

# STRATEGIC DEVELOPMENT COMMITTEE

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**Tuesday, 29 November 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 Friday, 25 November 2016**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Monday, 28  
November 2016**

**Contact for further enquiries:**

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

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## **APOLOGIES FOR ABSENCE**

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

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

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

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 20<sup>th</sup> October 2016

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)**

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

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

None.

<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>19 - 20</b>	
<b>5 .1</b>	<b>30 Marsh Wall, E14 9TP (PA/16/00477)</b>	<b>21 - 98</b>	<b>Canary Wharf</b>
	Proposal:		
	Demolition of the existing building and erection of a 43 storey building comprising flexible retail (Use Classes A1-A4) and community uses (Class D1) at podium, lower ground and ground level, 271 residential (Class C3) units on the upper levels, new landscaping and public realm, ancillary servicing and plant, car and cycle parking at basement level and associated works.		
	Recommendation:		
	That subject to any direction by the London Mayor, planning permission is REFUSED for the reasons set out in the Committee report.		
<b>5 .2</b>	<b>Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG (PA/16/01763/A1)</b>	<b>99 - 160</b>	<b>Poplar</b>

Proposal:

Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities

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.

**Next Meeting of the Strategic Development Committee**

Thursday, 19 January 2017 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# Agenda Item 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 Probitiy and Governance and Monitoring Officer,  
Telephone Number: 020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 20 OCTOBER 2016**

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

**Members Present:**

Councillor Marc Francis (Chair)  
Councillor Danny Hassell (Vice-Chair)  
Councillor Asma Begum  
Councillor Denise Jones  
Councillor Md. Maium Miah  
Councillor Gulam Robbani  
Councillor Helal Uddin  
Councillor Julia Dockerill

**Other Councillors Present:**

Councillor Dave Chesterton

**Apologies:**

None

**Officers Present:**

Paul Buckenham	(Development Control Manager, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Beth Eite	(Team Leader, Planning Services, Development and Renewal)
Nasser Farooq	(Team Leader, Planning Services, Development and Renewal)
Jermaine Thomas	(Team Leader, Planning Services, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Julia Dockerill declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as she had received hospitality from the Canary Wharf Group, had attended a

political conference at a Canary Wharf Group site and was writing a book with the Chief Executive of the Canary Wharf Group.

Councillor Asma Begum declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as her husband had received hospitality from the Canary Wharf Group and, referring to her role as the Council's Cabinet Member for Culture, on the grounds that the Canary Wharf Group had sponsored certain cultural events in the Borough.

Councillor Maium Miah declared a personal interest in agenda item 5.3 Land at Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900) as he had attended events arranged by the Canary Wharf Group.

## **2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meetings of the Committee held on 24 August and 8 September 2016 be agreed as a correct record and signed by the Chair.

## **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

#### **4. DEFERRED ITEMS**

None

#### **5. PLANNING APPLICATIONS FOR DECISION**

##### **5.1 99 Mansell Street & 31-33 Prescott Street, London E1 (PA/16/00757)**

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application for the mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments on the upper floors and 1,115sqm of office floorspace at basement, and retail/financial services/restaurant/cafe/drinking establishment floorspace.

It was noted that the application was previously considered by the Committee on 24<sup>th</sup> August 2016 and Members were minded to refuse the application. Due to the scale of the change that had been made to the application to address the Committee concerns, the application was being brought back to the Committee afresh as required by the Council's Development Committee procedure rules where material changes have been made to a deferred application.

The Chair invited registered speakers to address the Committee.

Dr. David O'Neil and Dr. Maria Salichou (Londinium Tower) addressed the Committee in opposition to the application. The speakers felt that their concerns about the August application had not been addressed. They objected to the impact of the nine storey Mansell Street element on the historic setting on the area. The proposal would reduce views of the listed church. They also objected to the impact that the height and close separation distances would have on neighbouring amenity. As a result, the plans would result in a loss of light to properties at Londinium Tower, particularly during the winter months, a loss of privacy and overlooking into habitable rooms. To address the concerns the height of the proposal should be reduced. In response to questions they discussed the consultation process, the construction impact and requested that the height should be reduced to minimise the development's impact.

The applicant's representatives, Simon Smith and Oliver Law spoke in favour of the application referring to the three previous reasons for refusing the application (set out in the officers report). The application, that primarily concerned the Mansell Street extension, had been significantly amended to address the concerns. The height had been reduced so that there would now only be a single storey step up from the existing building and the proposal would be lower than the church spire. The sunlight/daylight assessment had

been reassessed and the Committee report had been updated to record that all of the windows passed the BRE tests in respect of sunlight levels. Only three representations had been received. The design would safeguard privacy and there would be contributions to mitigate any impact from the plans. In response to questions from Members, they confirmed the results of the sunlight and daylight testing. A small number of windows would experience a loss of light, but generally the neighbouring windows would continue to receive adequate levels of light and the compliance levels were quite typical for an urban setting. Furthermore, while the separation distances just fell short of the policy requirements, they were sufficient to maintain privacy and there would also be mitigation to safeguard privacy.

Beth Eite (Planning Services) presented the Committee report. The Committee were advised of the site location and the site designation in policy and the previously consented permission in respect of 31-33 Prescott Street. The Committee were minded to refuse the previously submitted application at its meeting in August 2016 due to concerns over the following issues

- The adverse impact on the setting of the grade II listed Church and 30 Prescott Street
- The adverse impact on the residents of Londinium Tower particularly in terms of access to sunlight and daylight.
- Insufficient evidence to demonstrate that the proposed serviced apartments use would assist in meeting the targets in the London Plan and LBTH Core Strategy.

Since that time the application had been revised to reduce the number of stories by two floors, improving the relationship with the grade II listed church. It now sat below the church spire. As a result it would preserve the setting of the area.

