

# STRATEGIC DEVELOPMENT COMMITTEE

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

**The meeting is open to the public to attend.**

**Members:**

Chair: Councillor Marc Francis  
Vice Chair : Councillor Danny Hassell  
Councillor Asma Begum, Councillor Denise Jones, Councillor Md. Maium Miah,  
Councillor Gulam Robbani, Councillor Helal Uddin and Councillor Julia Dockerill

**Substitutes:**

Councillor Amina Ali, Councillor Andrew Cregan, Councillor Muhammad Ansar  
Mustaquim, Councillor John Pierce, 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, 26 July 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, 27 July  
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](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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## Public Information

### **Attendance at meetings.**

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

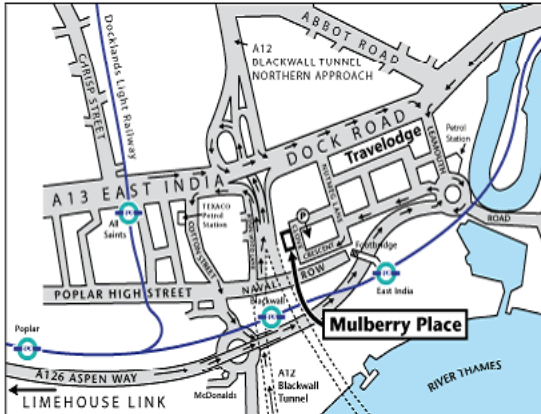
### **Audio/Visual recording of meetings.**

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### **Access information for the Town Hall, Mulberry Place.**



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**Docklands Light Railway:** Nearest stations are

**East India:** Head across the bridge and then through the complex to the Town Hall, Mulberry Place

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

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QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

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

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 16<sup>th</sup> June 2016

### **3. RECOMMENDATIONS**

To RESOLVE that:

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

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)**

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

|  | <b>PAGE<br/>NUMBER</b> | <b>WARD(S)<br/>AFFECTED</b> |
|--|------------------------|-----------------------------|
| <b>5. DEFERRED ITEMS</b>   | <b>13 - 14</b>         |                             |
| <b>5.1 South Quay Plaza 4, Marsh Wall, London, E14 (PA/15/03073)</b>   | <b>15 - 106</b>        | <b>Canary Wharf</b>         |
| <p>Proposal:</p> <p>Erection of a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a Section 106 legal agreement and conditions and informatives.</p> |                        |                             |
| <b>6. PLANNING APPLICATIONS FOR DECISION</b>   | <b>107 - 108</b>       |                             |
| <b>6.1 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/16/01090)</b>  | <b>109 - 164</b>       | <b>Lansbury</b>             |
| <p>Proposal:</p> <p>The erection of buildings that range from 3 to 12 storeys in height comprising of 143 residential units including 28 car parking spaces and a central landscaped courtyard.</p> <p>Recommendation:</p> <p>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</p>  |                        |                             |

Proposal:

Demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 14, part 16 storeys comprising of 71 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street.

Recommendation:

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

**6 .3 Royal Mint Court, London, EC3N 4QN (PA/16/00479,  
PA/16/00480)**

**205 - 258**

PA/16/00479:- Full Planning

Full planning permission for comprehensive redevelopment of the site to provide an employment-led mixed use development of up to 81,000sqm of B1, A1, A3 and D2 floor space, involving the refurbishment and restoration of the Johnson Smirke Building (Grade II\* listed), remodelling and refurbishment of the façade of the Registry (Grade II listed), with alterations and extensions to the remainder of the building, the retention, part demolition, alterations and extensions to Murray and Dexter House, the erection of a standalone four storey building with the south west corner of the site, alterations to existing boundary wall to create new access points to the site and associated public realm and landscaping and all ancillary and associated works.

PA/16/00480:- Listed Building Consent

Listed Building consent for the refurbishment and restoration of the Johnson Smirke Building (Grade II\*), remodelling and refurbishment of the Grade II façade of the Registry, with alterations and extension to the remainder of the building and alterations to existing boundary wall to create new access points to the site and all ancillary and associated works.

Recommendation:

That the Committee resolve to grant planning permission and listed building consent subject to any direction by the London Mayor, the prior completion of a legal agreement, conditions and informatives

**Next Meeting of the Strategic Development Committee**

Wednesday, 24 August 2016 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Melanie Clay Corporate Director of Law Probit 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 5.30 P.M. ON THURSDAY, 16 JUNE 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Asma Begum  
Councillor Danny Hassell  
Councillor Denise Jones  
Councillor Helal Uddin  
Councillor Md. Maium Miah  
Councillor Gulam Robbani  
Councillor Chris Chapman (Substitute for Councillor Julia Dockerill)

**Other Councillors Present:**

None

**Apologies:**

Councillor Julia Dockerill

**Officers Present:**

|                |  |
|----------------|--|
| Paul Buckenham | – (Development Control Manager, Development and Renewal)                   |
| Gareth Gwynne  | – (Planning Officer, Development and Renewal)                              |
| Fleur Francis  | – (Acting Team Leader - Planning, Directorate, Law Probity and Governance) |
| Zoe Folley     | – (Committee Officer, Directorate Law, Probity and Governance)             |

**1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE**

It was proposed by Councillor Asma Begum and seconded by Councillor Marc Francis and **RESOLVED**

That Councillor Danny Hassell be elected Vice-Chair of the Strategic Development Committee for the Municipal Year 2016/2017.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of interest were made.

**3. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 12 May 2016 be agreed as a correct record and signed by the Chair.

**4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

**5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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

**6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS**

**RESOLVED**

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

**7. DEFERRED ITEMS**

No Items.

## **8. PLANNING APPLICATIONS FOR DECISION**

### **8.1 34-40 White Church Lane and 29-31 Commercial Road, London, E1. (PA/15/02527)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 17 upper storey building with basement to provide a residential led development. It was noted that there had been a number of material changes to the application since its consideration at the 10<sup>th</sup> March 2016 Strategic Development Committee meeting. As a result, the application was being brought back to the Committee as a new application rather than as a deferred item.

Gareth Gwynne, (Planning Officer, Development and Renewal) presented the detailed report. The Committee were advised of the site location situated within Aldgate and within reasonable proximity to listed buildings and the Whitechapel High Street Conservation Area. They also noted images of the character of the area including a number of consented tall building schemes.

The Committee were advised of the key features of the application compared to the application presented in March. The scheme would be 72.5 AOD metres in height (one storey less than the previous scheme). It would also comprise 35.8% affordable housing in excess of the offer within the March scheme. All of which would be located on the lower floors of the development with the intermediate and private units on the middle and upper floors. There would be two ground floor entrances that all residents of the development would have access to, to overcome the concerns previously raised by the March Committee regarding this matter. The scheme would also include an area of internal play space that, in quantum terms, exceeded that included within the previous scheme. Although it should be noted that, due to the increase in affordable housing, the proposal would have a greater child yield. Whilst the proposed level of play space for the under 12 age group met policy targets, the level of play space for older children marginally fell short of the policy target. However, given the proximity of the site to local parks, on balance, Officers considered that this was acceptable.

The Committee were also advised of the outcome of the consultation. In terms of the land use, the plans accorded with the objectives in policy for the site and the emerging built context. Regarding the heritage assessment, the impact on the nearby listed buildings and the Conservation Area would be broadly neutral. The proposal showed no signs of overdevelopment (whilst exceeding the density guidance in the Local Plan). There would be no material loss of amenity and a range of Planning Obligations had been secured.

Officers were recommending that the planning application be granted planning permission.

Members asked questions of clarification that were answered by officers about the density of the scheme, the revised affordable housing offer and the separation distances to the nearest buildings.

Members also asked about the number of disabled car parking bays given the GLA's comments requesting that four such spaces be provided. Members were informed that the application included two spaces within reasonable distance of the development in accordance with Highway Services advice. Given the site constraints, it was considered that there was no opportunity to provide additional bays within reasonable distances to the site. Nevertheless, TfL had been contacted to ascertain if two extra bays could be provided near the site on the TfL managed road network.

Members also asked about the nature of the commercial units and were advised that, given the size of the units, they should attract small scale enterprises.

The Committee also asked questions about the child play space. In particular, the quantum and quality of the play space proposed for the different age groups. Some concern was expressed about the reliance on nearby parks to compensate for the shortfall in play space for older children given the lack of structured play space in those parks. In response, Officers clarified the make up of the proposed play space. Officers were mindful of the issues highlighted about the parks and they did have misgivings about the quality of the play space. However on balance, Officers felt that the approach to the child play space was acceptable and felt that the issues did not warrant a refusal.

The Committee also discussed the process for allocating the CIL funds to secure improvements, in view of the TfL request, the measures to safeguard amenity, the design of the shared ground floor entrances, the layout, and the measures to mitigate the impact on the microclimate.

In summary, the Chair stated that whilst he still found certain aspects of the scheme troubling particularly the high density and the height, he welcomed the changes to the scheme to overcome the previous concerns.

On a vote of 6 favour 1 against and 1 abstention, the Committee **RESOLVED**

1. That the planning permission be **GRANTED** at 34-40 White Church Lane and 29-31 Commercial Road, London, E1. for the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 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 ( reference PA/15/02527)  
Subject to:

2. Any direction by the London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations in the Committee report.
4. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
5. 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.
6. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report
7. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

**8.2 225 Marsh Wall, E14 9FW (PA/15/02303)**

Application withdrawn by the Applicant

The meeting ended at 6.30 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

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## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

|   |   |
|---|---|
| Up to two objectors on a first come first served basis.                         | For up to three minutes each.   |
| Committee/Non Committee Members.  | For up to three minutes each - in support or against.   |
| Applicant/<br>supporters.<br><br>This includes:<br>an agent or<br>spokesperson. | Shall be entitled to an equal time to that given to any objector/s.<br>For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul> |
| 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](http://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><b>Deadlines.</b><br/>                 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.<br/>                 Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>  | <br>Scan this code to view the Committee webpages. |
| <p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul> | <br>Council’s Constitution                         |

# Agenda Item 5

|   |                              |  |                             |
|---|------------------------------|--|-----------------------------|
| <b>Committee:</b><br>Development                                | <b>Date:</b><br>28 July 2016 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>5 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |                              | <b>Title:</b> Deferred Items                       |                             |
| <b>Originating Officer:</b>                                     |                              | <b>Ref No:</b> See reports attached for each item  |                             |
|   |                              | <b>Ward(s):</b> See reports attached for each item |                             |

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

2.1 The following item is in this category:

| Date deferred | Reference number | Location                                    | Development   | Reason for deferral   |
|---------------|------------------|---|---|---|
| 12 May 2016   | PA/15/03073      | South Quay Plaza 4, Marsh Wall, London, E14 | Erection of a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) 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:<br><br>Excessive density.<br>Impact on infrastructure particularly the transport network, the highway, social infrastructure including education and health facilities.<br>Unacceptable level of affordable housing.<br>Impact on residential amenity in terms of sunlight and daylight. |

## 3. CONSIDERATION OF DEFERRED ITEMS

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

6.1 South Quay Plaza 4, Marsh Wall, London, E14

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

Brief Description of background papers:  
See Individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See Individual reports

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

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

# Agenda Item 5.1

|                                |  |  |                            |
|--------------------------------|--|--|----------------------------|
| <b>Committee:</b><br>Strategic | <b>Date:</b><br>28 <sup>th</sup> July 2016 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
|--------------------------------|--|--|----------------------------|

|   |   |
|---|---|
| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Application for Planning Permission |
| <b>Case Officer:</b><br>Jermaine Thomas                     | <b>Ref No:</b> PA/15/03073                        |
|   | <b>Ward:</b> Canary Wharf                         |

## 1. APPLICATION DETAILS

**Location:** South Quay Plaza 4, Marsh Wall, London, E14

**Existing Use:** The site comprises of a temporary marketing suite.

**Proposal:** Erection of a 56 storey building comprising of 396 Residential (Class C3) Units, Community Use (Class D1) together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

The application is accompanied by an Environmental Impact Assessment.

(Amended Description)

## 2. **BACKGROUND**

2.1 This application for planning permission was considered by the Strategic Development Committee on 12<sup>th</sup> May 2016. A copy of the original report is appended.

2.2 Members were minded to REFUSE planning permission on the following grounds:

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

2.3 In accordance with Development Procedural Rules, the application was **DEFERRED** to a later committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and provide commentary on the detailed reasons for refusal on the application.

## 3. **REVISED OFFER / AMENDMENTS TO SCHEME**

3.1 Following negotiations with Council officers, the applicant has submitted a series of amendments to address the objections of members and maximise the public benefits delivered by the development.

3.2 The followings is a summary of the amendments to the proposal:

- 189sqm community facility (D1 use) provided at ground floor level
- All 49 on site affordable units (1,2,3 and 4 beds) provided at Social Target Rent Level
- Replacement of 27 intermediate units with 27 market sale units
- A £7 million commuted sum to deliver affordable units off site
- S106 clause securing expansion of approved SQP2 Nursery from 678sqm to 891sqm prior to occupation of the development (SQP4)

### ***Social Infrastructure***

3.3 The applicant has replaced the previously proposed 189sqm retail floor space (A1 – A4 use) with 189sqm of D1 floor space at ground floor level of the South Quay Plaza 4 development (SQP4). An initial desktop exercise by Quod on behalf of the applicant has identified the following community functions (D1 uses), which could be provided on site to serve the local area:

- Dentist
- Optician
- Pharmacy
- Learning or outreach centre for the police or Citizens Advice Bureau
- Other independent practitioners such as Physiotherapist
- Satellite GP facility

3.4 An existing section 73 planning application (PA/15/03074) has also been amended to increase the floor area of the approved Nursery (D1 use class) on South Quay Plaza 2 (SQP2) from 678sqm to 891sqm. The increase in capacity of the SQP2 nursery is proposed to meet any increase in demand for nursery places resulting from the SQP4 development. The delivery of the proposed extended nursery would be secured by a clause within SQP4 legal agreement which stipulates that SQP4 development cannot be occupied until 891sqm of nursery floor space is provided on SQP2. The acceptability of the section 73 application which includes the proposed extension to the Nursery, and reconfiguration to the approved landscaping provisions and child play space on South Quay Plaza 1-3 (SQP1-3) is currently being considered by officers.

3.5 The introduction of social infrastructure on South Quay Plaza 4 and extension of the approved nursery on the associated South Quay Plaza 2 development site as a consequence would result in the securement of additional public benefits for the development and wider area.

### ***Affordable Housing***

3.6 The applicant has revised the proposed housing mix and offer. The previously proposed 27 intermediate units would now be provided as market sale units. All of the 49 rented units would remain on site and be provided at social target rent level. A cash in lieu payment of £7m would be provided to deliver all the intermediate units off site.

3.7 The following tables sets out the new housing mix:

*Number and Percentage of units and habitable rooms by tenure*

|                           | <b>Number of units</b> | <b>% units</b> | <b>Habitable Rooms</b> | <b>% hab rooms</b> |
|---------------------------|------------------------|----------------|------------------------|--------------------|
| <i>Open Market</i>        | 347                    | 88%            | 909                    | 82%                |
| <i>Social Target rent</i> | 49                     | 12%            | 196                    | 18%                |
| <i>Intermediate</i>       | 0                      | 0%             | 0                      | 0%                 |
| <b>TOTAL</b>              | <b>396</b>             | <b>100%</b>    | <b>1105</b>            | <b>100%</b>        |

*Dwelling numbers and mix by tenure*

|                   | Studio   | 1 bed      | 2 bed      | 3 bed      | 4 bed     |
|-------------------|----------|------------|------------|------------|-----------|
| Open Market       | 0        | 184        | 126        | 37         | 0         |
| Affordable rent   | 0        | 14         | 14         | 14         | 7         |
| Intermediate      | 0        | 0          | 0          | 0          | 0         |
| <b>TOTAL</b>      | <b>0</b> | <b>198</b> | <b>140</b> | <b>51</b>  | <b>7</b>  |
| <b>Total as %</b> | <b>0</b> | <b>50%</b> | <b>35%</b> | <b>13%</b> | <b>2%</b> |

- 3.8 The 7m commuted was proposed by the applicant with the intention of increasing the affordable housing offer to 29.3% overall. This was based on the notion that the cost to deliver an intermediate habitable room off site was £55k, as previously advised and adopted by the Council.
- 3.9 BNP Paribas acting on behalf of the Council however have undertaken an exercise to confirm the cost today of delivering off site affordable housing units within the borough. The findings of the study confirmed that the cost to deliver off site intermediate housing in the absence of an identified donor site would be 87,500 per hab room. The methodology was based on the reasonable assumption that the borough wide Private Sales Value of properties is approx. £850 per square feet.
- 3.10 Following the Council's adoption of the updated off-site cost of £87,500 to deliver an Intermediate habitable room, the proposed £7m commuted sum would now equate to a reduced affordable housing provision of 25%.
- 3.11 Although, it may be viewed that the headline affordable housing offer has not increased since being presented to members at Committee on 12 May 2016, it should be noted that the applicant did propose the £7m commuted sum with the clear intention of increasing the affordable housing offer to 29.3%.
- 3.12 BNP Paribas have also confirmed that the additional cost to the applicant to deliver 1 and 2 Bed rooms at Social Target Rent is £1.99m. Had the £1.99m been added to the £7m commuted sum instead to deliver additional affordable housing off site (equating to a £8.99m commuted sum), the scheme would have provided a 27% affordable housing provision overall (based on the updated cost of 87,500 per off site habitable room).
- 3.13 While, if the Council were still securing only 55k per hab room, the commuted sums would have resulted in significantly higher affordable housing offers overall as shown below:
- £7 million would have delivered a 29.3% affordable housing provision overall.
  - £8.99 million would have delivered a 32.5% affordable housing provision overall.

- 3.14 The securing of a 25% affordable housing offer overall, despite the Council's recent adoption of the new updated off-site costs for delivering affordable housing within the borough is therefore welcomed by officers.
- 3.15 The delivery of all 49 rented units (1, 2, 3 and 4 beds) at social target rent levels, removal of all of the on-site intermediate units and securing of a commuted sum of £7m importantly also maximises the affordability of the proposed housing products and successfully mitigates wider affordability issues within the borough.
- 3.16 The revised affordable housing offer provides a significant increase in the overall public benefits of the scheme, in particular in comparison to the development presented at committee on 12 May 2016.

### ***Viability***

- 3.17 The additional cost for applicant to deliver all affordable 1 and 2 beds at Social Target Rent levels instead of Borough Framework is £1.99 million. The proposed commuted sum is £7m. The Council's Viability Consultants BNP Paribas have confirmed that the financial uplift the development secures from converting the on-site Intermediate units to private market sale units would be circa £4 million. The total cost of the enhanced offer by the applicant is therefore an additional £4.99m (£8.99m minus £4m).
- 3.18 The scheme previously presented to members at Committee at 12 May 2016 designed with all of the affordable housing provided on site was deemed unviable by BNP Paribas. The revised offer which results in an additional cost of £4.99m to the applicant ensures that the development is still unviable.

## **4. SUMMARY OF ISSUES RAISED BY MEMBERS AND OFFICER'S RESPONSE**

### ***Density***

- 4.1 Members objected to the density of the proposed development with it being more than double what is recommended within the density matrix which takes into consideration the PTAL of the application site.
- 4.2 Officers of the Council and TfL agree that the PTAL for the site is 4 when taking into consideration the existing South Quay footbridge in the calculation of PTAL. The London Plan recommended density range for the development site is 650 to 1100 hr/ha.
- 4.3 The proposed amendments to the development do not reduce the density of the development, and as such it remains at 2483 hr/ha.
- 4.4 The site is located within the Isle of Dogs Opportunity Area which is characterised by a number of approved dense developments such as City Pride (5,804 hr/ha), Millharbour Village (2,490 hr/ha) Meridian Gate (2,850 hr/ha) and Arrowhead Quay (3,357 hr/ha). The site also forms part of the Council's Managing Development Document Site Allocation 17 (Millennium Quarter) which identifies the area as a comprehensive mixed-use development opportunity to provide a strategic housing contribution and a district heating facility. Such designations and allocations as a consequence justify why such a departure from the density matrix could be acceptable.



- 4.5 London Plan Policy 3.4 states that the density ranges are not intended to be applied in a wholly prescriptive manner. Given the very considerable need for housing in borough, an Inspector at an appeal would need to see actual adverse effects caused by the amount of development, prior to the issue of density itself being a material factor of sufficient weight to justify refusal.
- 4.6 In light of the above, it would be extremely difficult to secure a refusal of a permission on a purely numerical density argument. The justification must be based upon on the actual effects of a scheme resulting from symptoms or characteristics of over-development.
- 4.7 The proposed development consists of only one symptom of over development as discussed in the committee report, which is the inadequate access to sunlight and daylight for neighbouring homes. However, it must be acknowledged that as the application site is a cleared development site orientated to the south of existing residential units, it is likely that most proposed development of a strategic nature and designed to meet the aspirations of the site allocation and Isle of Dogs Opportunity Area would be likely to impact on the neighbouring residential properties to the north and northwest.
- 4.8 There is only one demonstrable qualitative characteristic of over-development of which would be likely to arise from any realistic development proposed on site. It is also considered that the merits of the development which are discussed throughout this report (see section 6) constitute the required exceptional circumstances that justify a deviation from policy in this regard. It is officers' opinion that it would be difficult to defend a refusal on the grounds of density at an appeal.

#### *Impact on infrastructure*

- 4.9 Members objected to the impact of the development on infrastructure, particularly the transport network, the highway, and social infrastructure including education and health facilities.

#### Highways

- 4.10 The first objection to the impact on infrastructure is that on the transport network and the highway. The Transport Assessment provided with the application and the subsequent assessment by the Council's Highway and planning officers confirmed that the scheme would result in a net increase of only four car parking spaces in comparison to the approved South Quay Plaza 1-3 development, as the development would be primarily a "car free" scheme. The relevant consultation responses from both the Council's highways officer and TfL also did not suggest there would be any adverse impact on the transport or highway network. DLR were also consulted separately from TfL and raised no objection. Such responses are a material consideration in the assessment of the application, and any subsequent appeal.
- 4.11 With regards to public transport, TfL acknowledge that there may be a possible current deficiency in bus provision in the morning rush hour. Any deficiency and resulting impacts of the development on bus capacity however would be mitigated by CIL and a contribution of £200,000 which is secured specifically for additional bus provisions.
- 4.12 It is considered that there is no evidence to suggest there would be any adverse demonstrable impacts on the highway network or to challenge the conclusions of LBTH Highway and TfL officers. Accordingly, officers consider that the refusal of the application on highway grounds would be very difficult to defend at appeal.

## Education and Health

- 4.13 With respect to the absence of education and health facilities, it should be noted that the application site forms part of wider development site which includes South Quay Plaza 1-3 and that falls within Site Allocation 17: Millennium Quarter. The site allocation and the Local plan policies promote the delivery of housing on this site but not the delivery of education and health infrastructure in particular.
- 4.14 The adopted procedure to mitigate any effects of a development on the capacity of health and education facilities is to secure financial contributions via the Council's Community Infrastructure Levy (CIL) and any appropriate section 106 obligations. It is therefore considered that it would be unreasonable to refuse the application based on any perceived impacts on local infrastructure, in particular regarding health and education matters.
- 4.15 Notwithstanding the above, the applicant has revised the scheme to provide 189sqm of D1 floor space at ground floor level of the development. While, the approved Nursery (D1 use class) on South Quay Plaza 1-3 development which will be linked to this development scheme via section 106 agreement is also to be increased in floor area from 678sqm to 891sqm to meet additional demand in nursery places resulting from the proposed development and increase its overall capacity to serve the wider area.
- 4.16 The delivery of social infrastructure within the development, expansion of the approved nursery on the associated South Quay Plaza 1-3 development combined with the securement of LBTH CIL would therefore address member's previous objections. The delivery of such provisions would also significantly decrease the likelihood of a successful appeal.

## *Affordable Housing*

- 4.17 Members objected to the level of affordable housing proposed at 25%, which included the delivery of 3 and 4 bedroom units at Social Target Rent levels.
- 4.18 The applicant in response sought to increase the affordable housing offer to 29.3% by providing a £7m commuted sum in lieu. While, also providing all of the 1 and 2 bed rented units at Social Target Rent Levels.
- 4.19 As discussed previously, it has since been confirmed independently that the cost for the Council to deliver an intermediate habitable room off site is actually £87.5k, which in turn results in the proposed £7m commuted sum equating to a 25% affordable housing offer overall.
- 4.20 Whether or not the headline affordable housing offer was 25% or 29.3% (as initially intended by the applicant), it is noted that the development would still not achieve the 35 to 50% affordable housing target stated within the London Plan and Local Plan.
- 4.21 The provision of affordable housing is subject to considerations of viability. This is a central thrust of the NPPF, which states that an otherwise acceptable development should not be turned down because it cannot make appropriate contributions to matters such as affordable housing, due to a lack of viability.

- 4.22 In this case, the applicant submitted a viability appraisal which indicated that a policy compliant level of affordable housing (35-50%) would not be viable. A conclusion which was verified by Council's own financial viability consultants BNP Paribas.
- 4.23 The enhanced affordable housing offer which now includes a £7m commuted sum and all rented units being provided at Social Target Rent in turn substantially reduces the viability of the scheme even further. Nevertheless, the applicant has taken the commercial decision to absorb such costs. The applicant's ability to provide an enhanced offer is due to the fact that the viability of a scheme takes into account the requirement for a developer make a profit, which allows for a commercial decision to be made to forego some of that profit in order to secure additional public benefits for example. It should be noted however that it is risky to defend an appeal on the premise that an Inspector at appeal would insist upon a developer accepting less than a normal commercial developer's profit. In short, in the event that the applicant was refused by members and later allowed at appeal there is a possibility that the revised and enhanced affordable housing offer would not be secured.
- 4.24 Notwithstanding the above, if members still do not accept the viability of the scheme as a reason for the failure of the development to meet affordable housing targets, it would need to be evidenced why such a failure is not outweighed by the other benefits of the scheme contrary to LBTH Core Strategy policy SP02 'Urban Living For Everyone' which states:

*'Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.'*

- 4.25 This report read in conjunction with the committee report dated 12 May 2016 clearly sets out why and how the proposed development provides public benefits (see section 6). At appeal there is a real prospect that an Inspector would conclude the other benefits of the scheme outweigh the failure of the site to contribute towards affordable housing provision, especially when the affordable housing offer overall is 25% and includes a commuted sum of £7m and all 49 of the on-site affordable units being delivered at Social Target Rent Levels.
- 4.26 In this instance, it is therefore considered that the failure to provide a 35% to 50% affordable housing provision overall would be difficult to defend at appeal.

#### *Sunlight / Daylight*

- 4.27 Members previously concluded that the merits of the development were outweighed by the negative impacts of the application due to the sunlight and daylight failings to nearby buildings.
- 4.28 With respect to the sunlight and daylight findings, it is of note that the application was supported by a Daylight and Sunlight Assessment, which was in turn assessed by Daylight and Sunlight consultants on behalf of the Council.

- 4.29 The Council's sunlight and daylight consultants generally considered the effects to be greater than those set out in the applicant's assessments. Accordingly, they concluded that there would be moderate to major adverse impacts on Discovery Dock West, Discovery Dock East, and Pan Peninsular West.
- 4.30 Given the above and in accordance with the findings presented in the committee report, it is clear that there are some adverse impacts which would need to be considered on a planning balance and therefore could conceivably form the basis for a reason for refusal which is properly supported by evidence.
- 4.31 Prior to refusing the application based on sunlight and daylight impacts however Members need to be taken into consideration that a loss of sunlight and daylight is a necessary consequence of the erection of a tall building almost anywhere in a compact urban area, especially on a cleared site such as this. Finally, it is important to note that any adverse effects are only matters which can be weighed in the overall planning balance and cannot, without further consideration, be assumed to form the basis for a successful refusal of permission in isolation, and that development on a cleared site will always result in higher than expected levels of losses.
- 4.32 In short, the major adverse sunlight and daylight impacts on neighbouring properties (demonstrable harm) must be weighed against the public benefits of the scheme. Such an exercise is undertaken in the following section of the report.

## **5. PUBLIC BENEFITS Vs. HARM**

- 5.1 The proposed development is located on a development site, which is located within Managing Development Document Site Allocation 17 identified as a location for the delivery of strategic residential development. The site and surrounding area is situated within Tower Hamlets Activity Area and the Isle of Dogs Opportunity Area, which is identified as a suitable location for the intensification of uses.
- 5.2 The proposed high quality mix use residential development scheme would provide much-needed market and affordable housing within the borough in accordance with the site's policy designations, and with very limited environmental effects and no statutory consultees objecting to the scheme.
- 5.3 The proposed affordable housing offer provides a commuted sum of £7m to deliver off site affordable housing, all 49 affordable units on site at Social Target Rent Levels and absent of any intermediate units on site which often generate affordability issues for residents within the borough maximises the affordable housing offer.
- 5.4 The development which in numerical terms would be overly dense would not result in any major manifestation of the harm which would be expected of schemes which are too dense and constitute an overdevelopment of a site.
- 5.5 There would be major adverse impacts caused by effects of the development on daylight and sunlight of neighbouring properties, but such impacts are not out of the ordinary in the context of a confined urban environment, or unexpected when a cleared strategic development site, as such as this is to be developed.
- 5.6 The proposed expansion of the nursery on the associated South Quay Plaza 1-3 development site, delivery of social infrastructure (D1 use class) on the application site and the securement of a LBTH CIL financial contribution of £6,471,374 would provide substantial public benefits for the residents of the development and wider area.

- 5.7 The proposed development set within an expansive public realm offer, and combined with the improvement works to South Quay Square, creation of a new cycle and pedestrian access route to a potential new South Quay bridge and the removal of unnecessary vehicle access points and routes to and through the site would substantially enhance the visual and public amenity of the wider area.
- 5.8 In light of the above, it is considered that it cannot be demonstrated that any harm resulting from the scheme would “significantly and demonstrably” outweigh the benefits which the scheme would bring.
- 5.9 In conclusion, officer’s advice that it is very unlikely an Inspectorate at appeal would uphold any of the previously suggested reasons for refusal.

## **6. IMPLICATIONS ARISING FROM A DECISION TO REFUSE THE APPLICATION**

- 6.1 In the event that the Committee resolves to refuse the application, the following options could be exercised by the applicant.
- 6.2 The applicant could withdraw the application and later approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.
- 6.3 The applicant could request that the application to be called in by the Mayor of London as part of the stage II referral.
- 6.4 The applicant could exercise their right to appeal to the Secretary of State against the Council’s decision and lodge an application for costs. The appeal would be determined by an independent inspector appointed by the Secretary of State.
- 6.5 Section 4 and 5 of this report throughout sets out the officer’s assessment of how unlikely the Council would be in defending the reasons for refusal at appeal. However if the Committee do resolve that the application should be refused on grounds relating to excessive density, impact on infrastructure, unacceptable level of affordable housing and/ or impact on residential amenity in terms of sunlight and daylight, officers will seek to defend the Council’s position.

## **7. RECOMMENDATION**

- 7.1 Officers’ original recommendation as set out in the officers’ report for Strategic Development Committee on 12<sup>th</sup> May 2016 to **GRANT** planning permission for the proposal remains unchanged.
- 7.2 However, if Members are minded to refuse planning permission for this scheme, then the proposed refusal reasons are as follows:

### *Reasons for Refusal:*

1. The proposed development by reason of its excessive density constitutes overdevelopment of the site, which is exhibited by the resulting inadequate access to sunlight and daylight for neighbouring residential properties. There is no exceptional circumstance to justify exceeding the advised density range for this development site. The development is contrary to the NPPF, policies 3.4 of the London Plan (MALP 2016), SP02 of the Core Strategy (2010), SQ1 of the South Quay Masterplan (2015) and the London Plan Housing SPG (2016).

2. The proposed development with an affordable housing offer of 25% would fail to maximise the delivery of Affordable Housing and as a consequence not meet the Borough's identified housing need. No other benefits of the scheme outweigh the failure of the site to appropriately contribute towards affordable housing provision. The development is contrary to the NPPF and policies 3.12 of the London Plan (MALP 2016), SP02 of the Core Strategy (2010) and DM3 of the Managing Development Document (2013).
3. The proposed development fails to mitigate its impact on the transport network, highways, local services and social infrastructure contrary to the requirements of the NPPF and policies 3.2, 3.16, 3.17, 3.18, 6.3, 6.11, 6.12, 6.13 and 8.2 of the London Plan (MALP 2016), SP02, SP03, SP07, SP08 and SP09 of the Core Strategy (2010) and DM8, DM20 and DM22 of the Managing Development Document (2013).
4. The proposed development by reason its height, scale and mass, combined with its proximity, orientation and separation distance to neighbouring residential properties would result in major adverse sunlight and daylight failures to existing residential units. This resulting harm of the development would significantly and demonstrably outweigh the benefits of the scheme. The development is contrary to the NPPF and policies SP10 of the Core Strategy (2010), DM25 of the Managing Development Document (2013) and Building Research Establishment (BRE) Guidance (2011).

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| <b>Committee:</b><br>Strategic | <b>Date:</b><br>12 <sup>th</sup> May 2016 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b> |
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| <b>Report of:</b><br>Director of Development and<br>Renewal | <b>Title:</b> Applications for Planning Permission |
| <b>Case Officer:</b><br>Jermaine Thomas                     | <b>Ref No:</b> PA/15/03073                         |
|   | <b>Ward:</b> Canary Wharf                          |

## 1. APPLICATION DETAILS

**Location:** South Quay Plaza 4, Marsh Wall, London, E14

**Existing Use:** The site is a cleared site.

**Proposal:** 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 application is accompanied by an Environmental Impact Assessment.

**Drawing and documents:** See appendix 2

**Applicant:** Berkeley Homes Ltd.

**Ownership:** Berkeley Homes (Capital) plc. and Berkeley Homes (South East London) Ltd

**Historic Building:** None

**Conservation Area:** None

## 2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for a residential-led mix use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.3. The proposed tall building would be of an appropriate scale, form and composition for the surrounding context and townscape. The development would be of high quality design, provide a positive contribution to the skyline and not adversely impact on strategic or local views.
- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of privacy, outlook or increased sense of enclosure. The high quality accommodation provided, along with the external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. Transport matters, including parking, access and servicing are on balance considered acceptable.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of £161,452 towards employment, skills, training and enterprise and construction stage;
- b) A contribution of £1,200 towards employment skills and training to access; employment in the commercial uses within the final development;
- c) A contribution of £108,360 towards carbon off-set initiatives;
- d) A contribution of £200,000 towards local bus services;
- e) A contribution of £8,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £487,012.

#### Non-financial contributions

- a) Delivery of 25% Affordable Housing comprising of 27 intermediate units, and 49 affordable rented units (28 Borough Framework and 21 Social Target Rent)
- b) Affordable housing delivery;
- c) Viability review mechanism;
- d) Permit Free for future residents;
- e) Apprenticeships and work placements;
- f) Access to employment and construction - 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs;



- g) Public access retained for all public realm, walking, cycling and vehicular routes;
- h) Improvement works to South Quay Square;
- i) Permanent access arrangements to South Quay Plaza 1-3 and Discovery Dock East;
- j) Permanent access arrangements to the Jemstock buildings
- k) Implementation and monitoring of the carbon emission reductions (Energy Statement);
- l) Terrestrial and satellite television signals mitigation
- m) DLR signal survey and mitigation measures

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

3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement' Conditions:

1. Evidenced based Waste management strategy;
2. Noise mitigation measures to ensure satisfactory relationship to adjacent DLR
3. Sound insulation scheme;
4. Access arrangement (wheelchair accessibility);
5. Construction Environmental Management plan;
6. Surface water drainage scheme;
7. Water Supply infrastructure in consultation with Thames Water
8. Ground contamination remediation and mitigation
9. Biodiversity mitigation and enhancements;
10. District energy and heating strategy;
11. Piling Method Statement

Prior to completion of superstructure works conditions:

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

Prior to Occupation' Conditions:

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

### Compliance' Conditions –

30. Permission valid for 3yrs
31. Development in accordance with approved plans;
32. Hours of operation of commercial units (A1 – A4 use class)
33. Internal Noise Standards
34. Renewable energy technologies in accordance with approved Energy Strategy

### **Informatives**

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

## **4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS**

### **Proposal**

- 4.1. The applicant is seeking planning permission for the comprehensive redevelopment of the site to provide a residential led mix use scheme which would form part of a wider regeneration strategy when combined with the neighbouring and previously approved South Quay Plaza 1- 3 scheme (SQP 1-3).
- 4.2. The development comprises of the following uses:
  - 396 residential units (Use class C3)
  - 189 sqm (GIA) Flexible Commercial Uses – retail, financial and professional services, cafes and restaurants and drinking establishments (Use class A1- A4)
- 4.3. The proposed scheme comprises of a single L shaped tower, 56 storeys tall (198 m AOD) set within landscaped area.
- 4.4. The proposed site layout seeks to provide a pedestrian friendly environment and form part of a new north to south pedestrian link which would run from the South Dock to Marsh Wall.
- 4.5. The proposed non-residential uses at ground floor level would provide commercial active to three of the five proposed elevations.
- 4.6. The proposed residential use would comprise of 396 residential units, 25% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 320 private units, 27 intermediate units, and 49 affordable/social rented units. This provision is set out below, as well as the mix by tenure.

### **Number and Percentage of units and habitable rooms by tenure**

|                            | <b>Number of units</b> | <b>% units</b> | <b>Habitable Rooms</b> | <b>% hab rooms</b> |
|----------------------------|------------------------|----------------|------------------------|--------------------|
| Open Market                | 320                    | 81%            | 831                    | 75%                |
| Affordable and social rent | 49                     | 12%            | 196                    | 18%                |
| Intermediate               | 27                     | 7%             | 78                     | 7%                 |

|              |            |             |             |             |
|--------------|------------|-------------|-------------|-------------|
| <b>TOTAL</b> | <b>396</b> | <b>100%</b> | <b>1105</b> | <b>100%</b> |
|--------------|------------|-------------|-------------|-------------|

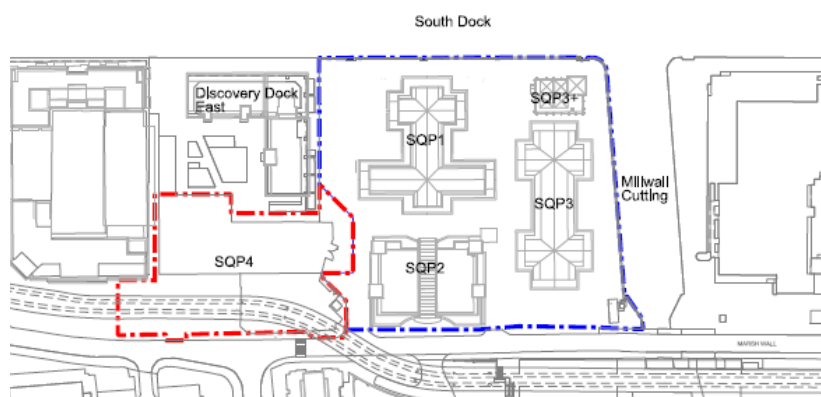
### Dwelling numbers by unit size and tenure

|                            | <b>Studio</b> | <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>4 bed</b> |
|----------------------------|---------------|--------------|--------------|--------------|--------------|
| Open Market                | 0             | 166          | 117          | 37           | 0            |
| Affordable and social rent | 0             | 14           | 14           | 14           | 7            |
| Intermediate               | 0             | 18           | 9            | 0            | 0            |
| <b>TOTAL</b>               | <b>0</b>      | <b>198</b>   | <b>140</b>   | <b>51</b>    | <b>7</b>     |
| <b>Total as %</b>          | <b>0</b>      | <b>50%</b>   | <b>35%</b>   | <b>13%</b>   | <b>2%</b>    |

- 4.7. The proposed development would consist of 3 outdoor sky gardens which are positioned within the envelope of the building.
- 4.8. The proposal would also include cycle parking spaces, refuse provisions and landscaping works.
- 4.9. The proposed basement would be designed to provide access to the basement of SQP 1 -3 site and the existing basement of DDE.

### Site and Surroundings

- 4.10. The application site is currently vacant and enclosed by a two metre high advertising hoarding boards. Immediately to the east are two office buildings and small retail parade which form part of a development site known as South Quay Plaza 1-3 which as discussed previously has consent for 888 new homes in two new 68 and 36 storey high towers. This development received planning permission on 30 March 2015.
- 4.11. The following plan shows the extent of the application site outlined in red and the adjacent SQP 1-3 land also under the ownership of the applicant which is shown in blue.



*Image of Application Site*

- 4.12. The northern edge of the site abuts the Southern edge of South Quay Square.
- 4.13. To the north of site and South Quay Square is Discovery Dock East which is an L shaped 23 storey residential building.

- 4.14. To the west of the site are the 15 storey Canary Wharf Hilton Hotel (Jemstock 1) and a vacant 15 storey building structure (Jemstock 2) which has a resolution to grant planning permission for serviced apartments, with a café and offices on the lower floors.
- 4.15. To the north west of the site is 'Discovery Dock West' which is a 13 storey residential building (Jemstock 3).
- 4.16. The Docklands Light Railway (DLR) and highway of Marsh Wall are situated to the south of the application site. Further south is the Millharbour Village development site at 1 and 3 Millharbour.
- 4.17. The application site is not located within a conservation area and does not comprise of or affect the setting of any listed buildings.

### **Spatial policy designations**

- 4.18. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.19. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The allocation states that developments would include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for the Millennium Quarter.
- 4.20. The site is outside of the Canary Wharf Preferred office Location (POL) and Canary Wharf Major Town Centre, but within the Tower Hamlets Activity Area (THAA), as defined by Core Strategy Policy SP01. The THAA is intended to provide transitional areas that are complementary, yet different, to the distinct designations of the Canary Wharf town centre.
- 4.21. The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.22. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.23. The site is within the London City Airport Safeguarding Zone.
- 4.24. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.25. The site is within the Crossrail Safeguarding Area as well as the Crossrail SPG Charging Zone

### **Relevant planning history**

*Application site*

4.26. **South Quay Plaza 4:**

**PA/15/01286**

Application for non-material amendment of planning permission dated 30/03/2015, ref: PA/14/00944 for the removal of vehicular lifts and replacement with retail (Use Class A1-A4) space at ground and first floor level and associated alterations to external elevations at ground, mezzanine and first floor level. Removal of shared surface space associated with the vehicular lifts and replacement with landscaped open space. The insertion of a condition limiting occupation of the development until such time as the permission granted under PA/15/01321 has been completed.

**Approved 19/10/2015**

**PA/15/01321**

The erection of two single storey pavilion structures comprising a vehicle lift and waste and recyclable waste storage area; along with associated access, servicing, hard and soft landscaping and other incidental works.

**Approved 19/10/2015**

**PA/15/03412**

Erection of a single storey pavilion for the temporary use as a sales and marketing suite with ancillary storage space, access, parking and associated landscaping

**Approved 11/04/2016**

*Adjacent sites*

4.27. **South Quay Plaza 1- 3**

**PA/15/03074**

Section 73 application for variation of condition 4 (Approved Drawings) of Planning Permission PA/14/00944, dated 30/03/2015 for the following: Revised residential unit mix with 6x additional residential units (Class C3) Amendments to internal layouts, elevations, landscaping and access arrangements Incidental works

**Assessment on-going**

**PA/14/00944**

Demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

**[Revised Description]**

**Approved 30/03/2015**

4.28. **Jemstock 2**

**PA/15/02104**

Erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).

**Resolution to Grant 10/03/2016**

4.29. Land at 3 Millharbour and Land at 6,7 and 8 South Quay Square

**PA/14/03195**

The demolition and redevelopment of sites at 3 Millharbour and 6, 7, and 8 South Quay with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. The development provides 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4); two new public parks including play facilities, a new north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric; car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

**Resolution to grant 8/102015**

*Wider South Quay Developments*

Built / Near completion

- 4.30. "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 4.31. "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.
- 4.32. "40 Marsh Wall" (PA/10/1049) Planning permission was granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.33. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;
- 4.34. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sqm of

floor space over a podium for use as 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sqm m, 2,892 sqm m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

Consented / Implemented but not fully built out

- 4.35. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sqm) comprising two towers with a maximum of 45 storeys (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sqm together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sqm).
- 4.36. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.37. "Newfoundland" PA/13/01455 granted 10th June 2014 for the erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.38. "Arrowhead Quay" PA/12/03315 planning permission granted on 19<sup>th</sup> February 2015 for the erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.39. "1-3 South Quay Plaza" PA/14/00944. Planning permission granted on 31<sup>st</sup> March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.40. "Meridian Gate" PA/14/01428 planning permission granted on 6<sup>th</sup> March 2015 for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).

- 4.41. Land at 2 Millharbour PA/14/01246 The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a ‘link’ building situated between block B1 and D)—ranging in height from 8 to 42 storeys. New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) ‘leisure box’ (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping

Under consideration

- 4.42. “30 Marsh Wall” PA/13/03161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sqm m of café/retail floorspace (Use Classes A1 A3), 1781 sqm m of office floorspace (Use Class B1), 231 sqm m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sqm m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.
- 4.43. “225 Marsh Wall” PA/15/02303 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 55 storeys comprising residential (Use Class C3), flexible office/community/retail (Use Class B1/D1/A1/A3), resident amenities, basement care parking, public realm improvements and other associated works.
- 4.44. “Cuba street” PA/15/02528 Redevelopment of the site to provide a residential-led mixed use development comprising two buildings of up to 41 storeys (136m AOD) and 26 storeys (87m AOD) respectively. Provision of up to 448 residential units, flexible retail/ community uses and ancillary spaces together with public open space and public realm improvements.

Withdrawn application

- 4.45. “54 Marsh Wall” PA/14/02418 Application received for the demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.

Resolution to Grant

- 4.46. “Hertsmere house” PA/15/02675 Demolition of remaining buildings and structures and erection of a 67 storey building with two basement levels, comprising 861 residential units (Use Class C3), 949sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking.

## **5. POLICY FRAMEWORK**

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



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

### **National Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

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

#### Policies

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centre
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education uses
- 4.1 Developing London's economy
- 4.4 Managing Industrial land and premises
- 4.5 London' visitor infrastructure
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity

- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.30 London's canals and other river and water spaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

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

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

### **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking

- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

### **Supplementary Planning Documents**

- South Quay Masterplan (October 2015)
- Planning Obligations SPD (January 2012)
- Draft Planning Obligations SPD (March 2015)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (July 2013)
- Shaping Neighbourhoods: Character and Context - draft (February 2013)
- Housing Supplementary Planning Guidance (March 2016)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- London View Management Framework SPG (March 2012)
- London World Heritage Sites - Guidance on Settings SPG (March 2012)
- SPG: Planning for Equality and Diversity in London (October 2007)
- SPG: Sustainable Design and Construction (May 2006)
- SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
- SPG: London Housing Guidance (March 2016)

### **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

### **Other Material Considerations**

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

## **6. CONSULTATION RESPONSES**

- 6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2. The following were consulted regarding the application:

### Internal Responses

#### **LBTH Environmental Health - Contaminated Land**

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

### **LBTH Environmental Health - Air Quality**

- 6.4. Construction assessment concludes that with appropriate mitigation, the construction impacts would be negligible on dust and air quality. Mitigation measures for such should be included in the Construction Environmental Management Plan.
- 6.5. The ES shows that the proposed Energy centre plant, CHP and boilers, would meet the NOx emission limits that are set out in the GLA's Sustainable Design and Construction SPG and the emissions would not have a significant on any existing or proposed receptors.

### **LBTH Environmental Health – Noise and Vibration**

- 6.6. All plant and equipment must be 10dB below lowest recorded background is still criteria.
- 6.7. Further information is required to confirm that the proposed development would be acceptable.
- 6.8. The submission and compliance with an acoustic report should be secured by condition.

### **LBTH Refuse**

- 6.9. Waste Management have the following comments and objections.
- 6.10. Objection (1): It was not agreed that a twice weekly collection would be made, which has been offered as an alternative to "in-bin" compaction at a ratio of 2:1, which was also not agreed. It was agreed that the in-bin compaction solution would be considered and researched, however thus far no evidence in favour of reliability and improved serviceability for the Council has been found in terms of case studies. Moreover some consultation with our existing contractor highlighted concern at the proposal of this methodology as they have recently ceased using in-bin compaction with their McDonalds contracts due to bin damage and service delays, where waste stuck to container walls. Furthermore the pushing force required for the containers was disputed and the impact on vehicle lifts was of further concern. Overall the methodology deviates largely from our core contractual arrangements with Veolia and presents too many potential liabilities for the Council to adopt or agree.
- 6.11. Objection (2): The scale of the development has increased with the addition of SQP4 and is now to such a proportion, that cumulatively, LBTH Waste Management believes that a wholesale revision of the Waste Strategy should be made. The nearby Wood Wharf development of unit scale around 1,700 residential units has planning consent for compacted skip containers of 10m<sup>3</sup> which is solution in keeping with this scale and density of development. Therefore Waste Management believes that the South Quay development should adopt this methodology, perhaps using 15-20m<sup>3</sup> compacted containers collected on a weekly basis for both residual waste and dry recycling.
- 6.12. The above revision to the waste strategy would require a change in basement plans and to accommodate the compaction area and the height required to load unload containers, but in concession all the current residential waste storage rooms would not be required (or at least could be reduced in size considerably). The height of the basement would need to be raised and Waste Management proposes that as a possible solution the landscaped area in-between SQP 4 and 1-3 could reflect this increase in height, forming a mound in the public realm. A feature of the change in ground floor level could then be made for the skip containers to be lifted, which would give the communal landscaped area some further variance.

