with connections across the site along Meridian Place and between Marsh Wall and South Quay.

10.186 TfL is working with the Council to develop options for new bridge links across South Dock in the vicinity of the site. This is required to address the cumulative impact of planned growth expected on the Isle of Dogs and to encourage sustainable travel. A new bridge is also to replace the existing bridge that connects South Quay and Canary Wharf, to provide resilience to the DLR and a direct route to the Jubilee Line and the Elizabeth Line (Crossrail). The SQMP SPD identified the need for two new bridges across South Dock and a third bridge across Millwall Dock. It would be necessary to consider potential funding and delivery mechanisms, which could include the use of borough CIL, and/or s106 contributions from sites such as 225 Marsh Wall if planning permission is granted at 225 Marsh Wall.

Energy and sustainability

10.187 The NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.

10.188 The climate change policies in Chapter 5 of the London Plan, 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. Core Strategy Figure 38 page 84 shows 225 Marsh Wall within a ‘Low Carbon Area.’

10.189 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).

10.190 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 has 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.

10.191 MDD Site Allocation 20 requires development within Marsh Wall East to include a district heating facility (where possible).

10.192 The submitted Energy Strategy broadly follows the principles of the Mayor’s energy hierarchy. The CO2 emission would achieve a 23% reduction against the Building Regulations 2013. The scheme does not include renewable energy technologies. This is said to be due to space constraints.

10.193 The scheme would fail to meet London Plan carbon emission savings and is significantly below the MDD Policy DM29 target of 45% CO2 reduction. The applicant has examined the potential for connection to the Barkantine district heating company. Barkantine is currently undertaking an expansion strategy and a challenge is the timing between the delivery of the new network and the completion of new developments. Given the uncertainty of timeframes for the district heat network expansion and the 225 Marsh Wall development it would be appropriate to re-evaluate the connection potential post any planning permission. If that is not possible, a carbon offsetting contribution would be appropriate, in this case £199,800.

10.194 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure sustainable design and construction techniques. The submitted BREEAM pre-assessment shows the scheme is designed to achieve a BREEAM 'Excellent' and would be policy compliant.

10.195 If planning permission was granted it would be recommended it be subject to conditions and a section 106 agreement to secure:

- An updated district heating feasibility study to demonstrate possible connection to the Barkantine District heating System and an Updated Energy Strategy.
- If necessary a carbon offsetting contribution secured through a section 106 contribution £199,800.
- Delivery of BREEAM 'Excellent'.

Air Quality

10.196 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."

10.197 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.

10.198 The Air Quality Assessment within the submitted ES shows that there will not be any significant impacts on air quality & the proposed development meets the Air Quality Neutral requirements and the site is suitable for residential use. The Demolition and Construction assessment finds a medium risk for dust emissions. If permission is granted mitigation measures should be incorporated in a Construction Environmental Management Plan to be submitted prior to commencement of the development.

Noise and Vibration

10.199 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.

10.200 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.

10.201 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.

10.202 These matters have been fully considered within the Environmental Statement and found satisfactory. Conditions could be applied to any permission to ensure noise and vibration is appropriately controlled during construction and also during the operation of any noise generating commercial uses.

Contaminated land

10.203 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.

10.204 A desk-based study of ground contamination undertaken as part of the ES established that owing to historical activities at the site and within its surrounding area, there is the potential for localised contamination to exist beneath the site. Conditions could be applied to any planning permission to secure a site investigation and mitigation of any contamination.

Archaeology

10.205 The site is located within an Archaeological Priority Area. The NPPF (Section 12) and London Plan Policy 7.8 '*Heritage assets and archaeology*' emphasise that the conservation of archaeological interest is a material consideration in the planning process. The NPPF requires applicants to submit 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. MDD Policy DM27 '*Heritage and the historic environment*' requires development proposals located within Archaeological Priority areas to be supported by an Archaeological Evaluation Report.

10.206 Intrusive ground works during the demolition and construction works could disturb any archaeological heritage that has survived historical development. The applicant has agreed with the Greater London Archaeological Advisory Service (GLAAS), that the implementation of a targeted programme of archaeological investigation and evaluation (to be undertaken following planning approval but prior to all intrusive ground works) could determine a detailed mitigation strategy to be implemented in advance of intrusive ground works. It is agreed this could be secured by planning condition.

Flood Risk and sustainable urban drainage

Flood risk

10.207 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*'.

10.208 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.

10.209 The Environment Agency's most recent breach hazard modelling study shows the site to be outside of the areas impacted by flooding were the defences breached. The site is therefore at a low risk of flooding.

10.210 Residential is a '*More Vulnerable*' land use and the Environment Agency advises that the proposed use is appropriate providing the site passes the Flood Risk Sequential Test, the Council being satisfied that there are no alternative sites available for the development at a lower risk of flooding. A site specific Flood Risk Assessment (FRA) should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere and passes the Exception Test.

10.211 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.

10.212 Marsh Wall East (including 225 Marsh Wall) 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.

10.213 A site specific FRA has been submitted with the application as part of the ES that the Environment Agency appears to have missed. In line with the Tower Hamlets Strategic Flood Risk Assessment, the development would provide wider sustainability benefits to the community, namely the provision of housing that outweigh the flood risk. The proposed layout, with residential on the upper floors, means that residents would have safe refuge. The site is already developed and would not increase the risk of flooding elsewhere. It is therefore considered that the proposal passes the Exception Test.