Turning to the amenity impacts, Ms Eite drew attention to the outcome of the revised assessment as set out in the Committee report and the update report. Overall, the changes had resulted in a reduction in the number of windows failing the policy tests and a reduction in the degree of impact. So the proposals were not considered to be harmful to neighbouring amenity. In terms of overlooking, the narrowest separation distance fell marginally short of the minimum requirement of 18 metres in policy. As a result, it was not considered that this would have an unacceptable impact on privacy. Regarding the supply of short stay accommodation, there was no upper limit on the supply of such accommodation in the Council's Local Plan. In fact policy promoted the provision of visitor accommodation and there was no suggestion that the Council should refrain from granting new consent.

Officers continued to consider that the application was acceptable so should be granted permission.

The Committee asked questions about the impact on the setting of the listed church as viewed from the northern side of the development and Officers considered that given the separation distance, that the relationship would be

acceptable. Officers also answered questions about the waste management arrangements and provided assurances about the condition in respect of this.

On a vote of 6 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at 99 Mansell Street & 31-33 Prescott Street, London E1 for mixed-use development in a part 6, part 8 and part 9 storeys block with lower ground floor comprising 57 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level. (PA/16/00757) subject to:
  2. The prior completion of a legal agreement to secure the planning obligations in the Committee report.
  3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  4. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report.
  5. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
  6. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

## **5.2 116-118 Chrisp Street, Poplar London, E14 6NL (PA/14/02928)**

Update report tabled.

Paul Buckenham introduced the application for the demolition of public house and former Tyre and Exhaust Centre building and erection of mixed-use development with ground floor commercial unit and associated works.

It was noted that the application was previously considered by the Committee on 28<sup>th</sup> July 2016 and Members were minded to refuse the application due to concerns over the following issues:

- Overdevelopment of the site.
- Height, bulk and massing.
- The density of the proposal and the impact this would have had on the

daylight/sunlight of neighbouring buildings.

- Loss of a public house.
- Underprovision of child play space and communal amenity space.
- Quality of the design.
- The existence of a separate entrance for the affordable units.

Since that time, a number of changes had been made to the application to address the Committee concerns, and due to the nature of the changes, the application was being brought back to the Committee afresh in accordance with the Council's Development Committee procedure rules.

Nasser Farooq, (Planning Services) gave a presentation on the application. He reminded the Committee of the site location and surrounds and the changes to the application since previously considered by the Committee in relation to: the reduction in the height of the development and the consequential reduction in units, the reduction in massing and volume and the increase in separation distances to neighbouring buildings. He also drew attention to the changes to the housing mix, the addition of the A4 drinking establishment, the increased level of communal space/child play space and the improvements to the design of the building. The images now before Members showed a more accurate representation of the design of the building.

A further round of consultation on the revised application had been carried out and the results of this were noted.

It was reported that the child play space and communal amenity space provision now met the policy targets and that despite the loss of units, the level of affordable housing remained at 37% per habitable room. The plans also included a commitment to market the drinking establishment as a public house for a 6 months period. The density had been decreased but still exceeded the London Plan guidance. However the plans showed no symptoms of overdevelopment. A small number of windows failed the sunlight and daylight tests in policy but the results could in part be attributed to the design of the existing buildings. Overall the results were considered to be acceptable.

Officers remained of the view that the application should be granted planning permission.

In response to the presentation, Members asked about the proposed drinking establishment, and sought assurances about the robustness of the plans for marketing it as a public house in the first instance. In response, it was reported that the viability report had been updated with the latest marketing information and the information showed that it was not viable in the short term. If granted, Officers would take on board Members comments regarding the need for the marketing exercise to be monitored and this could be written into the legal agreement.

The Committee also asked about the amenity impact on the neighbouring

buildings, particularly the impact on the Equinox building and the weight that should be applied to the consented 10 storey permission in assessing the application.

It was reported that any development of the site would impact on the Equinox building as it currently overlooked low rise buildings and had exceptionally good outlook. The information in the committee report showed the expected impacts from the amended application on the Equinox building compared to the 10 storey consented development. The impacts would not be that dissimilar. Furthermore, the revised scheme compared favourable to the July application. In addition, Officers considered that reducing the height any further would have a negligible impact on the amenity of the ground floor neighbouring apartments most affected by the application. The Committee needed to balance any potential impacts with the benefits of the application.

In response to questions about the separation distances and the density of the scheme, Officers explained that the gap to the Parkview apartments had been increased to minimise the impact on neighbouring amenity. Officers also considered that the density could be accommodated and justified given the significant public benefits of the application and that the proposal displayed no symptoms of overdevelopment.

In relation to transport and highway matters, it was reported that neither the Greater London Authority or the DLR had objected to the scheme taking into account the impacts from other schemes. The comments of highway services had been taken into account (regarding the provision of disabled parking spaces amongst other matters) and the conditions would reflect this.

In response to questions about the affordable housing, particularly the number of family sized units, it was clarified that the scheme would deliver 22 affordable units and that Officers felt that the plans would deliver a good mix of family sized units. The revised housing mix now included a number of double bedroom units. Furthermore, it was now proposed to provide a single open plan entrance lobby instead of separate access cores for the affordable and private tenures to address the concerns about this.

In response to questions about the play space, Officers confirmed that the level of which had been increased to address the Committee's concerns. They also provided reassurances about the increased play space provision for the affordable units and answered questions about the accessibility of the other areas of the play space and the amount of which that would be provided on the ground floor.

The Committee also asked questions of clarity about the letters of objections and also the CIL contributions for health services.

In conclusion, Members considered that the plans went some way to addressing the Committee concerns. However some Members remained concerned about elements of the application and therefore were minded to refuse the application.