## **LBTH Highways**

- 6.13. Officers acknowledge that the disabled car parking provision meets current adopted policy. However, Highways were seeking a commitment from the applicant above this in light of the additional demand for disabled spaces over and above the consented scheme. It is disappointing the applicant has not agreed to this.
- 6.14. The applicant has provided the requested information on the traffic modelling. Highways are satisfied the vehicle access/egress arrangements to and on the site are unlikely to result in a material impact on the operation of the local highway network.
- 6.15. The applicant has also clarified the nature of proposed link to the DDE car park and highway agree this would have a beneficial effect of re -routing vehicles associated with this development away from the western access road.
- 6.16. A form of pedestrian refuge should be provided on the required crossover on Marsh Wall. This should be secured as via pre-occupation condition for an agreed scheme of highway works.
- 6.17.
- 6.18. Finally, the development does require amendment at the southwest corner of the Marsh Wall / Millharbour junction in order to maintain the existing signal timings at this junction should the layout be amended as per this application. As mentioned in my initial comments, these (minor) works are expected to take place as part of the Millharbour Village scheme. However, if they do not for whatever reason, Highways require them to form part of the highway works for this scheme.

## **LBTH Biodiversity**

- 6.19. There is no significant existing biodiversity interest on the site. Therefore there will be no significant biodiversity impacts, and ecology is correctly scoped out of the ES.
- 6.20. The proposed development would lead to a significant increase in vegetation within the site, offering considerable scope for biodiversity enhancements, especially in the Pocket Park. The proposed pocket park includes extensive areas of nectar-rich "prairie-style" herbaceous planting, which will be a significant benefit to bees and other pollinating insects, and will contribute to a target in the Local Biodiversity Action Plan (LBAP).
- 6.21. The proposed trees include two black poplars, a priority species in the LBAP. One of these is proposed to be within the SQP4 site. It is important to ensure a true native black poplar, and not a hybrid, is planted. These trees will contribute to another LBAP target. No other native tree species appear to be included in the proposed landscaping, which is regrettable from a biodiversity perspective. The replacement of the non-native *Betula papyrifera* with the very similar-looking, native *Betula pendula*, would significantly enhance the wildlife value of the landscaping.
- 6.22. The hedges could be of considerable biodiversity value and contribute to a LBAP target if they are composed of mixed native species and are sufficiently tall and bushy. However, this might conflict with sightlines and security perceptions. Very low hedges are of negligible biodiversity value.
- 6.23. The Extended Phase 1 Habitat Report recommends including bird and bat boxes in the development, though I can find nothing in any of the other documents to indicate that these are proposed. Bat boxes, and nest boxes for swifts, would contribute to LBAP targets.

6.24. A safeguarding condition would be required to secure biodiversity enhancements.

### **LBTH Economic Development**

6.25. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

6.26. The Council will seek to secure a financial contribution of £161,452 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

6.27. The council seeks a monetary contribution of £1,200.33 towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the A1-A4 uses of the development, or jobs / training within employment sectors relating to the final development.

6.28. During the end-use phase the occupier/s is/are expected to deliver 1 apprenticeship for a Tower Hamlets resident over the first 3 years of full occupation. This was calculated based on the expected FTE employment for the commercial floorspace.

6.29. The applicant is required to sign up to a Section 106 agreement in accordance with council policy. There will be substantial job opportunities created by the construction of this mixed-use development.

6.30. Direct job opportunities will be created once this scheme is completed as it provides commercial floorspace (10 proposed employees for 189sqm) as part of the operational phase of the development.

6.31. Economic Development supports the creation of new jobs from the construction and operational phases; as well as the construction of new employment floorspace and retail floorspace, in particular within this location, to support the high-density residential building proposals.

### External responses

#### **Crossrail Limited**

6.32. The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction.

6.33. The implications of the Crossrail proposals for the application have been considered and Crossrail Limited do not wish to make any comments on this application as submitted.

#### **Natural England**

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

#### **Historic England**

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

### **Historic England Archaeology (GLAAS)**

- 6.36. Deeply buried prehistoric remains and remains connected with the history of the docks are likely to be affected by the scheme. The evaluation proposals suggested by the applicant's archaeological consultants are appropriate. Should significant remains be encountered, there may be a need for further investigation.
- 6.37. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

### **National Grid**

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

### **Environment Agency (EA)**

- 6.41. The proposed development will result in a 'more vulnerable' use within flood zone 3. This use is appropriate within flood zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test you (the LPA) must be satisfied that there are no alternative sites available for the development at a lower risk of flooding.
- 6.42. If you deem that the Sequential Test is passed then we would have no objection to the above proposal and have the following comments in relation to the Flood Risk Assessment submitted in support of this application.
- 6.43. The FRA produced by the applicant uses old tidal breach modelling and the Tower Hamlets SFRA. However, we now have new tidal breach modelling for this site.
- 6.44. Although this new tidal breach modelling does encroach into the boundary of the site the proposed building footprint is outside the area deemed to be at risk.
- 6.45. EA therefore consider this development to be at a low risk of flooding. However, it is for the Council to decide which data you feel is appropriate to use in this instance.
- 6.46. The Council's emergency planning team should be consulted to ensure that they are satisfied with the mitigation measures proposed such as safe access/egress.

### **London Fire and Emergency Planning Authority**

- 6.47. No Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation and the Brigade is unable to determine their

adequacy. It is recommended this proposal should conform to the requirements of part B5 of Approved Document B.

**Metropolitan Police - Crime Prevention officer**

- 6.48. No objection to the proposed phase proceeding having had meetings regarding the site. It should be on the understanding that the scheme is to achieve Secured by Design accreditation. This will only be confirmed once the entire site has been completed and a full and final inspection has been carried out.

**London Bus Services Ltd**

- 6.49. No comments received.

**TFL London Underground**

- 6.50. Response received confirming no comments to make on this application.

**Network Rail Infrastructure Ltd.**

- 6.51. Network Rail has no objection or further observations to make.

**Docklands Light Railway**

- 6.52. No objection subject to the attachment of safeguarding conditions.

**The Victorian Society**

- 6.53. No comments received

**Commission for Architecture and Built Environment CABA**

- 6.54. No comments received.

**Thames Water Utilities Ltd.**

- 6.55. Thames Water would advise that with regard to sewerage infrastructure capacity, there is no objection to the above planning application.

- 6.56. Thames Water advice that the water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A safeguarding condition is therefore required.

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

**Port of London**

- 6.58. No principle objection. It is noted that investigation into the possibility of utilising the River for the transportation of freight (materials and waste) associated with the development, has previously been investigated. It was concluded that, for a number of reasons, the river could not be used in this regard.



- 6.59. The PLA would encourage specific measures to encourage use of the river to be set out in any travel plan. This could include river bus timetables in residents and works travel packs.

### **Greater London Authority**

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

#### *Principle of development*

- 6.61. The principle of development of the site as a residential led mixed use development with reasonable level of commercial floor space is acceptable.
- 6.62. Given the sites context within the Isle of Dogs and the South Poplar Opportunity Area, its position to the south of Canary Wharf, and noting the site is presently vacant, the principle of housing led development is strongly supported.

#### *Open space*

- 6.63. Within the redline boundary, the applicant delivers 3,175sqm of public open space; taken as part of the overall master plan and land within its ownership, the applicant will deliver a total of 11,109sqm. A further 610sqm of existing public realm located within Discovery Dock East will be improved and its design integrated within the Masterplan, to provide an element of consistency between the space and therefore avoiding a fragmented public realm.
- 6.64. The master planned approach will deliver a significant area of high quality and useable play and amenity space for the residents of the wider community. The applicant's commitment to the delivery of a bridge crossing South Dock is particularly commended.

#### *Housing*

- 6.65. The development contains 396 units. The proposal provides 35% affordable housing by habitable room, with a tenure split by units is 64% affordable and 36% intermediate, which is broad accordance with strategic and local policy.
- 6.66. The proposal includes 58 family units, equating to 15% of the overall housing provision. The applicant has prioritised family affordable provision, and as such 21 of the family units are identified as affordable, equating to 43% of the total social housing provision.

#### *Density*

- 6.67. The density of the development is 2,483 ha/hr and is above the suggested density range of 650 – 1100 habitable rooms per hectare for a central site such as this with excellent public transport accessibility.
- 6.68. As set out in the relevant sections of this report, the application includes the provision of public open space, and helps further secure the delivery of a critical future connection across South Dock, both of these elements are strongly supported, respond positively to the development's bearing on the capacity of existing infrastructure, and address the principles of the Council's South Quay Masterplan SPD. In this context, the density of the proposal does not in itself raise strategic concern.

### *Housing quality and design*

- 6.69. As detailed in the urban design section below, the applicant has responded positively through pre-planning application discussions, particularly in relation to the number of units per core, the design of the shared circulation space, the depth of the units, and the proportion of single aspect units, and as such the proposal raises no strategic issues with regards to residential quality.

### *Play space*

- 6.70. The development includes a series of spaces, which are intended to provide play opportunities in addition to general residential amenity. A total of 560sqm is specifically identified for play provision within the redline boundary, together with 330sqm of indoor play provision; a further 150sqm of ground floor play space is also identified with the adjacent South Quay Plaza site, which is in addition to the dedicated play space previously identified as part of the extant planning permission for that development, and is a result of changes to the subsequent basement access to Discovery Dock East.

### *Layout*

- 6.71. The proposal creates a strong building line facing Marsh Wall, and the area under the Dockland Light Railway, as well as to the existing route to the waterfront to the west, commercial uses are located facing both of these routes, and the main residential foyer is located on the corner ensuring all these edges are well animated throughout the day, which is welcomed.
- 6.72. The eastern edge of the scheme is set back to allow for an expansion of the open space being proposed as part of the neighbouring South Quay Plaza 1, 2 and 3 development; in doing so, the scheme provides a significant contribution to the public realm network in the area. Furthermore, the applicant has enabled the consolidation of existing and permitted servicing arrangements, removing the need for service access along the eastern edge of Discovery Dock and subsequently expanding the quantum and quality of public realm.
- 6.73. The landscaped strategy to the south looks to improve the space under the DLR with mobile elements of landscaping and seating, ensuring this space will be inviting and well used, whilst overcoming the need to allow maintenance access to the DLR structure.

### *Residential Quality*

- 6.74. The residential quality is high. The L shape plan allows for up to five dual aspect units on each floor, with all single aspect units facing either south or west. All of the units meet London Plan space standards.
- 6.75. Two double height external amenity spaces are provided on the floors 18 and 37, as well as space on the roof and at ground floor level, so no unit is more than nine storeys from an external amenity space, which is welcomed. Given this provision and the height of the building, the applicant's approach of providing the equivalent balcony space internally to the building is considered acceptable. The residential quality of the scheme is well considered, accords with the London Plan policy, and is supported.

### *Architectural Treatment*

- 6.76. The simple rectilinear form of the building is emphasised by the vertical masonry fins, and the breaks on the floor where external amenity space is provided creates a dramatic and elegant building form. Materials and the quality of the detailing will have a significant impact

on overall quality in the completed scheme, the council is therefore strongly encouraged to secure the retention of the architects during detailed design phases, in addition to utilising appropriate conditions securing design and materials.

#### *Height and Strategic Views*

- 6.77. The proposed development, whilst tall in nature at 56 storeys (198m AOD), sits within the rapidly changing context of the area, and given its proximity to the Canary Wharf tall building cluster, and its high accessibility, does not raise any in principle strategic concerns.
- 6.78. The applicant's townscape, visual and built heritage impact assessment illustrates the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs, and does not raise any strategic concerns. The building will not harm the setting of the listed building within the World Heritage Site, or of listed buildings within Canary Wharf.

#### *Inclusive design*

- 6.79. The applicant confirmed that all residential units will meet life time home standards, and that 10% of the units will be designed to be fully adaptable to wheelchair users.

#### *Blue Ribbon Network and flooding*

- 6.80. The submitted flood risk assessment demonstrates that although the site is within flood zone three, it benefits from a high standard of flood protection afforded by the Thames tidal defences, would not be affected in the event of a modelled breach, and does not have any significant surface water flood risk. The proposal is therefore acceptable with regards to London Plan Policy 5.12.
- 6.81. Residual rainwater will be discharged directly to the adjacent South Dock; these proposals have been discussed with Canal and River Trust, and are strongly supported. In accordance with London Plan policy 5.13, no attenuation is proposed.

#### *Climate Change – adaptation*

- 6.82. The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include sustainable drainage measures, use of low energy lighting and energy efficient appliances, smart meters, high levels of insulation, low water use sanitary-ware and fittings, and bio-diverse planting.

#### *Climate Change Mitigation*

- 6.83. The proposed mitigation would result in a 34% reduction in regulated carbon dioxide emission compared to a 2013 building regulations compliant development; however, the on-site carbon dioxide savings fall short of London plan targets. Given the energy strategy has been robustly reviewed and energy savings maximised, the applicant should liaise with the Council regarding an appropriate payment in lieu to address the shortfall.

#### *Transport*

- 6.84. A financial contribution towards improving bus capacity is required, and appropriate CIL funds allocated towards the provision of additional dock crossing points and cycle hire facilities, which the applicant should identify the location of. The Council should also secure

a car parking management plan, and a comprehensive delivery and servicing, construction logistics, and residential and commercial travel plans through condition.

### **Transport for London**

- 6.85. The application proposes to incorporate the extant permission at SQ1-3 into the development site of SQP4. This would involve incorporating the basement, therefore providing car parking in conjunction with SQ1-3+. As the site only adds an additional 4 spaces this is welcomed.
- 6.86. Moreover, TfL welcomes the proposed cycle parking as it is in keeping with not only London Plan policies, but LCDS best practice guidance.
- 6.87. Mitigation would be required to support pedestrian/cycle movements around the DLR. This will be sought through CIL contributions towards proposed South Quay Dock crossings.
- 6.88. Due to cumulative impact of development on the bus network, TfL are also seeking £200,000 towards mitigation. In addition, TfL request that land be secured onsite for the provision of a cycle-hire docking station. This should be supported by appropriate CIL funds.
- 6.89. Subject to the attachment of safeguarding conditions and requested contributions, TfL raise no objections.

## **7. LOCAL REPRESENTATION**

- 7.1. At application stage, a total of 1157 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

|                            |    |            |    |             |   |
|----------------------------|----|------------|----|-------------|---|
| No of individual responses | 17 | Objecting: | 17 | Supporting: | 0 |
| No of petitions received:  | 0  |            |    |             |   |

- 7.2. The received responses raised in representations are material to the determination of the application. The full representation is available to view on the case file.
- 7.3. The following is a summary of the comment received.

### **Objections**

- The close proximity to Discovery Dock East
- Smells, noise, pollution and disturbance
- The density is too high
- Excessive height
- The pathway to access Discovery Dock East is overcrowded
- Highway safety issues along access to Discovery Dock East
- Behaviour of workers on site
- Lack of public gardens with natural light, sheltered from the wind for child play
- Traffic flows and parking
- Lack of facilities for children and families
- Impact on local infrastructure

- Over development
- Loss of sunlight and daylight to Discovery Dock East
- Loss of privacy
- Overshadowing of communal amenity space and Discovery Dock East
- Impact on emergency services
- Water supply
- Quality of the landscaping
- Traffic generation
- Microclimate (wind)

## **8. PLANNING CONSIDERATIONS AND ASSESSMENT**

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

- The Environmental Impact Assessment
- Land Use
- Density / Quantum of Development
- Design
- Heritage
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Landscaping and biodiversity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations
- Health Considerations
- Planning Obligations
- Financial Considerations
- Human Rights Considerations
- Equalities Act Considerations
- Conclusion

### **The Environmental Impact Assessment**

#### *Legislation*

- 8.2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 8.3. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.
- 8.4. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.

### *EIA Planning History*

- 8.5. In March 2015, the Applicant obtained detailed planning permission from the LBTH for the redevelopment of the SQP1-3+ site (i.e. excluding SQP4).
- 8.6. An ES was submitted in support of the application in April 2014, with subsequent updates and clarifications by way of an ES Addendum in September 2014 and a Letter of Statement of EIA Validity/Conformity in October 2014.

### *EIA Screening*

- 8.7. A formal EIA Screening Opinion was not requested from LBTH because it was considered by the Applicant that an EIA needed to be undertaken for the proposed development, on account of its size and its location.

### *EIA Scoping*

- 8.8. Where a proposed development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope of the EIA. Whilst this is not a statutory requirement, it assists with agreeing the scope of the EIA with the local planning authority and consultees, prior to submission of the planning application.
- 8.9. In August 2013, the LBTH issued an EIA Scoping Opinion for the extant development i.e. SQP1, SQP 2, SPQ3 and SQP 3+.
- 8.10. In spring/summer 2014, informal discussions were had with the applicant and their EIA consultants on the inclusions of an additional parcel of land and the implications that this would have on the EIA.
- 8.11. A request for a formal EIA Scoping Opinion was received by LBTH, as the 'relevant planning authority' on 19<sup>th</sup> May 2015 for SQP4 as well as SQP1 - 3. The EIA Scoping Opinion was issued on 1<sup>st</sup> July 2015 (PA/15/1345).

### *Environmental Statement*

- 8.12. The Applicant has submitted two planning applications:
  - 1) a new separate planning application for SQP4, seeking full planning permission for a building comprising residential (up to 396 units) and retail uses, along with associated public realm, open space, routes and access; and
  - 2) a new Section 73 Minor Material Amendment (MMA) application to the SQP1-3+ Extant Permission PA/14/00944 (as amended by the NMA application (PA/15/01286)).
- 8.13. The same ES has been submitted for both applications as the sites would be linked through the s106 agreement i.e. one would not come forward without the other. The ES has been prepared by Aecom on behalf of the Applicant.
- 8.14. The ES comprises the following documents:
  - ES Volume I: Main Assessment Text and Figures;
  - ES Volume II: Townscape, Visual and Heritage Impact Assessment Report;
  - ES Volume III: Technical Appendices; and

- ES Non-Technical Summary (NTS).

8.15. The ES assessed the effects on the following environmental receptors:

- waste and recycling;
- socio-economics;
- traffic and transportation;
- noise and vibration;
- air quality;
- ground conditions;
- water resources and flood risk;
- archaeology (buried heritage);
- electronic interference;
- aviation;
- daylight, sunlight, overshadowing, light pollution and solar glare;
- wind microclimate; and
- cumulative effects.

8.16. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. Where appropriate, reference was made to other relevant documents submitted with the planning application.

8.17. An Interim Review Report (IRR) was prepared by LBTH's EIA consultants and issued to the Applicants on 12th February 2016. The IRR raised a number of clarifications and potential requests for 'further information' under Regulation 22, to which the applicant was invited to provide a response.

8.18. A response to the IRR was provided by the Applicant in March 2016, which was reviewed by LBTH's EIA consultants.

8.19. In addition, the Applicant submitted 'Further Environmental Information' in April 2016, which provided an updated cumulative assessment incorporating Alpha Square (PA/15/2671). This was also reviewed by LBTH's EIA consultants.

8.20. This submission was processed as 'further information' under Regulation 22 of the EIA Regulations on 18<sup>th</sup> April 2016. This includes being advertised in a local newspaper circulating in the locality and consulting relevant consultees.

8.21. LBTH's EIA consultants reviewed the response to the IRR and 'Further Environmental Information', and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

#### *Decision Making*

8.22. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.

8.23. The 'environmental information' means the ES, including any further information (in this case the 'Further Environmental Information') and any other information (in this case the response to the IRR), any representations made by anybody invited to make representations (e.g. consultation bodies), and any representations duly made by any other person about the environmental effects of the development.

- 8.24. Environmental Considerations section of this report considers the effects of the proposed development, taking into account the environmental information.
- 8.25. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.

#### *Mitigation*

- 8.26. Under the EIA Regulations, the ES is required to include a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- 8.27. Chapter 3 of the ES describes the main alternatives, considerations, opportunities, and constraints that have influenced the design of the Development. This identifies mitigation measures that have been incorporated into the design of the proposed development to reduce significant adverse effects. The ES also identifies any additional discipline specific mitigation measures required to reduce significant adverse effects.
- 8.28. The mitigation identified in the environmental information is discussed in the following sections of the report and will be secured through planning conditions and/or s106 and/or CIL, as appropriate.

#### **Land use**

##### *General Principles*

- 8.29. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.30. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 8.31. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.32. Site Allocation 17 'Millennium Quarter' of the Managing Development Document seeks to deliver a comprehensive mixed use development opportunity required to provide a strategic housing development and district heating facility (where possible). The development would also include commercial floorspace, open space and other compatible uses. Development should recognise the latest supplementary guidance for the Millennium Quarter.
- 8.33. The South Quay Masterplan SPD sets out the vision for the South Quay area which is to create a thriving dockside urban neighbourhood of varied densities integrated with the wider area and home to a diverse community.



- 8.34. The proposed development would provide a mix use residential scheme (Use class C3) with commercial space (use class A1 – A4).

*Residential development*

- 8.35. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 8.36. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.37. Tower Hamlets annual monitoring target as set out in the London Plan is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.38. The proposed development would provide 396 residential units as part of a mixed use scheme.
- 8.39. The introduction of a residential led development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

*Retail uses*

- 8.40. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 8.41. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
  - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 8.42. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 8.43. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that ‘within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such

as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.

8.44. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:

- a) they do not result in an overconcentration of such uses; and
- b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

8.45. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:

- a) adequate width and depth of floorspace has been provided for the town centre uses;
- b) a shop front has been implemented in the first phase of development; and
- c) appropriate servicing arrangements have been provided.

8.46. The proposed retail uses (A1 – A4) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the commercial use at 189qm is relatively modest and combined with similar uses approved at the SQP1-3 development would provide a key function and role within this part of the Activity Area to replace the existing convenience provision within the shopping parade. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A1 – A4 use would also support the vitality and viability of the THAA.

8.47. It is therefore considered that subject to the commercial units shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail use is acceptable in principle.

### **Density and level of development**

8.48. Policies 3.4 of the London Plan and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

8.49. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.

8.50. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is PTAL 3.

8.51. The proposed density for the 396 residential units (1108 habitable rooms) scheme calculated on a developable site area of 0.464 hectares is 2483 ha/hr.

8.52. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. While, the

existing PTAL level 3 does not take into consideration the forthcoming Canary Wharf Crossrail Station.

- 8.53. London Plan policy 3.4 also states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.54. The proposed density of 2483 hr/ha however would be greater than the London Plan density range of 300 to 650 hr/ha stated within the density matrix.
- 8.55. The London Plan Housing SPG advises that development outside density ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:
- inadequate access to sunlight and daylight for proposed or neighbouring homes;
  - sub-standard dwellings (size and layouts);
  - insufficient open space (private, communal and/or publicly accessible);
  - unacceptable housing mix;
  - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
  - unacceptable increase in traffic generation;
  - detrimental impacts on local social and physical infrastructure; and
  - detrimental impacts on visual amenity, views or character of surrounding area.
- 8.56. South Masterplan policy SQ1 (Housing Density) also states 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 South Quay 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.
- 8.57. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out throughout this report.

## **Design**

- 8.58. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.59. CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).

- 8.60. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.61. Core Strategy Policy SP10 and Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.62. Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.
- 8.63. The South Quay Masterplan provides design guidance in the form of overarching place making principles which include:
1. Housing design (SQ1 & SQ3)  
Development should deliver exemplary sustainable housing design to meet the needs of residents, Registered Providers of affordable housing and service providers.
  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.

#### *Local context*

- 8.64. The site is situated within the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m Above Ordinance Datum "AOD").
- 8.65. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD) in July 2014.
- 8.66. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide. On the southern side of South Dock is the main east-west road, Marsh Wall.
- 8.67. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 220m at SQP and 187m AOD at

Arrowhead Quay). Meridian Gate to eastern side of Marsh Wall which is 53 storeys high (187.45m AOD) also has a planning consent.

- 8.68. To the south of Marsh Wall, heights of the towers generally drop off relatively rapidly. The reduction in height is evidenced with the maximum heights of Pan Peninsula (147m high) the former London Arena Site known as Baltimore Wharf (155m AOD) and recently consented 2 Millharbour (148m AOD).
- 8.69. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 30 Marsh Wall, 225 Marsh Wall and Cuba Street. No significant weight however can be given to these proposals to justify any proposed heights, as they are yet to be presented at Committee for determination.

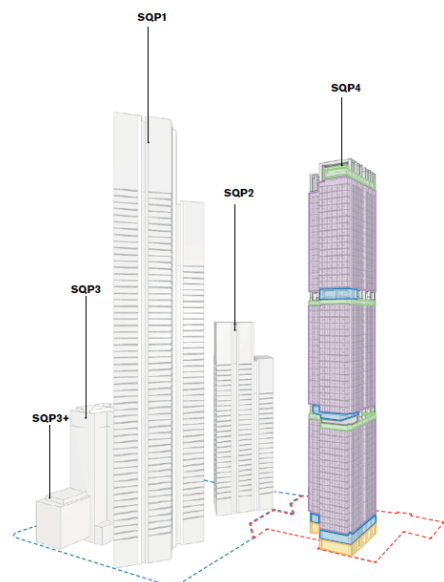
*Immediate context*

- 8.70. To the immediate east of the application site is the South Quay Plaza 1 – 3 development site. This site has planning permission for two residential towers which are 68 and 36 storey in height.
- 8.71. Discovery Dock East is an L shaped 23 storey residential building located to the north of the application site.
- 8.72. To the north west of the application site is a 13 storey residential building Discovery Dock West (Jemstock 3).
- 8.73. The building to the west of the application site is the 15 storey Hilton Hotel (Jemstock 1).
- 8.74. To the south of the application site is Marsh Wall and the raised DLR. Millharbour Village development site and Pan Peninsula are located to the south of Marsh Wall.
- 8.75. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. City Pride marks the end of the South Dock and the two residential towers at Pan Peninsula represent landmark developments.

*The Proposal*

The proposal seeks the erection of a tower, known as South Quay Plaza 4. The proposed building would consist of 56 storeys plus basement levels. The building would be 198m AOD. The tower would be designed with an L shaped footprint and provide 396 residential units of which 320 private market units, 27 intermediate units and 49 affordable rent units.

- 8.76. The residential core would be positioned to the centre of the building with the main residential entrance at the south west corner and the affordable residential entrance located to the centre of the south elevation.
- 8.77. The proposal also includes commercial use (A1 – A4) at ground floor level. The commercial space would exist in the form of two separate units. The smaller retail unit at



81sqm would be positioned at the northern edge of the building and be accessed from public space which leads on to South Quay Square. The larger unit at 110sqm would be positioned to eastern end of the building and designed two separate entrances on the south and east facing elevations.

- 8.78. The management office and the cycle storage entrance would be positioned on the western side of the building. The proposed management office and smaller retail unit would be separated by the proposed vehicle ramp which is also accessed from the west of the building would lead on to the proposed basement. The ramp would be partially covered by the building and partially opened. *Image of proposed SQP4 and Approved SQP 1 - 3 scheme*
- 8.79. The proposed 1<sup>st</sup> floor would provide management space and two separate play space areas accessed via the central core. The northern play space area would be 151sqm and the play space to the east would be 181sqm. A void is also proposed to create a double height main residential entrance.
- 8.80. The proposed 2<sup>nd</sup> floor up to the 17<sup>th</sup> floor consists of the residential accommodation. The number of units per floor would be 7 units between the 2<sup>nd</sup> and 7<sup>th</sup> floor and 9 units between the 8<sup>th</sup> and 17<sup>th</sup> floor.
- 8.81. The 18<sup>th</sup> floor would comprise of a terrace lobby which leads on to a 324sqm double height external terrace. The 18<sup>th</sup> floor mezzanine would also consist of 87sqm and 144sqm residential amenity spaces.
- 8.82. The 23<sup>rd</sup> to the 34<sup>th</sup> floor would comprise of residential accommodation. A total of 9 units per floor would be provided. The 35<sup>th</sup> and 36<sup>th</sup> floors also providing residential accommodation would be designed with 7 units per floor.
- 8.83. The 36<sup>th</sup> floor would comprise of a 433sqm external terrace, and a 64sqm and 65sqm residential amenity spaces. The 37<sup>th</sup> floor would comprise of a 68sqm residential amenity space and plant room.
- 8.84. The 38<sup>th</sup> to the 52<sup>nd</sup> floor would comprise of residential uses designed with no more than 7 units per floor.
- 8.85. The 53<sup>rd</sup> floor would comprise of three penthouse residential units. Two of the units would be duplex apartments which in part are positioned on the 54<sup>th</sup> floor.
- 8.86. The 55<sup>th</sup> floor would comprise of a 146sqm external terrace and plant equipment.
- 8.87. The basement levels proposed would provide refuse and recycling provisions, plant and a large vehicle service ramp.
- 8.88. The proposed basement would also allow for new access arrangements underground to the lead basement provisions of South Quay Plaza 1 - 3 and Discovery Dock East.

#### *Ground Floor Design*

- 8.89. The proposed building would be positioned towards the centre of the site. This allows for a service road to the western edge of the site which would serve on to the proposed basement and Jemstock buildings. A pedestrian link between Marsh Wall and South Dock is also proposed to the east of the site.

- 8.90. The L shape of the building would also increase the separation distance between the proposed development and south west corner of the Discovery Dock East building. This arrangement also allows for a new access route from the site in to South Quay Square.
- 8.91. The proposed positioning of the building and pedestrian friendly layout of the scheme would ensure that all of the entrances to the residential accommodation are set well back from Marsh Wall.
- 8.92. The proposed location of the A1-A4 uses at ground floor level would provide a degree of commercial activity and active frontages adjacent to South Quay Square, along the pedestrian link to south dock and landscaped areas adjacent to the raised DLR.
- 8.93. The proposed ground floor landscaped area surrounding the site would also comprise of two child play space areas totalling 205sqm which would serve the 5 -11 years age group.

### *Building Heights*

- 8.94. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:
- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
  - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
  - Have ground floor activities that provide a positive relationship to the surrounding streets;
  - Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration.
- 8.95. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.

The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD. The vision for Millwall as set out within the Core Strategy also seeks to ensure tall building in the north should step down

south and west to create a transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the South.

- 8.96. Further to this, policy DM26 (2) of the MDD also sets out the following criteria that tall buildings must satisfy:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
  - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements;
  - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
  - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
  - f. Present a human scale of development at the street level;
  - g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
  - h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
  - i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
  - j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
  - k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
  - l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.
- 8.97. South Quay Masterplan SQ3.5 (Taller elements massing and design) also states that the developments should:
- a) Step down from the Canary Wharf Major Centre; and
  - b) Accord with the latest Civil Aviation Authority heights guidance for the London City Airport.
- 8.98. The following is an assessment of the proposal against policies 7.7 of the London Plan, DM26 of MDD and the South Quay Masterplan SPD.
- 8.99. To the east of the application site is South Quay Plaza 1- 3 site which has planning permission (PA/14/00944) for 'South Quay Plaza 1' a 68 storey tower (220m AOD) adjacent to South Dock to the north and 'South Quay Plaza 2' a 36 storey tower (120m AOD) adjacent to Marsh Wall.
- 8.100. The reduction in height of the southern SQP2 tower adjacent to Marsh Wall in comparison to the northern tower SQP1 was required in accordance with DM26 which seeks for building heights to step down from Canary Wharf Preferred Office Location.



- 8.101. The proposed development site is positioned to the south west of SQP1 and northwest of SQP2. Any proposal seeking to provide a transition in heights down from Canary Wharf should therefore be no taller than SQP1 and taller than SQP2.
- 8.102. The proposed height of the development, 22m smaller than the forthcoming SQP1 which is positioned closer to South Dock and 78m taller than the approved SQP2 is therefore considered broadly acceptable, as it would provide a transition down in heights from Canary Wharf in accordance with the town centre hierarchy (DM26).
- 8.103. The existing neighbouring residential buildings at Discovery Dock East and Discovery Dock West are 23 and 13, respectively. The buildings to the west at Jemstock 1 and Jemstock 2 are also 15 storey commercial buildings. These surrounding buildings are considerably smaller than the proposed tower on SQP 4 and those approved on the SQP 1-3 site and Millharbour Village.
- 8.104. The slender form and positioning of the proposed tower maximises the separation distance of the development from neighbouring buildings and the level of breathing space for the building. This arrangement as a consequence allows the proposal to remain sensitive to its setting and the context of its surroundings despite the variation of the heights within the immediate vicinity.
- 8.105. The delivery of high quality urban design with improved legibility and permeability, enhanced public realm, new active frontages and pedestrian routes through the site would also provide an appropriate setting for such a tall building.
- 8.106. The delivery of the proposed development as part of a wider master plan approach which includes landscaping works to the neighbouring South Quay Plaza Square and revisions to the SQP1-3 scheme ensures that the relationship of the development to the existing neighbouring buildings and grounds is appropriate.
- 8.107. The proposed development combined with the discussed SQP1 and SQP2, Millharbour Village and Pan Peninsula tower would also form part of a cluster of residential towers. The proposed height, scale and form would therefore appropriately respond to its location which is identified as a site suitable for strategic housing, and provide a positive contribution to the skyline.
- 8.108. It is therefore considered that the height, mass, form and design of the building would enhance the surrounding area, provide a human scale of development and make a significant contribution to regeneration in accordance with the criteria of London Plan policy 7.7 and MDD policy DM26.

#### *Setting and Local Views*

- 8.109. With any tall buildings, there is an expectation that it would be situated within a high quality public realm commensurate with its height and prominence.
- 8.110. As previously discussed, the introduction of public realm and landscaping around the proposed building, in an area characterised by buildings built up to the highway would provide a welcomed visual relief and breathing space for the development.



- 8.111. The positioning of the building off set well of the shared boundaries and subordinate to the scale of the approved SQP1 building would ensure that the development would not be overbearing or insensitive to the surrounding area.
- 8.112. The CGI to the left is an indicative example of the latter and how the development would be view from the south along Millharbour looking north over the Marsh Wall and raised DLR.
- 8.113. The proposed ground floor commercial uses and access arrangements to the building ensure that the development would be of appropriate in scale in local views and of a human scale viewed from Marsh Wall under the elevated DLR.
- 8.114. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how compatible a scheme of this scale is with *Image of proposed SQP4* the surrounding area when viewed at the local level.
- 8.115. The development comprises of multiple commercial frontages to maximise the level of active and engaging frontages at ground floor level adjacent to the proposed pedestrian route to South Dock and fronting South Quay Square. It is considered that such an arrangement would only enhance local views in comparison to the current appearance of the existing cleared site.
- 8.116. The positioning of the waste and plant to be located within the basement area and throughout the building at upper floor levels enhances the overall design quality of the scheme, as the success of a public realm is reliant on ensuring that active uses such as the commercial uses and residential entrances face and not dead frontages the public realm.
- 8.117. The impact of the development on strategic views is accordingly discussed later within the Heritage Section of this report.

#### *Architecture*

- 8.118. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered that the elevation treatment of the proposed building would be of the highest standard.
- 8.119. The design and appearance of the tower would read as deviation from the character and appearance of the approved South Quay Plaza 1 and 2 towers. The contrast in designs however would be welcomed, as it would add visual interest and enhance the overall character of the emerging context of South Quay development sites.

#### *Relationship to neighbouring buildings and sites*

- 8.120. The proposed development would have the potential to impact on the development potential/residential amenity of the Discovery Dock East Building site. The proposed development as a consequence is designed with a small and slender footprint, and situated towards the western edge of the application site to reduce the resulting levels of overshadowing. The proposed shape of the building and its positioning would also ensure that no windows within the proposed development would directly face any existing south facing habitable room windows of the DDE building, except those separated by South Quay Plaza Square.
- 8.121. The proposed arrangement, positioning and slenderness of the building would therefore not prejudice the development potential of the Discovery Dock East.

- 8.122. The separation distances of 58m and 42m between the proposed tower and SQP2 and SQP1 respectively would ensure that the developments are compatible.
- 8.123. The neighbouring sites located to the west comprise of the Hilton Hotel (Jemstock 1) and vacant office block (Jemstock 2) which is subject to a resolution to grant serviced apartments (PA/15/02104). The existence of non-domestic uses to the immediate west of the site ensures that the proposed development would be compatible with the neighbouring buildings despite the close proximity of 14m.
- 8.124. The neighbouring property to the northwest is the 13 storey residential Discovery Dock West building which is situated 44m away from the proposed residential tower. The separation distance between the buildings would ensure that residential uses are compatible.
- 8.125. The proposed location of the commercial uses predominantly facing north, east and south would provide activity to the the public realm.
- 8.126. In light of the above, it is considered that the proposed layout of the scheme characterised by the well thought-out positioning of building block and uses on site would appropriately interface with the surrounding land uses, contribute positively to making places better for people, and as a consequence achieve a high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The development as a consequence would accord to London Plan Policy 7.1 and the NPPF.

#### *Secure by Design*

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

#### *Inclusive Design*

- 8.130. Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.131. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 8.132. The proposed public realm would have level access routes to the building and through the site and towards South Dock, South Quay Square and the wider area.
- 8.133. All of the communal amenity space and child play space within the amenity decks would be accessible for all and flat.
- 8.134. The proposed public realm and landscaping arrangements at ground floor level alternatively comprise of a number of changes in level which would not be accessible for all, Full details

and further design and accessibility enhancements would therefore be secured by condition to ensure that the site is accessible for all.

8.135. Subject to safeguarding conditions, it is considered that the public realm would be acceptable, as the change in levels would enhance the visual quality of the public realm without impeding on routes to and through the site.

8.136. It is therefore considered that the proposed scheme would be well connected with the surrounding area and constitute a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with policies 7.2 of the London Plan, Policy SP10 of the CS and Policy DM23 of the MDD.

### *Design Conclusions*

8.137. The proposal would provide a new public realm provision, which would result in a high quality setting commensurate of a building of such height. The proposed development would be broadly in keeping with the scale of surrounding developments, especially in relation to those approved to the east on the South Quay Plaza 1-3 development site. The development forms part of a strategic development cluster of residential towers.

8.138. The proposed development designed with appropriate levels of breathing space from neighbouring buildings and commercial units at ground floor level would to a degree provide a human scale of development at street level and enhance activity on and around the site.

8.139. The proposed building and uses would be compatible with the neighbouring sites. The proposal as a consequence delivers a comprehensive development.

## **Housing**

### *Principles*

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

8.141. The application proposes 396 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 3,931.

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

8.143. The following table details the housing mix proposed within this application.

### **Dwelling numbers and mix by tenure**

|                 | Studio | 1 bed | 2 bed | 3 bed | 4 bed |
|-----------------|--------|-------|-------|-------|-------|
| Open Market     | 0      | 166   | 117   | 37    | 0     |
| Affordable rent | 0      | 14    | 14    | 14    | 7     |

|                   |          |            |            |            |           |
|-------------------|----------|------------|------------|------------|-----------|
| Intermediate      | 0        | 18         | 9          | 0          | 0         |
| <b>TOTAL</b>      | <b>0</b> | <b>198</b> | <b>140</b> | <b>51</b>  | <b>7</b>  |
| <b>Total as %</b> | <b>0</b> | <b>50%</b> | <b>35%</b> | <b>13%</b> | <b>2%</b> |

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

*Affordable Housing*

8.145. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

8.146. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

8.147. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme.

8.148. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.

8.149. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that "given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then,

there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.

- 8.150. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.151. The applicants submitted viability appraisal was independently reviewed by the Council’s financial viability consultants. The findings of the appraisal based on the scheme confirmed that a 35-50% affordable housing scheme would not be viable. The delivery of the 3 and 4 bedroom units at Social Target Rent would also impact on the viability of the scheme and further reduce the viable affordable housing provision position to approx. 10 -15%.
- 8.152. The applicant however has made a commercial decision following negotiations with officers to provide an affordable housing offer of 25% (based on habitable rooms) with the 3 and 4 bedrooms at Social Target Rent level. The applicant’s commitment to provide 25% affordable housing on site together would mirror the level of affordable housing secured on the adjacent SQP 1-3 which combined provide a single regeneration development site.
- 8.153. The affordable housing offer at 25% above and beyond what the Council’s viability consultants have confirmed is viable is therefore welcomed and considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.
- 8.154. The affordable housing is being delivered at a 71:29 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 8.155. The proposed percentage of shared ownership units is broadly in alignment with the Local Plan. Officers support such a mix, as it would secure the delivery of a greater proportion of affordable/social rented units.
- 8.156. The 1 and 2 bedroom affordable rented units would be provided at the following LBTH borough framework levels:
- 1 bed = £234                      2 bed = £253
- 8.157. The Social Target Rent levels for the 3 and 4 bedroom affordable rented units would be as follows:
- 3 bed = £158.06                      4 bed = £166.37
- 8.158. The delivery of Social Target Rent 3 and 4 bed units optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing, especially with regards to family housing.
- 8.159. The affordable housing units would be accessed from a separate entrance from the market sale units. The proposed affordable housing entrance however positioned fronting the proposed public realm provisions to the front of the development and designed with a generously sized lobby would be positioned and of the highest design quality.

#### *Housing Mix*

- 8.160. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus)

including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

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

|              |             | Affordable Housing |             |                        |              |             |                        | Market Housing |             |                        |
|--------------|-------------|--------------------|-------------|------------------------|--------------|-------------|------------------------|----------------|-------------|------------------------|
|              |             | Affordable Rented  |             |                        | Intermediate |             |                        |                |             |                        |
| Unit size    | Total Units | Scheme Units       | % Scheme    | Core Strategy Target % | Scheme Units | % Scheme    | Core Strategy Target % | Scheme Units   | % Scheme    | Core Strategy Target % |
| Studio       | 0           | 0                  | 0           | 0                      | 0            | 0           | 0%                     | 0              | 0%          | 0%                     |
| 1 Bed        | 198         | 14                 | 28.25%      | 30%                    | 18           | 67%         | 25%                    | 166            | 52%         | 50%                    |
| 2 Bed        | 140         | 14                 | 28.25%      | 25%                    | 9            | 33%         | 50%                    | 117            | 37%         | 30%                    |
| 3 Bed        | 51          | 14                 | 28.25%      | 30%                    | 0            | 0           | 25%                    | 37             | 12%         | 20%                    |
| 4 Bed        | 7           | 7                  | 14.25%      | 15%                    | 0            | 0           |                        | 0              | 0           |                        |
| 5 Bed        | 0           | 0                  | 0           | 0                      | 0            | 0           |                        | 0              | 0           |                        |
| <b>Total</b> | <b>396</b>  | <b>49</b>          | <b>100%</b> | <b>100%</b>            | <b>27</b>    | <b>100%</b> | <b>100%</b>            | <b>320</b>     | <b>100%</b> | <b>100%</b>            |

#### *Dwelling numbers and mix by tenure*

8.162. The proposed percentage of one bedroom affordable rented units at 28.25% would broadly be in alignment with the 30% policy requirement. The percentage of three bedrooms and four bedrooms would slightly fall short of the target levels for 3 and 4 bedrooms. In this instance however, a slight under provision of affordable family housing is supported, as the most affordable form of affordable rent has been secured for the larger units, Social Target Rent.

8.163. Within the Shared Ownership element of the scheme, a significant over provision of one bedroom units is provided. Given the fact that the scheme is located in a very high value part of the Borough and it is acknowledged that developers and Registered Providers are finding it challenging to keep intermediate units affordable in this location. In this instance, the proposed intermediate mix is supported.

8.164. The proposed market sale housing would consist of an over provision of one and two beds. This is considered acceptable however, as the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements".

8.165. The absence of studio flats is also welcomed.

#### *Quality of residential accommodation*

8.166. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

8.167. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable,

safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

- 8.168. All of the proposed flats meet or exceed the London Plan (MALP 2016) minimum internal space standards and the Minimum National Floorspace standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.169. The proposed development would not consist of any north facing single aspect residential units which in turn allows for the level of sunlight and daylight to the proposed residential units to be maximised.
- 8.170. The Housing SPG recommends that no more than 8 flats should be served by a single core to ensure that the development provides the required sense of ownership for future occupiers. The development however consists of a high proportion of floors designed with 9 units per core contrary to standards as set out in the Housing SPG. In this instance however, the creation of generously large cores which double up as residential lobbies and split into two wings would ensure that a reasonable level of ownership is still secured.
- 8.171. The proposal includes 10% wheelchair accessible units overall with 10.2% and 11.1% actually located within the affordable and intermediate tenures, respectively. While, the design of the larger affordable rented units (5 person plus) with separate kitchen / living room arrangements is also welcomed.
- 8.172. The proposed flats by reason of their orientation and separation distance would also not be unduly overlooked by neighbouring properties.
- 8.173. Subject to appropriate conditions securing appropriate glazing specifications and ventilation, the development would also not be subject to undue noise or vibration from the DLR.
- 8.174. Subject to safeguarding conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

#### *Internal Daylight and Sunlight*

- 8.175. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.176. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 8.177. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and



- >1% for bedrooms.

8.178. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.

8.179. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

8.180. The baseline and cumulative scenario have been presented in the ES Sunlight and Daylight Report however, it is the cumulative scenario which residents would actually experience.

8.181. The Sunlight and Daylight independent consultants Delva Patman Redler, have provided their interpretation of the cumulative results summarised below:

#### *Daylight*

8.182. The ES Chapter identifies 109 rooms of the 1,144 rooms assessed that do not meet the recommended standard of ADF for their use. It is considered that some of these would actually be compliant and the principal failures are to living rooms which are very deep in plan. While often the space to the rear is also a kitchen which forms part of a living/dining/kitchen arrangement. An appropriate ADF level for these rooms is deemed to be 1.5%.

8.183. The ADF results are also affected by the generous size of the rooms and the principal living area which is likely to be closer to the window, would in fact have a higher level of internal illuminance than these results indicate.

8.184. The worst affected area is the east elevation of the development, which faces towards the Hilton Hotel. Most of the rooms affected in that area are bedrooms as the living room in the northwest corner on each floor is dual aspect. It is also relevant that many of the living rooms that do not meet the required standard have recessed balconies (winter gardens) and the amenity area provided would be a trade off against the reduced sky visibility and therefore illuminance within the room.

8.185. It is therefore considered that on balance that the internal daylight results appear to be at an acceptable level for a new building in this urban environment.

#### *Sunlight*

8.186. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

8.187. The BRE Report suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west

8.188. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.

8.189. The sunlight analysis shows that 59% of the rooms that face toward south do not meet the sunlight criteria. This, however, is not unusual in this type of dense urban environment and it is unlikely that the blocks could be orientated in a more advantageous way, considering the obstruction to sunlight caused by the Pan Peninsular buildings to the south.

### *Conclusions*

8.190. On balance, it is considered that the proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive good levels of interior daylighting, which is considered acceptable for a high density development in an central setting such as this.

### **Amenity space and public open space**

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

### *Private Amenity Space*

8.192. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.

8.193. The proposed development was initially designed with oversized residential units with no private amenity space provisions provided.

8.194. In assessing the acceptability of such a design approach as discussed above, it is of note the London Plan Housing (2016) SPD states:

*In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.*

8.195. The constraints of the site would not make it impossible to provide open space for the proposed dwellings. The absence of any private amenity space for all of the proposed residential units was therefore deemed unacceptable by officers.

8.196. Following negotiations the proposed development was amended to include winter gardens. The inclusion of winter gardens instead of external private amenity space was advised, as officers acknowledged that it would be inappropriate to add external balconies to the scheme without impeding on the architectural quality of the scheme.

8.197. The delivery of winter gardens as an alternative form of private amenity space within a new development is considered acceptable in accordance with the London Plan Housing (2016) SPD which states:

*Enclosing balconies as glazed, ventilated winter gardens can be considered an acceptable alternative to open balconies and is recommended for all dwellings exposed to NEC noise category C or D140. Winter gardens must have a drained floor and must be thermally separated from the interior. Provision for outdoor gardens should be set in the context of local standards.*

- 8.198. The proposed winter gardens enclosure would comprise of a fixed wall, bi-folding glazing panels and separate sliding / bi-folding door access door. The double glazing of the winter garden panels would ensure that the external envelope of the building could be opened to allow fresh air into the winter garden without significantly impacting on the temperature and residential quality of the internal residential accommodation. The design quality of the winter gardens is therefore considered acceptable.
- 8.199. The failure to provide all of the residential units with such winter gardens however remains a potential cause of concern, as this arrangement is not a result of the constraints of the site but the design of the building.
- 8.200. It is acknowledged however that the units designed without winter gardens would be predominantly one bedroom units and still benefit from additional internal floor space above the minimum GIA. A total 156 of the dwellings (39%) would benefit from access to private amenity space in the form of a winter garden with the remainder having over-sized internal accommodation.
- 8.201. The acceptability of a proportion of the units being designed without any private amenity space would therefore be assessed on balance against any benefits and constraints of the wider amenity space strategy for the building.

#### *Communal Amenity Space*

- 8.202. 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 436sqm.
- 8.203. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'.
- 8.204. The proposal would provide approximately 838sqm of communal amenity space within the three gardens positioned within the tower. The double height gardens would provide future residents with a series of protected outdoor spaces with a range of different functions and characters.
- 8.205. The proposed communal amenity spaces would be positioned, so no residential unit is more than 9 storeys away from the provision. The distribution of the communal amenity space in the form of large aggregated areas would maximise the potential ways the spaces can be used by future residents.



- 8.206. The proposed communal amenity space gardens would not only provide external amenity space for the enjoyment of residents but also greenery and bio-diversity benefits.
- 8.207. For the reasons above, the quality and quantum of the shared amenity space is therefore considered acceptable.