Sustainable urban drainage (SUDS)

10.214 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 aims 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.

10.215 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.

10.216 The submitted Outline Drainage Management Plan aims to achieve a 50% reduction in surface water discharge, by the use of permeable surfaces and attenuation tanks. This is considered acceptable in principle although full details would need to be conditioned should permission be granted.

London City Airport Safeguarding

10.217 The application site lies beneath flight paths to and from London City Airport in an area subject to aerodrome safeguarding. National Air Traffic Services confirm the development does not conflict with safeguarding criteria and London City Airport has no objection in principle.

Radio and Television Reception

10.218 The application is supported by Radio and Television Signal Interference Assessment that considers impacts during the Construction Phase and the Operational Impacts of the Completed Development.

Construction Phase

- a) A terrestrial television reception shadow over existing properties to the north-east of the site, Meridian Place and Moorfoot House. Signal reception could be affected. Mitigation measures may need to be implemented.
- b) Tall structures like cranes and scaffolding would give rise to satellite television shadowing and this may affect properties to the north-west of the site.
- c) There would have no significant effect on the reception of FM broadcast radio, DAB radio and mobile telephony.
- d) Signal reflection interference would have a negligible effect on the reception of terrestrial and satellite television signals, mobile telephony signals, FM broadcast and DAB radio signals.

Operational Impacts of the Completed Development

- a) Terrestrial television signal shadowing by the building could be significant and affect existing properties under the shadow zone. With the implementation of mitigation measures, the impact of signal shadowing would not be significant.
- b) It is not envisaged that the satellite television reception shadow cast over parts of Meridian Place and Moorfoot House would have a significant effect. Mitigation measures would need to be employed in the event of any signal disruption.
- c) There would be no significant effect on the reception of FM broadcast radio, DAB radio and mobile telephony.
- d) Signal reflection interference would have a negligible effect on the reception of terrestrial and satellite television signals, mobile telephony signals, FM broadcast and DAB radio signals.

10.219 If planning permission was to be granted conditions would need to be imposed to secure a survey of the impacts of the development and the implementation of mitigation measures.

Biodiversity

10.220 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).

10.221 The proposals include small areas of soft landscaping, at ground level and on roof terraces but little information on the sort of planting. The communal open space at the western end of the development would integrate with the open space at Meridian Gate and be provided with eleven Hornbeam trees. The Design & Access Statement suggests evergreen shrubs elsewhere, likely to be of limited biodiversity value. It is not clear whether there is an opportunity for bio-diverse green roofs on parts of the roof without access to residents. There is little in the proposals which would obviously contribute to objectives and targets in the LBAP, as required by MDD Policy DM11, and it is far from clear that the proposals would lead to an overall benefit for biodiversity.

10.222 If permission was to be granted it would be recommended that conditions should require:

- Details of bio-diverse roofs,
- Landscaping details,
- Details of bat boxes and nest boxes for appropriate bird species.

Environmental Impact Assessment

10.223 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The application was submitted in August 2015 accompanied by an Environmental Statement (ES) produced by Waterman Infrastructure & Environment Limited. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information.

10.224 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.

10.225 The Council appointed Land Use Consultants Ltd 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 dated October 2015 identified clarifications and potential 'further information' required under Regulation 22.

10.226 In December 2015, Waterman Infrastructure & Environment Limited submitted Environmental Statement: Clarifications. In March 2016, Land Use Consultants Ltd issued a Final Review Report of applicant's response to outstanding clarifications and potential Regulation 22 matters concluding that the ES is regulatory compliant.

Impact upon local infrastructure / facilities

10.227 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 how these impacts can be assessed and appropriate mitigation.

10.228 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

10.229 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.

10.230 Securing necessary planning contributions is further supported Core Strategy Policy SP13 '*Planning obligations*' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:

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

10.231 The borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

10.232 If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.

10.233 The development is predicted to have a population yield of 742 of which 75 would be aged between 0-15 and generate a demand for 51 school places. The development would also generate jobs once complete. Therefore, the development would 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. Should planning permission be granted, the LBTH CIL contribution is estimated at £6,020,336.

10.234 In addition the development would be liable to the London Mayor's CIL estimated at £1,097,417. The development does not involve a net increase in commercial floorspace and would not attract the Mayor's Crossrail levy.

10.235 The applicant has also offered 23.7% affordable housing by habitable room with a tenure split of 78:22 of affordable rented at LBTH rent levels and shared ownership housing,

respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy.

10.236 Should permission be granted, the developer would also be required 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 car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points to implement travel plans, and mitigation (if necessary) for television signals.

Other Local finance considerations

10.237 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.

10.238 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).

10.239 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.

10.240 If planning permission is refused for the current application 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.

10.241 Using the DCLG’s New Homes Bonus Calculator, the proposed would generate some £622,333 in the first year and £3,733,996 over 6 years.

Human rights Act 1998

10.242 Section 6 of the Act prohibits the 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.

10.243 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

10.244 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.







10.245 It is considered the proposed development would not conflict with any of the above considerations. 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 redevelopment of 225 Marsh Wall 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 Map
PA/15/02303



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 100 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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