On a vote of 1 in favour of the Officer recommendation and 7 against, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 7 in favour and 1 against, it was **RESOLVED:**

That the Officer recommendation to grant planning permission be **NOT ACCEPTED** at 116-118 Chrisp Street, Poplar London, E14 6NL for the 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 12, part 15 storeys comprising of 63 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3/A4), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street. (PA/14/02928)

The Committee were minded to refuse the proposal due to concerns over the following matters:

- Excessive height, bulk and massing of the proposal.
- Symptoms of overdevelopment, particularly in relation to the loss of daylight and sunlight to the nearby Equinox building.

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

### **5.3 The Quay Club, Bank Street, Canary Wharf, London, E14 (PA/16/00899 & PA/16/00900)**

Update report tabled.

Officers clarified that the application address should be entitled 'Land at Bank Street' Canary Wharf, London, E14.

Paul Buckenham introduced the application for the demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

The Chair then invited registered speakers to address the Committee.



Councillor Dave Chesterton spoke in opposition to the application. He objected to the loss of the open water space and that the policy criteria for allowing this in the report had not been met. He also urged that if granted, the proposed S106 contribution for improving and enhancing the natural environment in the Borough should be used to enhance the water space. He cited examples of previously approved applications that had resulted in the loss of a water space without providing sufficient mitigation. Councillor Chesterton then answered questions from Members about his concerns.

The applicant had declined to speak in support of the application.

Jermaine Thomas (Planning Services) presented the application explaining the planning history and the site location and the key features of the application. Consultation had been carried out and no objections had been submitted. It was considered that the land use was acceptable for a town centre location and also that the loss of the water space could be supported given the limitations in terms of its potential use. The plans would be of a high quality design and would be carried out in a sensitive matter to protect the heritage assets. There would also be a S106 contribution towards improving and enhancing the natural environment in the Borough. The plans also included biodiversity measures to mitigate the impact of the application

Officers were recommending that the application was granted permission.

In response to the presentation, Members also asked about the impact of the development on pedestrian access and the employment opportunities from the plans. Officers explained that the proposal would be subject to a construction management plan and if granted Officers could ensure that it would safeguard pedestrian access during the construction phase where possible. The plans also included obligations in respect of local employment.

Members also asked about the loss of water space and the special circumstances justifying this. It was questioned whether alternative designs had been considered to lessen the impact on the water space. The Committee also asked about the other measures explored prior to proposing the financial contribution and if the contribution could be spent towards enhancing dock heritage and waterway facilities to offset the loss of water space.

Members also asked about the design of the proposals, the nature of the proposed use and if the proposed facilities would be open to the general public.

In response, it was reported that S106 planning contributions could theoretically be allocated to enhancing existing water space. However, care would need to be taken to ensure that such a contribution would not be for the provision of infrastructure of a type specified on the Council's Community Infrastructure Levy Regulation 123 List as that would be a duplication of liability with the Community Infrastructure Levy; in which case the failure to secure such a contribution could not be a reason to refuse permission.

It was also noted that the loss of water space was not normally supported but given the limited value of the water space in this case, it was felt that special circumstances existed to agree to its removal. There might be some difficulties in providing replacement water space given that this might involve the agreement of a third party. It was considered that the proposal would be of a high quality design and would include special features to reflect the water space. Consideration had been given to an alternative design but the plans had been designed by the applicant with a particular end user in mind. It was understood that some of the facilities would be open to the general public, but use of the facilities would mainly be restricted to Members and their guests.

The Committee also asked about the impact on heritage assets particularly the listed wall. Members also asked about the impact on biodiversity and the comments of the relevant experts on the plans.

Officers considered that the impact of the scheme, involving essential intervention to the coping of the wall, would be less than substantial, and be outweighed by the benefits of the proposal. The Council's Conservation Officer and Council's Biodiversity Officer had considered the application including the proposed lighting on the underside of the development, and felt that it would not harm the setting of the area or the heritage assets. If granted, the plans would be reviewed with the Council's Conservation Officer and the Biodiversity Officer again to ensure they were satisfied with the proposal. In response to further questions about the measure to promote the local heritage assets, it was noted that plans included a requirement to install interpretation boards within the public realm to promote the heritage of the area that should raise its profile.

The Committee also discussed the planning history of the site.

On a vote of 0 in favour of the Officer recommendation, 7 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission and listed building consent.

Accordingly, Councillor Marc Francis proposed a motion that the recommendation to grant planning permission and listed building consent be not accepted (for the reasons set out below) and on a vote of 7 in favour, 0 against and 1 abstention, it was **RESOLVED:**

That the Officer recommendation to grant planning permission and listed building consent be **NOT ACCEPTED** at Land at Bank Street, Canary Wharf, London, E14 for demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development. (PA/16/00899 & PA/16/00900)

The Committee were minded to refuse the proposal due to concerns over the following issues:

- The loss of open water space and the exceptional circumstances justifying this, set out in the Committee report.
- Impact on the biodiversity of the dock
- Impact on the heritage assets, particularly the Grade 1 listed wall.
- Inadequate mitigation to address the harm caused by the development.

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

## 6. OTHER PLANNING MATTERS

### 6.1 Planning Appeals Report

Paul Buckenham presented the planning appeals report highlighting the key issues for consideration. It was noted that Appendix 1 of the report sets out the Council's Appeal decision results between April 2015 and September 2016 and Appendix 2 detailed live appeals. He drew attention to the importance of the appeal decision process and the benchmarking data for inner London Authorities in respect of major and minor appeals. He also drew attention to some of the appeal decision outcomes on applications determined at Member level and the lessons learned from this. The results showed that overall the Council's performance at appeals compared favourable to the other Authorities in terms of quality of decision making.