#### *Public Open Space*

- 8.208. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 8.209. The proposal comprises of a new public park situated to the east of the proposed tower. The park would run from Marsh Wall under the elevated DLR up to the South Quay Square. The design of park would also merge with the forthcoming public realm offer on the neighbouring SQP1-3 development site and provide access towards the South Dock.
- 8.210. The design and quantum of the public realm and setting of the building has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.
- 8.211. The benefits of the scheme would include improving accessibility for residents of the Discovery Dock East building and new linkages to South Quay Square.
- 8.212. The design strategy for the ground floor of the building maximises the level of active frontage with ground floor residential entrances and commercial frontages to provide a visual connection with the public space. This strategy would accordingly help to maximise activity and animation within this space.
- 8.213. The proposed level of public space would equate to 68% of the site being open space inclusive of child play space and excluding the proposed shared surface in the calculations. The combination of the proposed level of open space and the fact that the building footprint covers only 18% of the site therefore results in a scheme which provides a significant level of open spaces for future residents and the public alike, in an area characterised by buildings which typically are built up to the highway.
- 8.214. The above merits of the scheme combined with the fact the scheme would secure a significant borough CIL would outweigh the sites inability to provide the required 12sqm of public realm per person contrary to the planning obligations SPD.
- 8.215. On balance, it is therefore considered that an appropriate quantum of high quality public realm for the enjoyment of future occupants of a scheme of such density would be delivered.

#### *Child play space*

- 8.216. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.217. The scheme is predicted to contain 89 children (0-15 years of age) using LBTH yields methodology and 95 children using GLA child yields methodology. The following is a

breakdown of the expected number of children per age group in accordance with LBTH yields.

- 0-4 years                      45
- 5-10 years                      26
- 11-15 years                      18

- 8.218. In accordance with LBTH methodology a total child play space provision of 890sqm is required on site for all three age groups, respectively.
- 8.219. The proposed development as previously discussed would provide 890sqm of play space on site for all age groups.
- 8.220. The applicants approach is for the play space for each age group to be separated across the site.
- 8.221. The required 450sqm of child play space for the 0-4 age group play space would be provided in the form of three play spaces. The first play provision would exist in the form of 150sqm of internal play space within the building at first floor level. The second play provision would be 100sqm of external space provided at ground level adjacent to South Quay Square. The third play provision would be 200sqm of ground floor play space located in part within the application site, but predominantly within the SQP 1-3 development.
- 8.222. The inclusion of part of the 0-4 age groups child play space provision on SQP1-3 is designed as part of a wider master plan approach which would be secured by s106 agreement. Such an arrangement is considered acceptable, as it would deliver a more comprehensive development across both the SQP4 and SQP1-3 development sites, without impacting on the level of child play space approved and secured at SQP1-3 or the overall quality of public realm of SQP4.
- 8.223. The child play space for provision for the 5 – 11 age groups would be situated at ground level nestled within the public realm offer. The designated play provision as a single 260sqm aggregated space would achieve the minimum standards. The usability of all of the play space however would be reduced by the landscaping provisions as proposed. The full details of the landscaping scheme would therefore be secured by condition to limit the impacts on the play space.
- 8.224. The applicant confirmed that the future residents of SQP4 and SQP1-3 would also be able to access all of the external ground floor 0-4 and 5-11 play space across both development sites. This approach would maximise the level of external play available to children to both development and as a consequence is supported.
- 8.225. The play space for the over 12 age group alternatively would consist of an 181sqm indoor play space at 1<sup>st</sup> floor level within the building. The location of the child play space on the first floor as part of the child play strategy is considered acceptable. While, the details of the child play would be secured by condition to safeguard an opportunity to provide for recreational activity.
- 8.226. For the reasons above, the proposed child play space strategy for the development would provide external play space that is accessible for all, delivers an appropriate provision for play and meets the requirements of the child population generated by the scheme and an assessment of future needs.

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

### *Conclusion*

8.228. The proposed development would provide all four forms of amenity space required on site. The proposed amenity strategy also ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The merits of amenity strategy would outweigh the fact that some of the units are designed with an overprovision of internal space and not winter gardens. The proposed scheme as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

### **Heritage**

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

8.230. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and the draft London World Heritage Sites – Guidance on Settings SPG (2015) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

8.231. London Plan (2016) policies 7.11 and 7.12, policy SP10 of the Core Strategy and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

8.232. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are 'designated' heritage assets.

### *Strategic Views*

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

8.234. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal would have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.

8.235. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

*“The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”*

8.236. The South Quay Masterplan Policy SQ4.1 states development located on the Maritime Greenwich Grand Axis should define the Grand Axis:

- i. in accordance with the most up to date guidance for the Maritime Greenwich World Heritage Site; and
- ii. by stepping down in height and scale towards the Maritime Greenwich World Heritage Site.

8.237. With regards to the proposed height and how it would be viewed from the General Wolfe Statue in Greenwich Park, Historic England raised no objection to the proposed development.

8.238. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the right (east) of One Canada Square at a subordinate height. The development is shown in the yellow wire line as shown in the following image.



*Image of development viewed from the General Wolfe Statue in Greenwich Park*

8.239. The applicant’s HTVIA illustrates how the building would step down from the height of One Canada Square and become part of the developing cluster of consented and proposed buildings on the Isle of Dogs.

8.240. The proposal is therefore considered to accord to the London View Management Framework (LVMF) SPG and the South Quay Masterplan.

#### Surrounding Conservation Areas and Listed Buildings

8.241. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.

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

## Archaeology

- 8.243. 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.
- 8.244. Historic England Archaeology officer (GLAAS) confirmed that deeply buried prehistoric remains and remains connected with the history of the docks are likely to be affected by the scheme.
- 8.245. The Archaeology evaluation proposals suggested by the applicant's archaeological consultants are also considered appropriate should significant remains be encountered and there may be a need for further investigation.
- 8.246. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, it is considered the archaeological interest and/or practical constraints are such that the safeguarding measures can be secured by condition. The proposed condition would include a two-stage process of archaeological investigation to safeguard any archaeological interests or remains.
- 8.247. Subject to the above condition, it is therefore considered that the proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2016).

## **Neighbours Amenity**

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

## Daylight, Sunlight and Overshadowing

- 8.249. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.250. The application site is surrounded by a number of residential properties, which can be impacted by the development.
- 8.251. A sunlight and daylight study which sets out the impacts for the neighbouring properties was submitted as part of the application by Anstey Horne and independently reviewed by the Sunlight and Daylight consultancy Delva Patman Redler on behalf of the Council.
- 8.252. The initial findings of the Delva Patman Redler Sunlight and Daylight Study are discussed below.



### *Receptors*

8.253. The Sunlight and Daylight report identified the properties and windows which should be tested for sunlight and daylight based on land use and proximity to the site.

8.254. The following is a list of the properties tested for Daylight and Sunlight:

- *Discovery Dock West*
- *Hilton Hotel*
- *Discovery Dock East*
- *Pan Peninsular East*
- *Pan Peninsular West*

### Daylight

8.255. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.

8.256. Average Daylight Factor (ADF) is a measure of interior daylight used to establish whether a room will have a predominantly day lit appearance. BRE guidelines recommend the following ADF values for dwellings:

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

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

8.258. Delva Patman Redler reviewed the tables provided as appendices to the ES Chapter and assessed the summary text in the ES chapter itself, and concluded that the significance criteria set by Anstey Horne was not correct. The following is a summary of the conclusions of Delva Patman Redler.

### *Discovery Dock West*

8.259. The impact of the development on VSC to Discovery Dock West is very noticeable. 312 windows have been tested, 189 of the rooms (60% of those tested) would experience a reduction in VSC of more than 20% from the existing. Of those 146 would see a reduction of more than 40%. This is a significant failure of the BRE standard.

8.260. The NSL results show that 89 of the 235 rooms tested (38%) would experience a reduction in NSL of 20% from existing, and of those 4 would experience a reduction of more than 40%. Therefore, there would be a noticeable reduction in those rooms that would fail both the VSC and NSL standards.

8.261. Anstey Horne claim that the proposed development would have a minor to moderate adverse impact on this property. Delva Patman Redler consider that it would have a *moderate to major adverse impact*.

### *Hilton Hotel*

- 8.262. 28 windows have been assessed at the Hilton Hotel. Of those, 19 windows (38% of those tested) would experience a reduction in VSC of more than 20% from existing. 7 of those would experience a reduction of more than 40% from existing.
- 8.263. The NSL results show that 16 of the 28 rooms tested would experience a reduction of more than 20% from existing and 5 of these would experience a reduction of more than 40%.
- 8.264. Anstey Horne claim that the proposed development would have a minor adverse impact. Delva Patman Redler consider the results to be moderate adverse although only a small number of rooms out of the total number in the hotel are affected overall.

### *Discovery Dock East*

- 8.265. 1104 windows have been tested. The VSC tables show that 951 rooms (86% of the total) would experience a reduction in VSC of more than 20% from existing. Of those, 863 rooms would experience a reduction of more than 40%. All of these rooms therefore fail the BRE assessment and this would be a significant adverse impact.
- 8.266. The NSL results show that 222 of the 402 rooms tested would experience a reduction in NSL of more than 20% from existing, 95 would be reduced by more than 40%. Therefore, 55% of rooms would fail the NSL standard.
- 8.267. Anstey Horne states that the impact would be minor to moderate adverse. Delva Patman Redler consider the results to be major adverse impact.

### *Pan Peninsular West*

- 8.268. The VSC results for this property show that 479 windows of the 1,123 windows tested would experience a reduction in VSC of more than 20% from existing. 346 would experience a reduction of more than 40%. This is a noticeable reduction.
- 8.269. However the NSL results show that no rooms would experience a reduction of more than 20% from existing and therefore meet the NSL standard. This is because the windows do not directly face the South Quay development and are able to receive sky visibility through longer views, from other directions, principally between the South Quay site and Discovery Dock. Therefore, the perception of open outlook received within the rooms would not materially change, although the availability of direct skylight to the face of the window would materially change.
- 8.270. Anstey Horne contends that the development would have a negligible impact on this property. Delva Patman Redler considers the impact to be moderate adverse on balance, although there are rooms within the building that experience a moderate to major adverse impact.

### *Pan Peninsular East*

- 8.271. The VSC results for this property show that 250 of the 746 windows tested would experience a reduction in VSC of more than 20% from existing. 40 would experience a reduction of more than 40%. Therefore, 33% of rooms would fail the BRE standard.
- 8.272. The NSL results show that all rooms meet the NSL standard, as there is little material change in the no-sky line. This is due to the distance of this building from the

development site and the ability to see sky visibility around the development. However, those rooms would still face directly toward the southern block of South Quay so would have a sense of enclosure from that block.

- 8.273. Anstey Horne contends that the development would have a negligible impact on this property. Delva Patman Redler considers the impact to be minor adverse, on balance as the NSL standard is fully met.

#### Sunlight

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

- 8.275. The following is the initial findings of Delva Patman Redler following the review of the submitted ES and supplementary letter  
*Hilton Hotel*

- 8.276. 28 windows in the hotel have been tested and 12 of these experience a reduction in more than 20% from existing, and indeed those experience a reduction of more than 40% from existing. Seven of those would experience a total removal of annual sunlight from the windows.

- 8.277. Anstey Horne state in the ES Chapter of that hotel users have less of a requirement for sunlight as the rooms are mostly used during the evenings and the occupants are transient and on that basis the impact is negligible. Delva Patman Redler believe their comment about the transient nature of occupation is relevant but, if sunlight is considered to be of importance, then the impact would be moderate adverse but relatively localised in relation to the hotel as a whole.

#### *Discovery Dock West*

- 8.278. The APSH results of this property show that 230 of the 312 rooms assessed would experience a reduction in annual sunlight of more than 20% from existing, 74% of those tested. Of those, 192 would experience a reduction of more than 40% from existing, a major adverse impact. For the winter sunlight, 112 of the windows tested would fail the winter sunlight standard and experience a reduction in sunlight of more than 40% from existing.

- 8.279. Anstey Horne make a case that the presence of Discovery Dock East already obstructs direct sunlight to Discovery Dock West and any small reductions that are caused by the post development would manifest themselves as large percentage reductions. However, there are some rooms with relatively large reductions happening in any case.

- 8.280. Anstey Horne claim that the impact is of minor to moderate adverse significance. Delva Patman Redler consider that the effect is moderate to major adverse.

#### *Discovery Dock East*

- 8.281. 802 windows of the 960 windows tested would experience a reduction in APSH of more than 20% from existing. Of those 771 would experience a reduction of more than 40%. 567

would experience a reduction of more than 40% in the winter months. The results show that the scheme proposals would fail the sunlight assessment for all rooms in this property. Reductions in sunlight are high, over 70% to lower floors, and over 50% to the majority of windows.

- 8.282. Anstey Horne state that this impact is moderate adverse. They give mitigating explanation which includes the fact that 263 of the rooms affected are bedrooms and that many of the rooms are dual aspect. It is also relevant that the elevation affected faces almost due east so any development on this site is going to have a material impact on sunlight to Discovery Dock East, particularly to lower floors. The impact must be considered to be moderate to major adverse, but consideration should be given to whether the actual levels of sunlight left available would be acceptable in any case.

#### *Pan Peninsular East*

- 8.283. There is no material impact to Pan Peninsular East and the BRE standards are met for both annual and winter sunlight.

#### *Pan Peninsular West*

- 8.284. In this property, 30 of the 859 windows tested do not meet the annual sunlight standard and all meet the winter sunlight standard. For the annual sunlight, 27% experience a reduction of more than 40% from existing.

- 8.285. Anstey Horne claim that the impact is negligible. It is relevant that there are some, although only a small number, of windows that experience reductions of more than 40% and Delva Patman Redler therefore consider the impact is negligible to minor significance.

#### Applicant's response

- 8.286. Anstey Horne provided a response to the findings of Delva Patman Redler on behalf the applicant. The following is a summary of Anstey Horne comments:

- 8.287. Delva Patman Redler has adopted a 10% reduction banding in measuring the degree of impacts for this planning application, whereas Anstey Horne have considered a 20% reduction banding. Anstey Horne consider that the significance criteria adopted by Anstey Horne to not only take into consideration the BRE guidelines criteria for assessing reductions in light, but also accounts for flexibility that needs to be applied for sites such as this. With regard to the cumulative impacts, where appropriate, the relevant schemes around the development site have also been tested and we consider the overall effects to be correct and do not require further assessment.

#### Delva Patman Redler Conclusions

- 8.288. Delva Patman Redler reviewed and considered the comments of Anstey Horne and in response provided an updated response as set out below.

#### *Discovery Dock West*

- 8.289. Delva Patman Redler confirmed that Anstey Horne adopt a different approach to assessing the significance of impact.

- 8.290. Delva Patman Redler however advise that where a room experiences a reduction in daylight distribution of more than 40% and a 160 rooms would see a reduction in VSC of more than 40%, the impact is moderate to major adverse.

### *Hilton Hotel*

- 8.291. The impacts would be moderate adverse however, it is relevant that this is a hotel and not occupied as a permanent residential building. Therefore, whilst the impact can be considered to be moderate there would not be permanent residents personally affected by the reduction in daylight.

### *Discovery Dock East*

- 8.292. As with Discovery Dock West, it is considered necessary to balance the VSC results with the daylight distribution result. The results confirms 863 rooms would experience a reduction in VSC of more than 40% and 95 rooms would experience a reduction in daylight distribution of more than 40%. Such impacts are considered to be Major adverse.
- 8.293. Taking into account the fact that the facing windows overlook a cleared development site, it is considered reasonable to assume that any strategic housing development on site would have major adverse impacts on the properties of Discovery Dock East.

### *Pan Peninsular West and East*

- 8.294. Delva Patman Redler agree with the conclusions of Anstey Horne that all of the rooms in the two blocks meet the daylight distribution standard, and as a consequence there would be little material perception of reduced daylight for a person within the depth of the room even though there is a marked reduction in daylight to the face of the window.
- 8.295. *The impact is therefore negligible to minor adverse.*

### *Conclusion*

- 8.296. The development results in a number of significant ADF and sun lighting failings to neighbouring properties, specifically DDE and DDW however, it must be acknowledged that as the development site is a cleared site orientated to the south of residential units, any proposed strategic development on this Opportunity Area site would therefore be likely to impact on the said neighbouring residential properties to the north and northwest.
- 8.297. The impacts of the proposed development are therefore not solely a consequence of the height of the tower but also its proximity and orientation to the south of neighbouring residential properties. As such, any proposed height on site similar or greater to than existing at Discovery Dock East with the same footprint would have adverse impacts on daylight and sunlight.
- 8.298. The delivery of a carefully thought out designed and positioned building however would limit the potential impacts on the neighbouring residential properties.
- 8.299. On balance, it is considered the impacts of the development on neighbouring properties regarding sunlight and daylight are outweighed by the public benefits of delivering a strategic residential development on site in accordance with the site allocation, development plan and aspirations of the Opportunity Area.

### *Overshadowing*

- 8.300. The ES Chapter provides transient shadow diagrams for shadows cast by the development site and neighbouring buildings. It states that the only sensitive receptor that needs to be considered is the community area at Discovery Dock East, known as South Quay Square.

- 8.301. The results show that the sunlight to South Quay Square would be reduced so that none of the amenity area would be free from shadow of two hours on 21 March. This is because of the presence of the proposed block directly to the south of South Quay Square which, together with the East Wing of Discovery Dock East and the massing of Discovery Dock West effectively closes in the amenity area completely.
- 8.302. Delva Patman Redler confirms that they agree with Anstey Horne that the impact on South Quay Square would be major adverse. The Square would not be a sunlit space for recreation, particularly during the winter months.
- 8.303. The above impacts however would be outweighed by the delivery of improvement works to South Quay Square and the creation of a new comprehensive public realm across South Quay Square, SQP4 and SQP 1 - 3 which would enhance the built environment for the not only residents of the development, but also existing residents of the neighbouring buildings. Such improvement works to South Quay Square and delivery of a publically accessible public realm would also be secured via s106 agreement.
- 8.304. Within the new development itself, 58% of the amenity area would receive at least two hours of direct sunlight on 21 March. This considered to be fairly well distributed and should be capable of being accommodated with appropriate planning and landscaping.
- 8.305. The transient overshadowing consists of a relatively fast moving narrow shadow on to the Dock to the north. Delva Patman Redler therefore agree with finding of the ES Chapter that the additional overshadowing of the dock, as compared with that of the other existing neighbouring buildings, is of negligible significance.

#### Privacy

- 8.306. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new building and the existing facing residential buildings on neighbouring sites.
- 8.307. Discovery Dock East located to the north of the proposed development is closest residential building positioned approx. 15m away corner to corner. The design of the building however ensures that the facing habitable room windows of the developments separated by South Quay Square are approx. 32m apart. While, the proposed north facing window to the east of the proposal would be 18m away from the most southern elevation of the DDE building at an oblique angle.
- 8.308. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

#### Visual amenity / sense of enclosure

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

#### Noise and disturbance

- 8.310. The proposed residential uses and introduction of commercial uses on the ground floor which would have hours of operation restrictions, would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of noise and disturbance.

8.311. An objection was received from a resident of the DDE building due to concerns over the resulting noise and disturbance from the design and proximity of the open air basement ramp. It is officer's opinion that the location of balconies and habitable room windows within close proximity to a main road, or a service road is a commonly acceptable arrangement within the borough. On balance, it is therefore considered that the resulting level of noise and disturbance from the open air ramp would not impact on neighbours living conditions to such an extent to warrant the refusal of a strategic in scale development, which provides substantial public benefits.

### **Landscaping and Biodiversity**

8.312. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

8.313. There is no significant existing biodiversity interest on the site. The proposed development would lead to a significant increase in vegetation within the site, offering considerable scope for biodiversity enhancements, especially in the Pocket Park. The proposed pocket park includes extensive areas of nectar-rich "prairie-style" herbaceous planting which would be of a significant benefit to bees and other pollinating insects, and would contribute to a target in the Local Biodiversity Action Plan (LBAP).

8.314. The proposed trees include one black poplar, a priority species in the LBAP. It is important to ensure a true native black poplar, and not a hybrid, is planted. This tree would contribute to another LBAP target.

8.315. The absence of any other native tree species is regrettable from a biodiversity perspective. The replacement of the non-native *Betula papyrifera* however, with the very similar-looking, native *Betula pendula* would significantly enhance the wildlife value of the landscaping.

8.316. The proposed hedges would be of considerable biodiversity value and contribute to a LBAP target if they are composed of mixed native species and are sufficiently tall and bushy.

8.317. The bio-diversity officer in light of the above raised no objection to the proposed development, subject to the submission of the full details of all proposed biodiversity enhancements.

8.318. Subject to the securement such conditions, it is therefore considered that the proposal would comply with the London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

### **Highways and Transportation**

#### *Policy Context*

8.319. The NPPF and Policy 6.1 of the London Plan (2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

8.320. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the

assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

8.321. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

8.322. The site has a public transport accessibility level (PTAL) of 3.

### *Background*

8.323. The proposed highway strategy is designed to not only incorporate and serve the proposed development (SQP4) positioned within the redline boundary of the application site but also the neighbouring development site of SQP 1-3 and Discovery Dock East.

8.324. The proposed development as a consequence would provide a single access point to a single basement which would serve SQP1-3 and SQP4 and Discovery Dock East.

8.325. The proposed reconfiguration works to the basement of the SQP 1- 3 which seek to ensure the basements of both developments would be compatible is currently being considered under a separate planning application (PA/15/03074).



*Image of Access and Service strategy*

8.326. The discussed reconfiguration works at SQP 1-3 and under consideration with planning application (PA/15/03074) would also secure provision for a new underground vehicle access to the DDE building.

8.327. It is acknowledged that neither this development proposal (SPQ4) nor the revisions proposed under planning application (PA/15/03074) at SQP 1-3 can be implemented independent from one another. A section 106 agreement would therefore be required which binds together the proposed development and proposed amendments at SQP 1 – 3.

### *Access*

8.328. The site would be accessed via a new shared surface access road to the west of the proposed development from Marsh Wall. The access road would be used by vehicles and cyclists only.

8.329. The proposed access road would lead onto the proposed ramp down into the SQP4 basement and also serve the Jemstock 2 and 3 buildings located to the north west of the site.

8.330. The LBTH Highways officer supports the location point of the new ramp, the requirement for it to serve SQP4, SQP 1-3 and Discovery Dock East and also confirmed that the vehicle access/egress arrangements to and on the site are unlikely to result in a material impact on the operation of the local highway network.



8.331. As discussed previously, the resulting impacts of the proposed access arrangements are also not considered to have a significant impact on the amenity of neighbouring residents.

#### *Car Parking and access*

8.332. The submitted transport assessment combines the quantum of car / cycle parking spaces from both SQP4 and SQP 1-3.

8.333. The approved SQP 1-3 scheme and revised SQP 1-3 (currently being considered) both comprise of 141 car parking spaces. The proposed level of car parking proposed inclusive of SQP 4 is 145 car parking spaces. The proposed development would only therefore only result in 4 additional car parking spaces, one of which would be an accessible bay.

8.334. The remainder of the development would be a car free development which is welcomed. A Section 106 legal agreement would ensure that the development is “car and permit” free scheme.

#### *Cycle Parking*

8.335. The proposed development includes a total of 612 cycle parking spaces (604 residential / 8 non-residential)

8.336. The proposed cycle access is proposed through a separate entrance from the ramp to west of the building. The storage facilities in Basement level 2 would be accessed via a cycle lift.

8.337. LBTH Highways and TfL welcome such an arrangement, as it is considered best practice guidance to separate cycles and motor vehicles where possible. The design of the external cycle door and lift which are adapted for extra width in accordance with the London Cycle Design Standards (LCDS) recommendation is also welcomed.

8.338. The residential cycle parking would comprise of 594 long-stay spaces and 16 short stay spaces. The cycle parking provision would be predominantly ‘Josta’ stands, however provisions for ‘Sheffield’ stands are also provided. The 16 short-stay spaces provided within the public realm would also be ‘Sheffield’ stands.

8.339. The proposed development also comprises of 2 long stay spaces which would be located at basement level 2.

8.340. On balance, it is considered that the quantum and type of cycle parking spaces and their location would be broadly in accordance with London Plan policy 6.9 ‘Cycling’.

#### *Walking and Public Realm*

8.341. The South Quay Masterplan identifies the DLR corridor as a ‘key walking and cycling route.’ The public realm proposals reinforce east west movement along the Marsh Wall corridor as well as the north south movement through the site to the South Dock edge.

8.342. The proposed development would provide linkages to South Quay Square, the SQP 1-3 development site and safe guard a publically assessable route through the site towards the location of the potential future bridge at South Quay.

8.343. The proposed basement link to the DDE basement car park would allow for the re -routing of all vehicle movement underground instead of through the proposed public realm offer which spans SQP4 and the neighbouring SQP 1 – 3 development scheme. The removal of the

existing DDE access route is welcomed as it would enhance the public realm offer and create a more pedestrian friendly environment.

- 8.344. The proposed treatment of the DLR undercroft and landscaping scheme would reinforce its purpose as a linear route that can accommodate pedestrian and cycle movement along its course.

#### *Highway works*

- 8.345. The development would require an amendment at the southwest corner of the Marsh Wall / Millharbour junction in order to maintain the existing signal timings at this junction should the layout be amended as per this application.
- 8.346. The above required (minor) works are expected to take place as part of the approved Millharbour Village scheme. In the event that such works are not undertaken, the highway works would be required to form part of the highway works for this scheme.
- 8.347. The details of the scheme of highway works would be secured by condition and any works required through a s278 Agreement.

#### *Buses*

- 8.348. TfL advised that the applicant estimates that the development would generate 48 outbound bus trips in the morning peak hour. The capacity of the local bus network is constrained during this time and with regard to cumulative impact of development within this area.
- 8.349. TfL seeks a contribution of £200,000 (£40,000 per annum over five years) towards additional bus capacity in the local area to be included within the Section 106 agreement in accordance with London Plan policy 6.2 'Providing public transport capacity and safeguarding land for transport'
- 8.350. Subject to the submission of additional information to comprehensively demonstrate that the contribution would mitigate a site specific issue, the subsequent impact of this particular scheme on the Marsh Wall bus capacity. Officers consider it appropriate that £200,000 is secured through a S106 Agreement towards the bus network.

#### *Cycle Hire*

- 8.351. TfL notes that the cumulative impact of development in the local area would place additional pressures on the cycle hire network, and therefore request that the applicant safeguards land to facilitate an additional docking station and a £200,000 contribution.
- 8.352. The failure to deliver cycle hire station or additional capacity however would not result in highway and transport issues which would outweigh the overall merits of scheme. The requirement to safeguard land for the cycle provision is therefore not sought.
- 8.353. The allocation of CIL also cannot be secured as part of the assessment of a planning application.

#### *Servicing and construction*

- 8.354. The submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.

- 8.355. A construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition.
- 8.356. The required plans would be required to identify the efficient, safe and sustainable arrangements to be employed at each stage of implementation the development, to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, amenity and highway safety.
- 8.357. Subject to the attachment of the above conditions and s106, it is considered that the proposed development would not result in any highway or transport issues in accordance with the NPPF, policies 6.1 and 6.13 of the London Plan, Core Strategy policies SP08 and SP09 and policy DM22 and DM22 of the MDD.

#### *Travel Plan*

- 8.358. The applicant submitted a residential Travel Plan which is considered acceptable by TfL subject to the applicant undertaking a model split following the determination of this application and application for the revised works at SQP 1 -3.
- 8.359. The submission of an updated Travel for the residential uses and a work place travel plan for the commercial uses on site would be secured by condition.

#### **Waste**

- 8.360. Policy DM14 of the Managing Development Document states that a development should demonstrate how it would provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.361. Policy DM14 also states that a major development should provide a Waste reduction management plan for the construction and operation stages.
- 8.362. The applicants submitted Waste Management strategy proposes in bin compaction and a collection methodology which is designed to allow the proposed development to be serviced once a week instead of twice a week, in an attempt to implement the waste management hierarchy of reduce, reuse and recycle.

#### *LBTH Waste Officer*

- 8.363. The Waste Technical officer raised two objections to the proposed servicing and waste collection methodology.
- 8.364. The following is a brief summary of the first reason for objection. The Council does not have sufficient information to confirm that in bin compaction at a ratio of 2:1 is reliable and would improve serviceability of the site. Commercial operators have recently abandoned such forms of compaction due to bin damage and service delays, where waste stuck to container walls. The methodology therefore deviates largely from the Council's contractual arrangements with Veolia and presents too many potential liabilities for the Council to adopt or agree.
- 8.365. The reason for the second objection was based on the fact that the scale of the development SQP 1-3 development has now increased with the addition of SQP4 to such an extent that a wholesale revision to the waste strategy should be made. The LBTH Waste officer therefore recommends that the adopted methodology should include compacted skip containers as secured at the neighbouring Wood Wharf.

### *Applicant Response*

- 8.366. In response to the LBTH Waste officer's objections the applicant commissioned AECOM to review and provide a response to the received objections.
- 8.367. The response from AECOM to the Council sets out in detail how the issues experienced by other commercial companies that adopted bin compaction can be avoided with appropriate waste management practices, and what are the issues and implications of seeking to adopt alternative waste management strategies such as Skip Compaction, Eurobin stacking and vacuum waste management systems. Such as the requirement for significant structural and layout amendments to the proposed development, combined with a significant increase in costs and delays with the on-going construction programme.

### *Officer's comments*

- 8.368. It is agreed that the adoption of skip compaction underground would require a significant change in the basement plans, as the floor to ceiling height would need to be increased to allow for sufficient height for the loading and unloading of containers. This approach would therefore either unacceptably impact on the quality of the proposed public realm at ground floor level or require the creation of an additional basement, which would substantially raise the cost of the delivering scheme, which influences the level of affordable housing securable.
- 8.369. The installation of a waste compaction facility at ground floor level alternatively would require an additional access route through the site and the allocation of land to house a compaction unit. The delivery of such a provision on site would therefore either require a significant reduction in the scale commercial uses which would completely undermine quality of the ground floor and retail offer, or reduce the quality and quantum of the public realm.
- 8.370. In light of the above, officers are mindful that any requirement for the development to provide on-site skip compaction would be likely to have significant implications on the design quality and integrity of the scheme, and overall reduce the level of public benefits to be secured.
- 8.371. In this instance, it is therefore considered that although a skip compaction provision can be physically accommodated on site, the adoption of an alternative waste management provision is favoured as it would allow for a better quality scheme to be delivered.
- 8.372. The introduction of a waste vacuum system alternatively would be welcomed on site however, as the required infrastructure is not yet in place to serve development proposals in the borough, and again the cost of introducing such infrastructure would have significant impacts on the costs of the development, it is not considered reasonable to require a stand-alone development to introduce a vacuum waste system in isolation.
- 8.373. Given the above issues with introducing either skip compaction or a vacuum waste management system on the development site, it is considered that if bin compaction is also discounted then the only remaining viable option would be for the waste on site not to be compacted and collected once a week (which would require multi trips within a day).
- 8.374. The failure to provide any form of waste compaction on site however would unacceptably impact on the resulting level of trip generation to the site and within the borough, and dwell time for servicing. The adoption of a waste management methodology which excludes any form of compaction for a development of such density and scale would therefore not be supported.

- 8.375. Exhausting all other options and when reverting back to considering the applicants and AECOMs favoured waste management approach, in bin waste compaction. It is noted that the Waste Technical officer did state that the acceptability of bin compaction (which is currently not adopted in the Local Plan or our supplementary guidance) would be dependent on the findings of an in depth and independent study. Subject to LBTH waste officers and Veolia inputting into what the scope of an independent review of in-bin compaction should cover, as there is currently more evidence against the methodology (albeit not very extensive either) and requirement for the Council to take a precautionary approach until in bin compaction methodology is proved to be a viable solution. It is officer's opinion that the adoption of in bin compaction methodology within the borough could be supported, if there is sufficient evidence to show that the methodology provides operational efficiencies for all concerned and pose far less liabilities for the Council.
- 8.376. Given the fact that the applicant has confirmed in writing that they are willing to undertake and compile the requested evidenced based study to convince LBTH Waste officers of the suitability of in bin waste compaction as part of a condition, officers are minded to secure the submission of such a study via a pre-commencement condition.
- 8.377. The adoption and requirements of such a pre-commencement condition is considered to meet the tests for the use of planning conditions set out in the NPPF and would be appropriate, to avoid a refusal of planning permission.
- 8.378. Subject to the satisfaction of the required pre-commencement condition in consultation with LBTH Waste officer and Veolia, it is therefore considered that the proposed development would implement the waste management hierarchy in accordance with Policy DM14 of the MDD.

### **Energy & Sustainability**

- 8.379. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.380. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).

### *Carbon Reduction Requirements*

- 8.381. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.382. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy system in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.
- 2) Site wide CHP
- 3) Communal heating and cooling.

8.383. The design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures and connection to the South Quay Plaza heat network. The proposals are anticipated to deliver a 34% reduction in CO2 emissions which is significantly below the policy requirement of 45% reduction.

#### *Carbon Offsetting*

8.384. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan which states:

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

8.385. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).

8.386. For the proposed scheme it is recommended that a figure of £108,360 is sought for carbon offset projects.

#### *Sustainability*

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

8.388. The submitted Sustainability Statement notes that all of the non-residential units will achieve BREEAM Excellent rating with a score of 72%. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 3 months of occupation.

#### *Summary*

8.389. The current proposals have sought to implement energy efficiency measures and propose to connect to a district heating systems to deliver CO2 emission reductions.

8.390. Through linking to the South Quay energy network the scheme will achieve significant CO2 emission reductions, enabling the development to respond well to LBTH policy DM29 and minimising the required carbon offset contribution (Planning Obligations SPD).

8.391. Through the shortfall in CO2 emissions being met through a carbon offsetting contribution, the proposals could be considered appropriate for the development and compliant with LBTH policy DM29.

- 8.392. Subject to safeguarding conditions, the proposed development would therefore comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

## **Environmental Considerations**

### *Noise and Vibration*

- 8.393. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.394. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.395. The Council's Environmental Health Noise and Vibration officer requested the securing of the submission of acoustic report via safeguarding conditions to ensure the relevant standards are met.
- 8.396. Subject to the safeguarding condition, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during the life of the development in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

### *Air Quality*

- 8.397. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.398. The LBTH Environmental Health Officer confirmed that the ES shows that the proposed Energy centre plant, CHP and boilers, will meet the NO<sub>x</sub> emission limits that are set out in the GLA's Sustainable Design and Construction SPG and the emissions would not have a significant on any existing or proposed receptors.
- 8.399. The construction assessment also concludes that with appropriate mitigation, the construction impacts would be negligible on dust and air quality.
- 8.400. The required mitigation measures would be secured by condition, as part of a Construction Environmental Management Plan.
- 6.1. In light of the above and subject to safeguarding conditions, officers considered that the resulting associated air quality would comply with policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD, which seeks to reduce air pollution.

### *Microclimate*

- 5.3. 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.
- 5.4. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflect the fact that sedentary activities such as sitting require a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 5.5. The findings of the ES were reviewed by the Environment Consultants LUC on behalf of the Council. LUC confirmed that the wind levels would be generally appropriate for the required land uses, although there would be some minor adverse effects.
- 5.6. Additional wind tests were therefore conducted to develop mitigation measures for the adverse conditions. The mitigation measures tested included the proposed landscaping plan, balustrades, tree planting, and additional terrace canopies and contouring.
- 5.7. There are 10 locations where wind speeds exceed B6 or B7. The B6 threshold is exceeded at receptors 27, 30, 31, 56, 57 92, 108, 117 and 118 for up to 4.1 hours per annum, but are unlikely to cause nuisance.
- 5.8. One receptor (105) would experience wind speed in excess of B7 which is considered to be a safety concern. This can be mitigated however by the installation of raised planters and localised screening.
- 5.9. Subject to safeguarding conditions to secure the mitigation measures, officers consider that the resulting impact of the development on the microclimate would be acceptable.

### *Demolition and Construction Noise and Vibration*

- 6.2. The demolition and construction works would be likely to result in temporary, short-term effects to occupants on the surrounding streets particularly with regards to the occupants at Discovery Dock East.
- 6.3. The submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 6.4. The Councils Environmental Officers raised no objections on demolition, construction, noise and vibration grounds.
- 6.5. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

### *Contaminated Land*

- 6.6. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that there are no objections on the grounds of contaminated land issues,



subject to, the attachment of safeguarding conditions to ensure that appropriate mitigation measures are in place.

- 6.7. Subject to safeguarding conditions, it is considered that the proposed development would not result in any land contamination issues in accordance with the requirements of the NPPF and policy DM30 of the MDD.

#### *Flood Risk and Water Resources*

- 6.8. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 6.9. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use.
- 6.10. The approach within the ES to establishing 'magnitude' of impacts, and for estimating significance of effect gives appropriate prominence to both beneficial and adverse effects relative to their significance and considers interactions between related beneficial and adverse effects. It separates the assessment according to receptor, stage of development and pre- and post-mitigation. This assessment approach is considered appropriate.
- 6.11. LUC confirmed that the conclusions on flood risk from all considered sources are acceptable. The sustainable surface water management strategy and capacity of the wastewater and water supply network which are important with respect to a number of potential impacts are also appropriately considered.
- 6.12. A detailed drainage design and a requirement for the applicant to continue to consult Thames Water in order to ensure (by obtaining an official confirmation) that the development's demand for water supply, wastewater treatment and their associated infrastructure both on and off site can be met would be secured via a planning condition.

#### *Television and Radio Service*

- 6.13. The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 6.14. The ES confirms there is a requirement for mitigation measures to mitigate the shadowing impacts on terrestrial and satellite television signals which would be secured by a section 106 agreement.
- 6.15. The applicant has also agreed to provide mitigation to the potential effects upon the DLR communication signals via Section 106 Agreement. The type of mitigation required would be discussed and agreed with DLR operatives.

#### **Health Considerations**

- 6.16. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 6.17. 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.

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

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

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

**Planning Obligations**

6.20. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council’s Infrastructure Delivery Plan (IDP). The Council’s Draft ‘Planning Obligations’ SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.

6.21. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 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.

6.22. The NPPF requires that planning obligations must be:

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

6.23. 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.

6.24. Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

6.25. The applicant has broadly agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA guidance as well as to provide a substantial payment in lieu of some of the affordable housing provision. The financial obligations secured include:

| <b>Heads</b>   | <b>Planning obligation financial contribution</b> |
|--|---|
| Employment, Skills, Construction Phase Skills and Training | £161,452  |
| Access employment and end user                             | £1,200  |
| Carbon off set initiatives                                 | £108,360  |

|                   |                  |
|-------------------|------------------|
| Local Bus Service | £200,000         |
| Monitoring        | £8,500           |
| <b>Total</b>      | <b>£487,012.</b> |

- 6.26. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. In response to a query from the applicant, TfL have also confirmed that further information as part of the justification for the above bus contribution will also be submitted to the LPA.
- 6.27. 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. The commitment to realise the wider public realm vision is strictly an additional benefit of the scheme which is neither required to make the proposal acceptable in planning terms nor is it necessary to mitigate the proposal's impacts or offset planning objections and policy compliance deficiencies, in particular given the uncertain delivery of the landscaping vision in light of land ownership issues. Nevertheless, the commitment to utilise all reasonable endeavours to deliver the additional improvements to South Quay Square is a material consideration of some weight as the works, if implemented, would substantially add to the already considerable regeneration benefits of the scheme.
- 6.28. With regard to affordable housing provision, the applicant has also offered 25% affordable housing by habitable room with a tenure split of 71/29 between affordable rented/ social target rent and shared ownership housing. The applicants Financial Viability Assessment has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver beyond the maximum amount of on-site affordable housing without threatening the deliverability of the development.
- 6.29. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within a reasonable timescale (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted.
- 5.10. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential and workplace travel plans.

## **6. FINANCIAL CONSIDERATIONS**

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

- 6.30. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 6.31. Section 70(4) defines "local finance consideration" as:

- 6.32. In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy.
- 6.33. Mayor of London CIL liability is estimated to be £1,136,128.
- 6.34. Tower Hamlets CIL liability is estimated to be £6,471,374
- 6.35. These financial benefits are material considerations of some weight in favour of the application proposal.

## **7. HUMAN RIGHTS CONSIDERATIONS**

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

- 7.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 7.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

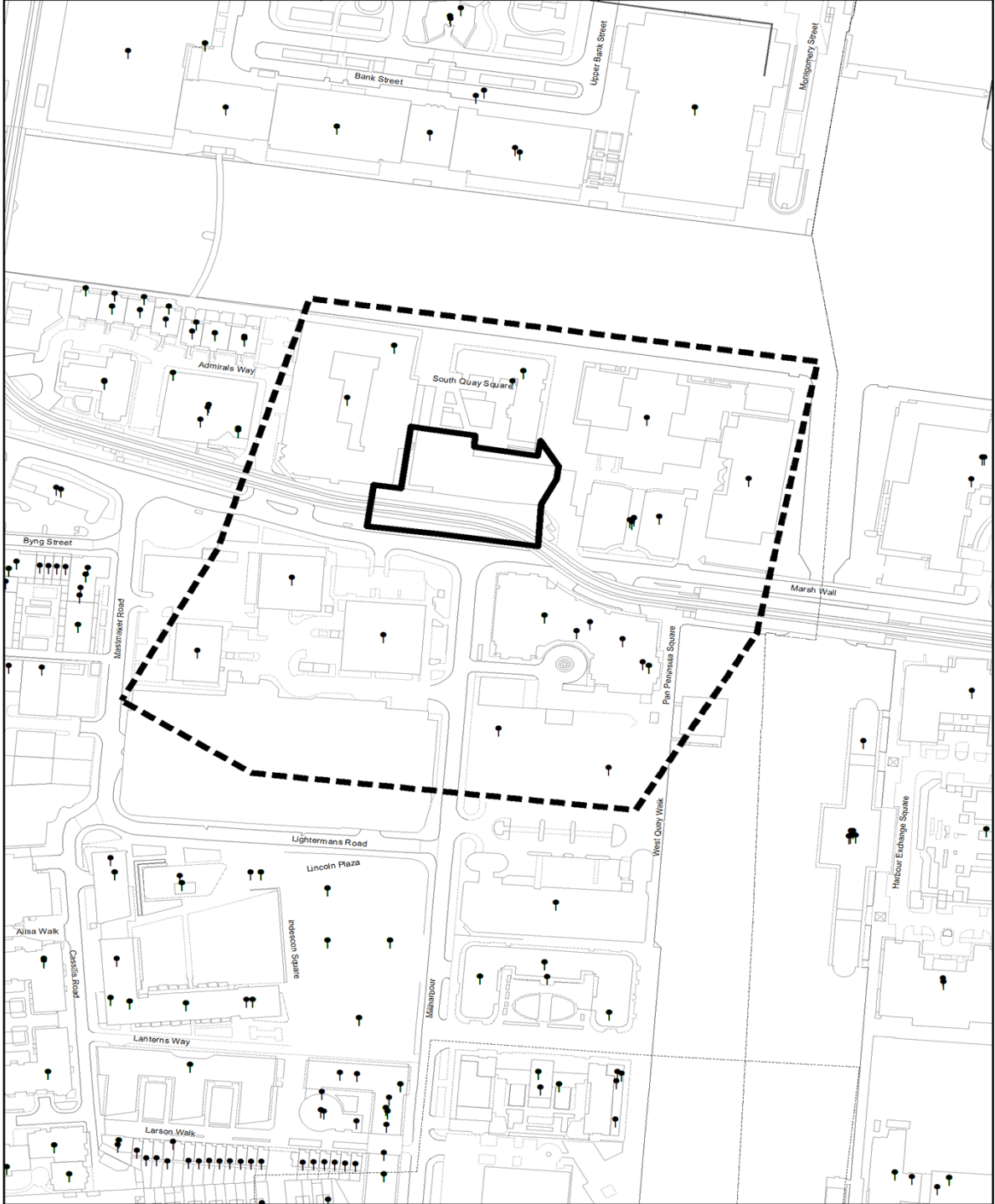
## **8. EQUALITIES ACT CONSIDERATIONS**







- 8.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 8.3. In terms of employment, the commercial floorspace would provide an up lift in employment opportunities, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.
- 8.4. The introduction of publically accessible west – east and north – south routes, a route through to South Quay Square and joined up landscaping scheme with the neighbouring SQP 1-3 development site would also increase permeability and promote social cohesion across the site and within the borough generally.
- 8.5. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

## **9. CONCLUSIONS**

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

Planning Application Site Map  
PA/15/03073



|  |  |   |   |
|--|--|---|---|
|  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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## **APPENDIX 2**

### **List of plans for approval**

#### **Schedule of Drawings**

A-0-1000-4, A-0-1010-4, A-0-1011-4, A-0-1012-4, A-0-1020-4, A-0-1021-4, A-0-1198-4, A-0-1199-4, A-0-1200-4, A-0-1201-4 Rev 01, A-0-1212-4, A-0-1218-4, A-0-1218m-4, A-0-1237-4, A-0-1237m-4, A-0-1256-4, A-4-0010, A-4-0011, A-4-0012, A-4-1100, A-4-1198, A-4-1199, A-4-1200, A-4-1201 Rev 01, A-4-1202, A-4-1203, A-4-1204, A-4-1209, A-4-1210, A-4-1211, A-4-1212, A-4-1218, A-4-1218m, A-4-1223, A-4-1225, A-4-1229, A-4-1235, A-4-1237, A-4-1237m, A-4-1238, A-4-1240, A-4-1251, A-4-1252, A-4-1253, A-4-1254, A-4-1255, A-4-1256, A-4-1400, A-4-1401, A-4-1402, A-4-1403, A-4-1500, A-4-1501, A-4-2000, A-4-2001, A-4-2010, A-4-2011, A-4-2020, A-4-2021, A-4-2022, A-4-2023, A-4-2100, A-4-2110, A-4-2120, A-4-2130, A-4-2200, A-4-2201, A-4-2210, A-4-2211, A-4-2300, A-4-2301, A-4-2400, A-4-2401, A-4-2500, A-4-4000, A-4-4001, A-4-4002, A-4-4003, A-4-4004, A-4-4005, A-4-4006, A-4-4007, A-4-4008

#### **Schedule of Documents**

Design & Access Statement (Foster + Partners)  
Planning Statement (Bilfinger GVA)  
Environmental Statement Non-Technical Summary (Aecom)  
Environmental Statement Volume 1 – Main Assessment, Text & Figures (Aecom)  
Environmental Statement Volume 2 – Townscape, Visual & Built Heritage Impact Assessment (Miller Hare)  
Environmental Statement Volume 3 – Technical Appendices (Aecom)  
Transport Assessment (WSP)  
Delivery & Servicing Plan (WSP)  
Travel Plan (WSP)  
Waste & Recycling Strategy (Aecom)  
Energy Statement (WSP)  
Sustainability Statement (WSP)  
Arboricultural Report (Aecom)  
Utilities Statement (WSP)  
Affordable Housing Statement (Bilfinger GVA)  
Estate Management Strategy (Berkeley Group)  
Statement of Community Involvement (Snapdragon)  
Social Sustainability Statement (Quod)  
Draft Heads of Terms (Pinsent Masons)  
SQP1-4 Extended Phase 1 Habitat Report (Aecom)

Applicant response letter to Transport for London (TfL) comments dated 10<sup>th</sup> April 2016  
Applicant response letter to LBTH Highway Authority comments dated 10<sup>th</sup> March 2016  
Applicant response to the Interim Review Report (IRR) comments dated 1<sup>st</sup> March 2016  
Applicant response to LBTH Waste comments dated March 2016  
Further Environmental Information (Aecom) 1<sup>st</sup> April 2016  
Applicant response to GLA (energy) comments dated 8<sup>th</sup> December 2015

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**LONDON BOROUGH OF TOWER HAMLETS**

**STRATEGIC DEVELOPMENT COMMITTEE**

**12 May 2016**

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**INDEX**

| <b>Agenda item no</b> | <b>Reference no</b> | <b>Location</b>  | <b>Proposal / Title</b>  |
|-----------------------|---------------------|--|--|
| 6.1                   | PA/15/03073         | South Quay Plaza 4, Marsh Wall, London, E14                    | Erection of a 56 storey building comprising up to 400 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.<br><br>The application is accompanied by an Environmental Impact Assessment. |
| 6.2                   | PA/16/00437         | Docklands Sailing Centre, 235A Westferry Road, London, E14 3QS | 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.                  |
| 7.1                   | N/A                 | N/A  | S106 Planning Obligations – Use of Health Contributions for Preventive Health Projects.  |

|                            |   |
|----------------------------|---|
| <b>Agenda Item number:</b> | 6.1   |
| <b>Reference number:</b>   | PA/15/03073   |
| <b>Location:</b>           | South Quay Plaza 4, Marsh Wall, London, E14   |
| <b>Proposal:</b>           | <p>Erection of a 56 storey building comprising up to 400 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.</p> <p>The application is accompanied by an Environmental Impact Assessment.</p> |

## 1.0 TYPOGRAPHICAL ERRORS

- 1.1 Para 3.3 [Recommendation] states *'Total Contribution financial contributions £487,012'* and should read as *'Total Contribution financial contributions £479,512'*.
- 1.2 Para 4.39 [Consented / Implemented but not fully built out] – should read as *'Demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space. [Revised Description]'*
- 1.3 Para 6.25 [Planning Obligations] – The financial obligations secured table states a *'Total: £487,012'* and should read as *'Total: £479,512'*.
- 1.4 Para 6.65 [GLA Consultation Response] – states *'35 per cent affordable housing'* should read as *'25 per cent affordable housing'*.
- 1.5 Para 8.54 [Density and level of development] states *'The proposed density of 2483 hr/ha however would be greater than the London Plan density range of 300 to 650 hr/ha stated within the density matrix'* and should read as *'The proposed density of 2483 hr/ha however would be greater than the London Plan density range of 650 to 1100 hr/ha stated within the density matrix'*.
- 1.6 [Supplementary planning documents] - states *'Draft Planning Obligations SPD (2015)'* and should read as *'Revised Planning Obligations SPD (2016)'*
- 1.7 [Spatial policy designations] – should also state *'The site is within the South Quay Masterplan Area'*.

## **2.0 CLARIFICATIONS**

### *Public Transport Accessibility Level*

- 2.1 The site records a moderate Public Transport Accessibility Level (PTAL) of 3 (out of a range of 1 to 6). However Transport for London (TfL) advise that if the assessment methodology takes account of the South Quay footbridge in the calculation, the PTAL increases to 4.
- 2.3 The PTAL for the site is 4 and as a consequence the site has a London Plan density range of 650 – 1100 hr/ha and not 300-650 as previously stated.

### *South Plaza 1 - 3*

- 2.4 The planning permission (PA/14/00944) for the 68 and 36 storey developments on South Quay Plaza 1- 3 has already been implemented.

### *Bus Contributions*

- 2.5 The developer questioned the principle of providing a bus network contribution as a planning obligation. The Council has in the past maintained that improvements to the bus network should be funded by Community Infrastructure Levy (CIL). Subsequent Legal advice has confirmed that contributions towards the revenue support of the bus network would be lawful under S106 and would not represent “double counting” with the Council’s CIL. In brief this is because the CIL Regulations do not prevent revenue contributions from being sought via S106 and/or CIL, irrespective of whether the infrastructure type is included on the Council’s Regulation 123 List (the list of infrastructure to be supported by CIL).
- 2.6 Revenue contributions are not classed as infrastructure and therefore are not subject to the pooling restrictions for planning obligations.

### *Jemstock Buildings*

- 2.5 The proposed access route via a ramp would facilitate vehicle access to the basements of SQP4, SQP1-3 and Discovery Dock East, where car parking and servicing (e.g. deliveries) would take place.
- 2.6 The existing north/south access route would be retained at ground level to provide a secondary access to proposed serviced apartments at Jemstock 2 and residential dwellings in Discovery Dock West. However the main service access for both of these buildings would continue to take place predominantly on Admirals Way.

## **3.0 ADDITIONAL CONSULTATION RESPONSES**

### **Environment Agency**

- 3.1 The further environmental information dated 15 April 2016 and submitted to the LPA in relation to the EIA does not alter the EA’s previous response dated 22 December 2016

## Canal River Trust

- 3.2 No additional comments following submission of further environmental information dated 15 April 2016

### 4.0 ADDITIONAL REPRESENTATIONS

- 4.1 An objector provided further comments on the application since the publication of the committee report which are summarised below:

- Capacity to cope with growth in deliveries;
- Capacity to cope with extra deliveries in December;
- Proximity of the vehicle access point into the site to the traffic lights on Marsh Wall;
- Transport implications on Discovery Dock East;
- Priority given to vehicles leaving the site would not work;
- The trip generation of Discovery Dock East will increase;
- Submitted traffic flows are not accurate;
- The development would result in congestion on Marsh Wall.

#### Applicant's response:

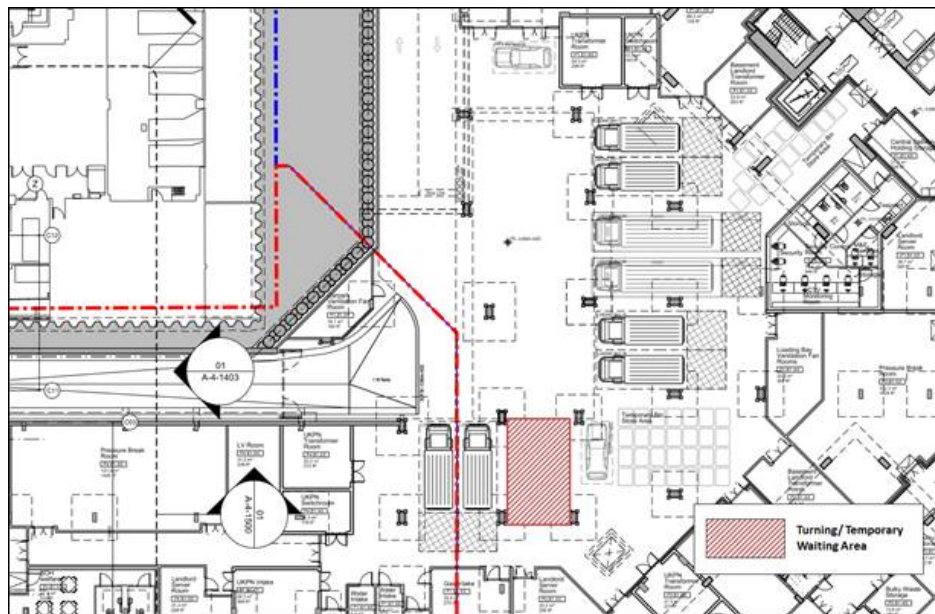
- 4.2 The applicant commissioned WSP to provide a response to the above objections and also clarification on the basement access controls and servicing management. The comments of WSP are summarised below:

#### *Basement Access Control*

- 4.3 The one-way ramp which provides access to the service yard is controlled by traffic signals, with signal heads located at ground and basement levels.
- 4.4 Security gates are also placed at the top of the access ramp to secure the car park and service yard outside of the typical hours of operation (i.e. 7am to 7pm, Monday to Friday).
- 4.5 In order to ensure that queues on our access road do not exceed two (2) vehicles, the security gates will remain open during the daytime operation of the service yard, between 7am and 7pm, with all security checks taking place within the basement – which will be manned at all times during the daytime hours of operation.
- 4.6 Outside of the daytime hours of operation, the gates located at the top of the access to the basement servicing area and car park will be closed. The barriers would therefore only be in operation when traffic levels are considerably lower.
- 4.7 The access proposals described above would be incorporated into a Service Management Strategy which be secured by condition for agreement with LBTH prior to occupation. The setting out of the intercom, the access road, signal heads, and security gates will also be subject to agreement with LBTH through the detailed design process.

### *Servicing Management*

- 4.8 In terms of the management of service vehicles within the basement servicing area, routine deliveries (such as refuse collection/ maintenance deliveries) will be closely managed to avoid arrivals during peak hours of servicing activity. Staff within the service yard will also ensure that dwell times are kept to an absolute minimum generally not to exceed 15 minutes. During the peak period (between 11:00 and 12:00) the May 2016 WSP report identifies that a total of 36 two-way servicing trips would be expected, equating to 18 deliveries each generating one inbound and one outbound movement. On average each servicing bay would therefore accommodate 2.25 deliveries during this peak period. Given that the average dwell time is expected to be significantly less than 15 minutes, it is clear that the service yard provides ample capacity for the expected demand.
- 4.9 Notwithstanding the above, in the unlikely event that a service vehicle does arrive when all eight (8) bays are occupied, sufficient turning space is provided within the basement to allow a vehicle to be turned away, or temporarily wait for very short periods of time. The location of this area is illustrated by the red hatch below:



- 4.10 The servicing management strategy will be set out within a Delivery and Servicing Management Plan which will be secured by condition for agreement with LBTH.

#### Officer response:

- 4.11 The Highways Department raised concerns at pre-application stage that implementation of a one-way ramp for vehicle access to SQP could result in frequent queuing back onto Marsh Wall. We thus requested that the applicant produce a traffic model to demonstrate that this would not happen. The applicant produced this using the LINSIG traffic modelling software. The results showed at peak times (for traffic flows on Marsh Wall) that the mean

maximum queue length from the stop line for access into the site (back toward Marsh Wall) would be no more than two vehicles.

- 4.12 The objector raises the possibility of delivery vehicles wishing to access the basement when all eight service bays in the basement are occupied. It is considered that the risk of this happening is unlikely, although plausible.
- 4.13 The Delivery and Service Plan secured by condition would therefore include a requirement to set out how the eight spaces used for deliveries would be managed to minimise this occurrence and also state what contingencies would be in place should the above scenario take place.
- 4.14 The requirement to phase people moving into the development would be also secured within the Delivery and Service Plan.
- 4.15 The Council's Highways Team have reviewed the additional information in the context of the concerns raised by the local resident and raise no objection to the proposed development.

## **5.0 Additional planning conditions and obligations**

- 5.1 Following concerns raised by an adjoining occupier about noise arising from vehicles using the basement access ramp, the applicant has suggested the detailed wording of a planning condition to secure noise monitoring prior to first use and then two months following first. If the noise arising from use of the ramp exceeds specific thresholds, a scheme of further noise attenuation would be developed and implemented.
- 5.2 Officers have reviewed the detailed wording and consider that such a condition would meet the NPPF tests and would be lawful. An additional condition is recommended.
- 5.3 An additional "Grampian" condition is also recommended to secure the arrangements for the off-site child play space at SQP1-3.
- 5.4 An additional clause in the S106 agreement is also recommended to link occupation of the dwellings proposed in SQP4 to the delivery of child play space within both sites.

## **6.0 Visual material in the report**

- 6.1 Para 8.238 [Strategic views] - The image should be replaced with the following visual.



6.2 Para 8.238 [Strategic views] – The text ‘*The development is shown in the yellow wire line as shown in the following image*’ should be deleted.

## 7.0 RECOMMENDATION

7.1 Officers’ original recommendation to **GRANT** planning permission remains unchanged, subject to the two additional planning conditions and planning obligation set out in paragraphs 5.1 - 5.4 above.

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# Agenda Item 6

|   |  |  |                        |
|---|--|--|------------------------|
| <b>Committee:</b><br>Strategic Development                      | <b>Date:</b><br>28 <sup>th</sup> July 2016 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b> |
| <b>Report of:</b><br>Corporate Director Development and Renewal |  | <b>Title:</b> Planning Applications for Decision   |                        |
| <b>Originating Officer:</b><br>Owen Whalley                     |  | <b>Ref No:</b> See reports attached for each item  |                        |
|   |  | <b>Ward(s):</b> 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.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

|   |                                     |                                   |
|---|-------------------------------------|-----------------------------------|
| Brief Description of background papers: | Tick if copy supplied for register: | Name and telephone no. of holder: |
| See Individual reports                  | ✓                                   | See Individual reports            |

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

#### **4. PUBLIC SPEAKING**

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

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

|                                 |  |  |
|---------------------------------|--|--|
| Strategic Development Committee | <b>Date:</b><br>28 <sup>th</sup> July 2016 | <b>Classification:</b><br>Unrestricted |
|---------------------------------|--|--|

|  |  |
|--|--|
| <b>Report Of:</b><br>Director of Development and Renewal | <b>Title:</b> Application for Full Planning Permission |
| <b>Case Officer:</b><br>Piotr Lanoszka                   | <b>Ref No:</b> PA/16/01090                             |
|  | <b>Ward:</b> Lansbury                                  |

## 1. APPLICATION DETAILS

**Location:** Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX

**Existing Use:** Site is currently vacant. It was previously in use as a food wholesaling business.

**Proposal:** The erection of buildings that range from 3 to 12 storeys in height comprising of 143 residential units including 28 car parking spaces and a central landscaped courtyard.

**Drawings:**

P0-001 Rev P5; P1-100 Rev P3; P1-150 Rev P2; P1-300 Rev P3; P1-350 Rev P2; P2-000 Rev P13; P2-001 Rev P10; P2-002 Rev P8; P2-003 Rev P8; P2-004 Rev P8; P2-005 Rev P8; P2-006 Rev P8; P2-007 Rev P8; P2-008 Rev P8; P2-009 Rev P7; P2-010 Rev P6; P2-011 Rev P6; P2-012 Rev P6; P2-100 Rev P11; P2-101 Rev P10; P2-102 Rev P7; P2-103 Rev P7; P2-104 Rev P7; P2-105 Rev P6; P2-106 Rev P8; P2-107 Rev P8; P2-108 Rev P8; P2-109 Rev P7; P2-110 Rev P6; P2-111 Rev P6; P2-112 Rev P6; P2-150 Rev P9; P2-151 Rev P8; P2-152 Rev P8; P2-153 Rev P8; P2-154 Rev P6; P2-155 Rev P6; P2-156 Rev P6; P2-157 Rev P6; P2-200 Rev P6; P2-300 Ref P6; P2-301 Rev P6; P2-302 Rev P6; P2-303 Rev P6; P2-304 Rev P6; P2-305 Rev P5; P2-350 Rev P7; P2-351 Rev P8; P2-352 Rev P7; P2-353 Rev P7; P3-110 Rev P6; P3-111 Rev P5; FNH414\_LS/01; P0-100 rev P8; P0-101 Rev P5; P0-102 Rev P5; P0-103 Rev P5; P0-200 Rev P3; P0-300 Rev P6.

### Supporting Documents:

- Planning Statement by Fairview Homes Ltd
- Daylight/Sunlight Assessment by CHP
- Design and Access Statement by ColladoCollins
- Employment Floorspace Assessment by JLL
- Sustainability Statement by Silver

- Contaminated Land Report by CGL
- Transport Statement and Travel Plan by AECOM
- Flood Risk Assessment by AECOM
- Archaeological Desktop Study by CgMs
- Energy Statement by Silver
- Air Quality Assessment by MLM
- Noise Assessment by Grant Acoustics
- Statement of Community Involvement by Curtain and Co
- Landscape Design Strategy by MCA
- Refuse Strategy and Access by ColladoCollins
- Secure by Design Statement by Fairview New Homes Ltd
- Ecological Assessment by Aspect Ecology

|                           |   |
|---------------------------|---|
| <b>Applicant:</b>         | Fairview Homes Ltd                          |
| <b>Ownership:</b>         | Fairview Homes Ltd                          |
| <b>Historic Building:</b> | None  |
| <b>Conservation Area:</b> | Adjacent to Limehouse Cut Conservation Area |

## 2. RECOMMENDATION

2.1 To **GRANT** planning permission subject to any direction by the London Mayor and the prior completion of a legal agreement to secure the following planning obligations:

- 35% Affordable Housing by habitable room (28 rented units/12 intermediate units)
- Contribution of £39,500 towards construction skills and training
- Local training, procurement and access to employment strategy (20% local goods and services procurement by value)
- 20% local employment during construction
- 6 apprenticeships during construction
- Compliance with Tower Hamlets Code of Construction Practice
- Off-site highway improvement works, including zebra crossing and junction improvements (estimated cost of £60,000).
- Residential Travel Plan
  - including commitment for cycle hire annual membership (1 per unit) for three years (cost equivalent of £38,610)
  - including commitment for car club membership (1 per unit) for two years
- Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.

2.2 In addition to the above, the development would be liable for approximately £276,255 to the Mayor of London's Community Infrastructure Levy (CIL) and £276,255 for the London Borough of Tower Hamlets CIL.

2.4 That the Director of Development & Renewal is delegated authority to negotiate and complete the Section 106 legal agreement referred to above.

## Planning Conditions

- 2.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

### Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents;
3. Compliance with Energy and Sustainability Strategy;
4. All amenity space including child play space to be accessible to all future residents of the development;
5. Compliance with Waste Management Plan
6. Control over hours of construction;
7. All residential units are designed to meet noise requirements set out in BS:8233 (2014) and vibration requirements set out in BS: 6472;
8. All lifts operational prior to occupation of the relevant part of the development;

### Approval of details, prior to commencement / occupation as applicable

9. Approval of Construction Environmental Management and Logistics Plan including piling method and details of protecting the towpath, the safety of water way users and the integrity of Limehouse Cut (in consultation with CRT and Thames Water);
10. Scheme of ground contamination investigation and remediation;
11. Details of Archaeological investigation;
12. Estate Management Plan including external lighting and, if necessary, CCTV (in consultation with CRT);
13. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes;
14. Hard and soft landscaping details and boundary treatment;
15. Approval of child playspace equipment
16. Approval of details of the wheelchair housing specification/standards
17. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
18. Approval of details of biodiversity enhancements within the site;
19. Detailed specification, tilt angle and location of photovoltaic panels;
20. Scheme of Highway improvement works;
21. Car Parking Management Plan;
22. Details of 40% electric vehicle provision (maximum 20% passive provision);
23. Drainage Strategy (including SUDs) (in consultation with CRT and Thames Water);
24. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
25. Details of cycle storage to be agreed prior to occupation;
26. Servicing Management Plan;
27. Details of obscure glazing and privacy screens;
28. Details of noise insulation measures between plant room and adjoining residential units;
29. Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables) in consultation with CRT;

- 30. Details of design and method statement based on agreed Flood Risk Assessment (in consultation with EA);
  - 31. Details of wind mitigation measures – areas to be mitigated are terrace on north-west corner and play space on north-east corner.
  - 32. Scheme for the maintenance of the towpath (in consultation with CRT)
  - 33. Details of construction cranes (in consultation with City Airport)
- 2.6 Any other planning condition(s) considered necessary by the Strategic Development Committee and/or Corporate Director Development & Renewal.

### **3. EXECUTIVE SUMMARY**

- 3.1 On 18<sup>th</sup> February 2016, the Strategic Development Committee resolved to refuse planning permission for residential redevelopment of the site citing overdevelopment, height, bulk & massing, impact on daylight & sunlight, impact on the towpath and conflict with the Core Strategy vision for the area.
- 3.2 The applicant has submitted a new planning application, substantially revising the proposal to address the concerns raised by the Committee.
- 3.3 In particular, the scale of the development has been reduced further, with 143 residential units proposed in buildings of up to 12 storeys in height – 4 storeys lower and 19 units less than originally submitted and 2 storeys lower and 10 units less than the amended scheme as previously reported to the Committee. The height of the block fronting Limehouse Cut has also been reduced with the apparent massing of the scheme significantly reduced through articulation of the Limehouse Cut and Upper North Street elevations. The height of the taller element is now comparable to that of the tall buildings on the northern side of Limehouse Cut.
- 3.4 The development would now sit more comfortably in the townscape, more closely reflecting the massing of recent developments in the area and diminishing the conflict with the Core Strategy vision for the area. The improvements to the architectural quality of the scheme are particularly welcome in further reducing the perceived massing. The impact on the towpath has been reduced through the removal of the majority of projecting balconies and revisions to boundary treatment including introduction of planters to provide enhanced privacy buffers to ground floor units.
- 3.5 The reductions in massing and height have also led to a reduction in the number of neighbouring properties experiencing adverse daylighting and sunlighting impacts. In particular, the number of properties experiencing high VSC reductions has significantly reduced. Overall, the daylighting to the neighbouring residential units would remain at a good level, with good sky visibility. Sunlighting impacts have been reduced and are now considered to be negligible. An appropriate balance would be struck between provision of much needed new housing and minimising amenity impacts.
- 3.6 Despite the reduction in unit numbers, the applicant has maintained the policy compliant affordable housing offer of 35% by habitable room. The tenure split has been improved with the scheme now achieving the Council's policy compliant tenure split of 70/30. This has been independently verified as the maximum that the development can viably provide.
- 3.7 Overall, while the proposed density would be in excess of the guidelines, the density of the scheme would not be at odds with the character of the area or with the recently approved and constructed schemes in the vicinity. The density has not prejudiced the

quality of the development. The proposed residential accommodation would be of a high quality with all play space and communal amenity space needs met on site, amenity and townscape impacts have been appropriately minimised and the density does not lead to any of the symptoms of overdevelopment. As such, officers consider that the proposal appropriately optimises the use of the site, delivering a significant quantum of affordable housing.

- 3.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted, subject to any direction by the Mayor of London.

#### **4. APPLICATION SITE AND SURROUNDINGS**

##### **Application site**

- 4.1 The site is located in the eastern part of the Borough, adjacent to the Limehouse Cut and Bartlett Park. The site measures 0.43 hectares in area.
- 4.2 The site previously comprised of a food wholesaling business housed in a number of low rise light industrial buildings with an internal service yard. The buildings have recently been demolished and the site cleared pursuant to the prior approval of demolition consent ref PA/16/01084, dated 24<sup>th</sup> May 2016. Prior to the food wholesaling use, the site was occupied by cement and chemical works associated with the Limehouse Cut, an industrial canal built in 1850.
- 4.3 To the south-west, the site is bounded by Upper North Street with Bartlett Park located on the opposite side of the street and post-war and newly constructed residential buildings located further west. To the south-east is Broomfield Street with a number of residential developments on the opposite side of the street, including E-pad Apartments, a newly constructed part 5, part 6, storey block of flats at the corner of Broomfield Street and Upper North Street, and a 4 storey post-war public housing block at 2-60 Broomfield Street. To the north-east are Werner Terrace and Metropolitan Close, a development of 2 storey houses and 3 storey flats completed in the early 200s. To the north-east the site adjoins the towpath of the Limehouse Cut while on the opposite side of the canal is a large number of new residential developments including the 3 storey Invicta Close, 3 to 6 storey Werner Court, 11 to 12 storey Craig Tower, and 10 to 13 storey Ingot Tower.
- 4.4 The surrounding area is of a predominantly residential urban character with a significant number of contemporary residential developments in the vicinity of the site.
- 4.5 The site public transport accessibility is relatively low, scoring a level of 2 on TfL's Public Transport Accessibility Level (PTAL) rating. The closest rail or tube station is Langdon Park DLR station approximately 560m to the east. A number of bus routes stop on Upper North Street (15, 115, D6, N15 and N551). There are also two TfL Cycle Hire docking stations near to the site, on the north and south side of Bartlett Park.
- 4.6 The northern end of Chrisp Street town centre (a district centre in the local plan hierarchy) is approximately 510m away and is the closest shopping centre to the development. There is also a local retail parade on St Paul's Way

- 4.7 The site is not located within a conservation area, but is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. Further away are the Langdon Park Conservation Area (approximately 315m to the east) and Lansbury Conservation Area (approximately 260m to the south). The closest Listed Building is the Grade II Celestial Church of Christ (formerly Church of St. Saviours) located on Northumbria Street approximately 135m to the south across Bartlett Park.
- 4.8 The site is within an 'Area of Regeneration' as defined by the London Plan. The Limehouse Cut forms part of the Blue Ribbon Network and both Upper North Street and the Limehouse Cut form part of the Council's Green Grid. Upper North Street is also part of Tower Hamlet's Local Cycle Network. The Limehouse Cut is a Site of Importance for Nature Conservation. For the purposes of Tower Hamlet's Community Infrastructure Levy, this site falls within Zone 3 (residential).

#### **Planning history and background**

- 4.9 On 2 March 2015 the Council received an application for full planning permission, ref PA/15/00641, for the following development:

*'The proposed development comprises buildings that range in height from 3 to 16 storeys containing 162 units including 32 undercroft and surface car parking spaces and a central landscaped courtyard.'*

- 4.10 In June 2015 the Council received revisions to the scheme, with the description of the development being amended to the following:

*'Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 162 units including 29 undercroft and surface car parking spaces and a central landscaped courtyard.'*

- 4.11 The application was reported to the Strategic Development Committee (SDC) on 8<sup>th</sup> October 2015 with officer recommendation to grant planning permission with conditions and planning obligations, subject to any direction by the London Mayor. The Committee resolved to defer the determination of the application in order to undertake a site visit. The site visit took place on 22<sup>nd</sup> October 2015.

- 4.12 The application returned to the Committee on 19<sup>th</sup> November 2015 when the Committee resolved not to accept the officer recommendation and resolved that permission should be refused. In accordance with committee procedures, the application was deferred for officers to prepare the final wording of, and comment on, the suggested reasons for refusal. The Committee indicated the following reasons for refusal:

- Overdevelopment of the site;
- Height, bulk and massing;
- Impact on neighbouring amenity in terms of daylight and sunlight, particularly the properties at the north of the site;
- Impact on the towpath;
- Conflict with the Council's Core Strategy's Vision in respect of the area.

- 4.13 Subsequently, on 18<sup>th</sup> February 2016 the Committee unanimously resolved to refuse planning permission for the following reasons:



### **Overdevelopment**

- (i) *The proposed development would result in overdevelopment of the site, evidenced by the residential density which would substantially exceed the range set out in table 3.2 of the London Plan, without having demonstrated exceptional circumstances and in a location outside of the nearest town centre, not supported by Local Plan policies relating to density. The development would have an overall scale and bulk of development that would be harmful to the visual amenities of the area and harmful to residential amenity of neighbouring properties through loss of daylight and sunlight. The proposed development would therefore conflict with policies 3.4 and 7.4 of the London Plan (2015), the London Housing SPG (2012), policies SP02 and SP10 of the Core Strategy (Tower Hamlets Local Plan), DM24 and DM25 of the Managing Development Document (Tower Hamlets Local Plan).*

### **Design and relationship to the canal**

- (ii) *The proposed development would result in an unsatisfactory design relationship between the proposed buildings and the Limehouse Cut canal and its towpath, arising from the proliferation of projecting balconies, the proximity of ground floor private amenity terraces and an unbroken elevation that would dominate this section of the canal towpath. The relationship of ground floor residential terraces would not provide adequate separation to provide a suitable level of privacy for the occupiers of the proposed units. The proposals would therefore adversely affect the special character of the canal and its use and enjoyment by the public for leisure and recreation as part of the London and Tower Hamlets Blue Ribbon Network. The proposed development would conflict with policies 7.4, 7.6 and 7.24 of the London Plan 2015; policies SP04 and SP10 of the Core Strategy (Tower Hamlets Local Plan) and policies DM12 and DM24 of the Managing Development Document (Tower Hamlets Local Plan).*

### **Place-making vision for Poplar**

- (iii) *The proposed high density and high rise development would conflict with the place making vision for Poplar, included in Annex 9 to the Core Strategy (Tower Hamlets Local Plan), which seeks to focus higher density development in and around Chrisp Street town centre; provide lower and medium density, lower rise family housing around Bartlett Park and ensure new buildings are responsive and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.*

- 4.14 In accordance with the Town and Country Planning (Mayor of London) Order 2008, on 26<sup>th</sup> February 2016, the Mayor of London was notified of the Council's intention to refuse planning permission and a draft decision was issued.
- 4.15 Pending the decision of the Mayor of London, on 29<sup>th</sup> February 2016 the applicant appealed against non-determination of the application.
- 4.16 On 10<sup>th</sup> March 2016, the Council was notified by the Mayor of London that he does not wish to take over the application for his own determination and that the Council is allowed to determine the case itself. The Council did not issue a formal refusal notice because the appeal had already been lodged.
- 4.17 The appeal will be heard as a Public Inquiry, with the inquiry currently scheduled to commence on 6<sup>th</sup> December 2016.

- 4.18 On 24th April 2016, the Council granted prior approval for: “Demolition of existing buildings and boundary wall including removal of asbestos roof sheeting, foundations, drainage and hard standings to prepare the site for redevelopment.” Ref PA/16/01084. The demolition works have now largely concluded, with the site cleared for redevelopment and secured by a timber hoarding.

### **Proposed development**

- 4.19 Despite submitting the non-determination appeal, the applicant has taken on-board the concerns raised by the Strategic Development Committee and members of the public and worked with officers to amend the development proposal to address the concerns raised.
- 4.20 The main principles of the proposed development remain the same, with the proposal being for comprehensive redevelopment of the site for wholly residential purposes in a courtyard typology layout.
- 4.21 The buildings would front the Limehouse Cut towpath, Upper North Street and Broomfield Street. The courtyard would provide space for servicing, 28 vehicular parking spaces, cycle parking spaces, communal amenity space and child play space.
- 4.22 The scale of the development would be lower than previously proposed, with 143 units to be delivered in building of up to 12 storeys high. The previous application proposal was for 162 units in building of up to 16 storeys high, although this was reduced to 153 units and 14 storeys during the course of the application, prior to the scheme being reported to the Strategic Development Committee on 8<sup>th</sup> October 2015.
- 4.23 The principal reduction to the height and massing is to the tallest block, where the height has been reduced by a further 2 storeys (approximately 6m) but the massing of the block fronting the Limehouse Cut has also been reduced, in particular at the eastern boundary of the site where the building currently steps up from 4 storeys to 6 storeys with a set-back 7<sup>th</sup> storey adjacent to the taller element.
- 4.24 Significant revisions to the architecture of the proposed buildings also took place, aiming to break-up the perceived massing and to articulate the elevations, while also aiming to reduce the impact of the proposal on the Limehouse Cut through the removal of the majority of projecting balconies from the northern elevation. The articulation is achieved primarily through the introduction of an additional brick type – a contrasting dark brick, as well as through incorporation of further setbacks and alterations to the balcony treatment.
- 4.25 The following drawings show the evolution of the proposals:

Northern Elevation



Western Elevation



**February 2015 - Planning Application - 162 Units, 16 storeys**



**October 2015 - Planning Substitution - 153 Units, 14 storeys**



**April 2016 - Current Planning Application (With Comparison) - 143 Units, 12 Storeys**

- 4.26 Further to the above drawings showing the April 2016 version of the scheme, additional development of the detailed elevation design also took place, this is set out in the Material Planning Considerations section of this report.
- 4.27 The proposed level of affordable housing remains at 35% by habitable room, however the tenure split has improved, changing from 67/33 to 70/30. All affordable rented accommodation would be provided at Borough Framework rents.

## **5 LEGAL & POLICY FRAMEWORK**

- 5.1 The Council in determining the planning application has the following main statutory duties to perform:

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

- 5.2 London Plan 2016 (consolidated with alterations since 2011)

- 1.1 Strategic Vision for London
- 2.1 London
- 2.9 Inner London
- 2.14 Areas for Regeneration
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.4 Managing Industrial Land
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs

- 5.12 Flood Risk Management
  - 5.13 Sustainable Drainage
  - 5.14 Water Quality and Wastewater Infrastructure
  - 5.15 Water Use and Supplies
  - 5.21 Contaminated Land
  - 6.1 Strategic Approach to Integrating Transport and Development
  - 6.3 Assessing the Effects of Development on Transport Capacity
  - 6.6 Aviation
  - 6.7 Streets and surface transport
  - 6.9 Cycling
  - 6.10 Walking
  - 6.11 Tackling Congestion
  - 6.12 Road Network Capacity
  - 6.13 Parking
  - 7.1 Building London's Neighbourhoods and Communities
  - 7.2 An Inclusive Environment
  - 7.3 Designing Out Crime
  - 7.4 Local Character
  - 7.5 Public Realm
  - 7.6 Architecture
  - 7.7 Location and Design of Tall and Large Buildings
  - 7.8 Heritage assets and archaeology
  - 7.9 Access to Nature and Biodiversity
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving Air Quality
  - 7.15 Reducing and managing noise
  - 7.24-7.28 Blue Ribbon Network
  - 7.30 London's Canals
  - 8.1 Implementation
  - 8.2 Planning Obligations
  - 8.3 Community Infrastructure Levy
- 5.3 Tower Hamlets Core Strategy 2010
- SP02 Urban Living for Everyone
  - SP03 Creating Healthy and Liveable Neighbourhoods
  - SP04 Creating a Blue and Green Grid
  - SP05 Dealing with waste
  - SP06 Employment uses
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering place making (with Annex 9 Placemaking: LAP 7&8 Poplar)
  - SP13 Planning Obligations
- 5.4 Managing Development Document 2013
- DM0 Delivering sustainable development
  - DM3 Delivering Homes
  - DM4 Housing standards and amenity space
  - DM11 Living Buildings and biodiversity
  - DM12 Water Space
  - DM13 Sustainable Drainage
  - DM14 Managing Waste

DM15 Local Job Creation and Investment  
 DM20 Supporting a Sustainable transport network  
 DM21 Sustainable transportation of freight  
 DM22 Parking  
 DM23 Streets and the public realm  
 DM24 Place sensitive design  
 DM25 Amenity  
 DM26 Building Heights  
 DM27 Heritage and the Historic Environment  
 DM29 Achieving a zero-carbon borough and addressing climate change  
 DM30 Contaminated Land

5.5 National Planning Policy and Guidance:

- National Planning Policy Framework
- Planning Practice Guidance

5.6 Supplementary Planning Guidance / Documents:

- Planning Obligations Supplementary Planning Document, LBTH (2012)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Revised Draft Planning Obligations Supplementary Planning Document, LBTH (Consultation Draft, April 2015)
- The Limehouse Cut Character Appraisal and Management Guidelines LBTH (2011)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- 2015 Updating and Screening Assessment for London Borough of Tower Hamlets – Local Air Quality Management, LBTH (2015)
- Tower Hamlets Partnership Community Plan 2015 (2015)
- Housing Supplementary Planning Guidance, GLA (2016):
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012):
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014):
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage / Historic England (2008)
- Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage / Historic England (Revised June 2012)
- The Setting of Heritage Assets, Historic England (2015)
- Tall Building Advice Note (Historic England 2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

**6. NOT USED**

**7. CONSULTATION RESPONSES**

7.1 The following consultees were consulted with regards to the application and responses are summarised below. Where appropriate, comment is also made in response to specific issues raised as part of the consultation process but each issue is addressed in full in the Material Planning Consideration Section of this report.

## **Mayor of London / Greater London Authority (GLA)**

7.2 The GLA consider that the scheme is generally acceptable in strategic terms but make the following observations:

- a) The principle of the loss of employment floorspace and erection of a wholly residential development is supported.
- b) The Council should confirm that the proposed unit mix is in line with local needs.
- c) The residential density is considered to be appropriate.
- d) The residential quality is generally high but some concerns remain with regard to the privacy of ground floor units with a preference expressed for maisonettes. As a minimum appropriate boundary treatments should be secured by condition.
- e) The scheme has potential to provide adequate play provision. Details of play space should be secured by condition.
- f) The viability assessment should be robustly assessed to maximise affordable housing provision.
- g) The scale and massing of the buildings is supported, although GLA officers did consider the previous height of the taller element as acceptable. Provided that quality materials and detailing are secured via robust conditions, the development has the potential to be of a high quality appearance. The proposals are considered to suitably address the site context
- h) The proposals relate acceptably to the public realm, both in terms of addressing changing levels of Bow Common Bridge and the relationship to the towpath.
- i) The applicant should provide layouts of wheelchair accessible units (M4(3)) and confirm that all units would be M4(2) compliant.
- j) Carbon dioxide savings exceed the policy targets but further details shall be submitted to demonstrate how overheating and cooling demand would be minimised, show PV panel layouts and detailed energy efficiency calculations.
- k) The principle of the development is acceptable with regard to flood risk policies. The general sustainable drainage approach is welcome but the applicant should fully demonstrate that it would not be possible to discharge surface water into the canal.
- l) Following TfL's comments on the previous proposal, a number of amendments were made to the scheme which enabled the strategic transport issues to be addressed. These amendments have been carried forward to the

current scheme and the development is considered to be acceptable in transport terms, subject to conditions and S106 agreement. Further improvements to the pedestrian and cyclist safety at the junction with Broomfield Street and Upper North Street should be investigated with Stage 1 Road Safety Audit carried out.

*[officer comment: The requested additional information has been provided by the applicant. All of the requested conditions have been included. TfL's detailed junction design comments are noted although the Road Safety Audit demonstrates that the indicative layout would be safe – in any case, the proposed layout is indicative only and full designs would be developed by the Council's Streetworks & Highway teams under a S278 agreement.]*

### **Environment Agency**

- 7.3 No objection to the proposed development.
- 7.4 The proposed development will result in a 'more vulnerable use' within Flood Zone 3, however the site is protected by Thames tidal defences from a 1 in 1000 change in any year flood event. The site would be outside of the areas impacted by flooding if there was to be a breach in defences.
- 7.5 A safe route of access/egress and finished floor levels of 600mm above ground level should be achieved.

### **Canals and Rivers Trust (CRT)**

- 7.6 Raises no objection subject to conditions and offers the following comments:
- 7.7 The lack of landscaping to the canal fronting elevation is disappointing; this could soften views of the building from the canal.
- 7.8 Core B and Core C open directly on to the towpath. The towpath is not a public right of way and any access here would require an access agreement from the Canal & River Trust.
- 7.9 It is not acceptable for a fire exit egress to be located on the towpath due to the fact that the towpath is required to be closed on occasion for maintenance and other purposes.
- 7.10 Requests that towpath lighting is not provided and lightspill is minimised.
- 7.11 Use of water source heat pumps should be investigated as a renewable energy technology.
- 7.12 CRT advise that conditions should be imposed to cover the following:
  - Risk assessment and construction method statements to ensure the safety of the water way users;
  - Details of surface water drainage;
  - Details of lighting;



- Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables)

7.13 With regard to the previous proposal on this site, CRT note that the Strategic Development Committee previously discussed, and resolved to attach (should the application have been approved) a condition requiring that 'no development take place until a protocol is agreed between the Canal & River Trust and the applicant regarding the maintenance of the towpath'. CRT are unclear what this requires, and would like more information. CRT are disappointed that the applicant has not made contact to discuss this, and suggest that the application should not be approved until this has been established.

7.14 CRT notes that the draft Heads of Terms do not include any provision for towpath or canal enhancements or maintenance. CRT advise that the introduction of additional residential units into a canalside location such as this, will place an additional burden on the Trust's management of the waterspace and towpath environment. Residents, occupants of and visitors to the development will likely make use of the canal environment and its towpath, which will put additional pressure on this valuable open space. CRT are also concerned that the proposed tower will have a negative impact upon the waterspace due to increased shadowing which will have negative impacts upon biodiversity. Therefore, CRT would normally request that a contribution is secured towards environmental improvements. However, CRT notes that this was discounted in the committee report for the previous scheme.

*[officer comment: The applicant has now included a planter to the private gardens adjoining the towpath, softening the building frontage. All of the requested conditions have been attached. Emergency egress arrangements have been revised so as not to rely on CRT's land. The site drainage strategy directs surface water into the combined sewer and so would not have a direct effect on the Limehouse Cut. In relation to CRT's request for £90,000 to improve the canal environment submitted with regard to the previous proposal for the site, officers consider that the works proposed are 'infrastructure' within the meaning of Regulation 123 of the Community Infrastructure Levy Regulations. It would, therefore, only be appropriate to fund these works from the CIL, if such works were considered a priority. A condition has been included to require a scheme for the maintenance of the towpath. Officers are comfortable that the full details of such a scheme can be submitted at condition stage.]*

### **Thames Water**

7.15 Thames Water advise that there is insufficient information submitted to determine the waste water needs of this development and, consequently, advise that a drainage strategy condition be imposed.

7.16 Thames Water advises that their assets may be located underneath the site. Consequently, they advise that a piling method statement condition be imposed to safeguard these assets.

7.17 Thames Water does not object on the basis of water supply.

7.18 The site is within the potential zone of influence that may affect the Thames Tideway Tunnel, which is a Nationally Significant Infrastructure Project. Thames Water advises, therefore, that permission should only be given subject to a number of

conditions relating to the piling details and detailed design and method statement for ground floor structures, foundations and basements.

### **Crime Prevention Officer (Metropolitan Police)**

- 7.19 The discussions that have already taken place will not be affected by the proposed changes and no concerns are raised with regard to the new designs as long as the scheme continues to attain the standards set out in Secured by Design, to ensure the long term safety and security of the residents.

### **Transport for London**

- 7.20 Safety concerns are raised about the detailed Broomfield Street access and the Upper North Street junction design with improvements requested to address pedestrian and cyclist safety and comfort. A Stage 1 Road Safety Audit should be carried out.
- 7.21 The proposed car parking provision is acceptable. A parking management plan, 'car free' agreement and provision of electric vehicle charging points should be secured.
- 7.22 The contribution towards a new pedestrian crossing point on Upper North Street should be secured with additional contributions considered.
- 7.23 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle.
- 7.24 Cycle hire membership should be provided for each residential unit to three years at a total estimated cost of £38,610

[officer comment: The requested conditions and planning obligations have been included. *TfL's detailed junction design comments are noted, although the Road Safety Audit demonstrates that the indicative layout would be safe – in any case, the proposed layout is indicative only and full designs would be developed by the Council's Streetworks & Highway teams under a S728 agreement.*]

### **London City Airport**

- 7.25 No objection. Details of construction cranes and methodology statements should be secured by condition.

*[officer comment: The requested condition has been included.]*

## **8. LOCAL REPRESENTATIONS**

- 8.1 Public consultation took place in accordance with statutory requirements. This included a total of 845 letters sent to occupiers of neighbouring properties, a press advert and site notices.
- 8.2 47 representations in support and 30 in objection have been received.

### **Representations in support**

- 8.3 Reasons given in support of the application include:

- Provision of new housing;
- Positive revisions to the scheme
- Reduced unit numbers
- Reduced density
- Reduced height
- Improved appearance
- Removal of the majority of balconies from the canalside
- Increased number of affordable family homes

### **Representations in objection**

8.4 Reasons given in objection to the scheme include:

- Adverse amenity impacts
  - - Lower daylight & sunlight
  - - Privacy intrusion
  - - Loss of outlook
  - - Disturbance from construction works
- Excessive height
- Excessive density and overdevelopment
- Pressure on services
- Increased car parking stress
- Conflict with the local plan vision for the area
- Adverse impact on the amenity value of the Bartlett Park and the Limehouse Cut
- Public access to the canal towpath should be provided

These issues are addressed in the material planning considerations section of this report.

8.5 The loss of private views of Bartlett Park and Canary Wharf has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

8.6 Inadequacy of the applicant's pre-application consultation with neighbours has also been raised with a number of properties allegedly not consulted. This is disputed by the applicant in the submitted Statement of Community Involvement. In any case, the public consultation carried out by the Council took place in full accordance with statutory requirements, providing all relevant parties with an opportunity to make representations on the proposal. This should be afforded greater weight than the applicant's statement of community involvement.

## 9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Neighbouring Amenity
- Transportation and Access
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

### **Sustainable development**

9.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance.

9.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don't mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

- *“Sustainable development is about change for the better.*
- *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
- *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
- *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*

9.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government's view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development

9.5 Paragraph 7 states that achieving sustainable development involves three dimensions:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 9.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 9.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 9.8 The NPPF’s core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
  - encourage the effective use of land by reusing land that has been previously developed;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 9.9 This is reflected in the Council’s Managing Development Policy DM0 and Core Strategy 2010 at Strategic Objective SO3 ‘Achieving wider sustainability.’ This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 9.10 Paragraph 14 sets out a ‘presumption in favour of sustainable development’ and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 9.11 When assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority’s up-to-date

Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should not be given.

## **Land Use**

### Principles

- 9.12 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 9.13 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 9.14 During the course of the determination of the previous proposal for the site, it has been established that the employment uses at the site are no longer viable or needed and that the proposal for residential redevelopment of the site would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 9.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough, including Poplar.
- 9.16 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

### Loss of industrial floorspace

- 9.17 The site does not fall within either a preferred or a local office location or a strategic or a local industrial location. Core Strategy Policy SP06 encourages a managed approach to industrial land for the borough in order to assist in creating sustainable communities. Notably this includes continuing to implement the consolidation and managed release of industrial land in Poplar (Limehouse Cut) and a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan.

- 9.18 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.3. The redevelopment of employment sites outside of spatial policy areas will only be supported where either:
- a marketing exercise, that the site has been actively marketed (for approximately 12 months) [without success]; or
  - that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 9.19 An Employment Floorspace Assessment was produced by Jones Lang LaSalle Ltd (JLL) and submitted together with the previous planning application for the redevelopment of the site. This has been updated for the current application. The assessment has demonstrated that the location of the site is no longer appropriate for employment uses and any re-provision of employment floorspace would carry significant risk of remaining vacant.
- 9.20 The JLL Report identified the key locations for employment growth, in the Borough, are focused around key established clusters of activity, including Canary Wharf, Bishopsgate Corridor, Aldgate and Tower Gateway. The area immediately surrounding the site is not an established employment location and demand in this area is weaker than surrounding areas in the borough where there are greater clusters of employment activities. Phoenix Works is now within a mainly residential location and does not offer benefits in terms of direct proximity to other businesses. JLLs analysis, therefore, suggests the loss of warehouse and ancillary office space would not be detrimental to the area.
- 9.21 The proximity of the site adjacent to residential dwellings on two sides also means the site has significant potential constraints to both the occupational and developer / investor market. There is a considerable risk of imposed restrictions in respect of vehicle movements (deliveries etc.), particularly from HGV traffic, hours of use and occupier use restrictions.
- 9.22 The buildings which until earlier this year occupied the site were in a state of disrepair and needed significant capital expenditure to return them to a satisfactory condition. The site in its poor condition was therefore only likely to be of interest upon a highly opportunistic nature where pricing would be reduced significantly to take account of the expenditure required to create appropriate industrial / storage space. Since then, the buildings on site were demolished pursuant to a demolition prior-approval consent. This does not change officers' conclusion that, in the long-term, the site is not viable for employment purposes.
- 9.23 The JLL assessment concluded that future employment floorspace should be promoted in locations where it is likely to be sustainable in the longer term. Examples of clusters of small businesses in the borough tend to be in locations that are well connected, with a high level of supporting services and proximity to other small businesses. The site is not considered to be an appropriate location for development targeting small business or light industrial uses and these uses should therefore be directed towards established commercial estates within the surrounding area.
- 9.24 In light of the above evidence, and having regard to policy SP06 which envisages a strategic release of industrial land in this location, the loss of employment-generating land is considered to accord with policy SP06 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly

on underused brownfield sites) that is advocated by the Development Plan and the NPPF.

### **Place making and density**

- 9.25 The Core Strategy's place-making annex identifies Poplar as area that will become more economically prosperous through comprehensive regeneration, new development and housing-estate renewal. The ambition is for Poplar to be a 'great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park.' It further identifies the area around Bartlett Park for lower-rise, lower and medium-density family housing. It goes on to set out principles for new buildings, including for them to be response and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.
- 9.26 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 9.27 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 9.28 The site has a PTAL rating of 2 and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:
- "Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*
- 9.29 For the application site, the London Plan would suggest that a density of 55-145 units per ha, or 200-450 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.43ha. The previous 153 unit scheme resulted in a density of 356 dwellings per hectare or 1,107 habitable rooms per hectare. The current scheme proposes 143 residential units, resulting in a density of 332 dwelling per hectare or 1,032 habitable rooms per hectare.
- 9.30 London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 9.31 Advice on the interpretation of density can be found in the SPG which reads as follows:
- "...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."*
- 9.32 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London



Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

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

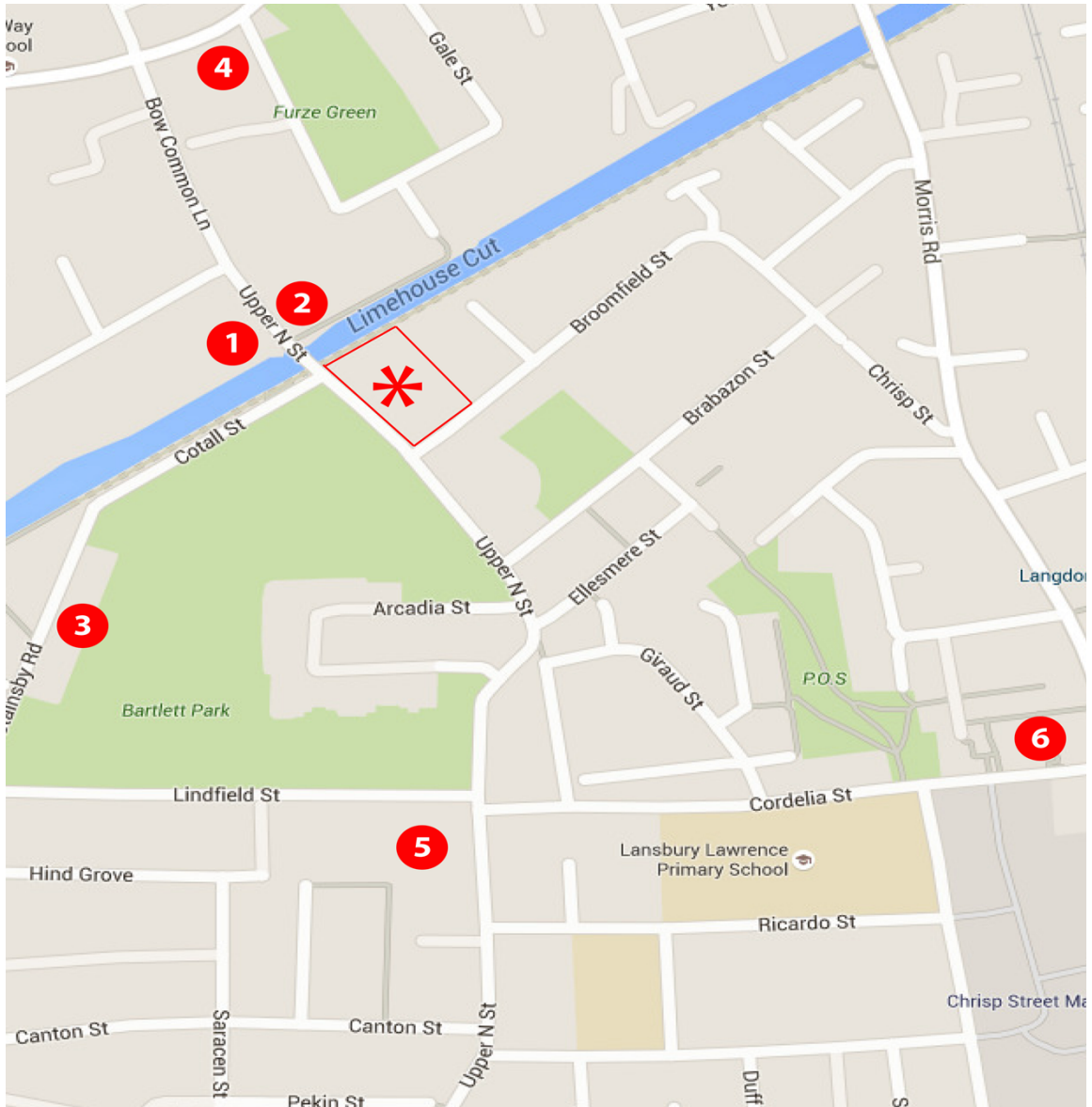
9.33 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would:

- enhance the setting of Limehouse Cut Conservation Area;
- the development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes across the range of tenures;
- due to its design and relationship with neighbouring properties, the development does not cause undue harm to the residential amenities of neighbours;
- the development is 'permit-free' and the numbers of parking spaces is in accordance with Development Plan standards. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure;
- The materiality and design is considered to be of high quality, would develop a vacant site next to the conservation area and replaces a former building that detracted from the quality of the built environment.