In response to the presentation, the Committee discussed the Council's success rate at appeal and also its approach to negotiating amendments with the applicant to address concerns at the Committee stage. In summary the Chair felt that the Committee had a good success rate in upholding its decision at appeals and thanked Officers for producing such a comprehensive report.

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

The contents of the report be noted.

The meeting ended at 10.00 p.m.

Chair, Councillor Marc Francis  
Strategic Development Committee

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

### Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <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>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <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>	 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>	 Council’s Constitution

# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 <sup>th</sup> November 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> 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 the previous Agenda Item.

#### **5. RECOMMENDATION**

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



# Agenda Item 5.1

<b>Committee:</b> Strategic	<b>Date:</b> 29 <sup>th</sup> November 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for full Planning Permission
<b>Case Officer:</b> Richard Humphreys	<b>Ref No:</b> PA/16/00477 <b>GLA Ref.</b> D&P/2420c/01 <b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** 30 Marsh Wall, E14 9TP

**Existing Uses:** 5,519 m2 7-storey building comprising 5076 m2 of Class B1 offices and 443 m2 of Class D1 community use.

**Proposal:** Demolition of the existing building and erection of a 43 storey building comprising flexible retail (Use Classes A1-A4) and community uses (Class D1) at podium, lower ground and ground level, 271 residential (Class C3) units on the upper levels, new landscaping and public realm, ancillary servicing and plant, car and cycle parking at basement level and associated works.

The application is accompanied by an Environmental Impact Assessment and represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council must take the environmental information into consideration.

**Drawing and documents:**

Drawings:

### **Drawing No(s). Title**

208\_GA\_B2 Proposed Basement Level 02 Floor Plan

208\_GA\_B1 Proposed Basement Level 01 Floor Plan

208\_GA\_LG Proposed Lower Ground Floor Plan

208\_GA\_00 Proposed Ground Floor Plan

208\_GA\_01 Proposed First Floor Plan

208\_GA\_02 Proposed Typical Social Rental Plan – 6 Units

208\_GA\_07 Proposed Typical Social/Intermediate Rental Plan – 6 Units

208\_GA\_10 Proposed Intermediate/Gym Plan – 4 Units

208\_GA\_11 Proposed Private Plan – 7 Units

208\_GA\_12 Proposed Typical Private Plan – 8 Units

208\_GA\_31 Proposed Typical Private Plan – 6 Units

208\_GA\_39 Proposed Duplex Plan – 5 Units

208\_GA\_40 Proposed Duplex Plan 1 Units (Upper)

208\_GA\_41 Proposed Duplex Plan – 6 Units

208\_GA\_42 Proposed Duplex Plan – 6 Units (Upper)

208\_GA\_RF Proposed Roof Plan  
 208\_AP\_01 Typical 1 Bed Apartment Layouts  
 208\_AP\_02 Typical 2 Bed Apartment Layouts  
 208\_AP\_03 Typical 2 Bed Apartment Layouts  
 208\_AP\_04 Typical 3 Bed Apartment Layouts  
 208\_AP\_05 Typical 3 Bed Duplex Apartment Layouts  
 208\_AP\_06 Typical 3 Bed Duplex Apartment Layouts  
 208\_AP\_07 Typical 2 Bed Duplex Apartment Layouts  
 208\_PS\_01 Typical 2 Bed Wheelchair Accessible Apartment  
 Layout  
 208\_PS\_02 Typical 1 Bed Wheelchair Accessible Apartment  
 Layout  
 208\_GE\_00 Proposed Elevations (All)  
 208\_GE\_01 Proposed North East Elevation  
 208\_GE\_02 Proposed South East Elevation  
 208\_GE\_03 Proposed South West Elevation  
 208\_GE\_04 Proposed North West Elevation  
 208\_GE\_05 Proposed North East Context Elevation  
 208\_GE\_06 Proposed South East Context Elevation  
 208\_GE\_07 Proposed South West Context Elevation  
 208\_GE\_08 Proposed North West Context Elevation  
 208\_GS\_01 Proposed Cross Section  
 208\_GS\_02 Proposed Long Section  
 208\_S\_01 Rev A Location Plan  
 208\_S\_02 Proposed Landscape Context Plan

Documents

Environmental Statement – Metropolis Green  
 Planning Statement – DP9 Ltd;  
 Design and Access Statement - 21<sup>st</sup> Architecture;  
 Statement of Community Involvement – Your Shout;  
 Landscaping Strategy and Plans – Cameo Landscape  
 Architects;  
 Affordable Housing Statement - Pioneer;  
 Affordable Housing and Financial Appraisal Supporting  
 Statement – Pioneer;  
 Sustainable Statement – Metropolis Green;  
 Energy Strategy – Metropolis Green;  
 Transport Assessment – WSP;  
 Aviation – Donald Butler Associates;  
 Ecological Appraisal – ACD Ecology;  
 Waste Strategy – WSP;  
 Flood Risk Assessment – WSP;  
 Existing Building Report – Levy;  
 Servicing Management Plan – WSP;  
 Vertical Transport Study – Hoare Lea;  
 Wind Microclimate – BMT Fluid Mechanics.