9.34 Turning to how the development responds to the Core Strategy's place-making ambitions for Poplar, the height and density of this proposal is greater than that envisaged in the Core Strategy. However, the development does provide a good amount of family homes, particularly in the affordable rent sector which accords with the Core Strategy annex. The density and height of this proposal is not inconsistent with other recent permissions in the locality, a sample of which is set out below:

| App Ref<br>(Date of<br>Approval) | Address | Description | Density (hab<br>rooms/hectar<br>e) |
|----------------------------------|---------|-------------|------------------------------------|
|                                  |         |             |                                    |

|  |  |   |       |
|--|--|---|-------|
| PA/06/199<br>2 (16<br>August<br>2007)    | Ingot Tower, 48-<br>52 Tomas Road  | Redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor). Development will comprise 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floorspace. | 900   |
| PA/07/002<br>98 (17<br>December<br>2007) | 2 – 10 Bow<br>Common Lane  | Redevelopment up to 13 storeys to provide 157 residential units and 2 commercial units comprising 868sq.m of floorspace for A1, A2, A3, A4, B1, D1 or D2 use with car parking and landscaping.  | 960   |
| PA/12/028<br>56 (28<br>March<br>2013)    | Stainby<br>Road/Cotall<br>Street   | The erection of two buildings of 5, 6 and 10 storeys, comprising 150 units and commercial units.  | 1371  |
| PA/06/010<br>96 (22<br>January<br>2007)  | Site Bounded By<br>Bow Common<br>Lane And Furze<br>Street On Devons<br>Road, | Development of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and the creation of 220 sq.m. of ground floor business/commercial space.                  | 712.6 |
| PA/10/001<br>61 (21<br>Sept 2010)        | Upper North<br>Street  | 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre.  | 728   |
| PA/09/026<br>57<br>(26 March<br>2010)    | Cordelia Street,<br>Carron Street and<br>Chrisp Street,                      | Construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution.  | 830   |



9.35 The reduction in density in comparison to the previous proposal for the redevelopment of the site, while relatively limited numerically, has resulted in a significant reduction in the impact on the amenity of the nearby residential occupiers, as further described in the Amenity section of this report, lower townscape impact and lower impact on the amenity value of the Limehouse Cut, as described in the Design section of this report.

9.36 In conclusion, the proposed density is acceptable, in particular because it has not prejudiced the overall high quality of the development and because amenity & townscape impacts have been minimised. The potential of the site to deliver housing, including affordable housing, is being optimised, as required by the London Plan, without any undue adverse effects.

### Design

9.37 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local

character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

- 9.38 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 9.39 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.40 Policy DM26 and London Plan policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:
- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
  - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
  - Should not adversely impact upon heritage assets or strategic and local views;
  - Present a human scale at street level and enhance permeability of the site where possible;
  - Provide high quality private and communal amenity spaces for residents;
  - Provide public access to the upper floors where possible;
  - Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
  - Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
  - Not adversely affect biodiversity or microclimates.

## Layout

- 9.41 The scheme's layout is a courtyard design with development fronting three sides: Broomfield Street; Upper North Street and the Limehouse Cut. This approach has the benefit of providing an active frontage to these streets and towpath and clearly distinguishes between public realm and private space. The courtyard is sized to allow for off-street servicing and parking as well as communal amenity and child play space. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site. This does not change from the previous redevelopment proposals for the site.

## Appearance

- 9.42 The scheme's appearance is inspired by what is often termed the *New London Vernacular* with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible directly from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 9.43 The appearance of the development varies around the site appropriately addressing the site's setting. The architecture and design quality has been developed further since determination of the previous application proposal.
- 9.44 The block facing the towpath is more solid with shallower window reveals, echoing the robust industrial buildings that historically sprang up along the canal. The principal change to the canal facing block in comparison to the previous proposal is that the articulation has been increased and massing broken up through the use of dark brick on every other bay, creating a finer grain and reducing the apparent massing of the proposal. Subtle setbacks have also been introduced to enhance this.
- 9.45 The Broomfield Street block's scale remains lower to suit the smaller neighbouring residential developments and the rhythm along this facade references town houses and smaller residential developments found along this street.
- 9.46 The Upper North Street elevation is bolder reflecting its position along the busier Upper North Street with an accented and legible entrance to the tower. The elevation of the lower section of the Upper North Street block has also been significantly articulated in comparison to the previous proposal. This has been achieved through introduction of dark brick to the more solid, projecting bays and alterations to balcony design to further break up the massing.
- 9.47 The entrance into the external courtyard is from the corner of Broomfield Street. A double height gated entrance has been provided for pedestrians and vehicles. The views into the site, in particular up to the podium level help to make this an inviting, but secure, space.
- 9.48 The balconies which protrude from the elevations have balustrades with flat metal bars which provide privacy in a similar manner to a vertical venetian blind. The recessed balconies typically these have glazed balustrades to maximise the amount of light reaching the windows behind. This twin approach to balcony provision adds interest to the façade without appearing confused or busy.

- 9.49 In reference to traditional canal buildings and for contrast against the light brickwork a dark material has been proposed for the detailing of the building for the infill panels and a bronze finish to selected recessed balconies. This detailing will contrast with the pale bricks and sheen of the anodised aluminium of the window and door frames.

#### Scale

- 9.50 The Broomfield Street block would be four storeys high, reflecting the more modest, domestic scale of the street. This has not changed from the previous scheme and remains an appropriate response to the Broomfield Street setting. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the courtyard.
- 9.51 The block facing the Limehouse Cut ranges from 4 storeys at the eastern end to 6 storeys with a setback 7<sup>th</sup> storey at the western end. This broadly aligns with other recent approvals along the Limehouse Cut and would not appear as out of context with its surroundings. In comparison to the previous proposal, the scale has been reduced through a significant reduction in the area of the 7<sup>th</sup> storey set-back element and the further tapering of height at the boundary with Metropolitan Close. The reduced scale together with the articulation and removal of the majority of projecting balconies result in a much improved relationship with the Limehouse Cut and provide for a more sympathetic transition from Metropolitan Close to the more recent high density developments located adjacent the canal, along Upper North Street.
- 9.52 The Upper North Street block remains at 7 storeys. The height reflects its position on the busier Upper North Street opposite Bartlett Park and would not appear out of scale with surrounding development, nor would it dominate views across Bartlett Park. The appearance of the block has been improved substantially through articulation with the massing broken up by use of dark brick and changes to the recessed balconies. The roof canopies to the top floor recessed balconies have also been omitted to further articulate the elevation.
- 9.53 Located on the corner of Bell Common Bridge, as Upper North Street crosses the Limehouse Cut, would be a 12 storey tower element. The height would be lower than previously proposed, with a reduction of 4 storeys (circa 12m) in comparison to the previous scheme as originally submitted, and 2 storeys (circa 6m) as reported to the October 2015 Committee. The taller element would act as a marker on Bow Common Bridge where Bow Common Lane, an important thoroughfare through Tower Hamlets, crosses the Limehouse Cut.
- 9.54 The tower would benefit from 'breathing space' with Bartlett Park to the West and the canal to the North with the closest development circa 25m away on the other side. It would effectively 'complete' the junction; with Ingot Tower and Craig Tower marking the northern corners and this tower and Bartlett Park marking the southern corners. The tower would be constructed from a similar palette of materials as the other blocks within the scheme. It would also have a triple order element on its upper levels with bronze coloured cladding to subtly differentiate and add interest to its appearance. Following the reduction in height, the proposed taller element would be of comparable height to that of the towers located on the opposite side of the canal.
- 9.55 Whilst the tower is not within the locations explicitly supported by Local Plan policy DM26 and London Plan policy 7.7, for tall buildings, a taller element in this location is considered appropriate for the reasons explained in paragraphs 9.53 and 9.54 above. Its' height and scale would be proportionate with the surrounding development, including Ingot and Craig Towers.

- 9.56 The taller element would relate well to the surrounding development as well as to the Bartlett Park and the Limehouse Cut and incorporate the highest standards of design and architectural quality. There is no adverse impact upon heritage assets or strategic and local views and it would present a human scale at street level. The effects on the microclimate (wind levels localised around the development), as mitigated, are acceptable having regard to the Lawson Comfort Criteria. In relation to these issues, the proposal would accord with the aforementioned tall buildings policies.

#### Landscaping

- 9.57 The indicative approach to landscaping, set out in the Design & Access Statement, is an appropriate one; recognising the different approaches to the landscaping fronting the footways and towpath and to the internal courtyard. The indicative approach shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. Subject to a condition requiring a more detailed landscape strategy the landscaping approach would be acceptable.

#### Secure by Design

- 9.58 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 9.59 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to the Limehouse Cut.
- 9.60 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 9.61 The proposal accords with the aforementioned policies.

#### Inclusive Design

- 9.62 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.63 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 9.64 The entrances and circulation spaces are 'level' and the podium level amenity space can be accessed by way of a platform lift. At least 4 wheelchair accessible parking spaces are provided, in excess of the minimum required by Development Plan policy with potential for further 2 accessible spaces being allocated to wheelchair users, depending on demand.

- 9.65 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements. There would be two wheelchair accessible affordable rented units.
- 9.66 Due to the requirements of the Environment Agency for a flood wall and raised finished floors levels, it is not practicable to provide accessible access to the towpath from the block fronting the towpath. Whilst, this would result in a conflict with the aforementioned policy, the approach is considered acceptable in prioritising flood defences in this instance.
- 9.67 Other than the access between the towpath and adjacent block, the proposal accords with the aforementioned policies.

#### Blue Ribbon Network

- 9.68 The Blue Ribbon Network is a spatial policy covering London's and Tower Hamlet's waterways and water spaces and land alongside them. The site is situated adjacent to the Limehouse Cut which is part of the Network.
- 9.69 Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to:
- To protect and enhance the biodiversity of the Blue Ribbon Network;
  - To protect and improve existing access points to, alongside and over the Blue Ribbon Network;
  - New sections to extend existing or create new walking and cycling routes alongside the Blue Ribbon Network as well as new access points should be provided as part of development proposals for Opportunity Areas;
  - To protect the unique character and openness of the Blue Ribbon Network and requires proposals for new structures to be accompanied by a risk assessment detailing the extent of their impact on navigation, hydrology and biodiversity, and mitigation measures;
  - To ensure existing and new safety provision is provided and maintained;
  - Development proposals adjacent to canals should be designed to respect the particular character of the canal to reflect London's rich and vibrant history; and,
  - To promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for water recreation and promoting their use for transport.
- 9.70 The proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied the site. With residential units overlooking the towpath it would provide a more active frontage and increase passive surveillance. Subject to conditions, it minimises its impact on lighting over the canal and the development, subject to conditions, would enhance the site's biodiversity. The development would also enable the part-funding of a pedestrian crossing over Upper North Street, increasing the ease of access to Bartlett Park and the towpath access at Cotall Street.

- 9.71 The design of the building has developed significantly since the previous application, aiming for the development to sit more comfortably in the setting of the Limehouse Cut and to reduce the impact on the amenity of the users of the canal. The massing of the northern elevation has now been broken up and vertically accentuated through



introduction of dark brick and setback bays, the number of projecting balconies has been significantly reduced and the heights have also been reduced, both with respect of the taller element and the lower block, closer to the boundary with Metropolitan Close.

- 9.72 These changes would significantly reduce the apparent bulk of the scheme by creating a finer grain of frontages and create more breathing space for the towpath through removal of the projecting balconies. The boundary treatment to the ground floor private amenity gardens has also been revised to incorporate more screening through raised sections of brick walls and through planters. The revised boundary treatment would improve the privacy to the ground floor units by providing stronger defensible space while providing planting to improve the amenity of the users of the towpath. The applicant has also investigated whether it would be possible to increase the setback from the canal, however this would be difficult without a substantial re-design of the scheme, including further reductions to the quantum of accommodation which would be required to avoid any increased amenity impacts on the residents of metropolitan Close.

#### Microclimate

- 9.73 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 9.74 The previous application for the site was supported by a microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 9.75 The modelling found that the development would cause some discomfort by the north-west corner of the development on the towpath. This, however, would only be for a short distance and would remain safe. The modelling also showed that the child play space in the north-east corner and on the residential terrace on the north-west corner would suffer from wind conditions that would not be appropriate for their intended use. Consequently, mitigation is proposed which is recommended to be secured by condition. The mitigation is likely to take the form of fencing or additional landscaping to mitigate these impacts. While no updated assessment has been submitted for the revised, lower, building height, the assessment submitted with the previous application is likely to constitute the worst case scenario, with the lower building having less of an impact.
- 9.76 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

#### **Heritage**

- 9.77 Policies in Chapter 7 of the London Plan (2015) and policies SP10 and SP12 of the CS and policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 9.78 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 9.79 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, particularly the Limehouse Cut Conservation Area. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.
- 9.80 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.81 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.82 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 9.83 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 9.84 Specifically relating to archaeology, NPPF Paragraph 139 advises that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 9.85 This section of the report considers the implications for the application in respect of the Limehouse Cut Conservation Area and potential undesignated archaeological heritage assets along with any other assets that may be impacted.

#### Limehouse Cut Conservation Area

- 9.86 The application site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. The buildings which previously occupied the site related poorly to the conservation area. The dilapidated buildings were harmful to its setting and did

not engage or provide an active frontage to the canal. The proposed buildings, constructed from brick and designed to respond to the industrial heritage along this part of the canal, would be of considerably higher quality and provide an active frontage and passive surveillance to the canal. It is considered they would enhance both the character and appearance of the conservation area and, therefore, make a positive contribution to its setting. The proposals accord with relevant Development Plan and NPPF policies in this respect.

#### Other surrounding heritage assets

- 9.87 Having regard to the context, relationship and distance between this site and other surrounding designated heritage assets (identified in the site and surroundings section of this report) the proposal is not considered to have any material impact on the setting of these heritage assets.
- 9.88 There are not considered to be any non-designated heritage assets affected by this proposal.

#### Archaeology

- 9.89 Section 12 of the National Planning Policy Framework and London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 9.90 In this case, a desk-top study has been submitted. It concludes that it is relatively unlikely that archaeological assets survive. However, it advises that there may be some archaeological assets of local importance. Therefore, it is considered that a condition is an appropriate response to the probability of finding archaeological assets of value. The condition would require a suitably qualified archaeologist has a watching brief over the development and action can be taken to appropriately record the findings if archaeological assets are located. Subject to this condition the proposal would accord with the aforementioned policies.

### **Housing**

#### Principles

- 9.91 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 9.92 The application proposes 143 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 9.93 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

## Affordable Housing

- 9.94 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.95 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
  - Affordable housing targets;
  - The need to encourage rather than restrain development;
  - The need to promote mixed and balanced communities;
  - The size and type of affordable housing needed in particular locations; and,
  - The specific circumstances of the site.
- 9.96 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 9.97 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.
- 9.98 Despite the reduction in the number of units proposed and the increase in proportion of affordable rented units within the affordable housing tenure, the applicant maintains the offer of 35% affordable housing by habitable room. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the financial viability consultants appointed by the Council. The review, based on establishing land value by reference to the existing use value, demonstrates that the 35% affordable housing offer is the most the scheme can viably provide. All of the affordable rented units would be provided at Borough Framework Rents. Accordingly, the proposed affordable housing offer complies with the aforementioned policies.
- 9.99 London Plan policy 3.11 sets out, on a strategic basis, a preferred tenure split of 60:40 in favour of social/affordable rent to intermediate products. Tower Hamlets Local Plan seeks a tenure split of 70:30. In accordance with the Council's policies, the proposed development would deliver a tenure split of 70:30. Whilst the

development does not fully accord with the London Plan policy, it meets Local Plan policy and it is noted that the GLA have not objected in this regard. The development's proposed tenure split is considered to closely reflect need for affordable housing in this location and is in accordance with the general aim of Development Plan policies.

### Housing Mix

9.100 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

9.101 The table below compares the proposed target mix against policy requirements:

| <b>Ownership</b>       | <b>Type</b> | <b>Policy requirement (%)</b> | <b>Proposed mix (%)</b> |
|------------------------|-------------|-------------------------------|-------------------------|
| <b>Private</b>         | Studio      | 0                             | 0                       |
|                        | 1 bed       | 50                            | 33%                     |
|                        | 2 bed       | 30                            | 53%                     |
|                        | 3 bed       | 20                            | 14%                     |
| <b>Intermediate</b>    |             | 0                             | 0                       |
|                        | 4+ bed      |                               |                         |
| <b>Affordable Rent</b> |             |                               |                         |
| <b>Private</b>         | Studio      | 0                             | 0                       |
|                        | 1 bed       | 25                            | 0                       |
|                        | 2 bed       | 50                            | 75%                     |
|                        | 3 bed       | 25                            | 25%                     |
|                        | 4+ bed      | 0                             | 0                       |
| <b>Private</b>         | Studio      | 0                             | 0                       |
|                        | 1 bed       | 30                            | 28.5%                   |
|                        | 2 bed       | 25                            | 28.5%                   |
|                        | 3 bed       | 30                            | 32%                     |
|                        | 4+ bed      | 15                            | 11%                     |

9.102 In relation to the affordable rent mix, the proposal broadly meets the policy targets and in particular the affordable rented accommodation has a good mix of 2, 3 and 4 bedroom homes.

- 9.103 In relation to the intermediate mix, there is an under-provision of 1-beds and over-provision of 2 and 3 beds. This doesn't meet the policy target, however the majority of schemes in Tower Hamlets have their intermediate mix skewed in favour of 1-beds rather than in this case which is skewed in favour of 2 and 3-beds. Therefore, having regard to the strategic aims of the policy, which is to provide a balance of intermediate units across component areas and the Borough as a whole, the proposed mix would be acceptable, taking into account affordability levels in Poplar.
- 9.104 The proposed mix of private units does not reflect policy requirement and consequently, it would not be policy compliant with DM3 of the Local Plan. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*".
- 9.105 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole. It is noted that the mix does not differ significantly from that of the previously proposed scheme and that the Council has not raised this area as an issue in the determination of the previous application.

#### Quality of residential accommodation

- 9.106 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.107 All of the flats meet the relevant London Plan space standards; have a floor-to-ceiling height of 2.5m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 9.108 Approximately 80% of the flats would be dual or triple aspect and all of the flats would have either a terrace or balcony at a size which would be policy compliant.
- 9.109 There are some flats facing within 45 degrees due north that would be single aspect and, at ground floor, have slightly compromised privacy due to the relationship with the towpath. There are also some south-facing single aspect flats that face directly onto the podium or ground floor amenity area. This can be successfully mitigated through appropriate planting and boundary treatment.
- 9.110 There are also instances of potential overlooking between flats within the proposed development. In particular, in the internal corner between the Upper North Street block and Limehouse block and between the balcony of one flat and a window to a single bedroom of another at the junction of the Upper North Street and Broomfield Street blocks. These are limited in number and often occur in courtyard developments. The angles of the respective windows are such that the loss of privacy does not extend across the whole room and relates to secondary bedrooms.

- 9.111 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that all the flats (and individual rooms) would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (ADF).
- 9.112 The analysis has also assessed the sunlight levels for relevant windows (those facing 90 degrees due south), 79% of those windows meet the standard for annual probable sunlight hours (see appendix 2 for description). Where the windows do not meet the standard, this is mainly as a result of the provision of balconies which restrict sunlight in summer season when the sun is at its highest in the sky. In any case, of those windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.
- 9.113 In accordance with policy requirements, 10% of units would be wheelchair accessible or adaptable. This would include 2 wheelchair accessible affordable rented units.
- 9.114 Subject to conditions regarding glazing specifications and ventilation measures, the flats (excluding balconies) would not be subject to undue noise, vibration or poor air quality.

#### Amenity space and child play space

- 9.115 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies and terraces to all of the flats in compliance with the above quantitative standards. However, it should be noted that the balconies fronting the Limehouse Cut, Upper North Street and Broomfield Street would exceed the British Standard 8233:2014 recommended upper limit for noise within amenity spaces. The internal facing balconies and child play and communal amenity space would be within the relevant limit.
- 9.116 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 183sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 48 children and therefore 480sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 9.117 The development would provide, on top of the car park podium and at ground level, approximately 800sqm of amenity space. This would significantly exceed the combined requirement of 663 sqm for communal amenity space and child play space for all ages . The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that the amenity spaces would exceed the minimum standards set out in the BRE guide and would appear well sunlit. Subject to mitigation, the microclimate assessment demonstrates that the wind levels for these spaces would be suitable for their intended use.
- 9.118 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents irrespective of tenure. The detail, including planting and play equipment can be appropriately secured by condition.

## Effect on neighbouring amenity

9.119 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

### Daylight

9.120 The applicant has submitted a daylight assessment by CHP Surveyors Ltd. The Council appointed Delva Patman Redler LLP (DPR) to independently interpret the results. DPR have confirmed that the appropriate tests have been carried out and, where assumptions have been made, that they are reasonable.

9.121 The CHP report has tested 278 windows in 9 properties surrounding the development to assess the impact this development will have on their daylight. The properties tested are: Werner Court; Craig Tower; Ingot House; E-Pad, 17-25 Invicta; 6-9 Metropolitan Close; 2-5 Metropolitan Close; 1-5 Broomfield Street; and, 8-36 Broomfield Street. Comparison tables for the two most affected buildings, Werner Court and Craig Tower, are included below, comparing the previous application and the current proposal.

9.122 An explanation of the standard Building Research Establishment (BRE) tests used is set out in Appendix 2 of this document. These are Vertical Skyline Component (VSC), Average Daylight Factor (ADF), and daylight distribution No Skyline test (NSL).

### *Werner Court*

9.123 The results show that 35 out of the 60 windows tested do not pass the VSC standard and that, of these, there are 20 with a reduction of between 20% and 30%, 10 with a reduction of between 30% and 40% and 5 with a reduction of between 40% and 50%. The reduction in daylighting would therefore be noticeable to residents of these properties.

9.124 However, the ADF results are compliant for all of the rooms demonstrating that the overall quality of daylighting would remain at a good level. In addition, the NSL results are good showing that the rooms will be left with most of their area still seeing sky visibility on the working plane.

9.125 Therefore, whilst the reduction in VSC would be noticeable, the sky visibility within the rooms would remain at a good level and the ADF results show that in all cases the rooms would remain adequately, and in many cases, well lit. The Council's consultant considers the impacts to be moderately adverse but with an acceptable actual result.

9.126 The below table compares the daylighting impacts of the previous application scheme and the current proposal, showing that the current scheme would result in significantly less impact than the previous proposal. The number of rooms experiencing largest VSC reductions (over 30%) is particularly reduced, reducing the impact on the most affected properties.



| Werner Court (60 windows tested for daylight VSC impact)    |                                |                               |
|---|--------------------------------|-------------------------------|
| VSC reduction (> 20% is material)                           | 14 storeys (previous proposal) | 12 storeys (current proposal) |
| 20% - 30%   | 17                             | 20                            |
| 30% - 40%   | 12                             | 10                            |
| 40% - 50%   | 10                             | 5                             |
| >50%  | 1                              | 0                             |
| Total number of windows with material reduction of daylight | 40                             | 35                            |

### *Craig Tower*

- 9.127 In relation to the VSC analysis, the results show that 21 out of the 45 windows tested do not pass the VSC standard and that, of these, there are 10 with a reduction of between 20% and 30%, 8 with a reduction of between 30% and 40%, 2 with a reduction of between 40% and 50% and 1 with a reduction of over 50%. The reduction in daylighting would therefore be noticeable to residents of these properties.
- 9.128 However, the ADF results for this property are very high and the rooms will be left with a very well lit internal environment. There will also be no effective impact on the NSL results.
- 9.129 Therefore, whilst there will be a noticeable reduction in daylight, the rooms will still appear adequately lit to the occupants. The Council's consultant considers the impacts to be "moderately adverse but with potentially acceptable actual result".
- 9.130 The below table compares the daylighting impacts of the previous application scheme and the current proposal, showing that the current scheme would result in significantly less impact than the previous proposal. The number of rooms experiencing largest VSC reductions (over 30%) is particularly reduced, reducing the impact on the most affected properties.

| Craig Tower (45 windows tested for daylight VSC impact)     |                                |                               |
|---|--------------------------------|-------------------------------|
| VSC reduction (> 20% is material)                           | 14 storeys (previous proposal) | 12 storeys (current proposal) |
| 20% - 30%   | 11                             | 10                            |
| 30% - 40%   | 12                             | 8                             |
| 40% - 50%   | 5                              | 2                             |
| >50%  | 1                              | 1                             |
| Total number of windows with material reduction of daylight | 29                             | 21                            |

### *Ingot Tower*

- 9.131 20 windows were tested, of which 9 would experience a material reduction. Of these, only 2 windows would experience a reduction in VSC of more than 30%. However, the ADF levels are above the minimum recommended levels for the rooms that are

not VSC compliant and therefore, the affected rooms would still appear reasonably well lit. 8 rooms would experience a reduction in NSL of more than 20%, representing a minor adverse impact.

#### *E-Pad*

- 9.132 For this property only 4 of the windows will not meet the VSC standard out of the 31 tested. The VSC reductions would be only marginally above the 20% standard. All but one of the rooms would have ADF levels above the recommended minimum and achieve very good daylight distribution. The impact would be negligible overall.

#### *1-5 Broomfield Street*

- 9.133 One window would not meet the VSC standard, however, as the ADF and NSL results are good, the impact would be negligible.

#### *8-36 Broomfield Street*

- 9.134 Only 2 out of 54 windows would experience a reduction in VSC of more than 20% from existing. Reductions range from 22.4% to 24.6%. These rooms have good levels of NSL, over 80% of the room area with no change, but quite low ADF levels at 0.5% to 0.7%.

- 9.135 These windows appear to serve small kitchens and are set back from the main building line so that there is an overhang as a result of the building design which reduces the sky visibility to those rooms. Therefore, whilst the results are not compliant for these windows, any development of moderate additional height on the proposed footprint would be likely to have the same results and removing some height of the building would have little impact.

#### *17-25 Invicta, 2-5 Metropolitan Close and 6-9 Metropolitan Close*

- 9.136 The results for these properties are fully compliant. There would be little impact from this development on the levels of daylight these properties would receive and in some cases there would be improved levels of daylight.

#### Conclusion

- 9.137 Overall, as would be expected, the proposals would result in some impact on the daylighting conditions of the surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain well-lit and would retain good sky visibility.

- 9.138 The independent daylighting consultant appointed by the Council concludes that *“The scheme proposal does not fully meet the VSC standards for impact on neighbouring windows. However, the NSL results and ADF results show that the neighbouring rooms will substantially remain well day lit and have adequate amenity as observed from inside the properties. Therefore, we believe that the daylight results can be considered to be acceptable.”*

- 9.139 The reduction of height of the current proposal has led to a substantial reduction in the VSC impact as summarised in the tables above, reducing the number of the worst affected properties and reducing the overall impact. While perceptible reductions to daylighting would still occur, in all cases the properties would continue to receive good levels of daylighting, especially for an urban location, assisted by the

aspect of some properties toward the canal and Bartlett Park. The proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

### Sunlight

- 9.140 Sunlight results have been provided for those elevations to the neighbouring buildings that face within 90° of due south in accordance with the BRE guidelines (see Appendix 2). The results show that all of the properties tested meet the BRE standards with the exception of a number of units in Craig Tower, which is assessed in more detail below. Craig Tower was also the only building materially affected by the previous proposal.
- 9.141 For the previous proposal, the results for Craig Tower showed, for annual sunlight, that whilst the majority (35 of the 41) of windows passed the BRE sunlight test, there were two windows at 2<sup>nd</sup> floor level with losses of 41%, and one window at 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor level with reductions of 38%, 35%, 29% and 29% respectively reducing the annual sunlight levels below the recommended 25%. The winter sunlight results were compliant to all but one window on level 2. In all cases this was primarily due to the obstruction caused by balconies which themselves provide well sunlit external amenity space.
- 9.142 For the current proposal, only 4 windows do not meet the BRE sunlight tests, these are at floor levels 2, 3, 4 and 5 with reductions of 29%, 32%, 29% and 22% respectively. Once the obstruction caused by balconies is taken into account, the results are compliant with BRE guidance. The Council's consultant advises that, therefore, "the sunlight impact on the development is negligible".
- 9.143 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

### Privacy, outlook and enclosure

- 3.144 Due to the separation distance (in excess of 25m) between this development and neighbouring properties to the north, there would be no significant loss of privacy. To the south is the 'Epad' development across Broomfield Street – the relationship between this development and 'Epad' is a typical relationship across a highway (circa 16m) and would not cause an unacceptable loss of privacy. There are no windows facing east in close proximity to the boundary with Metropolitan Close. These residents privacy is also safeguarded.
- 9.145 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure or undue loss of outlook to any of its neighbouring residents. It is noteworthy that there is an improvement (by way of the demolition of the existing building situated on the boundary) to some of the properties on Metropolitan Close in terms of outlook and enclosure.

### Overshadowing

- 9.146 The transient shadow plots show limited overshadowing of surrounding public spaces; this will have a very minor effect on the quality of these spaces and, with any reasonably expected level of development on this site, would be inevitable.

- 9.147 In relation to the impact on the open space between Craig Tower and Werner Court, in the existing situation all of this area would receive at least 2 hours of sunlight on the equinox. The proposed development would, inevitably, reduce this somewhat. However, in the proposed situation more than 50% of the area would receive 2 hours of sunlight in accordance with BRE guidelines.
- 9.148 The shadow plots show that the development will have a relatively minor effect on the gardens of 2 and 3 Broomfield Street, but these are less than 20% reductions from the existing one, and therefore compliant with the BRE Guidelines. The practical impact is that there is some additional shading in the afternoon on 21<sup>st</sup> March. The analysis demonstrates that in the majority of instances there is either no change or an improvement to the level of sunlight the neighbouring gardens will enjoy, in particular Nos. 5, 6/7 and 8/9 Metropolitan Close show noticeable reductions in the level of overshadowing.

#### Noise, vibration and air quality

- 9.149 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, they are considered acceptable subject, where applicable, to conditions.

#### Conclusion

- 9.150 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

#### **Highways and Transportation**

- 9.151 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.152 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 9.153 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They highlight the need to minimise car travel and prioritise movement by walking, cycling

and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

#### Traffic Generation

- 9.154 When assessing the previous proposal, TfL have reviewed the Transport Assessment and raised some concerns with the modelling assumptions and consequently have not validated the junction impact analysis conclusions. The applicant has since provided further information to address TfL's concerns and TfL are now satisfied with the projections. The scheme would not result in a material adverse effect on the transport network.

#### Car Parking

- 9.155 The proposed development would provide of 28 vehicular parking spaces including 6 that are wheelchair accessible or could be adapted and one car club space. This is in compliance with the Development Plan's parking standards. The applicant has committed to providing 40% of those as electric vehicle parking points (11 spaces) with at least 20% active charging points, again in compliance with relevant policies.

#### Cycle Parking

- 9.156 The number of residential cycle spaces to be provided would be 254 and the number of visitor cycle spaces is 10. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition.

#### Access / Servicing and Deliveries

- 9.157 The servicing strategy is for on-site servicing within the courtyard of the development with access from Broomfield Street as part of a shared surface which also provides access for residents and cyclists. The proposed scheme has been designed to ensure that refuse trucks can enter and leave the site in forward gear.
- 9.158 The applicant has also agreed to part fund proposals for a raised table and tightening of the radius of the junction at Broomfield Street / Upper North Street. The Council's Transport and Highways Service advise that this will improve highway safety, particularly in relation to large vehicles, such as refuse trucks, making left hand turns from Upper North Street into Broomfield Street.
- 9.159 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which would mitigate possible safety concerns of sharing the access and the applicant has implemented these recommendations in their proposed design.
- 9.160 In their response to the previous application, LBTH Highways advised that the site access would be very close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street, but have not objected to permission being granted for the scheme. Whilst re-aligning the access further along Broomfield Street and separating pedestrian, cycle and vehicular access could deliver further highway safety benefits, it would adversely affect other aspects of the scheme layout. The Stage 1 Safety Audit did not raise any compelling reasons to amend the access arrangements.

### Accessibility

- 9.161 The site is situated adjacent to the Limehouse Cut towpath which forms part of the Blue Ribbon Network. The closest access to the Limehouse Cut is on Cotall Street on the opposite side of Upper North Street adjacent to Bartlett Park.
- 9.162 Highways and TfL consider that the development has not made the most of its location next to the towpath, emphasising a missed opportunity to provide a public link to the towpath.
- 9.162 However, residents particularly those at Metropolitan Close have previously raised concerns that a public link would attract anti-social behaviour. The difference in ground levels between the towpath and this development also make an inclusive and attractive public link difficult to achieve. A new public link to the towpath has been provided circa 50 metres from Bow Common Bridge to the west off Cotall Street. On balance the lack of a public link in this case would not be a planning objection to the scheme.

### Construction traffic

- 9.163 LBTH Highways and TfL have both advised that they anticipate no particular construction traffic issues and, subject to a Construction Logistics condition requiring details to be approved of matters such as the size, number and timing of construction vehicle movements and holding and turning areas, that the effects of construction traffic of the safety and free flow of highway traffic can be appropriately mitigated to address residents' concerns.

### Conditions/Obligations

- 9.164 Highways (in assessment of the previous application) and TfL recommend the following conditions and / or obligations to mitigate the impact of the proposal:
- Secure the scheme as 'permit-free';
  - Require approval of a car parking management plan;
  - Require approval of a Travel Plan;
  - Require approval of a Servicing Management Plan;
  - Require approval of a Demolition and Construction Management Plan;
  - Require approval of a Scheme of Highways Improvements Plan;
  - S278 agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

- 9.165 The above conditions and / or obligations have been recommended as part of this report.

### Summary

- 9.166 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

## **Waste**

- 9.167 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).
- 9.168 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.
- 9.169 In terms of operational waste, during the course of the determination of the previous development proposal for the site, the Council's Waste department advised the access arrangement for refuse vehicles were acceptable. Whilst they some concerns were raised with the complexity of the arrangements, the developer's management team advised that they consider it workable. A condition is recommended to ensure that monitoring can take place to deter contamination of waste containers (i.e. ensuring residents are not generating undue amounts of refuse and not putting waste in recycling bins).

## **Energy & Sustainability**

- 9.170 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 9.171 The climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.172 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 9.173 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.
- 9.174 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating. However, the Government has recently withdrawn the Code for Sustainable Homes Assessment.
- 9.175 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to

existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

- 9.176 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 45% reduction against the Building Regulations 2013.
- 9.177 Accordingly, the Energy Strategy's approach to reducing carbon dioxide is supported and in accordance with relevant policies and is secured by condition.
- 9.178 The Energy Assessment demonstrates that it is not currently feasible or viable to connect to an existing district heating network but has demonstrated how the development has been future-proofed should one become available in the future. The proposal is in accordance with policy 5.6 of the London Plan.
- 9.179 The proposal accords with the aforementioned policies.

### **Environmental Considerations**

#### Air quality

- 9.180 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.181 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 9.182 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. The use of a decentralised energy centre helps to reduce carbon emissions and the gas-fired boiler emissions to the Combined Heat and Power (CHP) plant would be vented at roof level.
- 9.183 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO<sub>2</sub> in accordance with the aforementioned policies.

#### Noise and vibration

- 9.184 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.



9.185 An Acoustic Report has been submitted in support of the application. This has previously been reviewed by the Council's Noise and Vibration Officer who advised that the report and its recommendations were acceptable. The development itself would not create significant noise or vibration. The report advises that the main sources of noise are road traffic and air traffic from London City Airport and advises that mitigation is required on all facades facing outwards towards highways. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.

9.186 In relation to amenity spaces, BS 8233:2014 advises that noise levels below 55dB would be desirable. The noise assessment results are set out below:

*Predicted External Noise Levels –  $L_{Aeq,T}$*

Block D, 4<sup>th</sup> Floor, facing Upper North Street 68 dB(A)

Block A, 4<sup>th</sup> Floor, facing Limehouse Cut 63 dB(A)

Block A, 8<sup>th</sup> to top floor, facing Upper North Street 57-63 dB(A)

Balconies facing inwards on site <55 dB(A)

Communal Play Area / Amenity Space to middle of site <50 dB(A)

9.187 The results show that the courtyard communal areas and inward facing balconies will meet the British Standard. However, the balconies facing Broomfield Street, Upper North Street and the Limehouse Cut will exceed the relevant standard as a result of the aforementioned noise sources. Whilst this is undesirable, there are no effective mitigation measures for open balconies. It should be noted that communal amenity space and Bartlett Park would provide alternative (and quieter) amenity space.

9.188 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.

9.189 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

#### Contaminated Land

9.190 The applicant has submitted a desk-top contaminated land study which identifies, due to the previous uses on the site, a potential for contamination. The Council's Contaminated Land Officer has reviewed the study and advises subject to a condition requiring intrusive investigation and remediation there is no objection to the proposal. Subject to such a condition the proposals would accord the requirements of the NPPF and policy DM30 of the MDD.

#### **Flood Risk and Water Resources**

9.191 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

- 9.192 The site is located in Flood Zone 2 and partly in Flood Zone 3a. Flood Zone 3a means that there is 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- 9.193 The Council has undertaken a Sequential and Exception test (see Appendix 1) as required by the NPPF and its' associated technical guidance. These tests will be placed on the public planning register.
- 9.194 In summary, the tests identified that in order to meet the Council's housing targets building on Flood Zone 2 and 3a is necessary and there are no more sequentially preferable sites available to meet this demand. A site-specific Flood Risk Assessment has been submitted and, following amendments, the Environment Agency advise that the risks have been appropriately mitigated, which includes a flood defence wall, safe emergency egress and raised (300mm) finished floor levels for ground floor residential units. Moreover, the defence wall has been designed in such a way as it allows for it to be raised in the future in accordance with the Environment Agency's TE2100 plan. The exception test demonstrates that the public benefits of the proposal outweigh the (mitigated) risks. Accordingly, the exception test has been passed.
- 9.195 In relation to surface water run-off, the development achieves a 50% reduction in surface water run-off rates through storage in underground tanks for specified flood events. The run-off is directed into the combined sewer system as it is not feasible in this instance to direct the run-off directly into the Limehouse Cut.
- 9.196 Thames Water advises that there are no concerns with additional water demand from this development. They that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. They also advise that their assets may be located underneath the site and the path of Thames Tideway Tunnel runs under the adjacent Limehouse Cut, accordingly, they advise imposing a number of conditions relating to construction and piling details. Thames Water also advise imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. An appropriate condition is recommended.
- 9.197 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### **Biodiversity**

- 9.198 The application site contains buildings and hard standing and has no significant existing biodiversity value. A bat survey found no evidence of bat roosts within the roofs of the existing buildings. The site is immediately adjacent to the Limehouse Cut which is a Site of Importance for Nature Conservation. In determination of the previous redevelopment proposals, the Borough Ecology Officer advised that lighting over the canal will have a detrimental effect. A condition is recommended to mitigate this problem, however it is inevitable that light spill over the canal will increase to some degree.
- 9.199 Policy DM11 requires major developments to take reasonable opportunities for biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Ecology Officer advised that the landscaping scheme would provide opportunities for biodiversity enhancements and a condition is recommended to secure this. The submitted Ecology Report also recommends the inclusion of 10 bat boxes and 20

nest boxes for swifts in the new buildings. The submitted plans do not indicate where these will be incorporated and therefore a condition is recommended to secure this biodiversity enhancement.

9.200 The Ecology Officer advised that green roofs would be beneficial in this location. However, the roofs of the building are 'allocated' for pv panels and other structures such as flues and satellite dishes. Overall, the scheme has taken reasonable opportunities for biodiversity enhancements.

9.201 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

### **Health Considerations**

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

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

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

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

9.205 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to open space (Bartlett Park and the Limehouse Cut) near to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.

9.206 It is also noted that the site has relatively poor public transport accessibility and may, therefore encourage more vehicle trips rather than cycling or walking. Cycle parking is provided, in accordance with London Plan standards and a contribution towards funding oyster cards for each flat to encourage the use of more sustainable methods

of transportation is recommended to be secured through the legal agreement. The proposed car parking levels is within Development Plan maximum standards.

- 9.207 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

#### **Impact upon local infrastructure / facilities**

- 9.208 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.

- 9.209 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:

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

- 9.210 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date.

- 9.211 Securing appropriate planning contributions is supported by policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 9.212 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:

- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

- 9.213 Financial contributions have been offered in respect of construction phase skills and training in accordance with the guidance set out in the latest draft of the 'Planning Obligations' SPD and is £39,500. The applicant has also agreed to provide £38,610

towards encouraging the take-up of more sustainable methods of transportation given the low PTAL of the site.

9.214 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement.

9.215 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

### **Local Finance Considerations**

9.216 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

9.218 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

9.219 It is estimated that the development would be liable for £276,255 of Tower Hamlets CIL, £276,255 of Mayor of London CIL and £1,309,930 of New Homes Bonus payments over a period of 6 years.

### **Human Rights Considerations**

9.220 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.221 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article

6). This includes property rights and can include opportunities to be heard in the consultation process;

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

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

9.223 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

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

9.227 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

9.228 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.229 The financial contributions towards infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

9.230 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.231 The financial contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

9.232 The contributions to affordable housing support community wellbeing and social cohesion.

9.233 The proposed development allows, for the most part, an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

## 10. CONCLUSION

10.1 All relevant policies and material considerations have been taken into account. The development would address reasons for refusal indicated by the Committee for the previous application. Planning permission should be **granted**, subject to planning conditions and a Section 106 Agreement set out in section 2 of this report.

## **Appendix 1**

DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The policy refers to the guidance set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The BRE handbook sets out a number of tests to assist a designer optimise the site layout in respect of daylight, sunlight and overshadowing to surrounding properties and land as well as the proposed properties and land as part of the planning application itself.

### Vertical Sky Component

The primary method of assessment is through calculating the vertical sky component (VSC). The Vertical Sky Component (VSC) analysis establishes the amount of available daylight received directly from the sky for each individual window. The reference point for the analysis is the centre of the window, on the plane of the outer window wall.

The VSC is the amount of direct sky a window enjoys, expressed as a percentage of the amount of direct sky a horizontal, unobstructed rooflight would receive. The maximum percentage of direct skylight a vertical window can receive is 40%.

BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.

### Daylight Distribution

In order to better understand impact on daylighting conditions, the daylight distribution test (otherwise known as the no skyline test (NSL)) calculates the area at working plane level (0.85m above finished floor level) inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.

### Average Daylight Factor

For proposed development the BRE guide recommends that average daylight factor (ADF) is the most appropriate form of assessment for daylight. The Average Daylight Factor is the average illuminance on the working plane in the room and takes into account the amount of unobstructed sky the window serving the room can see, the size of the window, the size of the room, the reflectance expected from the surfaces within the room and the reduction in daylight that will occur as it passes through the glazing. British Standard 8206 recommends the following minimum ADF values for new residential dwellings:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

It should also be noted that ADF can also be used to supplement the VSC and NSL tests for existing properties.



### Annual Probable Sunlight Hours and Winter Sunlight Hours

The BRE guide states that in relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either through the whole year or just during the winter months, and the reduction is greater than 4% of APSH then the occupants of the existing building will notice the loss of sunlight.

### Overshadowing

For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March. Where this is not the case, the reduction should not be more than 20% or the reduction would be noticeably adverse.

# Appendix 3

## Site Location Plan



# Agenda Item 6.2

|  |   |  |
|--|---|--|
| <b>Committee:</b><br>Strategic<br>Development            | <b>Date:</b><br>28 <sup>th</sup> July 2016            | <b>Classification:</b><br>Unrestricted |
| <b>Report of:</b><br>Director of Development and Renewal | <b>Title:</b> Applications for Planning<br>Permission |  |
| <b>Case Officer:</b><br>Brett McAllister                 | <b>Ref No:</b> PA/14/02928                            |  |
|  | <b>Ward:</b> Lansbury                                 |  |

## 1.0 APPLICATION DETAILS

|                      |  |
|----------------------|--|
| <b>Location:</b>     | 116-118 Chrisp Street, Poplar London, E14 6NL  |
| <b>Existing Use:</b> | 116 Chrisp Street – Public House (Use Class A4)<br>118 Chrisp Street – Vacant Light Industrial Building<br>(Use Class B1c)   |
| <b>Proposal:</b>     | Demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 14, part 16 storeys comprising of 71 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street. |
| <b>Drawings:</b>     | 1233 (PL) 001<br>1233 (PL) 002<br>1233 (PL) 100 C<br>1233 (PL) 101<br>1233 (PL) 102<br>1233 (PL) 103 B<br>1233 (PL) 104 B<br>1233 (PL) 105 A<br>1233 (PL) 106 A<br>1233 (PL) 107 A<br>1233 (PL) 108 A<br>1233 (PL) 109 A<br>1233 (PL) 110 B<br>1233 (PL) 111 B<br>1233 (PL) 112 B<br>1233 (PL) 113 B<br>1233 (PL) 114<br>1233 (PL) 115<br>1233 (PL) 116<br>1233 (PL) 200 A<br>1233 (PL) 201 A<br>1233 (PL) 202 A   |

1233 (PL) 203 A  
1233 (PL) 204 A  
1233 (PL) 300 A  
1233 (PL) 301 A  
1233 (PL) 302 A  
1233 (PL) 400  
1233 (PL) 401  
Accommodation Schedule D

**Documents:**

- Design and Access Statement by Stephen Davy Peter Smith Architects
- Air Quality Assessment by Hawkins Environmental
- Statement of Consultation and Community Involvement by The Planning and Design Bureau
- Planning Statement by The Planning and Design Bureau
- Noise and Vibration Assessment by Hepworth Accoustics
- Daylight & Sunlight Assessment by Malcolm Hollis
- Transport Statement by EAS
- Affordable Housing Policy Statement by Affordable Housing Solutions
- Interpretive Report by RSA Geotechnics Ltd.
- Energy Assessment by Robinson Associates
- Sustainability Summary by Mulalley
- Flood Risk Assessment by Sherrygreen Homes Ltd.
- Wind Environment Assessment by WSP

**Applicant:** Sherrygreen Homes  
**Ownership:** Sherrygreen Homes  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of a public house and vacant warehouse and redevelopment of the site to provide a residential development of 71 in a single building up to 16 storeys in height.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposed redevelopment of this brownfield site for a residential led mixed use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.4 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing (37.4% affordable housing by habitable room). Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.

- 2.5 The residential quality of the scheme would be high. Out of the 17 affordable rented units 41% would be of a size suitable for families (7 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Lifetime Homes standards and 10% would be provided as wheelchair accessible.
- 2.6 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.7 The majority of amenity impact from the development would be acceptable. It is noted that the proposed development has a significant adverse impact on the Equinox development in particular; however officers consider this to be expected to a degree given the existing low rise nature of the application site. Officers also consider that the design of the development, massing of the site to be appropriate and as such, overall given the regenerative benefits of the proposal including the provision of housing and affordable housing the impact on balance, is considered acceptable.
- 2.8 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.9 The scheme would meet the full financial and non-financial contributions.

### **3.0 RECOMMENDATION**

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

a) Any direction by the London Mayor

b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

- a) A contribution of **£18,495** towards employment, skills, training for construction job opportunities
- b) A contribution of **£718.2** towards employment, skills, training for unemployed residents
- c) **£1000** towards monitoring fee (£500 per s106 HoT's)

**Total £20,213.2**

3.3 Non-financial Obligations:

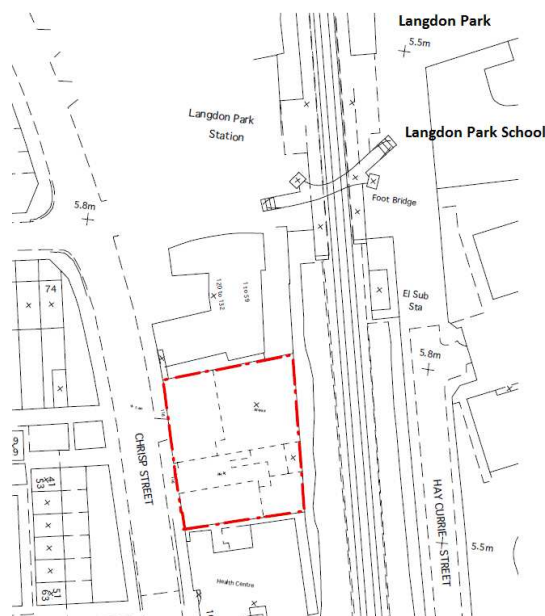
- a) Affordable housing 37.4% by habitable room (26 units)
  - 68% Affordable Rent at Borough affordable rental levels (17 units)
  - 32% Intermediate Shared Ownership (9 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction

- c) Car free agreement
  - d) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
  - e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 Conditions:
1. Three year time limit
  2. Compliance with approved plans and documents
  3. Samples and details of all facing materials
  4. Details of any shopfront 1:50 including location of signage
  5. Details of hard and soft landscaping, including boundary treatment and lighting
  6. Details of play equipment
  7. Details of green roof
  8. Details of drainage and mitigation of surface water run-off
  9. Details of all Secure by Design measures
  10. Hours of construction and demolition
  11. Demolition and Construction Management/Logistics Plan
  12. Delivery and Servicing Management Plan
  13. Details of any extract system serving an A3 use
  14. Hours of operation for any A3 use
  15. Travel Plan
  16. Contaminated Land
  17. Compliance with Energy Statement
  18. Details of cycle parking
  19. Details of noise and vibration levels post completion testing
  20. Details of piling, all below ground works and mitigation of ground borne noise
  21. Scheme of highway improvement works as requested by LBTH Highways
  22. Protection of DLR infrastructure
  23. Car and Permit free agreement
  24. Commercial unit to be Use Classes A1/A2/A3
  25. Details of wheelchair accessible units
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
1. Subject to a S106 agreement
  2. Thames Water standard informative
  3. Building Control
  4. CIL
- 3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1. The application site is a broadly rectangular plot that measures 0.1024ha in size. It is situated on the eastern side of Chrisp Street and is to the west of the DLR line that runs from Lewisham to Stratford.
- 4.2. The site comprises two plots – 116 and 118 Chrisp Street. No.116 to the south is occupied by a two storey public house - The Royal Charlie and includes its rear outbuildings and car park. 118 Chrisp Street comprises a vacant 2 storey warehouse. This warehouse was previously used as a tyre and exhaust centre.
- 4.3. To the north of the site is Parkview Apartments (120-122 Chrisp Street). This is a 19 storey residential building with ground floor commercial uses (an A3/A5 use is closest to the application site). It occupies most of its site, and comprises a slim tower set towards the rear of the land, with lower wings projecting towards Chrisp Street.
- 4.4. To the north of Parkview Apartments, beyond a pedestrianised street that connects Langdon Park Station with Chrisp Street, is a construction site for a consented residential development comprising buildings that will range from 5 to 22 storeys high.
- 4.5. Approximately 40m to the north east of the site is a Langdon Park DLR Station and Landon Park. On the other side of the DLR tracks to the east is Langdon Park school. Immediately to the south of the site is a 1 and 2 storey Health Centre and associated car park.
- 4.6. To the west, across Chrisp Street, is a relatively recent residential development of between 3 and 9 storeys in height, which is part of the Equinox development. The 9 storey element of the development faces the application site. Moving north there is a 2 storey terrace of postwar housing which faces Carmen Street and further north from that there is another relatively recent residential development of between 4 and 9 storeys in scale, which is also part of the Equinox development.
- 4.7. The following site plan shows the site in relation to its surroundings:



- 4.8. Further afield there exists a recently built 20-storey building tower – ‘The Panoramic’, located to the south east of the application site at the meeting point of Hay Currie Street, Willis Street and Bircham Street.
- 4.9. The site is located at the northern end of the Chrisp Street Market District Centre.
- 4.10. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the north-east and is approximately 100 metres walk from the site. The site therefore provides good connectivity. Bus stops exist on Chrisp Street located just outside the site and 2 minutes walk away on Cordelia Street providing connections to Stratford, Canary Wharf, Bethnal Green and Canning Town.

### **Planning History**

- 4.11. The two sites were previously in separate ownership and received separate planning permissions for buildings up to 10 storeys; however these consents were not implemented and have since expired.

#### 118 Chrisp Street - PA/08/00374

- 4.12. (1) Demolition of the existing single storey light industrial building with double pitched roof and redevelopment of the site by the erection of a part 5, part 8 and part 10 storey building for mixed use purposes.

(2) Provision of 128 sq.m of commercial floorspace falling within use classes A1, A2, B1 or D1 at ground floor level plus a total of 28 self-contained flats (12 x 1 bedroom; 9 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom) together with bicycle parking, refuse/recycling facilities and amenity space.

Permitted: 04.07.2008

Expired without implementation: 04.07.2011

#### 116 Chrisp Street – PA/09/00357

- 4.13. Demolition of existing Public House and redevelopment of site to provide 95sqm of A3 use on ground floor; 20 residential units (comprising 9 x 1 bed; 6 x 2 bed & 5 x 3 bed); associated amenity space and 30 cycle spaces. Part 5 part 10 storeys in height.

Permitted: 03.06.2009

Expired without implementation: 03.06.2012

### **Proposal**

- 4.14. Full planning permission is sought for demolition of existing buildings and erection of a building between 5 and 16 storeys in height to provide 71 residential units (15 x 1 bed, 37 x 2 bed, 17 x 3 bed and 2 x 4 bed) and landscaped amenity space, cycle parking, electricity substation and associated works. The formation of new vehicular and pedestrian access onto Chrisp Street is also proposed.

- 4.15. The front of the ground floor would contain the two entrance lobbies and a 90sqm commercial unit that would be flexible between retail, financial and professional and restaurant uses (use classes A1/A2/A3). The rear of the ground floor would contain cycle storage rooms, bin stores, plant rooms and a substation. The external area between the rear elevation and the boundary of the site with the DLR tracks would be a 200sqm area of dedicated child play space.



- 4.16. Floors 1-5 would consist of the 26 affordable units with the upper floors containing the private units.
- 4.17. The building would be 5 storeys where it meets Chrisp St, this would be stepped in at 13 storey where a communal amenity area of 144sqm would be provided and would rise to a total of 16 storeys to the rear of the site. The scheme will be based on a simple palette of high quality materials.
- 4.18. The proposed development would be car-free. A permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan FALP 2015**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 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

- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - 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
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable 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
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

## 5.6 **Supplementary Planning Guidance/Documents and Other Documents**

### Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2012)
- London Planning Statement - Draft (2012)

### Other

- Revised Draft Planning Obligations SPD 2015 (consultation draft)

## 5.7 **Tower Hamlets Community Plan objectives**

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

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

### **External Consultees**

#### Transport for London

### 6.3 Car Parking

Car free scheme is welcomed by TfL in principle. The applicant should therefore demonstrate whether 7 accessible car parking spaces can be feasibly achieved on site or within the local area.

### 6.4 Cycle Parking

-93 cycle spaces are proposed internally at grade with access from the two cores, to serve the residential units an additional 8 spaces externally for visitors and commercial use. The external store should be covered and preferably covered by CCTV. Also, TfL request that the cycle parking is increased in conformity with the Further Alterations to the London Plan (FALP).

### 6.5 Walking

TfL has identified that this area suffers from poor wayfinding and therefore in accordance with London Plan policy 6.10 'Walking' TfL recommends that the

applicant liaise with Tower Hamlets on the introduction of Legible London within the local area to help aid wayfinding in the area.

6.6 DLR

Langdon Park suffers from uneven loading, with some carriages busier than others, and this is exacerbated (particularly in poor weather) by the lack of full-length platform canopies at most stations. TfL requests a £75,000 contribution towards enhancements, including full length canopies, at Langdon Park station is secured. As this development includes the construction of a tall building adjacent to the DLR line TfL requests that conditions should be attached to the grant of any planning consent with the intention of protecting DLR infrastructure.

6.7 Buses

TfL considers that the impact of this development upon the bus network will be negligible and that there is sufficient capacity to cope in the minor uplift in bus passenger trips.

6.8 Freight

TfL understand that deliveries and servicing will occur on street however to ensure the smooth flow of traffic TfL's preference is for servicing to occur on site. The applicant should therefore demonstrate whether this would be feasible to provide on site. With consideration to the retail unit TfL would expect a Delivery and Servicing Plan (DSP) to be secured by condition.

6.9 *[Officer Comment: These matters are discussed in the material planning considerations section of the report. Conditions are recommended securing the above. Transport and road enhancements are within the Councils regulation 123 list and as such, fall within the remit of CIL]*

Thames Water (TW)

6.10 TW do not have any objection to the above planning application in relation to sewage impact or Water Infrastructure capacity.

6.11 TW recommend a condition restricting impact piling.

6.12 *[Officer comment: The requested condition and an additional informative are recommended to this consent]*

Environment Agency (EA)

6.13 EA have reviewed the Flood Risk Assessment we agree with its findings that the site levels are above the in-channel levels of the River Thames for the extreme tidal surge. The site is not affected by fluvial flood risk and is under 1 ha therefore they have no objection to the proposal nor any conditions to recommend.

Greater London Authority

6.14 *London Plan policies on the loss of local community asset (PH), affordable housing, density, design, energy and transport are relevant to this application. The application complies with some of these policies but not with others and reason and the potential remedies to non-compliance are set out below:*

*Affordable housing*

- Whilst the scheme is proposing affordable housing, the proportion is lower than the Council's minimum requirement of 35%. The Council may also opt to independently assess this scheme to ensure that the maximum amount of affordable housing is being delivered, since new schemes within the Chrisp Street area are known to have achieved high provisions than the 24% proposed.

*Housing*

- The residential housing mix appears to be appropriate.

*Density*

-The Density is higher than the London Plan specification but the design quality is high.

*Design*

- Design is generally supported. However the Council will need to be satisfied locally that there are no negative impacts to the uses to the southern elevation of the building and surrounding the site.

- The sixteen-storey height of the proposal sits comfortably within the established and emerging context and is supported from a strategic perspective, given its location within the Chrisp Street Market district centre. The building height also responds to the scale of the taller development closer to Langdon Park Station, contributing to a gradual drop in scale further to the south along Chrisp Street.

*Transport*

- Agreement for the enhancement of the DLR station required  
- CMP, Travel Plan, electric vehicle charging points, way-finding enhancements and more specific plans required.

- 6.15 [Officer comment: The above comments are addressed in the material planning consideration within this report. In relation to affordable housing, since the Stage 1 report, the affordable housing has increased to 37.4%]

**Internal Consultees**

Environmental Health – Contamination

- 6.16 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme.
- 6.17 The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.
- 6.18 [Officer comment: The requested condition will be secured]

Environmental Health - Noise and Vibration

- 6.19 Noise should not be a material factor for refusal, although it is recommend that the design of the development is reviewed to accommodate the necessary measures to ameliorate noise, vibration and any likely groundborne noise, as some complaints are likely to be made after occupation.

- 6.20 *[Officer comments: These matters are discussed in the material planning considerations section of this report]*

Air Quality

- 6.21 The Air Quality Assessment submitted is adequate.

Transportation and Highways

- 6.22 The following is a summary of the representations received from the Councils Transportation and Highways department.

- 6.23 Highways have taken on board the agreement of Parking Services to three on-street disabled parking bays. In this case it is recommended that the applicant enter into a legal agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges. Highways support the otherwise car-free approach. A 'Permit Free' agreement will be required, secured by the S106 agreement, which restricts all future residents (unless blue badge or those who qualify for the Permit Transfer Scheme) from obtaining a parking permit in the controlled parking zone.

- 6.24 Minimum of 90 cycle parking spaces is required without the additional for visitors and commercial use.

- 6.25 There are waiting restrictions in operation (as well as a bus stop on the frontage) and with these are inherent loading restrictions, which restrict loading to a 20 minute period, insufficient for a removals van for instance. With regards servicing, the pre-app advice given for on-street servicing is accepted.

The highway works surrounding this site are to be subject to a section 278 agreement

- 6.26 *[Officer comments: These matters are discussed in the material planning considerations section of this report. The suggested conditions are recommended]*

- 6.27 Sustainability

The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

Waste

- 6.28 The following is a summary of comments received.
- Residential and commercial bin stores must be segregated
  - require that the largest bin for residual waste is 1100 litres and recycling 1280 litres
  - require that the bin store is within 10 metres of the place where the refuse vehicle will stop and the area should have a dropped kerb

- 6.29 *[Officer comment: The site is liable for a CIL contribution, the money collected could be spent on health infrastructure. Contaminated land matters are discussed in the material planning considerations section of this report.]*

## 7.0 LOCAL REPRESENTATION

### Statutory Consultees

- 7.1 A total of 546 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.2 The number of representations received in response to notification and publicity of the application is as follows:
- 7.3 No of individual responses:                      Objecting: 4                      Supporting: 0  
No of petitions received:                      0
- 7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.5 Land Use
- Royal Charlie pub is a community asset
  - Royal Charlie pub is a viable business
  - Too many flats in the area
  - Adverse impact on local services
  - Unused warehouse should be redeveloped
- 7.6 *[Officer comment: the impact of the proposal on land use is discussed within the material planning considerations section of this report.]*
- 7.7 Design & Heritage
- Affect the view from the properties on the opposite side of the road
  - Royal Charlie pub is historic building that should be protected
- 7.8 *[Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report.]*
- 7.9 Amenity
- Block light to neighbouring dwellings and GP practice to south
  - Overlooking of GP practice to south impacting confidentiality and comfort of patients
  - Closure of pub may lead to people loitering and anti-social behaviour
  - Increase in new housing in the area may cause vandalism and anti-social behaviour due to traditional community feeling 'replaced' by new residents.
- 7.10 *[Officer comment: the impact of the proposal on amenity is discussed within the material planning considerations section of this report]*
- 7.11 Highways & Transportation
- DLR does not have the capacity to cope with further residential development
  - Adverse impact on traffic

7.12 *[Officer comment: the impact of the proposal on highways is discussed within the material planning considerations section of this report]*

7.13 Other

- Is there a possibility of Section 106 funding for increased amount of patients at the GP practice
- The tyre centre was formerly an HGV services and may have contaminated land

7.14 *[Officer comment: Contaminated land will be discussed within material planning considerations section of this report]*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee are requested to consider are:

- Land Use
- Design
- Housing
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

### **Land Use**

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

8.6 The site is within the Crisp Street district centre and the place of Poplar as set out in the Core Strategy SP12 Annex which seeks to create “a great place for families set



around a vibrant Chrisp Street and a revitalised Bartlett Park”, with higher densities in and around the regenerated Chrisp Street town centre and lower densities around Bartlett Park.

#### Loss of public house

- 8.7 Public houses (Use Class A4) such as the Royal Charlie located at the site are considered to be community facilities, therefore in line with Policy DM8 (3) of the Managing Development Document which manages the loss of such facilities the applicants were required to demonstrate that there is no longer a need for the public house within the local community including evidence of marketing effort at an appropriate rent.
- 8.8 The applicant submitted a Viability Study by Christie & Co which suggests the public house suffers from a consistently poor trade performance considered to be linked to rising costs within the industry, a poor location, a low customer base, the poor condition of the property and a number of competing public houses in the local area. The study concludes that the Public house is not viable in the long term.
- 8.9 It is also noted, that the Council has previously granted the loss of the public house in PA/09/00357. However, given this consent has expired limited weight is given to this point.
- 8.10 With many of the sites surrounding the site having been re-developed, the loss of the public house which is not considered to be of any townscape merit amongst the various new residential developments of area, is considered acceptable. Although the pub manages to continue to trade and serves a limited customer base the viability report indicates that it is not thriving business, no information has been found to the contrary.
- 8.11 As such, overall the loss of the public house needs to be balanced against policy aims to optimise the use of the site and achieve ambitious housing targets. For these reasons, officers consider the loss of the public house acceptable in this instance, when considering the benefits to be gained with 71 additional residential units including much needed affordable housing.

#### Loss/reduction of employment space

- 8.12 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided.
- 8.13 The applicant states that the tyre and exhaust centre building (B1c) on the site has been vacant since 2008. The building is in a poor condition which would take investment to be suitable to reuse. The building is an unsympathetic feature of the townscape in this residential/town centre location and is unlikely even with investment to generate a high level of employment. In this case and in light of the intense pressure outlined to provide new housing the loss of the warehouse is considered acceptable. Its replacement with high-quality residential with 90sqm of commercial uses at ground floor is considered by officers to be the most efficient and appropriate use of the site, taking into account the emerging residential context.

### Principle of residential use

- 8.14 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.15 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.16 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

### Proposed flexible commercial space

- 8.17 In terms of the proposed non-residential uses at the site, it was originally proposed to provide flexible commercial uses comprising retail/restaurant/office (Use Classes A1/A3/B1a) for the single 90sqm unit on the ground level of the building. It has now been agreed to omit the office use and include financial and professional use in the range of uses considered appropriate (Use Classes A1/A2/A3) and this would be conditioned as such.
- 8.18 It was considered that the proposed inclusion of office (Use Class B1) would not activate the street frontage so this use has been removed. Conversely officers consider financial and professional services (Use Class A2) to provide an active frontage which has therefore been included in the range of appropriate flexible uses for the commercial unit.
- 8.19 Regarding the proposed retail use, an increase in floorspace and units within the designated Crisp Street district centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to encourage additional comparison retail in town centres.
- 8.20 Restaurant/café uses are also directed to designated town centres providing there is not an over-concentration of such uses and there is a separation of at least two non-A3/A4/A5 unit between each A3/A4/A5 unit in accordance with Policy DM1 (4) of the Managing Development Document. It is acknowledged that the neighbouring unit to the north is in use as a café/takeaway however there are no other A3/A4/A5 uses exist in the immediate surrounding area that would amount to an overconcentration. The restaurant/café use is therefore considered acceptable.

### **Design**

- 8.21 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.22 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,

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

#### Height & Massing

- 8.26 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2015) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.27 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.28 The building is within the Chrisp Street Market District centre and is located close to Langdon Park DLR station where a number of tall buildings have been consented/implemented or are in the process of being implemented. As such, the principle of a tall building at this location can be supported, in line with the prevailing/emerging scale of development within the area. The height of the proposed 16-storey tower generally accords with recently built or consented schemes within the

immediate surrounding area. These include: Parkview apartments, (19 storeys) on the neighbouring site to the north; 134-156 Chrisp Street, (22 storeys) consented further north on the other side of the DLR station. This results in a gradual drop in height as you move away from Langdon Park Station.

- 8.29 In terms of massing the proposal follows similar principles to the Parkview Apartment building. The building's tallest element is positioned to the rear of the site by the DLR. This is then staggered at various points towards the front of the building where it meets Chrisp Street at 5 storeys, providing a human scale at street level that corresponds with the surrounding buildings here.
- 8.30 The appropriateness of the height is also supported by the GLA's stage one response as outlined within the consultation section above.
- 8.31 Overall, it is considered the proposed height and scale of development coming forward is considered acceptable and appropriately relates to its surroundings.

#### Elevation Design & Materials

- 8.32 The elevation treatment and detailing have been well thought through and the architects have employed architectural techniques to create articulation and interest achieving a robust and contemporary development. The elevation treatment consists of high-quality brick as the main external material. Contrast and a breakup of the massing would be created through the use of a combination of red-buff bricks and grey bricks. Brick detail of vertical stack bonded bricks at the header and sill of certain windows would add further interest. In the same way visual interest has been achieved on the southern elevation, which would be exposed in relation to the low-rise Health Centre and has much less fenestration, with a contrast of brick colours and brickwork detailing.
- 8.33 It is considered the elevation treatment and detailing have been well thought through and subject to conditions, a high quality development will be achieved.
- 8.34 The communal entrance would be constructed with full height glazing and glass swing doors to residential entrances. This would be sheltered with colonnade entrance area. It is considered that the ground floor layout is well-conceived with a good level of active frontage on Chrisp Street.
- 8.35 The windows would have deep reveals with high-quality aluminium frames. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Further variation to the elevations would be provided by a combination of balcony types with perforated aluminium panelled balconies used on the lower 5 floors and projecting frameless glass balconies on the upper floors. At the front elevation, the balconies of the lower 5 floors would be inset. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.36 To ensure the highest quality materials, all external materials would be reserved by condition.

#### Heritage

- 8.37 The site is not within a Conservation Area, however it would be visible in relation to the Langdon Park Conservation Area which is located approximately 100 metres to the north east of the site, on the opposite side of the DLR tracks.

- 8.38 The proposed development is considered to form part of an emerging cluster around Langdon Park DLR station of contemporary taller buildings. The design of the proposal has been subject to pre-application discussions between the applicant and Officers. Officers are satisfied that the buildings would form background buildings when viewed from the Conservation area and consequently preserve the appearance of the Langdon Park Conservation Area.

#### Safety and security

- 8.39 The site has been design to high security standards. The site benefits from a prominent entrance on Chrisp Street. The proposed entrance and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.40 A condition would be attached to the permission for secure by design standards to be secured should the application be recommended for approval.

#### Landscaping

- 8.41 The proposal would provide 200sqm of dedicated child playspace at ground floor to the rear of the building. This would include toddler play space with low height/impact timber and steel play equipment, stepping stones and wetpour safety surfacing. An acoustic green barrier with hedge planting to the front would be erected along the eastern boundary in order to mitigate noise generated from the passing DLR trains. The area would include a range of planting for visual and seasonal interest.
- 8.42 In addition to the ground floor child play space there would be a terrace on the 14th floor which would provide a further 144sqm of communal amenity space. This would feature tree planting set within raised planters, composite timber decking, benches incorporated into planting bed walls and other timber tables and chairs.
- 8.43 At the front of the development there would be tree planting along Chrisp Street and a feature tree set in a planting bed at the north west corner.
- 8.44 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be conditioned to be of a high quality.

#### **Housing**

- 8.45 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.46 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

### Residential density

- 8.47 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.48 The As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The London Plan defines "Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a "Central" area given in the London Plan without being located within 800m walking distance of a major town centre, Canary Wharf Central Activities Zone being approximately 1250m walking distance away.
- 8.49 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 650 to 1100 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit 215 to 405 units/hectare (u/h).
- 8.50 The proposed density would be 2138hrph and 693u/h which would be well in excess of the indicative density range in this table. However, the density is considered to be skewed heavily by the small size of the site
- 8.51 It should be noted that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 8.52 This report will go on to demonstrate that the scheme has minimal impacts of overdevelopment within this application; officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of affordable housing.

### Affordable housing

- 8.53 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.54 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.55 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The scheme that was originally submitted offered a total of 16 of the 71 residential units to be provided as affordable units, which represented a total on-site provision of 24% affordable housing based on habitable rooms.

Table 1: Affordable Housing Provision

- 8.56 The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. Following negotiations around viability it was concluded additional affordable housing could be provided and as such a revised offer of a total of 26 affordable units has been agreed. This represents a total on-site provision of 37.4% by habitable room. This would be provided in the following mix:

|                         | Units     | % Units     | Hab Rooms | % Hab Rooms                                |
|-------------------------|-----------|-------------|-----------|--|
| Affordable Rent         | 17        | 23.95%      | 56        | 25.6%                                      |
| Intermediate            | 9         | 12.67       | 26        | 11.9%                                      |
| <b>Total Affordable</b> | <b>26</b> | <b>36.6</b> | <b>82</b> | <b>37.4%</b><br>(68:32 Rent: Intermediate) |
| Market Sale             | 45        | 63.4        | 137       | 62.6%                                      |
| Total                   | 71        | 100         | 219       | 100%                                       |

Table 2: Affordable Housing Provision.

- 8.57 The proposed delivery of 37.4% affordable housing is above the Council's minimum policy target of 35%. Officers consider that this is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme is viable.
- 8.58 Of the affordable accommodation all the rented units would be let in accordance with the Council's Borough framework rents for this postcode area.
- 8.59 For this postcode currently the rents are 1 bed -£204pw, 2 bed -£214pw, 3 bed -£227pw, 4 bed -£267.
- 8.60 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.61 In addition, the tenure split between Rented and Intermediate, at 68:32, is broadly in accordance with the Council's 70:30 policy target.
- 8.62 Separate access cores would be provided for affordable and private tenures and these have been designed to ensure the rented units are not accessed from 'secondary entrances'.
- 8.63 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

## Dwelling mix

- 8.64 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.
- 8.65 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.66 Policy DM3 (part 7) of the Managing Development Document 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).
- 8.67 The proposed dwelling mix for the revised scheme is set out in the table below:

| Unit size    | Total units | affordable housing |             |                        |              |             |                        | market housing |             |                        |
|--------------|-------------|--------------------|-------------|------------------------|--------------|-------------|------------------------|----------------|-------------|------------------------|
|              |             | Affordable rented  |             |                        | intermediate |             |                        | private sale   |             |                        |
|              |             | scheme units       | scheme %    | Core Strategy target % | scheme units | scheme %    | Core Strategy target % | scheme units   | scheme %    | Core Strategy target % |
| studio       | 0           | 0                  | 0           | 0%                     | 0            | 0           | 0%                     | 0              | 0           | 0%                     |
| 1 bed        | 15          | 4                  | 24          | 30%                    | 3            | 33          | 25%                    | 8              | 18          | 50.00%                 |
| 2 bed        | 37          | 6                  | 35          | 25%                    | 4            | 44          | 50%                    | 27             | 60          | 30.00%                 |
| 3 bed        | 17          | 5                  | 29          | 30%                    | 2            | 22          | 25%                    | 10             | 22          | 20%                    |
| 4 bed        | 2           | 2                  | 12          | 15%                    | 0            | 0           |                        | 0              | 0           |                        |
| 5 bed        | 0           | 0                  | 0           | 0%                     | 0            | 0           |                        | 0              | 0           |                        |
| 6 bed        | 0           | 0                  | 0           |                        | 0            | 0           |                        | 0              | 0           |                        |
| <b>Total</b> | <b>71</b>   | <b>17</b>          | <b>100%</b> | <b>100%</b>            | <b>9</b>     | <b>100%</b> | <b>100%</b>            | <b>45</b>      | <b>100%</b> | <b>100%</b>            |

Table 3: Dwelling Mix

- 8.68 In terms of affordable Rented Housing:- 24% of one bed units are provided against our policy requirement of 30%, 35% of two bed units are provided against our policy requirement of 25%, 29% of three bed units against our policy requirement of 30% and 12% of four bed units against our policy requirement of 15%. The affordable family rented units are providing 41% family rented housing by habitable rooms, which is slightly short of our policy 45% family rented homes.
- 8.69 In terms of intermediate/shared ownership 33% of one bed units are provided against our policy requirement of 25%, 44% of two bed units are provided against our policy requirement of 50%, 22% of three bed units are provided against our policy requirement of 25%.
- 8.70 It can therefore be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.
- 8.71 Within the private element of the scheme 18% of one beds are provided against our policy requirement of 50%, 60% of two bed units against our policy requirement of 30%, 22% of three bed units against our policy requirement of 20%.



- 8.72 Within the private element of the scheme 1 and 2 bed flats are significantly divergent from the policy target with an under provision of one bed units and an overprovision of 2 bed units. It is considered that although there is this divergence from the policy targets, having generally accorded with policy in the other tenures including achieving the most important output, which are family-sized units for rent, it is considered that the housing mix is acceptable on balance.

#### Standard of residential accommodation

- 8.73 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.74 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.75 All 15 of the 1 bedroom units would be single aspect. All of the other units would be at least dual aspect. These would either be oriented east or west, none would be north facing.
- 8.76 All of the units would benefit from at least 18m separation distance between primary habitable room windows with surrounding buildings such as the building on the corner of Chrisp Street and Cordelia Street (Equinox building) to the west.
- 8.77 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.78 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.
- 8.79 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- 8.80 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants’ perception of the light to the room as a result of that good sky visibility may be positive.
- 8.81 The application is supported by a Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions has been appraised by the Council’s independent daylight and sunlight consultants.
- 8.82 The BRE Review (6th February 2015) identified that nine rooms in the proposed development did not achieve the recommendations for ADF. This equates to a 4% of the total habitable rooms. However, of these, three living/kitchen/diners do achieve

the recommendations for living rooms but are below the higher requirement for kitchens. Two living rooms experience extremely low levels of daylight due to recessing of their windows into the building. These rooms also receive little to no sunlight for the same reason. The BRE Review recommended that room configurations were reconsidered for those two locations to try to provide at least some daylight to the two living rooms in question.

- 8.83 In response to the review the balcony balustrades to first and second floor rooms have been changed from a solid metal material to glass. This increased the ADF values to just outside the recommended value.
- 8.84 BRE stated that this change only made a very marginal difference but that these two results were not that far outside the recommended minimum ADF values.
- 8.85 In relation to third and fourth floor living rooms R12/303 and R12/304, the bedrooms and living rooms have been swapped such that it is the bedrooms that would now receive the lowest levels of light as bedrooms have a lower recommended minimum ADF. Glass balcony balustrades have also been added to these units to reduce the obstruction to low-level light reaching the rooms.
- 8.86 In response to the changes BRE concluded that access to daylight/sunlight in the new development was significantly improved although five rooms would remain poorly lit. This is considered a good level of compliance for an urban development project of this scale and character.
- 8.87 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.88 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.89 Seven wheelchair accessible homes are proposed which amounts to just under 10% of the total units. These would include two units to be located within the affordable tenure (one affordable rent and one shared ownership) and five units within the private tenure.
- 8.90 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Three disabled accessible parking space would be provided on Chrisp Street.

#### Private and communal amenity space

- 8.91 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.92 The All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum standards set out in the MDD. Some of the family units would exceed the minimum standards.

- 8.93 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 111sqm of communal amenity space is required within this development. The scheme provides 155sqm of communal space on the roof of the 14th storey element of the building exceeding the policy requirement.
- 8.94 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

#### Child play space

- 8.95 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 8.96 The proposed scheme is anticipated to accommodate 28 children using the LBTH yield and 31 children using the GLA yield. Accordingly, the scheme should provide a minimum of 280sqm of play space using the LBTH yield. This requirement is broken down as shown in Table 3.

|                         | LBTH Child Yield | Required Space | Proposed within scheme |
|-------------------------|------------------|----------------|------------------------|
| 0-4                     | 11               | 110sqm         | 200sqm                 |
| 5-10 year olds          | 12               | 120sqm         |                        |
| 11-15 year olds         | 5                | 50sqm          | 0sqm                   |
| Total                   | 28               | 280sqm         | 200sqm                 |
| Shortfall in play space |                  |                | 80sqm                  |

Table 4 – Child Play Space

- 8.97 The proposed development would provide 200sqm of dedicated child amenity space at ground floor level between the building and the eastern boundary. This is a 80sqm less than the required provision of child amenity space.
- 8.98 Whilst not normally acceptable, the impact of the shortfall is mitigated to some extent by the proximity of the site to Langdon Park.
- 8.99 The application as submitted proposed less affordable housing, and had child yield of 22 children and hence would have had a reduced shortfall in child play space provision of only 20sqm. The increase in the affordable housing offer has significantly increased the shortfall, however this is considered acceptable on balance in providing a better planning outcome in securing a higher level of affordable housing and considering the proximity of Langdon Park in this instance.
- 8.100 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, given the existence of facilities in nearby Langdon Park and Bartlett Park which fall within the above

distances. As such, officers are generally supportive in the approach of focussing the play space to the younger children.

- 8.101 Overall, it is considered that the proposal subject to condition would provide an acceptable play environment for children.

### **Amenity**

- 8.102 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

### Overlooking and privacy

- 8.103 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.104 Other than the ground floor which comprises the entrance lobbies and commercial unit the development has been designed with the primary aspects being east (across the DLR) and west (across Chrisp Street). A number of windows exist on the South elevation facing the Health Centre (three on floors 1-4 and one on each floor above that); however these would not result in any unacceptable privacy impact.
- 8.105 The Equinox development, to the west, on the opposite side of Chrisp Street would have a separation distance of more than 18 metres at the closest section to the application site. To the east there would be ample separation distance between the proposed building and Langdon Park School located beyond the DLR tracks. The north facing windows of the flats in the northern protruding section of the building facing Parkview Apartments would have a separation distance of under 6 metres and as such these secondary windows would be obscure glazed. On floors 1-4 there would be a north facing windows in that part of the elevation that are also cut in, serving single and twin bedrooms respectively. The separation distance to Parkview Apartments here is 13 metres but there is only a corridor window in the south facing elevation of this development which is considered acceptable, as it ensures there is not habitable room facing adjoining habitable rooms.

### Outlook and sense of enclosure

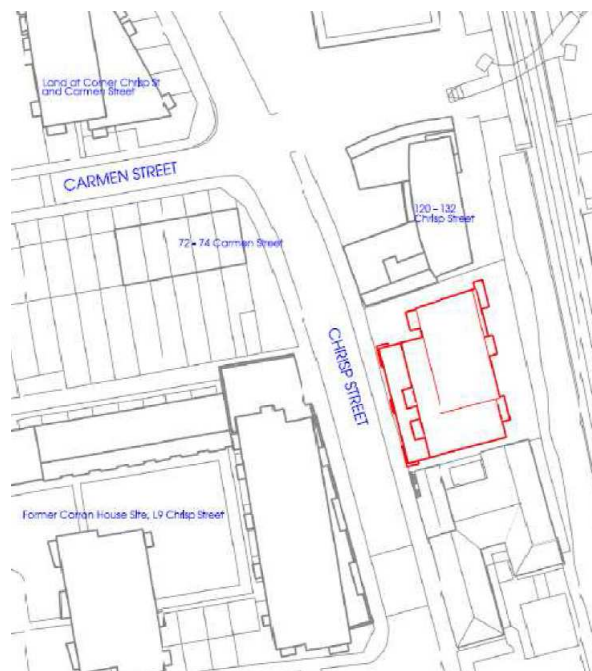
- 8.106 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development with Parkview Apartments is most relevant here with separation distance of under 6 metres at its closest point. However, given that this elevation of Parkview contains high level

windows and windows serving cores an appropriate design response has been achieved to ensure the development does not result in an unacceptable sense of enclosure.

### Daylight, Sunlight and Overshadowing

- 8.107 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.108 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.
- 8.109 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties.
- 8.110 The following closest surrounding buildings were tested in terms of how they would be impacted in terms of daylight, sunlight and overshadowing:  
72-74 Carmen Street to the north-west,  
Parkview Apartments to the north (120-122 Chrisp Street),  
Equinox development to the west (Former Carron House Site L9)

The properties are shown in the following plan:



8.111 Of those windows tested in those buildings listed above only Parkview Apartments and the Equinox development had windows that did not pass the test for VSC. The following table shows a summary of the VSC results. The properties that fail VSC are discussed in more detail below.

| Property Ref   | Vertical Sky Component Test |                                |                                |
|--|-----------------------------|--------------------------------|--------------------------------|
|  | No. of Windows Tested       | No. of Windows Passed VSC Test | No. of Windows Failed VSC Test |
| 72-74 Carmen Street  | 4                           | 4                              | 0                              |
| Land at corner of Chrisp Street & Carmen Street                | 30                          | 30                             | 0                              |
| 71 Carmen Street (Ballymore Scheme)                            | 14                          | 14                             | 0                              |
| 120-132 Chrisp Street  | 44                          | 19                             | 25                             |
| Former Carron House Site, L9 Chrisp Street (without balconies) | 60                          | 26                             | 34                             |
| <b>Total</b>   | <b>152</b>                  | <b>93</b>                      | <b>59</b>                      |

Table 5: Vertical Sky Component Test

*Parkview Apartments*

8.112 The windows which failed to achieve the guidelines in this building are the high level windows that run up the south elevation and 5 windows on the west elevation which is set back from the front elevation on floors 1-5. These are shown in the following image:



Photo 1: showing Parkview Apartments

8.113 These high level windows on the south elevation are secondary windows. The main windows to the rooms that they serve, achieve the BRE guidelines, and therefore large losses of light to these windows do not represent a failure to achieve the guidelines.

- 8.114 Five bedroom windows fail to achieve the guidelines on the west elevation at the lower levels, the development would result their relative daylight reduced by between 27.25% and 41.84%. The windows are shown on the white wall in the photo below:

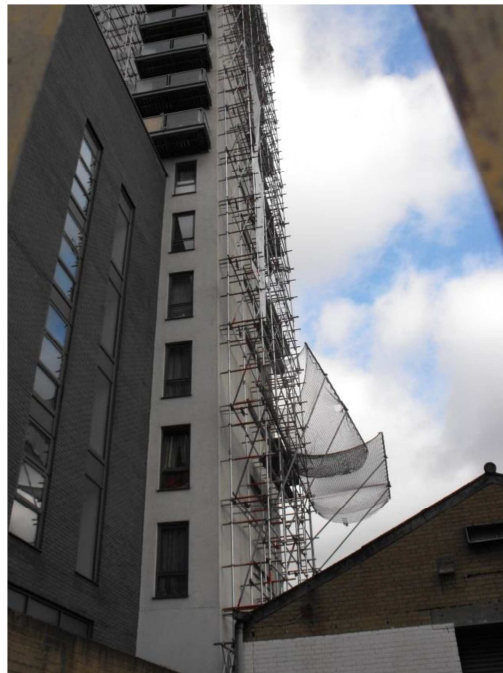


Photo 2: Part West Elevation - Parkview Apartments

- 8.115 The wall adjacent to these bedroom windows already significantly limits daylight to these windows and make them dependent upon daylight across the development site. A loss of light in a similar way to the south therefore results in the significant impact. It is considered that the specific design of the building with these windows set so far back from the front elevation leads to the impacts and the reliance of light across the application site unfairly compromises development of this site. Given the failures are isolated and the other windows within the development achieve the guidelines it is therefore considered acceptable.
- 8.116 In terms of the sunlight impacts on Parkview Apartments BRE state that all of the windows for this building achieve the recommendations for loss of annual probable sunlight hours as, despite large losses, they retain the recommended value of 25% in each case. Three windows however do fail to achieve the recommendations for winter sunlight hours as they both experience large losses and retain less than 5%. However, a loss of winter sunlight is less important provided the windows retain enough sunlight throughout the year. The losses to sunlight to this building are therefore considered acceptable.

#### *Equinox Development*

- 8.117 The Equinox development is a recently completed nine storey residential development located to the west of the proposal site, on the opposite side of Chrisp Street. The ground floor is in commercial use. The top three storeys are set back from the main elevation. On the first to sixth floors, many of the windows on this east facing elevation are under inset balconies enclosing the windows from above and on their sides. Many of the windows are also recessed into the building. This makes the windows very dependent upon light from directly in front of them. The following photograph shows this building.



Photo 3: Equinox Building

- 8.118 Of the windows tested at the Equinox building 34 would result in relative losses of daylight that fall outside of the BRE target values. A majority of the failures would be very significant resulting in VSC reductions of up to 88.3% in some cases. 20 of the 34 windows would experience VSC reductions greater than 64.1%. The remaining 14 windows would be affected less significantly than those mentioned above.
- 8.119 It is considered that the specific design of the Equinox building with inset balconies and the fact that the buildings opposite are presently low rise leads to these very large relative reductions in VSC.
- 8.120 The balconies significantly reduce the daylight receive by the windows underneath them. BRE note that losses would be increased by up to around 30% for the windows located under balconies in this case. The failures when compared to the building without balconies would instead be in the range of 23.09% and 65.34%. It therefore can be seen that the self-design of the development leads to a reliance of daylight from directly in front of it and much greater losses of daylight than would otherwise be the case.
- 8.121 Moreover, the Equinox development was consented with the then two consented 10 storey developments (see Planning History) on the application site in mind. It should be borne in mind that the relative losses in VSC have been assessed against the context of two low-rise buildings opposite. It follows that if there was development of a similar size and scale to the Equinox development, such as the previously consented schemes on the application site, there then there would be a still less significant reduction in daylight caused by the currently proposed development. As a large development that blocks a significant amount of light itself, the applicant considers it is unreasonable for the Equinox development to rely on unimpeded light from the application site and which the design of the building with inset balconies exacerbates. Officers have some sympathy with this position.
- 8.122 There would be no adverse sunlight impacts on this building.
- 8.123 Taking the above into consideration it is acknowledged that there would be impacts but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. It should be accepted that the general pattern of development in this area is higher and denser



than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.

- 8.124 Taking the above into consideration it is acknowledged that there would be impacts in particular on the Equinox development but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. Given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.125 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by dense development in relatively close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

#### Noise and Vibration

- 8.126 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.127 The proposed development will experience high levels of noise from local road traffic along Chrisp Street which has a significant number of HGV and Bus movements and the DLR in close proximity to the development. Aircraft noise is also to a small degree a factor at this location, as flights from London City Airport regularly overfly this area.
- 8.128 A Noise and Vibration Assessment by Hepworth accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.129 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures would be secured by condition.
- 8.130 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.131 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of "low probability of adverse comment" as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.
- 8.132 Conditions have been recommended to ensure the hours of operation and servicing for any A3 use is controlled appropriately. Any A3 use will be limited to the following hours on any day.

07:30 and 23:00 on any day.

- 8.133 Overall, subject to conditions any adverse impacts on noise and vibration are suitable controlled and are acceptable.

### **Transport, Access and Servicing**

- 8.134 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.135 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.136 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.137 The site benefits from good access to public transport, being located approximately 100 metres walk from Langdon Park DLR station to the north east. Bus stops are located on Chrisp Street just outside the site and 2 minutes walk away on Cordelia Street The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.
- 8.138 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

### Cycle Parking

- 8.139 At the time of submission the proposal complied with the adopted cycle parking standards as set out in the London Plan and Managing Development Document. These standards require 90 cycle parking spaces to be provided. The development provides 93 covered secure cycle parking spaces with two main cycle parking rooms accessed from the rear of the building and a smaller separate store located at the south eastern corner. This arrangement is considered sufficiently convenient. In addition to this 8 visitor spaces would be provided from 4 Sheffield stands at the front of the building.
- 8.140 Since that time the London Plan (FALP 2015) policy 6.9 has increased the minimum cycle parking standards for residential development. The requirement under the current regulations would be 127 spaces. Full details of cycle parking would be finalised under condition with the aim of achieving the latest minimum standards although it is acknowledged with the size constraints this may not be entirely possible.

### Car Parking

- 8.141 Policy DM22 sets out the Council's parking standards in new developments.
- 8.142 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.143 Three on-street accessible spaces have been identified at the front of the development on Chrisp Street. This would be under the policy target of 7, representing 1 for each accessible unit within the development, however owing to the site the provision of 3 spaces is considered acceptable. The Council's Parking Services has agreed on the location following a site visit with the applicant. Should planning permission be granted the applicant must enter into a S106 agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges rather than them all being installed from the outset. This approach is agreed by the Council's Highways team.

### Servicing and Refuse Storage

- 8.144 The Council's Highway's team have agreed that servicing can take place from Chrisp Street subject to a Service Management Plan that would be reserved by condition. It is intended to conduct servicing within the constraints of the traffic controls along Chrisp Street. The latest controls show a single yellow line on-street with signed indicating parking between 8.30 and 5.30 Monday to Saturday. This would allow maximum loading times during the restricted hours of 20 minutes and unrestricted loading outside of these limits. Deliveries or removals by HGV or equivalent that are likely to require longer than 20 minutes would be scheduled to take place outside of the restricted times.
- 8.145 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.146 The scheme is proposed to have a management scheme where the bins will be positioned from their dedicated stores within the building, to sit within the 10m distance from the pavement to meet the policy guidance. These locations, along the southern elevation of the commercial unit and at the north western corner of the site would only to be used on the day of collection and would not obstruct passing pedestrians, residents or other companies requiring access.
- 8.147 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.148 Pavement crossing to permit bins to reach the rear of vehicles would be secured as part of a wider S.278 agreement reserved by condition.

## **Sustainability and Environmental Considerations**

### Energy efficiency and sustainability standards

- 8.149 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.150 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.151 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.152 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.153 The submitted Energy and Sustainability Statement has broadly followed the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy (9.4% reduction), delivering heat efficiently (use of CHP – 30.9% reduction) and integration of renewable energy technologies (9.9kWp PV array – 4.7% reduction). The energy strategy proposes a communal heat system for the hot water and space heating to be served by two 15kWe CHP units.
- 8.154 The CO<sub>2</sub> emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

### Biodiversity

- 8.155 Policy Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP). A green roof is proposed, but there is no information on the type of green roof. The detailed specification of the bio-diverse roof (substrate depth and type, species selection, bug habitats etc) can be agreed by condition.
- 8.156 With regards the landscaping proposed at ground level, trees have been chosen for their particular position in the landscape, i.e. tolerance of urban conditions, soil depths, confined space, shade tolerance, etc. The shrub and herbaceous planting includes a few good nectar rich plants which will also enhance biodiversity to an extent but a greater diversity of these plants is sought from the Council's biodiversity officer. A further condition relating to additional planting details will be attached to the permission.

### Land Contamination

- 8.157 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

### Flood Risk

- 8.158 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.159 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment
- 8.160 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

### **Health Considerations**

- 8.161 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough 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.
- 8.162 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.163 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

### **Planning Obligations and CIL**

- 8.164 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 8.165 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

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

8.167 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.168 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.169 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.170 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£718.2** towards employment, skills, training and enterprise initiatives for unemployed residents
- b) A contribution of **£18,495** towards training skills for construction job opportunities
- c) **£1,000** towards monitoring fee (£500 per s106 HoT's)

**Total £20,213.2**

8.171 The following non-financial planning obligations were also secured:

- a) Affordable housing 37.4% by habitable room (26 units)  
68% Affordable Rent (17 units)  
32% Intermediate Shared Ownership (9 units)
- b) Access to employment  
20% Local Procurement  
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement
- e) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.

8.172 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

### **Local Finance Considerations**

8.173 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

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

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

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

8.174 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.

8.175 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

8.176 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.

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

8.178 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £101,446.00 in the first year and a total payment £663,279 over 6 years.

### **Human Rights Considerations**

8.179 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

8.180 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 of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

8.182 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

8.184 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

8.185 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:



- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

## **9.0 CONCLUSION**

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

# 10.0 SITE MAP



# Agenda Item 6.3

|   |  |   |                        |
|---|--|---|------------------------|
| <b>Committee:</b><br>Strategic Development Committee      | <b>Date:</b><br>28 <sup>th</sup> July 2016 | <b>Classification:</b><br>Unrestricted  | <b>Agenda Item No:</b> |
| <b>Report</b><br>Corporate Director Development & Renewal | <b>of:</b>                                 | <b>Title:</b> Planning Application for Decision                                 |                        |
| <b>Case</b><br>Gareth Gwynne                              | <b>Officer:</b>                            | <b>Ref No:</b> PA/16/00479 Full Planning<br>PA/16/00480 Listed Building Consent |                        |
|   |  | <b>Ward(s):</b> St Katherine Dock and Wapping                                   |                        |

## 1. APPLICATION DETAILS

**Location:** Royal Mint Court, London, EC3N 4QN  
**Existing Use:** Office (use class B1(a)), Gym (use class D2) and Pub (use class A4)

### **Proposals: PA/16/00479:- Full Planning**

Full planning permission for comprehensive redevelopment of the site to provide an employment-led mixed use development of up to 81,000sqm of B1, A1, A3 and D2 floor space, involving the refurbishment and restoration of the Johnson Smirke Building (Grade II\* listed), remodelling and refurbishment of the façade of the Registry (Grade II listed), with alterations and extensions to the remainder of the building, the retention, part demolition, alterations and extensions to Murray and Dexter House, the erection of a standalone four storey building with the south west corner of the site, alterations to existing boundary wall to create new access points to the site and associated public realm and landscaping and all ancillary and associated works.

### **PA/16/00480:- Listed Building Consent**

Listed Building consent for the refurbishment and restoration of the Johnson Smirke Building (Grade II\*), remodelling and refurbishment of the Grade II façade of the Registry, with alterations and extension to the remainder of the building and alterations to existing boundary wall to create new access points to the site and all ancillary and associated works.