;     **Applicant:**       MW 30 LTD  
        **Ownership:**     MW 30 LTD  
                               LBTH (Highway land)

<b>Historic Building:</b>	None on site. Within the setting of the Grade II former entrance to West India South Dock.
<b>Conservation Area:</b>	None but within setting of UNESCO Maritime Greenwich World Heritage Site

## 2. EXECUTIVE SUMMARY

- 2.1. The application has been assessed against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area comprising the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010 and the Managing Development Document 2013) together with other material considerations including the Mayor's *'Housing'* Supplementary Planning Guidance 2016, the Council's South Quay Masterplan 2015. and the Building Research Establishment's publication – *'Site layout planning for daylight and sunlight: a guide to good practice.'*
- 2.2. The existing building has no statutory protection and no objection is raised to its demolition. On balance, no land use objection is raised to the loss of the existing offices and Class D1 floorspace (Community non-residential institution) followed by redevelopment by retail and / or community uses at podium, lower ground and ground level and 271 residential units above.
- 2.3. The proposed residential density approaches four times the upper figure of the indicative density range provided London Plan Table 3.2 – *'Sustainable residential quality density matrix'* for areas with PTAL5. The proposal involves a development of such density that there would be significant adverse impacts typically associated with overdevelopment in terms of residential quality, inadequate amenity space, unresolved microclimate conditions especially wind, and impact on the surroundings particularly sunlight / daylight. It has not been demonstrated that measures to mitigate overlooking and ensure privacy would result in satisfactory natural light within the proposed housing.
- 2.4. Whilst South Quay is an appropriate location for tall buildings, the constraints of the site including the proximity of adjoining development mean that the proposal would not accord with development plan policy criteria to assess the impact of such a building. The site is identified in the South Quay Masterplan for the location of a building no taller than 12 storeys.
- 2.5. On balance, the proposed dwelling mix is considered policy compliant in both the affordable and market sectors.
- 2.6. The affordable housing offer of 24.1% is a shortfall of 10.9 % against the Local Plan target. A significant amount of the shortfall is due to a £6.5 million contingency to meet potential Right of Light payments to adjoining owners. Town planning is distinct and separate from the private law of easements which in the case of right to light needs to be established over a 20 year period or inherited. The submitted Viability Assessment does not identify properties that might be eligible. It is not considered that the affordable housing shortfall is financially justified.

- 2.7. The scheme would not adversely impact on the setting of the UNESCO Maritime Greenwich World Heritage Site, other designated heritage assets or strategic views in the London View Management Framework.
- 2.8. Transport matters, including car and cycle parking, access and servicing, whilst not fully resolved, are considered acceptable in principle subject to conditions and a legal agreement.
- 2.9. The scheme would fail to meet development plan carbon emission savings. Unless a connection can be made to the Barkantine District Heating network this would require mitigation by a carbon offsetting contribution. The submitted BREEAM pre-assessment shows the design and construction techniques are intended to achieve BREEAM '*Excellent*' and would be policy compliant.
- 2.10. Flood risk and drainage strategies would be satisfactory in principle subject to further details of sustainable urban drainage.
- 2.11. The submitted Environmental Statement is not regulatory compliant and it has not been possible to issue a Final Review Report.

### **3. RECOMMENDATION**

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

#### **Reasons**

##### **Site design principles**

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

##### **Impact on surrounding sites**

2. The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties, with a commensurate increased sense of enclosure, breaching guidance in the Building Research Establishment handbook '*Site Layout Planning for Daylight and Sunlight*' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy Policy SP10 '*Creating Distinct and durable places*', the Managing Development Document Policy DM25 '*Amenity*'. There would also be conflict with the Placemaking Principles of the South Quay Masterplan 2015 that require development to maximise levels of natural light. These indicate that the density, height, massing and layout of the scheme are not appropriate. The proposed development would unacceptably affect the development potential of the Cuba Street site to the south.

## **Housing quality**

3. There 'would be deficiencies in housing quality standards including failure to meet the Technical housing standards – nationally described space standard and the Mayor's Housing SPG 2016 regarding private amenity space, communal amenity space and child play space. Microclimate conditions are unresolved. It has not been demonstrated that measures to mitigate overlooking and ensure privacy would result in satisfactory natural light within the proposed housing with failures of the Building Research Establishment's daylight and sunlight guidance. This would conflict with London Plan 2015 Policy 3.5 '*Quality and design of housing developments*' and Policy 3.6 '*Children and young people's play and informal recreation facilities*', the Mayor's '*Housing*' SPG 2016, together with Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' and the Managing Development Document Policy DM4 '*Housing Standards and Amenity Space*' and Policy DM25 '*Amenity*.'