**Drawing Nos:** 5355-00-001, 5355-00-002\_Rev B, 5355-00-101, 5355-00-102, 5355-00-103, 5355-00-104, 5355-00-111, 5355-00-112\_RevA, 5355, 00113\_Rev A, 5355-00-114\_Rev B, 5355-00-121, 05355-00-122 5355-00-131\_Rev B, 5355-00-132\_Rev B, 5355-MD-00-200 5355-MD-00-201, 5355-MD-00-202, 5355-MD-00-203, 5355-MD-00204, 5355-MD-00-205, 5355-MD-00-206, 05355-MD-00-207, 5355-MD-00-209, 5355-MD-00-231, 5355-MD-00-232, 5355-TR-00-200 5355-TR-00-201, 5355-TR-00-202, 5355-TR-00-203, 5355-TR-00-204 5355-TR-00-205, 5355-TR-00-206, 5355-TR-00-221, 5355-MD-20-200 5355-MD-20-201\_Rev A, 5355-MD-20-202\_Rev A, 5355-MD-20-203\_Rev A, 5355-MD-20-204\_Rev A, 5355-MD-20-205\_Rev A, 5355-MD-20-206\_Rev A, 5355-MD-20-207\_Rev A, 5355-MD-20-208\_Rev A, 5355-MD-20-209\_Rev B, 5355-MD-20-221\_Rev B, 5355-MD-20-231\_Rev B, 5355-MD-20-232\_Rev B, 5355-TR-20-200, 5355-TR-20-201, 5355-TR-20-202\_Rev A, 5355-TR-20-203\_Rev A, 05355-TR-20-

204\_Rev A, 5355-TR-20-205\_Rev A, 5355-TR-20-206,05355-TR-20-221\_Rev B, 5355-SH-20-200, 5355-SH-20-221, 5355-MD-21-401\_Rev B, 5355-MD-21-402\_Rev B, 5355-MD-21-403\_Rev B, 5355-MD-21-404\_Rev B, 5355-TR-21-401\_Rev B, 5355-TR-21-402\_Rev B 5355-SH-21-401, 1409\_00\_100 Rev. P1, 1409\_00\_101 Rev. P1,1409\_00\_102 Rev. P1 , 1409\_00\_103 Rev. P1 , 1409\_00\_104 Rev. P1, 1409\_00\_105 Rev. P1, 1409\_00\_106 Rev. P1, 1409\_00\_107 Rev. P1,1409\_00\_108 Rev. P1, 1409\_00\_109 Rev. P1,1409\_00\_110 Rev. P1, 1409\_00\_111 Rev. P1, 1409\_00\_112 Rev. P1 , 1409\_00\_113 Rev. P1, 1409\_00\_115 Rev. P1, 1409\_00\_116 Rev. P1,1409\_00\_117 Rev. P1, 1409\_00\_200 Rev. P1 , 1409\_00\_201 Rev. P1, 1409\_00\_202 Rev. P1, 1409\_00\_203 Rev. P1, 1409\_00\_204 Rev. P1, 1409\_00\_205 Rev. P1,1409\_00\_206 Rev. P1, 1409\_00\_207 Rev. P1, 1409\_00\_208 Rev. P1, 1409\_00\_300 Rev. P1, 1409\_00\_301 Rev. P1 , 1409\_00\_302 Rev. P1, 1409\_00\_306 Rev. P1, 1409\_00\_307 Rev. P1, 1409\_00\_308 Rev. P1,1409\_00\_312 Rev. P1,1409\_00\_313 Rev. P1,1409\_00\_314 Rev. P1

## Documents

- Design and Access Statement, dated February 2016
- Landscape Design and Access Statement
- Planning Statement, dated February 2016
- Geotechnical Desk Study, dated February 2016
- Flood Risk Assessment, dated February 2016
- Foul and Surface Water Drainage, dated February 2016
- Incoming Services Strategy,
- Heritage Appraisal, dated February 2016
- Heritage Statement Addendum, dated June 2016
- Contamination Desk Study, dated 2016
- Arboricultural Survey Report, dated July 2016
- Transport Assessment, dated February 2016
- Light Pollution Report (Rev B) dated 19th February 2016
- Outline Ventilation Strategy, dated February 2016
- Statement of Community Involvement, dated February 2016
- Preliminary Ecological Appraisal, dated February 2016
- Environmental Statement, dated February 2016,
- Environmental Statement Addendum, dated June 2016
- Energy Statement, dated 6th May 2016
- Transport Assessment, dated February 2016
- Sustainability Statement (Rev C), dated February 2016
- Daylight, Sunlight and Shadow Study, dated July 2016

**Applicant:** RMC LH Co Ltd

**Owner:** RMC LH Co Ltd

**Conservation Area:** Tower of London Conservation Area

**Historic Building:** Johnson Smirke Building (Grade II\*)  
Seamans Registry Building (Grade II)  
Two cast iron lampstand (Grade II)  
Main gate entrances lodges (Grade II)

## 2 SUMMARY OF MATERIAL CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against its adopted planning policies as set out in the Borough's Local Plan, specifically the Core Strategy (CS), Managing Development Document (MDD), it has also assessed the application against strategic development plan policies as set out in the consolidated London Plan (March 2016) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's adopted *City Fringe Opportunity Area Planning Framework* (December 2015) and the London View Management Framework SPG.

- a) In land-use terms the scheme is consistent with policy and strategic framework guidance documents for Tower Gateway and the City Fringe as a proposed office-led mixed-use redevelopment scheme on a site with an existing significant quantum of employment space in an area designated as a Preferred Office Location within the Borough. The proposed flexible use, primarily ground floor commercial uses are complementary to the B1 Use office spaces. The flexible use retail spaces will animate the ground floor plane to this unique 'business campus' site and encourage prestigious companies to take up residency in the 'A' grade B1(a) office space, as well as attracting neighbouring office workers, casual visitors and local residents onto the site to enjoy the site's heritage assets and to enjoy its attractive and generously sized publically accessible landscaped spaces.
- b) In employment terms with the enhanced quality and quantum of office floorspace, the scheme is predicted to lead to a gross employment capacity on site of 5,288 (Full Time Equivalents), currently there are six people employed on site and an existing employment capacity of 4,059 (FTE). Planning obligations would secure skills training and employment opportunities for local people at end phase and during the construction phase; with an anticipated 222 FTE jobs over the estimated 30 month long demolition, refurbishment and construction stage.
- c) The scheme would lead to greater permeability of the site with the public gaining unrestricted access to the site from the north, south and east, thereby providing improved pedestrian links and routes to/from the site to the surrounding area, most notably to the 2<sup>nd</sup> entrance to Tower Gateway DLR Station (to the north on Mansell Street) and St Katherine Dock (to the south). All the proposed access points to the site would be level access or alternatively in the case of access from the public subway provide fully wheelchair accessible lift access in marked contrast to the existing stepped entrances to site, to building and to the rear courtyard.
- d) The external appearance of the buildings on site built in the late 1980's are tired in appearance and in functional terms outmoded internally. As such, they no longer classify as "A" grade office space. The proposed external appearance of Dexter and Murray House would be much improved over today's appearance with the introduction of new facades and a better more sympathetic palette of facing materials. The scale and massing of the proposed buildings is considered to be broadly acceptable in the context of designated heritage assets on and off site.
- (e) The scheme would have a variety of impacts upon the character and appearance of Tower Conservation Area and to listed buildings on site, from some minor

adverse visual impacts upon the skyline of Johnson Smirke to a set of positive visual amenity effects. The latter heritage benefits resulting from the scheme include opening up views of the Johnson Smirke building from East Smithfield (to the south); the erection of a new Staff Building that would help frame the front forecourt; to the visual amenity of the Tower Conservation Area and Mansell Street from the demolition of the existing modern extension to the Registry Building with a more sensitive replacement extension.

- f) The scheme would have no readily discernible impact on LVMF views of the Tower of London World Heritage site. In respect to the identified local setting of Tower of London the scheme is considered to have only minor adverse impacts. The maximum height of the proposed building would be 46.38m (AOD) compared to maximum existing height of 45m (AOD) and would consist of 8 storeys including ground floor plus an additional basement/lower ground floor.
- (g) Great importance and weight needs to be given to the impact of the scheme upon heritage assets when carrying out the balancing exercise in the determination of the application. Taken overall the positive heritage benefits resulting from the scheme is considered to outweigh other resultant heritage dis-benefits. The heritage benefits of the scheme include the opportunity (not previously realised nor adequately secured with the existing 1987 consent) of giving the public appropriate access to the site's archaeology that is of national significance and to secure a Heritage Interpretation Centre to allow the public to meaningfully engage with the site's history, including the production of the Crown's coinage on site. These benefits would be secured by the s106 legal agreement.
- (i) The scheme has been considered in terms of amenity impacts to existing neighbours and found to have no undue adverse amenity impacts.
- j) In respect of highways and transportation, with mitigation measures secured by planning condition and legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Adequate facilities for cyclists will be provided by the development.
- k) In terms of energy use, carbon reduction, ecological enhancements to biodiversity the scheme is considered to provide a sustainable form of development.

### **3 RECOMMENDATION**

3.1 That the Committee resolve to grant planning permission and listed building consent subject to:

A. Any direction by The London Mayor

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

#### Financial Obligations:

- a) £301,888 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- b) £444,133 towards the end-use phase training and development.

- c) A Carbon top-up mechanism triggered, should the requisite updated Energy Strategy fail to meet the policy 45% CO2 reduction requirements
- d) Central London Crossrail Top up Contribution estimated at £1,621,500

Total financial contributions of £2,367,521 plus monitoring equivalent to £500 per item.

Non-financial contributions

- a) Heritage Interpretation Strategy including provision of an Interpretation Centre to enable the public to engage in a meaningful way with the site's rich history including that of the Royal Mint itself and the site's archaeology which is of national significance.
  - b) Archaeology Conservation Management Plan including securing controlled public access arrangements to the site's archaeological ruins and fully prepared architectural designs to best showcase the ruins.
  - c) Provision of incubator workspace structured for small start-up enterprises, delivered by a specialist workspace provider, with individual office/desk space let on a very flexible short term basis with access to shared support facilities. The operation maintained for the life of development.
  - d) Permanent public access across the site with pedestrian access maintained from access points to the north, south, west and east including maintaining lift access from the public subway for the life of the development.
  - e) Public realm improvements outside the red line on the east side of the Tower Hill traffic interchange
  - f) At least 30 apprenticeships to be delivered during the construction phase of the development
  - g) At least 4 apprenticeships during end-user phase to be delivered over the first 3 years of occupation, a minimum of NVQ Level 2 qualification
  - h) Developer to exercise best endeavours to ensure 20% of the construction phase and end phase workforce will be residents of the Borough
  - i) 20% of goods/service during construction are procured from businesses in Tower Hamlets
  - j) Car Parking Management Plan that secures car parking bays are not let on a standalone commercial basis and individual allocated Blue Badge parking bays do not revert to general parking, should they prove surplus to their intended purpose.
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

### 3.4 **Conditions**

#### **Full Planning Application:**

##### **Pre commencement**

- Construction, Logistics & Environment Management Plan
- Noise Mitigation Strategy
- Land Contamination Risk Assessment
- Zoned Archaeological Mitigation Plan
- Archaeological Recording
- Details of tree and root protection measures
- Revised arboriculture report
- Construction Phase Site Wide Management Plan

##### **Prior to construction works**

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology
- Details of cycle stand specification, locations and shower and storage facilities
- Details of materials
- Details of external appearance including samples of facing materials

##### **Prior to Construction above ground level**

- Impact of the development upon existing water supply capacity & infrastructure
- Details of wind mitigation
- Biodiversity enhancements
- Updated Energy Strategy including details NOx emissions from energy centre
- Landscape Plan
- Details of external appearance including samples of facing materials
- Details of acoustic glazing and ventilation
- Water infrastructure impact and capacity study
- Air Mitigation Strategy

##### **Prior to first occupation**

- Delivery and Service Management Plan
- Waste Management Plan
- Secure by Design accreditation
- Legible London signage update
- Details of wind mitigation measures
- Detail of specification and design of PV Panel
- Solar glare assessment for glazing
- Updated lighting strategy to mitigate light pollution to World Heritage Site
- Details of extraction for A3 Uses
- Details of privacy devices to east face elevation of Dexter and Murray House
- Floorplan of incubator workspace

##### **Compliance Conditions**

- Time limit for consent
- Accordance with the approved plans
- New buildings achieve BREEAM “excellence” and refurbished buildings “very good”



- Minimum hours of opening of Heritage Interpretation Centre
- Installation and management plan of lift to public subway

### **Listed building Consent Conditions**

#### **Prior to commencement of relevant Works**

- Historic building recording survey
- Details and samples of facing materials, minimum 1:20 drawings for remodelled doors, windows and openings
- **Any additional conditions as directed by the Corporate Director Development and Renewal**

## **4. PROPOSAL, LOCATION DETAILS, AND DESIGNATIONS**

### **4.1 Proposal**

4.2 The proposal is for the comprehensive redevelopment of the site to provide an employment-led, mixed-use development comprising primarily of offices (Class B1), with some retail/restaurant uses (Class A1/A3) primarily located at ground floor level, a potential for a gym use (Class D2) and a site specific Heritage Interpretation Centre. The proposals would involve:

- Erection of one relatively small four storey building, identified as the 'Staff Building', on the southern edge of the front forecourt;
- Substantial remodelling of the 1980's built Dexter and Murray House buildings;
- Retention of the listed south faced façade of the Registry Building alongside wholesale demolition and reconstruction of the remainder of the Registry building that is of modern construction;
- Introduction of a mansard roof storey to the Registry Building;
- Internal refurbishment to the Grade II\* Johnson Smirke building plus subtle external alterations/restorations to the rear of the building and roof.
- Creation of three new publically accessible pedestrian access routes to the site from north, south and east involving alterations/ piercings of the boundary wall of the site.
- New landscaping and arrangement of the sites open spaces

4.3 Table 1 below sets out the proposed land use by building (excluding plant/store) with the existing figure provided in brackets.

| <b><u>Building</u></b>           | <b><u>Use</u></b>              | <b><u>Area (GEA sq.m)</u></b> |                 |
|----------------------------------|--------------------------------|-------------------------------|-----------------|
|                                  |                                | <b>Proposed</b>               | <b>Existing</b> |
| <b>Murray &amp; Dexter House</b> | B1(a)                          | 53,056                        | 43,413          |
|                                  | Gym/Sports Centre<br>D2/ B1(a) | 1,486                         | 2,398           |
|                                  | A4                             | 0                             | 305             |
| <b>Registry Building</b>         | B1(a)                          | 8,623                         | 10,310          |
|                                  | A1/A3                          | 2084                          | 0               |
| <b>Johnson Smirke Building</b>   | B1(a)                          | 3,484                         | 5,158           |
|                                  | A1/A3/B1(a)                    | 906                           | 0               |

|                    |                |       |     |
|--------------------|----------------|-------|-----|
|                    | A1/A3          | 1,372 | 0   |
| <b>Staff House</b> | A1/A3/B1(a)/D1 | 1678  | N/A |

- 4.4 The scheme would result in a total gross external area of 80,956sq.m, a total addition of 19,372sq.m over existing (GEA) on site. In percentage terms this represents an approximate 24% increase in floor area. The main increase in floor would be achieved from the remodelled and enlarged Dexter and Murray Houses that are located towards the eastern edge of the site.
- 4.5 The proposal would result in a minimum 6,282sq.m (GEA) of additional B1(a) floor space compared to what currently exists on site.
- 4.6 The scheme proposes to retain much of the superstructure of the two largest conjoined buildings on site namely Murray and Dexter House, although the proposal would demolish existing sections of these building on their western edge. This 'cut back' creates greater breathing surrounding the listed Johnson Smirke building.
- 4.7 Dexter and Murray House would have entirely new treatments to each of its buildings elevations.



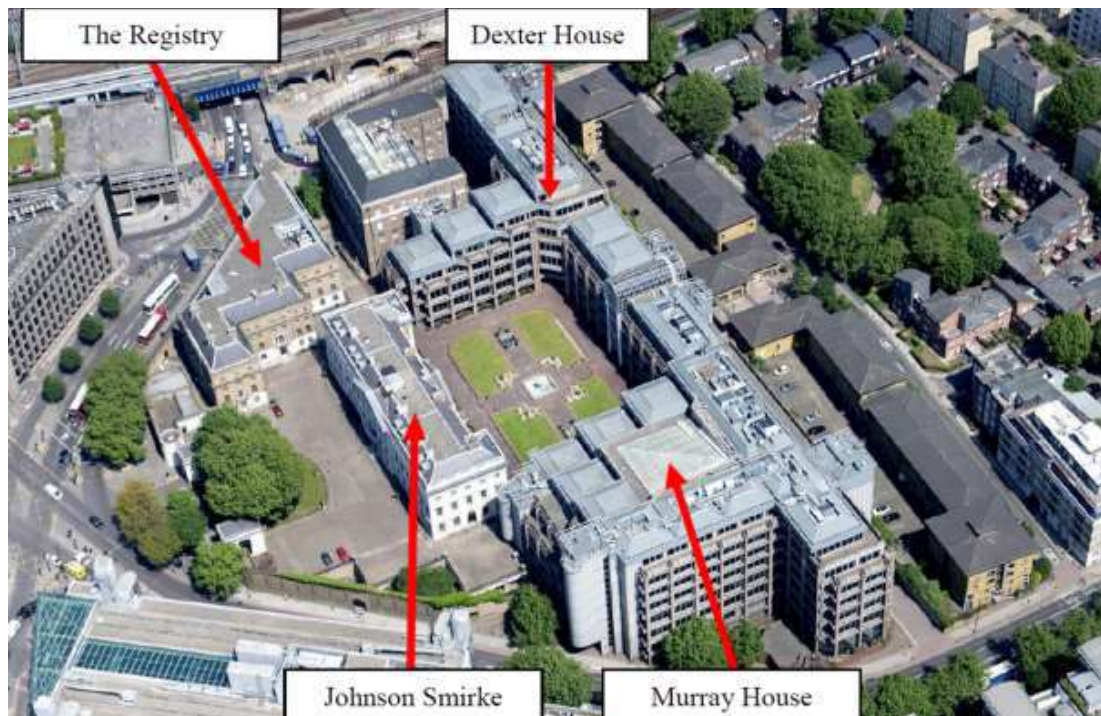
**Figure1: CGI of proposal showing Murray House (left) and rear façade of Johnson Smirke Building (right)**

- 4.8 The maximum height of the proposed building would be 46.38m (AOD) compared to maximum existing height of 45m (AOD) and would consist of 8 storeys including ground floor plus an additional basement/lower ground floor.
- 4.9 The site would continue to utilise a service road accessed from East Smithfield and Royal Mint Street that provides loading bay facility at basement level and the scheme

would seek to retain 25 of the 45 existing car parking spaces, 7 parking spaces would be allocated for blue badge users.

#### 4.8 **Site and Surroundings**

- 4.9 The site occupies approximately 2.10 hectares. The site is located to the north east of Tower of London on the east side of the forbidding Tower Hill traffic interchange.
- 4.10 Much of the site's western boundary is marked by an imposing wall to Mansell Street. The wall is not listed but is of heritage value as a record of the site's long history of required enclosure and security. The site is bounded to the north by Royal Mint Street and to the south by East Smithfield. To the east of the site lies a relatively low rise residential development that stands either side of Cartwright Street that was erected.
- 4.11 Within this street block (or land parcel) but outside the red line site boundary is a large and imposing telephone exchange building that opens onto Royal Mint Street and stands between the Registry building (to the west) and the northern end of Dexter House (to the east).
- 4.12 Facing the site to the south on the south side of East Smithfield are two large office buildings known as Tower Bridge House and Commodity Exchange, with St Katherine Docks lying to the south of these two blocks. To the north west of the site are a series of larger office and hotel developments situated on the edge of the City. Royal Mint Street lies to the north side of the site with the Royal Mint Gardens development site located on the north side of Royal Mint Street facing the site.



**Figure 2: Aerial photograph of site**

- 4.13 The site consists of a series of buildings primarily within B1(a) office use. All the site's buildings stand vacant. As the name suggest the site was the location of the Royal Mint with the nation's coinage produced on site from 1810 (when mint production ceased from within the Tower of London). Royal Mint vacated the site in 1976 after production had earlier moved to Llantrisant in Wales. Aside from the listed Registry Building (also known as the Seaman's Registry Building) and the listed Johnson Smirke Building the remaining office spaces on site date from the late 1980's when Crown Estate disposed of the site and the site was redeveloped based on the design of Sheppard Robson, the same architect's practice for the current proposed scheme.
- 4.14 The site falls within the backdrop to London View Management Framework views of the Tower from LVMF View 11B.2 from London Bridge and View 25.A from Queen's Walk, on the banks of the Thames outside City Hall.
- 4.15 The site is enclosed on a number of edges by a historic boundary wall and with railings and two grand gated porticos providing an entrance to the front forecourt set before the principal elevation of Johnson Smirke Building and facing out towards the Tower of London. A listed boundary wall and gate piers to St Katherine's Dock lie to the south of the site and East Smithfield
- 4.16 The Tower of London World Heritage Site (WHS) is located close to the western site boundary and this site is within Tower Conservation Area. In addition to the three main storey Grade II\* listed Johnson Smirke and four storey Grade II listed Registry Building the site contains the Grade II listed main porticos and two cast iron lampstands.
- 4.17 The site is in an area of designated archaeological importance. Indeed the site was subject to a very extensive archaeological dig prior to construction of the office buildings on site of the late 1980's and its archaeology is recognised by Greater London Archaeology Advisory Service to be of national significance containing well preserved ruins of a Cistercian Abbey as well as other archaeology (not all excavated) including Black Death burial grounds and archaeology from the period when he site was Royal Navy goods supply yard (in late 16<sup>th</sup>, 17<sup>th</sup> and early 18<sup>th</sup> century).
- 4.18 The site is within the Central Activities Zone (CAZ) and within the Mayor of London's City Fringe Opportunity Area. The site fails within the Borough Local Plan designated Tower Gateway Preferred Office Location (POL).
- 4.19 The site has a very high Public Transport Accessibility Level (PTAL) of 6a and 6b. The site is approximately 300 metres walking distance from Tower Hill Underground Station and approximately 50m from the 2<sup>nd</sup> entrance to Tower Gateway DLR station on Mansell Street.

## 5 RELEVANT PLANNING HISTORY

- 5.1 A variety of applications including those for minor works have been submitted over the course of time. The more recent and noteworthy applications are referred to below:

### On Site

- 5.2 **PA/86/00813** Planning permission granted 21<sup>st</sup> January 1987 for the "*Erection of offices, museums, sport centre, residential accommodation restaurant, retail facilities, community centre, public house, car parking including a new pedestrian subway under East Smithfield*".

- 5.13 **PA/86/01116** Listed Building Consent granted 22<sup>Nd</sup> August 1986 for refurbishment of interior and part rear rebuilding of rear of Jonson Smirke Building

### **Surrounding Sites**

- 5.6 The following planning decisions on surrounding sites are noted as most salient to this application

#### **Royal Mint Gardens, land at corner of Royal Mint Street and Mansell Street**

- 5.7 **PA/15/02773** Application to be determined application and submitted 2<sup>nd</sup> October 2015 involving the erection of a part 11 and part 12 storey building, containing 196 residential units, 796sqm of retail floor space, 2341sqm of commercial floor space. Creation of new public open space, new pedestrian link and new access to DLR (Tower Gateway Station).
- 5.8 **PA/13/01527** Planning permission granted 22<sup>nd</sup> March 2012 for redevelopment of site for a mixed-use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments and flexible use commercial and community uses including sports facilities and neighbourhood police base within the railway arches.

#### **Tower Bridge House on corner of East Smithfield and Tower Bridge Approach**

- 5.9 **PA/98/1063** Planning permission granted 26<sup>th</sup> April 2000 for demolition of Europe House and redevelopment to provide a seven storey office building with retail units at quay level plus new pedestrian walkways.

#### **London Dock (former News International site)**

- 5.10 **PA/14/02819** Part outline/part detailed planning permission granted 12<sup>th</sup> January 2015 for a comprehensive mixed use development comprising a maximum of 221,924 sq m (GEA) of floorspace and including up to 1800 new residential (C3) homes; office (B1), retail uses, a secondary school, community uses new in a series new buildings (as well as retained buildings) rising to 25 storeys

## **6.0 POLICY FRAMEWORK**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. 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:
- 6.3 **LBTH's Core Strategy (CS) adopted 2010**

Policies: SPO1 Refocusing on our town centres

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

#### 6.4 **LBTH's Managing Development Document (MDD) adopted 2013**

- Policies:
- DM0 Delivering Sustainable Development
  - DM1 Development within the Town Centre Hierarchy
  - DM9 Improving Air Quality
  - DM10 Delivering Open space
  - DM11 Living Buildings and Biodiversity
  - DM13 Sustainable Drainage
  - DM14 Managing Waste
  - DM15 Local Job Creation and Investment
  - DM16 Office Locations
  - DM20 Supporting a Sustainable Transport Network
  - DM21 Sustainable Transport of Freight
  - DM22 Parking
  - DM23 Streets and Public Realm
  - DM24 Place Sensitive Design
  - DM25 Amenity
  - DM27 Heritage and Historic Environment
  - DM28 World Heritage Sites
  - DM29 Zero-Carbon & Climate Change
  - DM30 Contaminated Land

#### 6.5 **Supplementary Planning Guidance/Documents**

- Adopted LBTH Planning Obligations SPD (2012)
- Revised draft LBTH *Planning Obligations SPD Document* Version for public consultation April 2016.

#### 6.6 **Consolidated London Plan, including Minor Alterations to the London Plan (March 2016)**

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All

- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed Use development and offices
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 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 Lifetime Neighbourhood
- 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
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)

- Control of Dust and Emissions During Construction and Demolition (July 2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)
- City Fringe/Tech City Opportunity Area Planning Framework (December 2015)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy

6.8 **Government Planning Policy Guidance/Statements**

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

6.9 **Other documents**

- Tower of London World Heritage Site Management Plan (2007)
- Tower Hamlets Local Biodiversity Action Plan (2009)
- ICOMOS ‘Guidance On Impacts on World Heritage Properties’ (2011)
- Tower of London WHS Local Setting Study (2010)
- Tower of London World Heritage Site Management Plan (2007)
- Tower of London Public Consultation Draft World Heritage Site Management Plan (2016)

7.0 **CONSULTATION RESPONSES**

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

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

**Internal LBTH Consultees**

**Sustainability Officer**

- 7.3 No objection, subject to conditions and a s106 obligation to provide
- Updated energy strategy to demonstrate CO2 emission reductions in accordance policy requirements (45%).
  - Specification details of the renewable energy technologies
  - Delivery of BREEAM Excellent Development for new elements and Very Good for refurbishment
  - Carbon top-up mechanism by legal agreement should the updated energy strategy fail to meet the 45% reduction requirements.

**Biodiversity Officer**

7.4 The application site is of low biodiversity value. There is some vegetation on the site, including trees and ivy-covered walls which could provide habitat for nesting birds. The loss of these would be a very minor adverse impact on biodiversity.

Overall, the proposals would lead to a net benefit for biodiversity, as required by DM11. The enhancements should be secured by condition and include



Planted ivy (*Hedera helix*) on appropriate walls to provide cover for nesting birds such as house sparrows; landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators and bat boxes

### **Employment & Enterprise Team**

7.5 No objection. S106 subject to:

- Securing construction and end user phase financial contributions,
- Secure small enterprise flexible lease work space, for circa 100 desk spaces approximately 800sq.m (NIA) floor area  
Best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough,
- 20% of goods/service during construction are procured from businesses in Tower Hamlets
- A delivery of a minimum 30 construction phase apprenticeships
- A minimum delivery of 18 end-use phase apprenticeships over the first 3 years of the development being occupied

### **Environmental Health (EH):**

#### EH air quality section

7.6 The development does not meet the Air Quality Neutral requirements with regard to the building emissions; it therefore goes against the London Plan policy 7.14.

- NOx emissions are vastly exceeding the benchmarked emissions target. The calculated building emissions are 3799.5 Kg NOx per annum compared to the calculated benchmark of 2221.2 Kg NOx per annum. Objection to the energy centre in its current state. The proposed plant needs to be reconsidered to lower the emissions with the humidifiers in the energy centre reconsidered given their NOx emissions impacts.
- The air quality assessment determines that there will be moderate adverse impacts experienced at several existing receptors (H, I, J, K). Due to the location of the development the receptors modelled are already experiencing air quality that is exceeding the air quality objective for Nitrogen Dioxide, any increases in pollution concentrations are not acceptable.
- A condition needs to be imposed to secure a mitigation strategy to address emissions and comply with air mitigation neutral requirements.

#### EH - land contamination section

7.7 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy

### **Highways & Transportation**

7.8 Whilst the 45% reduction in car parking spaces is welcomed the retention of 25 car parking spaces including 7 spaces for Blue Badge holders is not supported for this type of development, particularly given the 6a and 6b rating (the highest rating available). There are adequate public car parking spaces available locally which can be used if

required. No justification / mitigation is provided for the retention of the bays not allocated for blue badge bay spaces

- 7.9 The entrance to the car park appears to be *only* wide enough to allow a one way in / out working. Further details are required as to how this will be managed.
- 7.10 Cycle parking exceed the minimum London Plan standards however there is an absence of Local Plan recommended 'Sheffield' type stands in the basement, this should be revisited. It is disappointing further greater detail is not provided on the location of cycle provision prior to determination to gain greater assurance the stated numbers can be met. No cycle parking is proposed for the gym that is an omission.
- 7.11 The data surveys underpinning the trip generation data on servicing in the Transport Assessment from similar sites have not been provided so it is not possible to robustly test if the Transport Assessment analysis is robust in this respect.
- 7.12 The TA concludes that the development will require eight service bays but it is proposed that only seven are provided due to space constraints. This is a concern as the provision could potentially lead to delivery vehicles waiting for a space. Some of the car parking proposed should be removed to allow servicing bays for smaller vehicles which could alleviate this problem.
- 7.13 It is proposed to improve the public realm within the site and to improve pedestrian permeability, both of which are welcomed.
- 7.14 The applicant will be required to enter into s278 agreement with both highway authorities (LBTH and TfL) to improve the public highway adjacent to the site.
- 7.15 The TA identifies an increase in pedestrian movement to and around the site as a result of the development and we would expect improvements to the surrounding public highway to be funded as mitigation for this. TfL has also requested improvements to the local signage (Legible London) and the applicant has proposed other improvements and this is supported and should be secured by an appropriate planning condition.
- 7.16 Should planning permission be granted the following conditions are required:
- Full details of cycle storage, including access arrangements are provided. Drawings to be at a 1:20 scale;
  - A final Travel Plan approved by the LPA/HA prior to occupation;
  - A final DSP is provided by the applicant and approved by the LPA/HA prior to occupation;
  - A final Demolition and Construction Management Plan is supplied by the applicant and approved by the LPA/HA prior to any works taking place on the site. This needs to identify how the development and construction phases of the development will be carried out with minimal disruption to other users of the public highway;
  - A Parking Management Plan is supplied by the applicant and approved by the LPA/HA prior to any occupation of the development;
  - The applicant will be expected to enter into a S278 agreement with both highway authorities.

#### **Waste & Recycling Team**

- 7.17 No objection.

### **Tree Officer**

- 7.18 I surveyed the Royal Mint site and reviewed the Arboricultural report and its update.
- 7.19 The removal of the low value trees from within the site is broadly acceptable, subject to a suitable landscape strategy. The original prepared Arboricultural Survey Report undervalued the quality and amenity contribution of some trees on the BS 5837.

### **Surface Water Drainage Officer**

- 7.20 The proposals are acceptable and comply with the London Plan Policy 5.13 and DM13. The drainage strategies produced by Arup sets out that the proposals will reduce the existing surface water run-off by at least 50%. Four options are proposed to achieve, with the exact combination of these options yet to be fixed. All of the options primarily make use of below ground storage and roof storage. Pumping should be avoided where possible as it would increase flood risk from pump failure. The final details of the sustainable drainage strategy should be secured via a planning condition and include details of future maintenance and the operation and maintenance manual issued to the site's facility management team

### **External Consultees**

#### **Historic England**

- 7.21 The form and layout of the proposed new development are broadly in line with the advice that Historic England has provided at pre-application stage. Our previously expressed objection regarding the impacts upon LVMF View are removed following submission of amended drawings that reduced the proposed height of the Dexter & Murray House and our other previous concern regarding the design of the dormer windows on the Registry Building is also resolved following receipt of amended design details.
- 7.22 We are happy for your authority to determine the proposals as you see fit in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### **Historic Royal Palaces**

- 7.23 No objection. The further reductions in height of Murray and Dexter Houses and the amendments to the treatment of their top storeys have made significant improvements to the aspects of the application that were of concern to Historic Royal Palaces, notably in mitigating adverse visual impacts in the views of the north-east from the north wall walk of the Tower, although not removing it these impacts entirely.

#### **London and Middlesex Archaeology Society**

- 7.24 This proposal is within the National Heritage zone (Tower of London) and is being carefully supervised. As Historic England and other conservation bodies are already involved the Committee had no objections other than the following which related to the Registry building:
1. The mansard windows should be reduced in height to respect the existing hierarchy of window openings.
  2. The loss of the chimneys which form part of the existing skyline.

## **Greater London Archaeology Advisory Service (GLAAS)**

- 7.25 The application site includes the sites of a 1348-9 Black Death Cemetery; the 1350 Medieval Abbey of St Mary Graces (Cistercian Order) and associated monks burial ground; the site of the c 1660-1785 Royal Navy Victualing Yard and latterly the site of the Royal Mint from c 1800 to 1975. Extensive area archaeological excavation took place in late 1980's.
- 7.26 The proposed development involves demolition of three bays of the Dexter/Murray building in which archeological remains are located, plus the installation of new piles. Without proper protection and measures taken during both demolition and construction phase phases the medieval bay ruins would be vulnerable to substantial harm.
- 7.27 There has long been an intention to better enhance and interpret the medieval abbey remains which survive on the application site, with proposals for a museum and/or heritage center being required by the planning consent responsible for the construction of the current building in the late 1980's. For whatever reason this seems not to have been implemented and the medieval abbey remains have been simply left where they now reside in a part enclosed basement which contains services for the building above. The remains have not been accessible to the public for over 25 years and there has been no interpretative or exhibition about the medieval abbey or the later Victualing yard either on site or elsewhere in the LB of Tower Hamlets for the benefit of the local community.
- 7.28 The proposals for the new basement and courtyard do not go far enough, in terms set out in paragraph 131 of the NPPF, in sustaining and enhancing the medieval abbey remains, which Historic England believe to be of national importance. There is an opportunity for the conservation of this nationally important but neglected heritage asset to contribute to sustainable communities and local character.
- 7.29 The proposals for the new build basement would have a number of impacts and implication on the setting of the medieval abbey including the existing space in which they occupy being divided up into a series of small corridors or rooms, restricting the way that the remains can be viewed as a coherent whole. This is to the detriment of the ruins setting and needs to be revisited
- 7.30 We have identified the potential for significant harm to undesignated heritage assets of archaeological interest and also opportunities for public benefits from better revealing their significance. The following is required to best preserve and enhance the nationally important archaeological remains on the site
- a) Some re-design of the proposed basement layout and a legal agreement to achieve long term presentation of the medieval abbey within the redesigned and re-configured new basement
  - b) A Section 106 agreement is required for the, interpretation and exhibition of the medieval standing remains and the presentation of the results of the wider 1980's excavation of the abbey, cemetery and victualing yard site
  - c) A properly designed architecturally planned enhancement of the remains that would involve the re-design of the basement layout and its relationship with the adjacent Johnson Smirke building and the form of the new courtyard.

- d) Secured by planning condition, a zoned archaeological mitigation plan and recording survey to take place where some of the new build proposals impact on previously undisturbed and unexcavated areas

### **Twentieth Century Society**

- 7.31 Object to the proposals for the reasons set out below:

#### Significance

- 7.32 *“Murray and Dexter House by Sheppard Robson and RMJM were built in 1985-89, and range around the courtyard behind the listed Johnson Smirke building. We consider them to be a fine example of late 1980s office architecture and very much of their time. Their interest is derived predominantly from their external envelope. A modular system of windows is articulated by thin mullions, and bold extrusive columns in an earthy orange which exaggerate their structural function. Each floor division is expressed externally by a run of cut through panels which are extended slightly from the building façade. The arched glazed roof at the centre of the scheme makes playful reference to the Crystal Palace.*

- 7.33 *The buildings have powerful detailing but are restrained compositionally, with stepped levels down to the Johnson Smirke building. In this way they provide contrast to their neighbouring buildings but without dominating their setting, and through their tone of materials, they harmonise with the central brick court and landscaped pathways.*

- 7.34 *The buildings have powerful detailing but are restrained compositionally, with stepped levels down to the Johnson Smirke building. In this way they provide contrast to their neighbouring buildings but without dominating their setting, and through their tone of materials, they harmonise with the central brick court and landscaped pathways.*

#### Conclusion

- 7.35 *These proposals will result in the loss of a unique building in the post-modern idiom, which forms an important part of the architectural interest of the Tower of London conservation area. We believe that retention and sensitive refurbishment of the cladding could enhance the setting of the listed buildings on site and provide office space that would have the ability to attract high quality tenants, as expressed in the brief for the new development.”*

### **Georgian Group**

- 7.36 Object for the following reasons:

*The Royal Mint is a Grade II\* listed building, the main significance of which lies in its Johnston and Smirke facades, executed between 1807 and 1817. The present development surrounding the listed building dates from the 1980s. although not sympathetic to the historic environment, some effort was made to ensure that the 1980s work allowed visual pre-eminence to the listed*

*building and its immediate environment when viewed from the main axial approach of lower Tower Hill and East Smithfield. This visual space is all the more important now that large office blocks have been erected on either side of the road to the north and south of the Royal Mint building.*

- 7.37 *The current proposals would harm the significance of the Grade II\* listed building and its forecourt (containing the Grade II listed lodges) in a number of ways.*
- 7.38 *The increase in height of the proposed new buildings compared to the existing would mean that the visual pre-eminence of the Grade II\* listed building would be diluted. Any proposed buildings should not seek to increase the height of the existing, in fact every effort should be made to improve the setting of the Royal Mint by reducing the footprint and height of replacement buildings. The current proposals therefore not only make no attempt to improve the historic environment but rather harm it further, resulting in considerable loss to the amenity of the public realm.*
- 7.39 *The Group advises that the application in its current form would cause considerable harm to the significance of this important composition of Grade II\* and Grade II listed heritage assets.*

#### **Metropolitan Police Designing Out Crime Officer**

- 7.40 No objection, subject to a condition for the scheme to achieve Secure by Design accreditation

#### **Greater London Authority (including Transport for London's comments)**

##### Strategic Overview

- 7.41 While the application is supported in strategic planning terms the scheme does not currently comply with the London Plan, for the reasons set out below that can be remedied.

##### Land Use

- 7.42 The proposed development for enhanced office provision and mix of uses within the CAZ and City Fringe OAPF is supported, in line with London Plan policies 2.1, 2.10 and 2.11. However the applicant should provide flexible, affordable workplace for SME workspace in line with London Plan policy 4.1.

##### Urban design and heritage

- 7.43 The approach to design is broadly supported in accordance with London Plan Policy 7.1. Whilst active frontages within the scheme have been generally maximised, the existing boundary wall represents a significant barrier to the surrounding street environment. It is recognised that the wall has heritage interest as part of the former Royal Mint complex and that it will be important to ensure that the sense of a continued enclosure is retained. However, the inclusion of more ground floor retail as part of the redeveloped Registry Building provides an opportunity to create active frontage along this currently bleak section of the street.

### Strategic views: and World Heritage Site

- 7.44 The proposal would fall within LVMF view 11B.2 and within the setting of the Tower of London WHS. The scheme is in line with London Plan policies 7.10, 7.11 and 7.12, subject to addressing the issues raised in respect of LVMF 11B.2 and the increased height and bulk of Murray House as viewed from within the Tower of London complex in discussion with Tower Hamlets, Historic Royal Palaces and Historic England.

### Inclusive design

- 7.45 The proposed approach to access and inclusion is supported in accordance with London Plan policies 7.2.

### Climate Change

- 7.46 The current proposed energy strategy meets London Plan Policy 5.2

### Urban Greening

- 7.47 Overall, the proposals would enhance urban greening within the CAZ and are supported.

### Transport

- 7.48 Whilst the proposal is broadly acceptable in strategic transport terms the applicant should address concerns raised in respect to parking and by planning condition deliveries & servicing, travel plan and construction logistics plan. TfL consider the site is suitable for a car free development. A highways agreement with TfL should be carried out to improve the pedestrian realm around the site to improve overall quality of the pedestrian environment to the surrounding Transport for London Road Network

### **Corporation of London**

- 7.49 No comments received

### **London Borough of Southwark**

- 7.50 No comments received.

### **London Fire and Emergency Planning Authority (LFEPA)**

- 7.51 No objection

### **Thames Water (TW)**

- 7.52 No objection.

- 7.53 Thames Water requests the proposal takes appropriate measures to avoid the risk of backflow on the assumption that the sewerage network may surcharge to ground level during storm conditions. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Two conditions should be attached to any approval in respect of:
- No Piling without methodology statement in relation to such piling

- Submission of a study on the impact of the development upon the capacity of the existing water supply infrastructure

#### **Port of London**

- 7.54 The River Thames is at a distance of approximately 280m from the application site, and therefore the PLA has no objection in principle to the proposals.
- 7.55 Consideration should be given to the use of the river in terms of Transportation, and promotion of the River Bus. It is pleasing to see that these comments have been taken on board.
- 7.56 The Framework Travel Plan, included in Appendix B of the Transport Statement considers the use of the River Bus (as a sustainable, and therefore more environmentally friendly means of transport), and provides information on the following:
- 1) Provision of targets for river bus use (which reflect the targets set out within the River Action Plan);
  - 2) Measures to encourage river bus use
  - 3) Timetable for River Bus stop.
- 7.57 It is noted that details of interest free season tickets, which could be used on the River Bus service, is also suggested as a further incentive for use of the river. The submitted documents advise that a review of the success of these initiatives within 1 year of the first occupation (and on-going). It would be helpful for the PLA to see the results of the monitoring findings.

#### **Victorian Society**

- 7.58 No comments received.

#### **Thames Water Authority**

- 7.59 No comments received.

#### **Tower Hill Improvement Trust**

- 7.60 No comments received.

#### **London City Airport**

- 7.61 No comments received.

#### **NATS**

- 7.62 No objection. The proposed development does not conflict with safeguarding criteria.

#### **London Underground Infrastructure Protection**

- 7.63 London Underground has no assets within 50 metres of your site.

#### **Environment Agency**



7.64 No comments because we consider the proposal to be low risk in respect of the environmental constraints that fall under our remit.

#### **Natural England**

7.65 No objection.

#### **Crossrail Safeguarding**

7.66 Reviewed the site plan and scheme is outside safeguarding zone, so no further comment to make.

#### **Network Rail**

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

- encroach onto Network Rail land;
- affect the safety and infrastructure of the companies infrastructure;
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

#### **Conservation and Design Advisory Panel (CADAP)**

7.68 The Borough conservation and design panel saw the application at pre-application stage (January 2016) and below is a summary of their comments:

7.69 Further understanding of how the development would integrate with the surrounding area. Queried the scheme was focussing sufficiently at the wider permeability of the area.

7.70 Supported the proposed interventions to the Johnson Smirke building protected at third storey roof level

7.71 Design of remodelling of Registry building still evolving but greater degree of visual separation between the retained façade element and the new extension was sought.

7.72 Principle of new Staff Building support but queried whether there it needed to be of a pastiche recreation of the original or a more contemporary design would be better. As the subway entrance point to the site, more could be made of the design of the building to highlight it as a destination point when viewed from the other side of the road.

7.73 Eastern elevation of the remodelled Murray and Dexter buildings felt to appear somewhat monotonous and overbearing and would perhaps benefit from being broken up more.

7.74 Basic landscape strategy supported some concerns over degree of tree planting in the rear courtyard constraining the flexible use of the space

7.75 Disappointed more could not be made of the Cistercian ruins. Suggested that this aspect of the scheme be revisited to make a greater feature of the ruins.

7.77 Panel interested to learn of a cultural plan for the site. This would include making use of the public space and the provision of public art, reflecting the history of the site.

7.78 Panel supported the steps to open up the front of the site by removing the railings and some of the trees, although were not convinced about the stepped lawn arrangement,

7.87 Overall, the Panel thought that the scheme failed to sufficiently celebrate the entrances to the site, and did not provide an appropriate visual hierarchy of entrances.

## 8.0 LOCAL REPRESENTATION

8.1 491 neighbouring properties were notified in writing about the original planning and listed building consent applications and were consulted again on 22<sup>th</sup> June following receipt of amended drawings. The full planning and listed consent applications has also both been publicised in East End Life and benefited from display of site notices.

8.2 Two letter have been received from the public in respect of the applications.

One of these letters letter expresses a concern, as a neighbouring international law firm that has employees working regularly early and late hours of the day and on weekends that suitable controls are imposed to include (but not limited) construction phase impacts in respect of noise, dust, construction traffic and broader sunlight/daylight impacts from the development.

8.3 The second letter is a letter of support from a residents association, Friends of St Katherine Docks, who state the scheme is excellent and a worthy improvement of this historic site and one which enhances its historic heritage

## 9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (10)
- Design (11)
- Heritage including archaeology and Tower of London World Heritage Site (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)

### Other Considerations including

- Environmental Impact Assessment (16)
- Noise and Dust (17)
- Contaminated Land (18)
- Flood Risk & Water Resources (19)
- Energy and Sustainability (20)
- Biodiversity (21)
- Tree and Landscaping (22)
- Waste (23)
- Microclimate (24)
- Financial Considerations (25)
- Human Rights (26)
- Equalities (27)

## 10.0 Land Use

10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support

sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

10.2 Paragraph 21 of the NPPF states “*planning policies should recognise and seek to address potential barriers to investment*” and goes onto state “*local planning authorities should:*

- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
- *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.”*

10.3 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy

10.4 London Plan Policies 2.11 and 4.3 states schemes that propose to increase office floorspace in the CAZ should provide for a mix of uses, including housing, unless such a mix would conflict with other policies. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to a residential component to office schemes is “*permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity*”. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states “*policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function*”.

10.5 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location* Policy, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy. The Preferred Office Location policy is consistent with Chapter 1 of NPPF and objectives of Paragraph 21 of NPPF of local planning authorities:

- *supporting existing business sectors*
- *providing a clear economic vision and strategy;*
- *positively and proactively encourages sustainable economic growth;*
- *identifying areas to meet economic development needs over the plan period;*
- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*

10.6 Within the suite of adopted Local Plan documents, Policy DM16 of the Boroughs *Managing Development Document* states “*Development resulting in the net loss of office floor space in Preferred Office Locations (POLs) will not be supported.*”

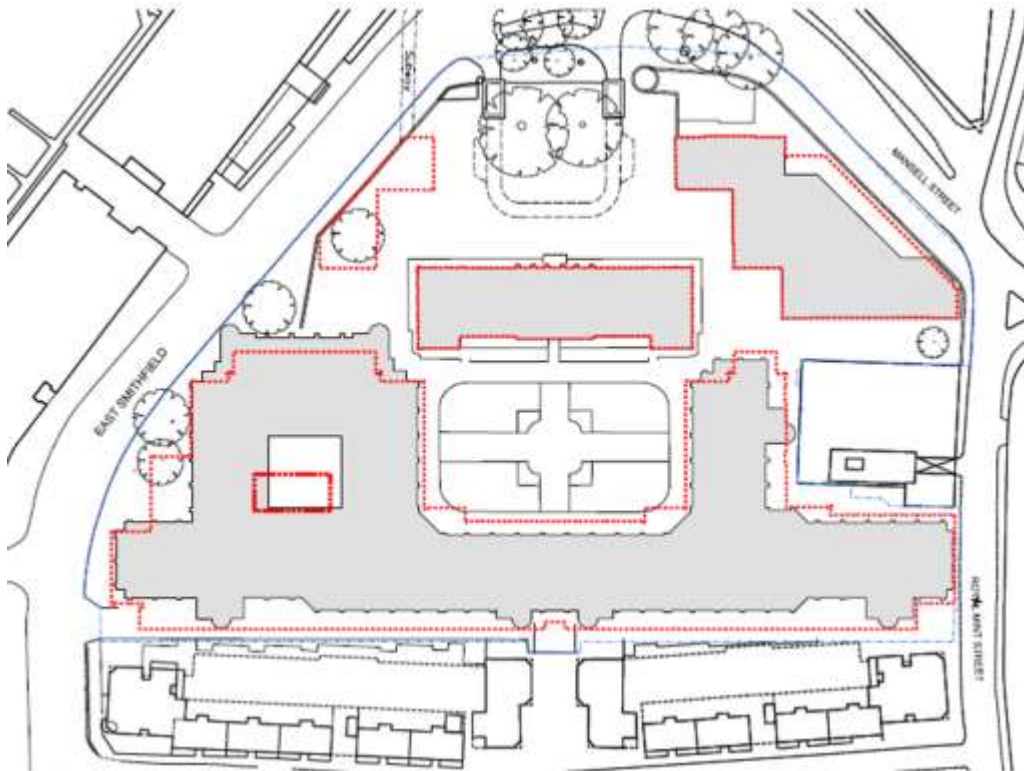
- 10.7 There are four POLs in the Borough located at Canary Wharf, Bishopsgate, Aldgate and Tower Gateway with major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 10.8 Supporting paragraph 16.1 to Policy DM16 states “*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas.*”
- 10.9 Policy SP06 of the Core Strategy sets out the need for employment uses to be understood within a spatial framework to ensure successful and sustainable local and sub-regional economies. A spatial understanding enabled the Council to identify the locations of its four Preferred Office Locations (POL’s) including that of Tower Gateway that arises from its existing context, infrastructure, concentration of activity, and high levels of accessibility.
- 10.10 Set within the above strategic London Plan and Local Plan policy context it is considered the proposed additional office provision is justified without a residential component to the scheme. This stance is accentuated by the proposed scheme providing a significant sum of retail floorspace at ground floor. The Environmental Statement prepared for the application estimates on completion the scheme bring over £216 million into the Greater London economy, with £4.4 million spent annually in the local Borough economy
- 10.16 The scheme would provide minimum 3,456sq.m of flexible use retail/restaurant uses (Class A1/A3). The scheme makes provision for a series of additional flexible uses which could incorporate a further 2,584sq.m of A1/A3 space or alternatively these spaces could also be used for office (B1) or gym (D2) uses.
- 10.17 The proposed new retail and restaurants would activate the ground floor frontages, would help populate two main external courtyard spaces throughout the day and over weekends and would complement the “B1 office offer” as well as drawing casual visitors and tourists onto the site, to linger, and to enjoy its publically accessible open spaces and heritage assets.
- 10.18 The site is at the top of the Borough’s town centre hierarchy given it is in the CAZ and therefore the site is considered in policy terms an appropriate location for retail. Within the Borough the nearest neighbourhood shopping centre is Thomas Moore Shopping Centre set approximately 300m walking distance to the south east of the site. This neighbourhood centre consists primarily of a large convenience food store supermarket. The relative small size of the proposed individual retail units precludes occupation by large A1 outlet (such as food superstores) as such the scheme is unlikely to draw trade away from the town centre.
- 10.19 The proposed mix of A1 and A3 uses are considered consistent with CAZ policies, would not threaten or undermine the vitality and viability of the nearest shopping centre and be a positive addition in terms of activating the site. There are number of tourists and visitors in the local area who would benefit from the flexible use retail provision as would individuals employed in the offices on-site and in the surrounding office buildings. The retail land use would support the objectives of London Plan policies 2.10 (f), 4.7, 4.8 and 7.1 and Policy DM1 of the Borough Managing Development Document.
- 10.20 London Plan policy 4.1 and the City Fringe OAPF set an objective of providing flexible, affordable workplace for small and medium enterprises (SME’s). The scheme would provide a minimum 100 desk spaces (occupying a minimum 800sq.m) as ‘incubator’

type work space for small start-up enterprises. The desks would be let on an individual or group number (via a 'collaborative working' operator for the life of the development) with very flexible short lease arrangements, with shared meeting rooms, and back office facilities. The applicant has provided a floor plan arrangement for this incubator on the ground floor of Dexter House. However the final location of the space in the scheme would not be agreed until first occupation of the development so it does not restrict the applicant's ability to secure tenants for the main office space.

- 10.21 The provision would be consistent with London Plan policy 4.1 and Borough objectives to nurture new local enterprises and would be secured by legal agreement.

## **11.0 Design**

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing places should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 11.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 11.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.



**Figure 3: Existing typical floor plan (shaded area) and proposed floor plan marked by overlaid dotted line**

Layout and public realm

- 11.5 The scheme broadly follows the footprints of the existing building on site, albeit with some alterations to Murray and Dexter House that cut back their western edges (to reveal more of the listed Johnson Smirke Building) and the extension on the rear (east face) of Dexter and Murray House that extends the building approximately 2m closer to the site boundary.
- 11.6 A new building, identified as the Staff Building is proposed in the front forecourt set along its southern boundary (its footprint would broadly match the footprint of a previous lost historic building on the part of the site). The proposed building effectively mirrors the Registry Building in terms of scale and design. It would help frame the front courtyard and in townscape terms help mask a modern off site office block on the south side of East Smithfield building from view and similarly help mask Murray House from a key local view (TVIA View 15) from the pavement opposite the site outside the Tower of London.



**Figure 4: Scheme as viewed from pavement outside Tower of London opposite front gates (approximating TVIA View 15) to Royal Mint Court site**

- 11.7 The scheme physically opens up the site providing new pedestrian links between Royal Mint Street and East Smithfield, as well as between the front of the site and Cartwright Street to the rear. This much improved pedestrian permeability across the site both on a north-south and east-west axis is welcomed. The proposed openings in the historic western boundary have been calibrated to strike an appropriate balance in firstly improving both the visual and physical permeability into the site whilst secondly not unduly losing the historically enclosed character of the site (that is important to maintain on heritage character reasons).
- 11.8 The scheme would provide a new wheelchair accessible lift (as well as a set of steps contained within the base of the proposed Staff Building) from the public subway into the site and the front forecourt.
- 11.9 The scheme was originally submitted with the imposing railings marking the front edge of the site and the front forecourt removed but this was subsequently deleted from the proposal for reasons well-articulated in the Georgian Group consultation response made to the application.

#### Height and massing

- 11.10 The proposed scheme increases the maximum roof height (excluding the lift overrun) of the two tallest existing buildings on site (i.e. Murray and Dexter House) by less than 0.5m. The upper floors however now have a larger footprint compared to the existing, most notably in heritage terms on the two wings of Dexter and Murray House as they wrap around the southern and northern edges of the rear courtyard towards the Johnson Smirke Building on the western edge.
- 11.11 The proposed scale and massing of these two main buildings is discussed in more detail in the heritage section of this report. However the Borough Conservation and Design Team consider that overall the current scheme provides a more coherent architectural composition than the existing arrangement. This is because of the deployment of higher quality and more sympathetic façade finishes than the existing building, notwithstanding some challenges posed in terms of the shoulder height of remodelled Dexter and Murray House on their western ends when they are seen in local views with the listed Johnson Smirke building.

## Architecture and materials



**Figure 5: CGI of proposed new entrance from East Smithfield with Staff House (left), south elevation of Johnson Smirke (centre) and Murray House (right)**

- 11.12 For Murray and Dexter House the facades would use brick as the predominant material along with more extensive use of glazing towards the base and on the set back roof storeys. The facades to Dexter and Murray House would also contain Portland Stone to help frame and break up the facades and burnished bronze coloured stainless is also proposed to provide a greater degree of visual interest and range of textures to the materiality to the buildings facades and to seek to avoid an overbearing monolithic character to the buildings.
- 11.13 A shared architectural language and material palette is proposed across all the elevations of Dexter and Murray building, including the long eastern elevation which maintains an overall coherence to the building and avoids a rear elevation that appears as a “poor relation” to the remainder of the development. Modulations in the architectural handling of each façade are proposed in response to the differing site contexts and again to reduce the perceived overall bulk of the buildings.
- 11.14 The overall approach to materials and façade treatment for Murray and Dexter House is supported by the Borough Conservation and Urban Design Team.
- 11.15 The proposed rebuilt Registry Building would also be finished in brick and be of contemporary design. The façade treatments facing out from the site are relatively plain and as such would serve as a foil building; that are considered to contrast while not competing with the retained Georgian façades of the original Registry building.
- 11.16 Officers consider the west facing rebuilt Registry Building extension to provide a better profile and more defined edge to Mansell Street than the existing building. Arguably, the existing building is something of an eyesore with its muddled form, its large expanses of glazing and poor quality metallic cladding that does not contribute positively to the streetscene or the general appearance of the Tower Conservation Area.



- 11.17 To conclude overall the approach to design and the materials palette of the new build /new façade treatment elements of the scheme is considered generally sensitive to its heritage and townscape context and represents a marked improvement in the quality of finish and architectural articulation compared to the existing buildings on site that date from the late 1980's.
- 11.18 The scheme displays a commitment to use of high quality materials and a careful attention to the handling of the individual materials within the individual composition of each façade. Planning conditions will be used to secure strict adherence to high quality materials and detailing in the execution of the architectural facades to avoid any dilution in design quality through potential value engineering exercises that beset other developments, in less heritage sensitive contexts.
- 11.19 The scale, design and architectural treatment of the scheme complies with policies 7.4, 7.6 of the London Plan and policies SP10, DM23 and DM24 of the Borough Local Plan

## **12.0 Heritage**

- 12.1 The council's statutory duty to consider a proposal's impact to listed buildings and conservation areas and their setting is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the application of the statutory duty. This provides that where a decision maker finds that a proposed development would harm listed buildings or their setting and/or harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh such harm.
- 12.2 Section 12 of the NPPF headed "*Conserving and enhancing the historic environment*" contains guidance in consideration of development proposals and their effect on the historic environment.
- 12.3 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.4 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.5 Paragraph 132 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given should be proportionate to

the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.

- 12.6 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.7 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 12.8 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and London World Heritage Sites SPG – Guidance on Settings (March 2012). Policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Borough's MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. In addition, the Historic Royal Palaces have produced the '*Tower of London World Heritage Site Management Plan*' and '*Tower of London WHS Local Setting Study*' which guides the consideration of development affecting the Tower of London, its designated local setting and refers to the townscape view and Mayoral policies concerning the London View Management Framework (LVMF).
- 12.10 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Environmental Statement with technical chapters dealing with heritage and archaeology including a visual impact study containing verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon the strategic views of the Tower of London World Heritage Site, specifically from The Queen's Walk (near City Hall) LVMF View 25 and LVMF View 11A.2 from London Bridge as well as specific local views from the curtain walls of Tower of London.

#### Impact on listed buildings

- 12.12 The impacts on the Grade 1 listed Tower of London is dealt with in a separate section of this report dealing specifically with the World Heritage Site. The material impacts of the scheme upon the other listed buildings and structures are confined to buildings on site, namely the four storey Grade II Seaman's Registry Building, usually referred to the Registry Building, (designed as staff accommodation for the Royal Mint and completed in 1805), Grade II\* Johnson Smirke building (built in 1811), plus two Grade II listed gatehouses located in the front forecourt. Historic England does not identify the historic western boundary wall as listed however, for the purposes of the listed building consent the wall has been treated, as listed curtilage because sections of the wall predate 1948 and serve as curtilage to the two listed buildings.
- 12.13 The external alterations to the Johnson Smirke Building are limited in scope and involve changes in the rear elevation and the roof. Subtle changes are made in the

rear façade at lower ground and ground floor level that will help create a new external seating area at the lower ground floor and would provide direct entry from inside the building into the site's large rear courtyard. This link would be achieved by reinstating two original access bridges and inserting two additional external doors at ground floor, where presently there is only one.

- 12.14 The main proposed alterations to the roof would not be readily visible at ground level from the front other than the removal of some front facing mansard windows that are not original features of the building. The proposed alterations to the roof of Johnson Smirke Building involve the creation of a hidden roof top amenity terrace and also the moving forward of original chimneys by approximately 0.5m. The maximum height of the building would remain unchanged.
- 12.15 The proposed changes within the third storey rear façade involves the removal of architectural features introduced into that façade in the 1980's that are not scholarly true to the original architectural detailing of the building.



**Figure 6: Proposed remodelled rear elevation of Grade II\* Johnson Smirke building**

- 12.16 The existing interior of the Johnson Smirke building is virtually devoid of historic features with it interior effectively gutted in the 1980's (original internal walls, historic ceilings, fireplaces and so forth all lost). Remaining original historic building features in the building are currently confined to the entrance hall and stairs at ground and first floor level, but even here the original character and appearance of this space is largely lost.
- 12.17 The proposed alterations to the Johnson Smirke building have followed extensive archival research on the building and been prepared by Morrow & Lorraine Architects, as opposed to the main Sheppard Robson project architects for this scheme.
- 12.18 The alterations to the rear façade at basement level, ground level and third storey are considered by officers to enhance the exterior, when compared to the intervention dating from the 1980's, as well as better serving the functionality of the interior spaces and the ability to access site's large rear courtyard directly from the ground floor of the building.
- 12.19 The proposed concealed roof terrace is sensitively handled and would not interfere on the profile of the roof as seen from ground level and introduce a more traditional mansard detailing that is absent from the current 1980's intervention, as such it is considered acceptable, is supported by Historic England and the Borough Conservation Team and taken overall represents an improvement upon the existing 3 storey roof and rear façade arrangement.

- 12.20 The Registry Building's meretricious historic features are largely confined to the west and south facing façade. The overall footprint of the building has been extended and the south facade has been extended to the east and west in a Georgian style mimicking the original. Internally the existing building is a modern office block in character and unremarkable. The existing roof to the building is not original in structure or style nor is the building's basic superstructure. As such Officers consider there will be no harm to the heritage significance arising from the façade retention scheme, limited to retaining Georgian and Georgian style facades facing west and at the southern end of the building - with the remainder of the building demolished.
- 12.21 Proposed alterations to the original south listed façade are kept to a minimum including replacing a window with a door that is in line with the original design of the building and other changes that are sensitively handled to retain the original character of the building whilst permitting level access entrance to the building, where it is currently absent. The original building would not have had a mansard roof. However following extensive discussions over the detailing of the mansard and the proposed dormer windows with Historic England and the Borough's own Conservation Team the revised mansard is considered an appropriate and sensitive addition to the building.
- 12.22 The existing design of Dexter and Murray Houses (that rises to 7 storeys) deliberately and markedly steps down in height (to 4 storeys) upon their east-west axis to not appear over-dominant in relation to the shoulder height of the rear of Johnson Smirke building, when viewed from within the rear courtyard and elsewhere. A more pronounced change in storey heights would occur with this remodelled proposal for Dexter and Murray House. Officers have given special weight and importance to this adverse heritage effects and consider it to be less than substantial and outweighed by the significant enhancement the scheme will provide in cutting back the western edge of Murray House which gives the Johnson Smirke building a less cramped setting and the associated much improved views from within the site and East Smithfield of the fine south elevation of the Johnson Smirke building. Further, Officers consider that such harm is also outweighed by the other very special benefits resulting from the proposal as referred to throughout this report including additional employment opportunities, much enhanced permeability of the site, the public gaining access to the archaeology, the creation on site of a Heritage Interpretation Centre.
- 12.23 As highlighted in TVIA View 15 the proposed scheme would result in Dexter and Murray buildings having a greater intrusion upon the clear roofline/skyline of the Smirke building than these existing building do. This redesign has implications in terms of the setting of the Johnson Smirke building as well broader implications in terms of the appearance of the Conservation Area and to a limited degree upon the aspect and historic character of the designated local setting of the Tower of London. Mindful of this particular issue the Borough has engaged in extensive discussions with the applicant and other heritage stakeholders (including Historic England, Historic Royal Palaces, and the Mayor of London's Conservation Advisor) and revised drawings were prepared that led to:
- (i) a reduction in the proposed height of Dexter and Murray building by more than 3 metres;
  - (ii) cutting back the top two storeys of the western wings of Dexter and Murray building (to significantly reduce their intrusion over the ridgeline and visual prominence); and
  - (iii) revisions to the upper storey articulation of the proposed western facades of Dexter and Murray building top soften their appearance. It is considered these alterations address adequately the previous setting and skyline concerns.

- 12.24 Again Officers have given due special regard to any outstanding minor adverse impact upon the setting of TVIA View 15 are on balance considered to be is offset not only by the many public benefits to be brought by this development referred to above; but also the townscape benefits the scheme would bring to this view, compared to the existing situation, with the proposed introduction of the architecturally well-mannered Staff House that helps masks the main bulk of the western elevation of Murray building from TVIA View 15.

### **Tower of London World Heritage Site and London View Management Framework**

- 12.25 London Plan policy 7.10 states that any development should not cause adverse impacts on World Heritage Sites or their settings. In particular, it should not compromise a viewer's ability to appreciate their Outstanding Universal Value (OUV), integrity authenticity or significance. The World Heritage Site Management Plan should be afforded appropriate weight. In this case, the Historic Royal Palaces (HRP) adopted a World Heritage Site Management Plan in 2007. An updated Plan is currently in preparation with a draft consulted upon earlier this year.
- 12.26 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London and also within the backdrop of LVMF View 11B.2, from London Bridge looking towards Tower Bridge and Tower of London.

Paragraph 199 of the LVMF describes LVMF View as “*providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf*”.

- 12.20 Paragraph 205 goes onto state that:

*From the south side of London Bridge (Assessment Point 11B.2) there is a clear backdrop of sky to the White Tower's four turrets and castellations. Development should not cause adverse impact to the World Heritage Site and should not compromise a viewer's ability to appreciate the Outstanding Universal Value of the World Heritage by unacceptably imposing on the Tower, or have a negative impact on a person's ability to recognise and appreciate this Strategically Important Landmark.”*

- 12.21 The submitted Townscape and Visual Assessment demonstrates the scheme would not be visible from protected LVMF View 25A.
- 12.22 Following receipt of amended drawings that have reduced the proposed maximum height of the proposed scheme by 3.4 metres no part of the proposed development would be visible upon skyline set between the four iconic towers of the Tower of London's Keep - otherwise known as the White Tower, as seen from LVMF View 11B.2
- 12.22 The reduction in height has also reduced sight of the proposed scheme (to the left of White Tower) to a point its impact is negligible even when this verified view is seen through a telephoto lense. Historic England, GLA and Historic Royal Palaces have no outstanding concerns in respect of the impacts of the scheme upon LVMF View 11B.2
- 12.23. The submitted TVIA also provides local unprotected views of the application site, including from the Tower of London's inner curtain wall looking east between Martin and Constable Towers (TVIA View 4) and North Wall Walkway (TVIA View 5). TVIA Views 4 and 5 were prepared by the applicant following pre-application discussion the applicant had with HRP.

- 12.24 When the planning application was originally submitted HRP expressed concerns to the Borough in respect of the proposed visual impacts of the scheme upon the skyline silhouette of the Johnson Smirke Building from the walls of the Tower, to the detriment of the quality of the view and the setting of both the Tower of London and the Johnson Smirke building. HRP considered these impacts were accentuated by the proposed “blocky form” of the western facing wings to Dexter and Murray House. Following the receipt of the revised drawings including the reduction in height of the scheme and the cutting back of the top storey glazed western wings HRP have lodged no objection to the planning application and have stated in writing the changes make significant improvements to this aspect of the scheme that were of concern to them.
- 12.22 Separate guidance produced by Mayor of London, Historic England and International Council on Monuments and Sites (ICOMOS) are all clear and consistent in that given the very high sensitivity of World Heritage Sites (WHS) even minor scales of change in the built environment can result in medium to large degree of impact due the significance of the receptor (i.e. it being a WHS site) and similarly moderately classified scale of change can have a large to very large level of significance.
- 12.23 Notwithstanding the consistent guidance that stresses even minor scale changes can result in a medium to large degree of impact upon the Tower of London WHS, Officers conclude the scheme does not present a significant adverse impact upon the Outstanding Universal Value of the setting of Tower of London World Heritage Site following the changes to the scheme that effectively remove all impacts upon LVMF views of the Tower and given the reduction in the intrusion of the proposed scheme upon the local views and thus the local setting and character of the WHS, as experienced from the aforementioned walls of the Tower of London.

The scheme is considered consistent with Policy 7.10 of the London Plan and Local Plan Policies DM28 and SP10.

### **Archaeology**

- 12:25 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.
- 12.26 London Plan Policy 7.8 (D) states
- “New development should make provision for the protection of archaeological resources.....the physical assets should, where possible, be made available to the public on-site”.*
- 12.27 Paragraph 7.32 provides supporting text in reference to Policy 7.8 and states the following
- “London’s heritage assets and historic environment also make a significant contribution to the city’s culture by providing easy access to the history of the city and its places. Every opportunity to bring the story of London to people and ensure the accessibility and good maintenance of London’s heritage should be exploited.”*
- 12.28 The Local Plan Managing Development Document Policy DM27 (1) states *“Development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’* and DM27 (4) states *“For proposed development any*

*nationally important remains to be preserved permanently in site, subject to consultation with English Heritage”.*

- 12.29 The site contains archaeology of national significance. Archaeological works undertaken in 1980s, prior to the construction of the existing office development, revealed substantial archaeological remains pertaining to a Black Death cemetery (mid-14th century) and the Cistercian Abbey of St Mary Grace (mid-14th to mid-16th century) as well as post Reformation finds dating from when the remaining buildings of the Abbey were used by the Royal Navy as a victualing yard.
- 12.30 The archaeological remains of the Cistercian Abbey are visible in situ within the basement/ lower ground floor of the site including medieval walls and other structures approximately 2m in height.
- 12.31 The 1987 consented office led development for the site contained details including approved drawings detailing museum/s on the site to enable the public to view the Cistercian Abbey archaeology of the site as well as the history of the Royal Mint and other artefacts of the site including those of the Naval yard.
- 12.32 The Crown Estate in producing its Planning Brief for the Royal Mint site set out displaying the sites heritage assets as a key public benefit of the redevelopment scheme. This conclusion was subsequently shared by the Borough, Museum of London and Historic England’s predecessor English Heritage with the 1987 planning consent.
- 12.33 As set out earlier in this report Historic England’s Greater London Archaeology Advisory Service have commented at length on this scheme and expressed enthusiasm to see the abbey and other neglected archaeological heritage assets of the publically displayed on site, to contribute to sustainable communities and local character.
- 12.34 GLAAS note the site’s archaeological findings have not been publically accessible for 25 years and there has been no interpretative or exhibition about the medieval abbey or the later Victualing yard either on site or elsewhere in the Borough for the benefit of the local community.
- 12.35 To ensure compliance with London Plan policy 7.5 and Local Plan policy DM27 as well as suitable Planning conditions, as detailed by GLAASs are required to secure a re-design of the proposed basement layout, to safeguard the site’s archaeology during demolition and construction works within the basement area including a zoned archaeological mitigation plan.
- 12.36 In addition, as GLAAS comments on the scheme highlight, there is also a requirement to secure by legal agreement and appropriate architectural redesign of the basement to ensure the ruins are displayed to their best potential and with a design that lends itself fully to public access, alongside a written strategy for the interpretation and exhibition of the medieval ruins. If this application is approved this strategy will connect with a presentation of the wider archaeology of the site (including artefact’s presently stored at the Museum of London) and link with a broader on-site exhibition space to highlight and engage the public in the full history of the site. This is considered to be an important public benefit of the proposed development.
- 12.37 Subject to the planning conditions commended by GLAAS, and the securing of planning obligation to secure the conservation, management and public display and exhibition of the site’s archaeology it is considered officers consider the scheme

comply with London Plan Policy 7.5 and Policy DM27 of the Borough's Managing Development Document.

### 13.0 Amenity

13.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours and have a concern for the amenity of future occupants of the development.

#### Future users of the development

13.2 The exterior appearance of the 1980's constructed Dexter and Murray House buildings on site have not withstood the test of time well; internally the existing office floor plates on site across the application site are out dated, unfit for current office needs, and in some instances contain layouts compromised by inadequate floor to ceiling heights.

13.3 The proposed scheme would replace the existing sub-standard office accommodation with fit for purpose premium "A" grade office accommodation. The proposed internal layouts will provide for much enhanced office reception areas and a better arrangement of building cores for end users, with good level of natural daylight and well ventilated spaces.

13.4 The scheme is designed with full regard to the principles of inclusive design. All buildings will have level access entry, a lift will provide wheelchair accessibility to the site direct from the public subway and the existing landscaped external courtyard that is raised and thereby excludes wheelchair accessibility will be replaced with a levelled courtyard.

13.5 Taken overall the scheme will provide more than satisfactory standard of office/commercial floor accommodation. Taken overall the level of amenity for future occupants will exceed the existing spaces that are of a design and physical condition they are understood to be not readily capable of attracting high value commercial rents lets otherwise commensurate with the site's central location.

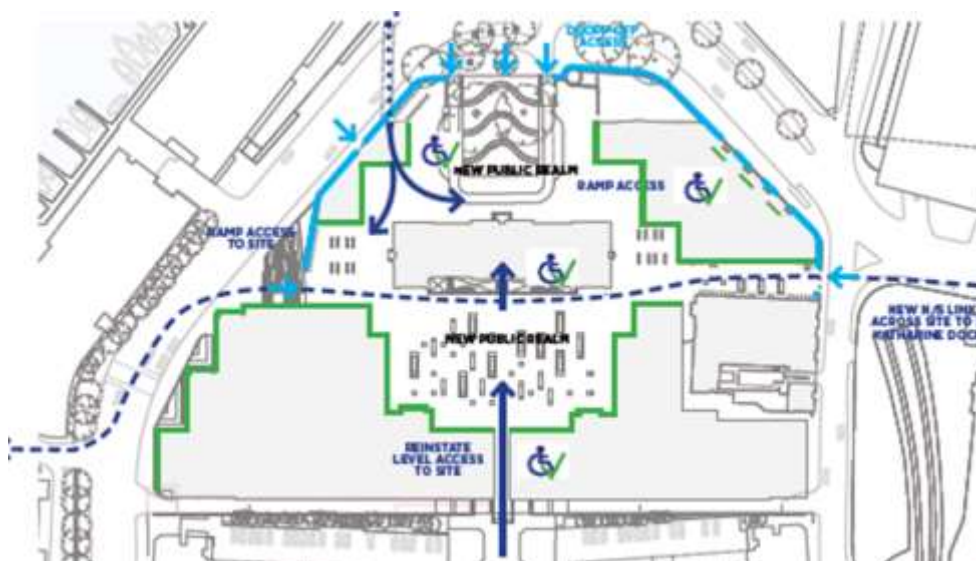


Figure 7: Scheme showing proposed wheelchair accessible pedestrian site entrances



## Neighbours Amenity

- 13.6 Policy DM25 states safeguarding neighbours amenity 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.

### Privacy, Outlook and sense of enclosure

- 13.6 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 13.7 An assessment of sense of enclosure or the impact upon outlook of a development is not a readily definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure
- 13.9 Existing residential neighbours facing directly the site are confined to the east and are located on the west side of Cartwright Street, in a development known as St Mary Grace Court and two related 'bookend' blocks to this development (the latter identified as 1-20 Royal Mint Street marking the northern end of Cartwright Street and No. 14-33 East Smithfield marking the southern end of Cartwright Street.
- 13.9 The remodelled Dexter and Murray House would be built tighter to the eastern side site boundary and thereby closer to the main north south axis St Mary Grace Court, than the existing buildings, by approximately 2 metres along Dexter and Murray's main east elevation and for small sections of that elevation (that are currently recessed back) by approximately 4 metres.
- 13.10 The nearest habitable room windows in St Marys Grace Court itself would be approximately 16 metres distance from the proposed east facing façade, although this minimum separation distance is confined to a small number of windows serving a few flats as the footprint of St Mary Graces Court angles obliquely away from the Royal Mint Court site meaning in general a greater separation distance above 18 metres would be maintained.
- 13.11 The narrowest proposed separation distance between Dexter and Murray House and facing habitable room windows on Cartwright Street would be directly opposite No 1-20 Royal Mint Street, where there is an existing pinch point between these two developments and where there is a proposed stairs within the remodelled Dexter House. The applicant proposes the use of a ceramic frit screen to the glazing in this elevation (detailed in the Design and Access Statement) where necessary to address overlooking to 1-20 Royal Mint Street and at the southern end of Murray House to safeguard privacy to habitable room windows facing the development within the block identified as 14-33 East Smithfield. Subject to further details by planning conditions officers are satisfied this design solution addresses the overlooking.
- 13.12 As stated above the proposed enlarged Dexter and Murray House would be set close to St Mary Graces Court than the existing Dexter and Murray House building and would rise to a greater height than the existing building and as such the proposal would result in a greater degree of enclosure than what currently exists and there would be a minor

reduction in outlook to residents and a minor increase in potential overlooking/ loss of privacy. However officers on balance consider these limited adverse amenity impacts in terms of sense of enclosure overlooking to neighbours are not unacceptable considered in a central London site context.

- 13.13 With respect to potential privacy/overlooking impacts to new consented neighbouring residential units within the Royal Mint Gardens development (consented PA/3/01527 and potentially PA/15/02773) the separation distance from the nearest part of the site (to Dexter House) would be greater than 18m and set across a street and therefore not considered a cause for concern or unacceptable.

Effect on daylight and sunlight to neighbouring dwellings

- 13.14 DM25 of the MDD and SP10 of the Core Strategy seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 13.15 The application is supported by a Daylight and Sunlight Report. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 13.16 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 13.17 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.
- 13.18 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:
- 0-20 reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance
- 13.19 A second measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room (see table 3 below).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.
- 13.20 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.
- 13.21 The residential properties most affected by the proposed development are St Mary Graces Court (and its two identified bookend blocks) plus Sanderling Lodge, 11-15 Cartwright Street, 17-25 Cartwright Street, 21 Royal Mint Street, Victoria Court and Royal Tower Lodge, plus the consented Royal Mint Court development.

### St Mary Graces Court

- 13.22 St Mary Graces Court (including the end blocks identified as 1-20 Royal Mint Street and 14-33 East Smithfield Street) is the closest residential properties and the impacts to this development are greater than to any other neighbouring development.
- 13.23 179 rooms were tested for Vertical Sky Component impacts to windows within St Mary Graces Court. Of which 128 rooms 71% met BRE VSC guidelines, 16.7% experience minor adverse impacts (between 20%-29.9% reduction), 1.6% (3 rooms) moderate adverse and 10.5% (18 rooms) experience greater than 40% reduction. The Council's independent daylight/sunlight consultants conclude in respect to the VSC measure, when the design of St Mary Graces Court is taken into account with its balconies and overhanging eaves, as a substantial mitigating factor, the overall impact of the proposed scheme to the block should be classified as moderate adverse.
- 13.24 The daylight distribution results to this development are worse than for VSC with 59% (101) rooms failing outside BRE guidelines, 37 rooms experiencing a 40% or more VSC reduction, 24 rooms between 30%-39.9% reduction and 26 rooms 20%-29.9% reduction.
- 13.25 The Borough's consultants conclude the design of the development with its balcony and eave overhangs are significant mitigating factors and that taken overall the impacts against the no sky limit (daylight distribution) BRE measure should be classified as moderate adverse.
- 13.26 Officers are minded to consider the daylight impacts to this residential development are considered acceptable in the site's context.
- 13.27 With regard to sunlight impacts the adverse sunlight impacts to this residential development building are considered to be minor to moderate adverse but these adverse impacts are limited to only a few flats.

### Sanderling Lodge

- 13.28 The block is located on south side of East Smithfield Street within the St Katherine Dock development.
- 13.29 There are no changes to daylight distribution which would be outside the BRE guidelines. With respect to VSC measure, the Council's daylight consultant report the impacts would be minimal with only one bedroom experiencing a loss marginally outside BRE guidance.

### Royal Mint Gardens (unbuilt but has planning consent)

- 13.30 The results show the VSC losses would be within the BRE guidelines for all of the windows analysed.
- 13.31 Changes in daylight distribution would be outside the BRE guidelines for four living rooms, one on the first floor, two on the second and one on the third floor. The changes range between 29.80% and 39.51%, thus classified as moderate adverse impacts.
- 13.32 As this building does not yet exist, the BRE guidelines would support assessment using ADF. All of the rooms assessed would continue to receive the recommended minimum ADF.

13.33 The loss of sunlight results impacts would all be within the BRE guidelines.

17-25 Cartwright Street

13.34 Loss of VSC to all windows analysed would be within the BRE guidelines, with minimal loss of daylight. Changes to daylight distribution would be marginally outside the guidelines for three rooms on the third floor.

11-15 Cartwright Street, 21 Royal Mint Street, Victoria Court and Royal Tower Lodge

13.35 The daylight impacts on all these buildings assessed against BRE VSC and daylight distribution would be negligible.

13.36 Based upon the applicant's prepared report the loss of sunlight to these properties is classified as negligible.

Context for daylight and sunlight losses in this area

13.37 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to maximise the full potential of development sites, daylight and sunlight infringement is a regular occurrence. The Council's independent daylight and sunlight consultant considers that the current levels of daylight and sunlight enjoyed by existing residential occupiers is generally below the absolute targets set out in the BRE Guidelines because of the nature of buildings and street patterns,. 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.

13.38 As a general measure, your officers have been advised by its daylight/sunlight experts that reductions in daylight in excess of 40%, especially where daylight is already below standard, would represent a serious loss of daylight and corresponding amenity.

13.39 That said, there have been situations where the Council has accepted reductions in daylight in excess of 40% in the balance, especially where development delivered specific regenerative benefits which were considered to outweigh the harm caused by the reductions in daylight/sunlight.

13.40 In this instance, the development is considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements is not, on its own, considered sustainable by officers particularly given that the scheme delivers major employment generation gains, offers place making benefits and public accessibility benefits which outweigh the amenity harm caused.

Effect on sunlight/overshadowing to amenity areas

13.41 An overshadowing assessment was submitted within the daylight/sunlight report.

13.42 The shadow plots for 21 March indicate that the development has minimal impact on amenity areas assessed beyond that of the existing arrangements. Changes to areas capable of receiving at least 2 hours of sunlight on March 21 would all be within the BRE guidelines.

- 13.43 However, there are two nursery play areas associated with the ground floor commercial buildings of St Mary Graces Court that have two small external play areas. The overshadowing impacts of the proposed development to these two nursery playground are limited in duration to around 12:00pm each day. Whilst the loss of sunlight would be short in duration, less than an hour it would not be insignificant as these two nursery play grounds are already limited in achieving 2 hours sunlight each day for 50% of their respective area.
- 13.44 The current quality of the two nursery external play spaces suffers from site constraints including size, orientation, and proximity to existing build development. The impacts of the development as set out above are not insignificant but are not considered to be of a degree as to warrant a reason of refusal as many of the shortcomings of these spaces in terms of receiving the benefit of direct sunlight are already at the lower acceptable limit of BRE guidance.

## **14.0 Highways and Transportation**

- 14.1 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. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 14.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 14.3 The applicant has submitted a Transport Assessment that provides comparative trip generation analysis contains details of servicing, a waste strategy, a draft framework for a travel plan and a draft delivery and service management plan, a construction programme.

### Deliveries and Servicing.

- 14.4 Existing servicing and waste collection to Dexter and Murray House is from a service road that runs along the eastern edge of site. The service road operates on a one-way basis with entry from East Smithfield and egress onto Royal Mint Street. The service road is ramped and leads down into a series of goods vehicles loading bays provided in the basement.
- 14.5 The Registry and Johnson Smirke buildings have been serviced to date from a basement service area to the east of the Registry building with vehicular access through the site's main gates (facing the Tower of London). The scheme proposes to bring all servicing and delivery to the rear of the site utilizing the existing service road. Environmental and landscaping improvements would be made to this service road and access/ egress points to improve the public realm and visual amenity of this service road. The proposal for a single point of servicing to the site is welcomed by officers, removing service traffic from the heritage sensitive sections of the site and reducing pedestrian/ vehicular conflict in the front forecourt.

- 14.6 The service and delivery arrangements including seven loading bays for 8m and 10m length service and waste collection vehicles. This provision is considered adequate subject to implementation of an end user Delivery and Servicing Management Plan, secured by planning condition that requires a managed booking-in service for loading bays to avoid spikes in deliveries, particularly during am peak travel times.

#### Cycle and Car Parking Provision

- 14.7 The scheme would reduce on site basement car parking spaces to 25 spaces from the existing 45 with 7 of these bays allocated to Blue Badge holders. 780 cycle parking spaces will be provided for staff employed on site within a variety of lower ground and basement locations. In addition 163 cycle parking spaces would be for site visitors, of which 100 will be Sheffield stand type stands located at ground level across the application site. The scheme will provide staff shower and changing room facilities to meet the demand of cyclists. The quantum of cycle parking provision is consistent with London Plan policy requirements, and the amendments to the internal layout are such that the cycle storage does not prejudice the setting of the archaeology.
- 14.8 There site is well served by publicly accessible off-street car parks within close proximity including at Shorter Street with 321 spaces. The PTAL rating for the site is 6. The reduction in car parking space is welcomed by officers although the Borough Highways and Transport Team have expressed disappointment given the excellent access to public transport and good provision of public car parking areas that the scheme retains any on site car parking provision aside that intended for Blue Badge holders. Officers consider that this impact can be mitigated through appropriate planning conditions and obligations.
- 14.9 Planning conditions will be imposed to secure production of detailed Construction & Environment Management Plan, Construction Logistics Plan, a Travel Plan, a car Parking Management Plan. The legal agreement shall secure that none of the car parking bays can be rented on a commercial basis to individuals or companies not having a bone fide employment operation on-site (to not incentivise car trip generation from the site) and to secure any 'surplus to requirement' blue badge bay holders do not over time be used for general on-site parking provision.

### **15. Planning Obligations**

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 15.2 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.

- 15.3 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 15.4 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the Borough in respect of planning obligations.
- 15.5 The SPD was approved for public consultation by Cabinet on the 8th of April 2015.

The Boroughs four main priorities remain:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 15.6 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 15.7 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts.
- 15.8 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
  - Crossrail central London Top Up
  - Energy; and
  - a monitoring contribution.
- 15.9 The developer has agreed to provide 30 construction phase and 4 end phase apprenticeships.
- 15.11 To provide affordable incubator space for small start-up enterprises, delivered by a specialist workspace provider, with individual office/desk space let on a flexible letting basis including very short term contractual lets and access to shared support facilities.
- 15.12 To provide a Heritage Interpretation Strategy including provision of Heritage Interpretation Centre.
- 15.13 To produce and implement an Archaeology Conservation Plan.
- 15.14 Secure public realm improvements outside the red line on the east side of the Tower Hill traffic interchange

- 15.15 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.
- 15.16 A Car Parking Management Plan will be secured.
- 15.17 Tower Hamlets Community Infrastructure Levy (CIL) has been adopted and strategic transport facilities and indeed public realm works are listed in the Council's CIL Regulation 123 list (the list of matters that CIL may assist in funding).
- 15.18 The financial contributions agreed by applicant are summarised in the following table:

| <b>Heads of Terms</b>                                      | <b>s.106 financial contribution</b> |
|--|-------------------------------------|
| Employment, Skills, Construction Phase Skills and Training | £301,888                            |
| End User Skills and Training                               | £444,133                            |
| Crossrail Top Up   | £1,621,500                          |
| Carbon off-setting   | Subject to trigger mechanism,       |

- 15.19 These obligations are considered to meet the tests set out in guidance and the CIL regulations.
- 15.20 The proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy
- 15.21 Mayor of London CIL liability is estimated to be £683,260
- 15.22 The Tower Hamlets CIL liability is estimated to be £1,499,766

## **OTHER MATERIAL CONSIDERATIONS**

### **16 Environmental Impact Assessment (EIA)**

- 16.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 16.2 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.
- 16.3 The planning application was subject to an EIA, and an ES has been submitted with the planning application. The application has been advertised as an EIA application.
- 16.4 The ES contains an Introductory Chapter and individual chapters on
- Environmental Impact Assessment Methodology
  - Existing Site and Land Uses
  - Alternatives and Design Evolution



- The Proposed Development
  - Development Programme, Demolition, Refurbishment and Construction
  - Socio-Economics
  - Noise and Vibration
  - Air Quality
  - Ground Conditions and Contamination
  - Built Heritage
  - Archaeology
  - Daylight, Sunlight, Overshadowing and Solar Glare
  - Wind
  - Transportation and Access
  - Cumulative Effects
- 16.5 The ES contains an Introduction, a Townscape Visual Impact Assessment as well as suite of technical appendices to the individual chapters and a requisite Non-Technical Summary.
- 16.6 LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer. An Interim Review Report (IRR) was prepared and issued to the Applicants
- 16.7 An ES Addendum was submitted in June 2016, which responded to the IRR and also considered the implications of the proposed amendments on the EIA. This was considered to be 'further information' under Regulation 22 of the EIA regulations, and was processed as required by the EIA Regulations
- 16.8 LBTH's EIA consultants reviewed the ES Addendum, and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 16.9 LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.
- 16.10 The mitigation measures identified in the environmental information will be secured through planning conditions and/or planning obligations where necessary.
- 17.0 Noise and Vibration**
- 17.1 The Environment Statement prepared for the application provides a noise impact assessment for the scheme. It includes potential impacts of noise and vibration to (a) neighbours during demolition, refurbishment and construction works, (b) potential damage to archaeology, (c) traffic flow noise impacts during construction phase and end phase, (d) of noise impacts from external sources upon future occupants of the development, including those from rail and DLR.
- 17.2 The assessment concludes that the impacts during demolition, refurbishment and construction phase will be acceptable, with appropriate mitigation measures put in place. The applicant estimates works on site will take approximately 30 months.
- 17.3 A review of the submitted documents by officers of the Council, the Borough's consultants appointed to review the ES, and other bodies including GLAAS are satisfied that the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to

the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

## **18.0 Contaminated Land**

- 18.1 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.
- 18.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to condition 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.

## **19. Flood Risk & Water Resources**

- 19.1 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.
- 19.2 The site is located in Flood Zone 1 and therefore low risk with main risk arising from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates a Sustainable Urban Drainage System and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

## **20 Energy and Sustainability**

- 20.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 20.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 20.3 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations
- 20.4 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. The demand for cooling will be minimised through good solar control, inclusion of Mechanical ventilation heat recovery (MVHR) units and shading devices such as blinds. An Overheating Analysis using thermal dynamic modelling has been undertaken to assess the overheating risk within the buildings.

- 20.5 The applicant identified one potential district heating network within the vicinity of the development. However they are not proposing to connect to the network, stating there are no currently agreed timescales for the installation of the proposed network and that the costs involved in infrastructure amendments to facilitate connection do not deem such a connection feasible. The applicant has given a commitment to ensure that the development is designed to allow future connection to a district heating network should one become available.
- 20.6 The current proposals are anticipated to achieve CO2 emission reductions of 37.7% through Be Lean Measure, 6% through a CHP site wide heat network and 1.2% from a photovoltaic solar panel system. The cumulative CO2 savings from these measures are proposed to be in accordance with policy DM29 requirements at 45.3%. The new build elements to the scheme are designed to achieve a BREEAM Excellent rating, and the refurbished elements are anticipated to achieve BREEAM Very Good
- 20.7 The scheme will be consistent with Chapter 5 of London plan and DM20 of the Local Plan subject to planning condition
- To provide an Updated Energy strategy to demonstrate CO2 reduction in accordance with 45% policy requirement;
  - Detailed specifications provided of the PV renewable energy technologies
  - Delivery of BREEAM Excellent Development for new elements and Very Good for refurbishment,
  - An ability for the whole of the development (under all proposed use classes) to readily development connect to a district heating network at a future date ,
- 20.8 In addition by s106 legal agreement secure a mechanism for a carbon off set financial contribution, should it emerge the 45% CO2 reduction requirements cannot be met by the Updated Energy Strategy.
- 20.9 The proposed scheme is not meeting Air Quality Neutral Assessment benchmark figures, indeed NOx emissions are calculated as far exceeding the benchmarked emissions target. Accordingly the Air Quality officer objects to the proposed energy centre in the scheme and seeks its specification and design to be revisited. This matter will be secured by condition along with further details of the air quality mitigation measures identified in the submitted air quality assessment to secure relevant London Plan and Local Plan policy compliance

## **21 Biodiversity**

- 21.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's 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.
- 21.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts. There is a building located adjacent to the northern site boundary that has low potential of supporting roosting bats, disturbance to this building could occur during construction phase and the to be agreed by planning condition Construction Environment Management Plan will need to be cognisant of that.

- 21.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.
- 21.4 The applicant has ambitious plans to improve the hard and soft landscaping plan for the site. The final agreed landscaping scheme for the site has not been agreed by officers and will be dealt with planning condition with appropriate consideration given of to the biodiversity implications of its final design and its chosen planting scheme.

## **22 Trees and Landscaping**

- 22.1 A tree survey records prepared in respect of 21 trees within the site and located just outside the application site. Eleven of these trees are located within the red line and 9 of these would be removed. Four of these trees to be removed are classified as 'B' category and 'C' Category, the latter of low quality. The tree officer has reviewed the arboricultural survey has no objection to the identified trees being removed. The two large London Planes in the front forecourt would be retained and protected. The applicant is seeking to plant in the order of forty new trees on site as part of an agreed landscaping strategy that would compensate for the amenity value loss of the existing trees.
- 22.2 The scheme would provide approximately 700sqm, of soft landscape area as well over 6,500sq.m of hard landscaped area (including walkways and vehicular routes within the red line. The majority of the site would be repaved using materials appropriate to the heritage context of the site.
- 22.3 The rear courtyard area between the Johnson Smirke Building and Murray and Dexter House would be redesigned to remove the raised deck element that excludes wheelchair users and others with mobility issues. The initial landscaping plans show extensive tree planning in the courtyard and informal seating area.
- 22.3 Designs have also been produced with glass paving incorporated into the stone paving of the rear courtyard allowing views of the archaeological remains of the Cistercian Abbey below. To date GLAAS remain unconvinced by the efficacy of this design strategy to peer down on the archaeology below and this opinion is shared by officers but the detailed design will be subject to a planning condition and/or obligation.
- 22.4 The scheme was originally submitted with the existing railings at the main entrance proposed to be removed, plus a proposed stepped curvilinear 'lipped' seating area introduced between the two listed main gate porticos interspaced by a lawned area. The removal of the front railings has been deleted from the planning application and the detailing of the landscaping across the site has also been agreed will be reviewed and dealt with by planning condition.
- 22.5 A walled garden to the west of the Registry Building is proposed which would be accessed from the proposed retail units at the ground floor. This provision of a sheltered quiet walled garden space is supported by officers.

## **23 Waste**

- 23.1 An outline of a waste and servicing strategy is contained within the application documentation. It includes details of three proposed 10sq.m waste compactors for mixed recyclables that will significantly reduce required waste vehicle collections from site, in addition food digesters would be used to minimise waste from food and

beverage outlets (by reducing waste into a 'grey water' liquid) that can be released through the site SUDS.

- 23.2 The Borough Waste Team and ES Consultants have reviewed the application documentation and had no objection to the Waste Strategy and considers the scheme is consistent with the Borough's MDD Policy DM14 in regard to managing waste subject to securing a Waste and Recycling Service Management Plan by planning condition.

## **24 Microclimate**

- 24.1 A desk based wind assessment study was prepared for the Environment Statement. It concludes the wind conditions are liable to remain broadly comparable to the current conditions on site.
- 24.2 The submitted study indicates the localised wind conditions will be compatible with the assigned use of each area on the site, benchmarked against the Lawson Comfort Criteria. The ground level conditions would generally be acceptable without mitigation measures. The exception to this is the entrance to the prospective gym entrance and sections of the main rear courtyard space that serve a vital external amenity space for site. Additional mitigation is also required upon some of the roof top amenity terraces. The desk top based study suggests mitigation could be addressed by green it is considered this can be appropriately secured by planning condition.
- 24.3 The findings and the methodology of the study are accepted by officers and the scheme is considered to comply with relevant London Plan policies 5.3, 7.6B and 7.7 and Local Plan the Managing Development Document policies DM24 and DM26 pertaining to microclimate, subject to appropriate mitigation measures being further tested and secured by planning condition.

## **25 Financial considerations**

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

- 25.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 25.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 25.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and CIL would be payable on this scheme.
- 25.5 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning

obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals.

- 25.6 This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule.

## **26.0 Human Rights**

- 26.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 26.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

- 26.4 Were Members not to follow Officer’s recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

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

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

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

## **27. Equality**

27.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.

27.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

27.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

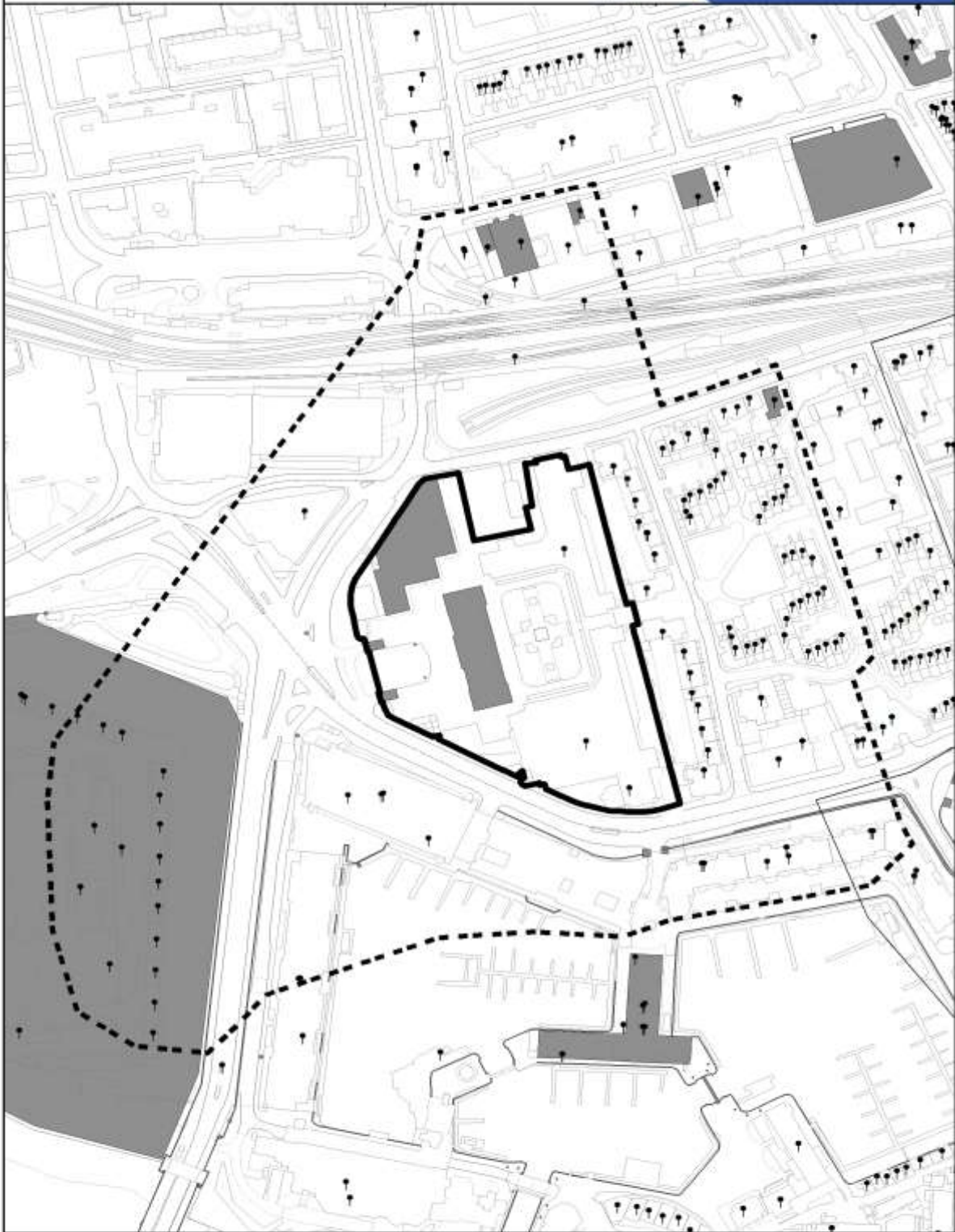
## **28 Conclusion**

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

## **29 SITE MAP**

29.1 Please refer to the next page of this report.

Planning Application Site Map  
PA/16/00479



|  |  |  |   |
|--|--|--|---|
|  Planning Application Site Boundary |  Locally Listed Buildings   |  Land Parcel Address |  |
|  Consultation Area                  |  Statutory Listed Buildings | 0 40 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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