## **Urban Design**

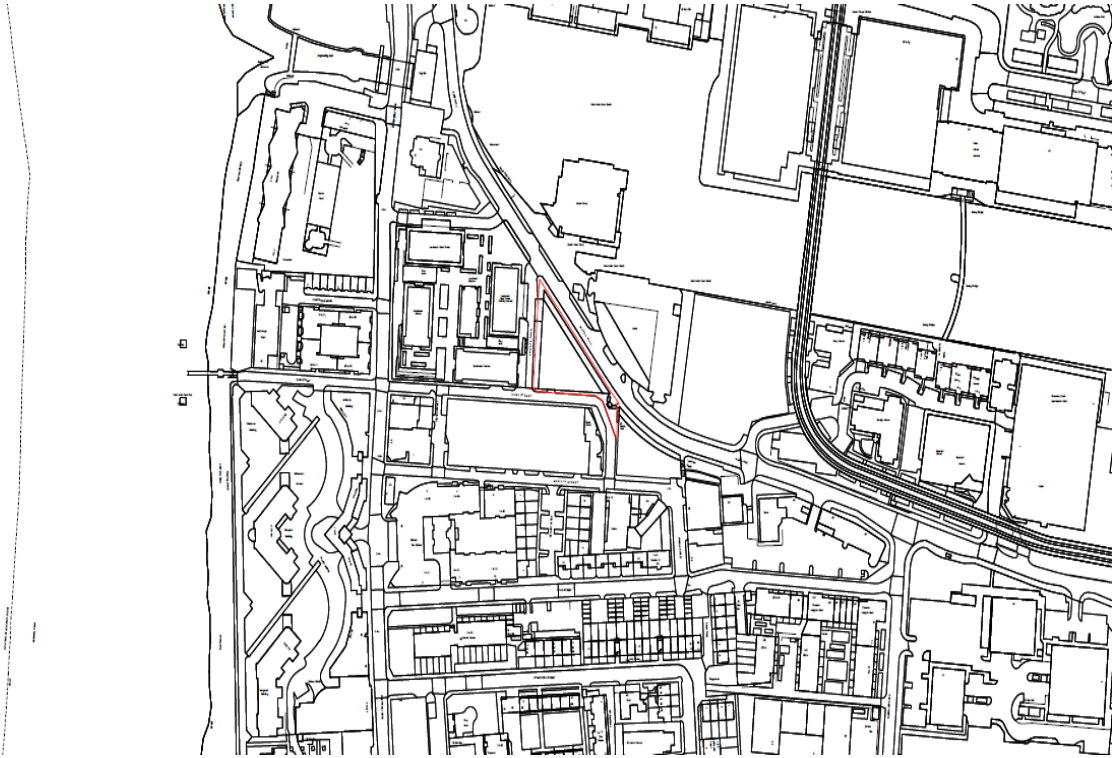
4. Statutory policy and guidance require development to provide buildings and places of a high quality design, suitably located and sensitive to the locality. Microclimate conditions affecting surrounding streets and spaces are unresolved. The impacts of the proposed development mean that the scheme would conflict with the design principles within Chapter 7 of the London Plan particularly Policy 7.6 '*Architecture*' and Policy 7.7 '*Tall and large scale buildings*.' There would also be conflict with Tower Hamlets Core Strategy Policy SP10 '*Creating distinct and durable places*' and Managing Development Document Policy DM24 '*Place sensitive design*,' Policy DM26 '*Building heights*' together with the design principles of the Mayor's Housing SPG 2016 and the South Quay Masterplan 2015. Whilst the development of this site has the potential to generate substantial public benefits, the benefits of the development, namely new housing, would not outweigh the harm that would ensue.

## **Environmental Statement**

5. The submitted Environmental Statement fails to comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

## **4. SITE AND SURROUNDINGS**

- 4.1. The triangular shaped application site is located on the western side of the Isle of Dogs east of Westferry Road at the end of West India Dock South Quay. It is bounded by Marsh Wall to the east, Cuba Street to the south and to the west by a private vehicular ramp within the recent '*Landmark*' development No. 22 Marsh Wall.
- 4.2. The site area shown on Figure 1 below measures 0.19 hectare and includes steps leading to Marsh Wall from Cuba Street and adjoining land within the applicant's ownership and land forming the Cuba Street public highway within the Council's ownership.



**Figure 1. Site plan 30 Marsh Wall edged red**

- 4.3. The site is occupied by a 5,519 sq. m. 6-7-storey early 1990's building on basement, ground and five upper floors comprising 5,076 m<sup>2</sup>. of Class B1 offices and 443 m<sup>2</sup> of Class D1 floorspace (Non-residential institution) previously used as a NHS Drop in Centre and currently occupied by the charity Streets of Growth. There are 32 basement car parking spaces with vehicular access and servicing taken from Cuba Street. The existing building footprint occupies the entire triangular plot.
- 4.4. There is a fall in ground levels from north to south across the site. This results in the ground floor on Marsh Wall (serving as the main entrance to the building and the former medical facility) being a full storey above the ground floor on Cuba Street with two flights of steps available for public use at the eastern end of Cuba Street providing pedestrian access between the two streets.
- 4.5. To the south, other than a 9-storey residential building with ground floor retail (No.19 Cuba Street), the 0.36 ha. site bounded by Cuba, Manilla and Tobago Streets is vacant and subject to a current planning application for redevelopment by two buildings of 41-storeys (136 m. AOD) and 26-storeys (87 m. AOD) to provide 448 residential units, retail / community uses and public open space (PA/15/2528).
- 4.6. To the west, the 'Landmark' development comprises four buildings used as 691 dwellings with 3,107 m<sup>2</sup> of retail, offices and community uses on the lower floors. Of these, the 8-storey 'Endeavour House' and the 40-storey 'Landmark East Tower' (Whitby House) immediately adjoin the application site.
- 4.7. East across Marsh Wall the 1990's Britannia International Hotel, No. 163 Marsh Wall, is approximately 10-storeys tall. East of the Britannia Hotel, Arrowhead Quay is being redeveloped by two buildings of 55 and 50-storeys to provide 756

residential units, a 113 m2 cinema and 701 m2 ground floor retail uses (the 'Wardian').

- 4.8. To the south-east at No 40 Marsh Wall a 38-storey building plus basements to provide a 305 bedroom hotel '(Novotel)' and serviced offices is nearing completion (PA/10/1049).



Figure 2. 30 Marsh Wall. Marsh Wall elevation – The 'Landmark' (Whitby House) in the background

- 4.9. 30 Marsh Wall is not listed of architectural or historic interest but lies within the setting of the former entrance to West India South Dock - Grade II listed. It does not lie within or affect the setting of a conservation area. The site is some distance from the Tower of London and Maritime Greenwich UNESCO World Heritage Sites but sits within a number of strategic views and river prospects identified in the Mayor's London View Management Framework including View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View 11B.2: London Bridge; View 12B.1: Southwark Bridge, and View 15B.1: Waterloo Bridge.
- 4.10. The site has a Transport for London (TfL) public transport accessibility level PTAL5 'Very Good' and is within 300-400 m. of Heron Quays & South Quay DLR stations and 500 m. from Canary Wharf Jubilee Line Underground station. Canary Wharf Elizabeth Line Crossrail station is due to open in 2018. Bus routes 135, 277, D3, D7 and D8 serve Marsh Wall & Westferry Road.

- 4.11. The Isle of Dogs is served by cycle routes linking to the wider network. The nearest docking station of the Mayor's Cycle Hire scheme is some 400 m. from the site.
- 4.12. The site is approximately 160 m. east of the River Thames. It lies within the Environment Agency's Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by local river wall defences and the Thames Barrier to 1 in a 1,000 year probability (Low Risk).
- 4.13. The entire Borough of Tower Hamlets is an Air Quality Management Area.
- 4.14. The site lies within the Greater London Authority's Isle of Dogs & South Poplar Opportunity Area and a Regeneration Area, a Tower Hamlets Activities Area, the Council's South Quay Masterplan Area, the Isle of Dogs Neighbourhood Planning Area, a London City Airport Safeguarding Zone & the Crossrail SPG Charging Zone.
- 4.15. 30 Marsh Wall is within an area exempt from the office to residential change of use permitted development right introduced in 2013.

## 5 PROPOSAL

- 5.1 Application is made for full planning permission to redevelop 30 Marsh Wall to provide a 43-storey building comprising:
- 1,114 m<sup>2</sup> of commercial and community floorspace [Classes A1 (Shop), A2 (Financial and professional services), A3 (Café restaurant) A4 (Drinking establishment) & D1 (Non-residential institution) at lower ground and ground floors with entrances and an active frontage on Marsh Wall;
  - 271 residential units on the upper levels,
  - At basement level 34 residential car parking spaces in two stacking systems (sized to accommodate vehicles for disabled motorists) and 4 motorcycle spaces, all accessed from Cuba Street.
  - At lower ground floor 376 cycle parking spaces – 274 spaces for market housing, 102 spaces for the intermediate housing and affordable rented housing.
  - Landscaping and public realm works including new steps and a small '*pocket park*' between 40 Marsh Wall and Cuba Street.
- 5.2 The current building is partially being used by the charity Streets of Growth that works with local young people to allow them to re-connect with work and lifestyle opportunities. The applicant intends that the charity occupies the proposed 1,114 m<sup>2</sup> of commercial and community space.
- 5.3 The building would occupy the entire triangular site at two basement levels, lower ground, ground and 1<sup>st</sup> floor. A '*trapezoidal tower*' partially suspended would rise above the 1<sup>st</sup> floor podium. To ensure privacy between the proposed development, the '*Landmark*' and future development of the Cuba Street site to the south, residential windows on two faces of the tower would be provided with external perforated anodised louvers.



- 5.4 Shared amenity spaces are proposed at 1<sup>st</sup>, 10<sup>th</sup> and 39<sup>th</sup> floor levels, but only the 1<sup>st</sup> floor would be available for use by the occupants of the affordable housing combining external and internal spaces for a variety of play and other uses.



**Figure 3. South west elevation**

- 5.5 The residential tenure mix would be 219 market and 52 affordable units (16 intermediate and 36 affordable rented). A detailed breakdown of the proposed tenure split is provided in '*Material Planning Considerations*' below. The affordable housing offer is 24.1% by habitable rooms.
- 5.6 The main entrances to the residential accommodation would be on Marsh Wall where a separate affordable housing entrance would adjoin the private entrance.

Refuse and bike stores would be located in the basement with a shared tenure entrance at lower ground floor level allowing access to Cuba Street.



Figure 4. Relationship with proposed Cuba Street development



Figure 5. Proposed Marsh Wall elevation

5.7 As set out at paragraph 6.2 below, the application follows an earlier scheme Ref. PA/13/03161 that went undetermined. The differences between the current application and application PA/13/0316 may be summarised as:

- A reduction in the residential density from 4,626 hr/ha to 4,100 hr/ha;
- Height reduction from 52 to 43-storeys;
- Reduction in the number of residential units from 471 to 271;
- Reduction in the number of flats per floor from 12 to 8;
- A 30% reduction in the footprint of the tower;
- Replacement of the commercial unit at street level, revised podium design and provision of a residential amenity deck;
- Revised proposals to the public realm, steps to Marsh Wall, and landscaping surrounding the building.

## 6 MATERIAL PLANNING HISTORY

### Application site

6.1 PA/06/00006: Change of use of the southern ground floor unit to a NHS 'walk in' medical centre. Permitted 6<sup>th</sup> March 2006.

6.2 PA/13/03161: Redevelopment by a mixed use scheme over two basement levels, lower ground floor, ground floor and 52 upper floors (180 m. AOD) comprising 410 residential units, 1,781 m<sup>2</sup> of offices, 231 m<sup>2</sup> of community space, 73 m<sup>2</sup> of café / shop, communal amenity space at 4<sup>th</sup>, 24<sup>th</sup>, 48<sup>th</sup> and 49<sup>th</sup> floors, plant rooms, bin stores, cycle parking and 50 basement car parking spaces. Officers advised the applicant of concerns regarding:

- Multiple symptoms of overdevelopment,
- Impact on the amenity of neighbouring residential development due to loss of daylight and overshadowing, overbearing sense of enclosure;
- Poor public realm legibility;
- Conflict with tall buildings policy and failure to create an attractive human scale at street level;
- Unsatisfactory dwelling mix with insufficient family housing;
- Inadequate amount of affordable housing;
- Deficiencies in the Environmental Statement.

6.3 The application went undetermined and was treated as finally disposed of by the Council.

### Nearby sites

6.4 The following permissions have been granted in recent years for major development in the vicinity of 30 Marsh Wall:

#### Alpha Square (50 Marsh Wall, 63-69 and 68-70 Manilla Street)

6.5 PA/15/02671: Redevelopment by three buildings of 65, 20 and 34-storeys comprising 634 residential units, 231 hotel rooms, a health centre, school, ground floor retail with a landscaped piazza, public open space and vehicular access, car parking, cycle storage and plant with retention of the 'North Pole' Public House, 74 Manilla Street. Taken over by the Mayor of London and permitted in principle April 2016.

Land bounded by Park Place, Westferry Road and Heron Quay Road (Newfoundland)

- 6.6 PA/14/02134: Erection of a 58-storey and linked 2-storey building with basement to provide 568 residential units, 7 ancillary guest units, flexible Class A1-A4 retail use, car and cycle parking and pedestrian bridge. Permitted 5<sup>th</sup> December 2014.

- Arrowhead Quay, Marsh Wall (East of the Britannia Hotel) (the 'Wardian')  
6.7 PA/12/03315: Construction of two buildings of 55 and 50-storeys to provide 756 residential units, 113 m<sup>2</sup> cinema plus 701 m<sup>2</sup>. ground floor retail uses. Permitted 19<sup>th</sup> February 2015.

City Pride Public House, 15 Westferry Road

- 6.8 PA/12/03248: Redevelopment by a 75-storey tower (239 m. AOD) comprising 822 residential units, 162 serviced apartments, Class A1-A4 retail uses and open space. Permitted 9<sup>th</sup> October 2013.

- Land at bounded by Cuba, Manilla and Tobago Streets  
6.9 PA/11/01299: Full planning application for mixed use development of two towers of 40-storeys (127 m. AOD) and 52-storeys (160 m. AOD) comprising 429 residential units and 120 bedroom hotel. Undetermined and finally disposed of 7<sup>th</sup> October 2013.

- 40 Marsh Wall  
6.10 PA/10/01049: Redevelopment by a 38-storey, 305 bedroom hotel. Permitted 15<sup>th</sup> November 2010.

- The 'Landmark' 22-28 Marsh Wall, 2 Cuba Street & 17-23 Westferry Road  
6.11 PA/05/00052: Construction of buildings 40, 30 and 8-storeys to provide 691 dwellings and 3,107 sq. m. of retail, offices and community uses. Permitted 24<sup>th</sup> May 2006.

- 4 Mastmaker Road (Phoenix Heights).  
6.12 PA/05/01781: Construction of buildings up to 21-storeys comprising 190 residential units, retail, food and drink and community use. Permitted 20<sup>th</sup> June 2007.

- Site north of Byng Street and junction of Westferry Road and Byng Street  
6.13 PA/02/00891: Full planning permission to erect the new Millwall Fire Station, bar/restaurant and gym and 173 residential flats in a development up to 9-storeys with ancillary basement car parking. Permitted 6<sup>th</sup> February 2003.

**Current application**

- Land bounded by Cuba, Manilla and Tobago Streets (adjoining 30 Marsh Wall)  
6.14 PA/15/02528: Redevelopment by a residential-led mixed use scheme of two buildings 41-storeys (136 m. AOD) and 26-storeys (87 m. AOD) to provide 448 residential units, flexible retail/community uses with public open space and public realm improvements. To be determined.

**Pre-application advice**

- 6.15 Following the disposal of application PA/13/3161 at 30 Marsh Wall, the developer's agent sought formal joint GLA / LBTH pre-application advice (PF/15/00111). By

letter dated 4<sup>th</sup> November 2015, GLA and Council officers provided advice that may be summarised as follows:

Key Influences on achieving optimum building height

- Height set between Landmark East and the hotel at 40 Marsh Wall might be acceptable in townscape terms. The height must show regard to neighbouring developments and the place making principles in the South Quay Masterplan including visual layering and variation in the skyline to ensure that the emerging tall building cluster at the western edge of South Quay contributes positively to the townscape.
- The cumulative impacts of developments will need careful assessment by a townscape analysis to ensure new developments contribute positively to the area achieving a cohesive tall building group, not an overly dense and cramped cluster overbearing neighbouring sites and streets. There is risk of the latter due to the small plot size with awkward triangular geometry and the plot coverage proposed.
- 18 m. minimum separation distance to Landmark East, Cuba Street and the Britannia Hotel may satisfy physical amenity concerns (e.g. adequate outlook, sense of enclosure, daylight/sunlight for occupants of the scheme and neighbouring residential developments) but still may prove problematical in a broader townscape assessment due to the tight physical relationships with adjoining plot frontages given the modest scale of the surrounding streets, associated public realm and the scale of the buildings fronting them.
- The height must acknowledge and be a function of the site's capacity to absorb the density generated.
- The scheme should meet the minimum child play space standards on-site.

Delivering public realm/ improved pedestrian links

- 6.16 Within the South Quay Masterplan area, new development should frame and deliver high quality, legible and inviting public realm and improve pedestrian routes. Better pedestrian connectivity and public realm is required between Marsh Wall and Cuba Street.

Residential Amenity

- Internal kitchens without windows are unacceptable,
- The depth of units is a concern,
- Minimise/eliminate single aspect units on the northern elevation.
- Housing and private amenity space standards to be met,
- Concerns regarding the degree of overshadowing of the residential units on the southern edge of the building from the submitted scheme on Cuba Street.
- Wheelchair units to meet standards,
- Communal amenity space of suitable quality and standards to be provided.

Residential mix

- 6.17 Residential mix should comply with the borough's targets although variation in the intermediate sector could be acceptable.

## **7 LEGAL AND PLANNING POLICY FRAMEWORK & ALLOCATIONS**

- 7.1 In determining the application the Council has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to 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).

### The Development Plan

7.2 The development plan for the area comprises the London Plan 2016 and the Tower Hamlets Local Plan that comprises the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013. The London Plan was republished in March 2016 to bring it in line with national housing standards and car parking policy.

7.3 30 Marsh Wall is designated as follows:

#### London Plan

Isle of Dogs & South Poplar Opportunity Area  
Area of Regeneration

#### Tower Hamlets Local Plan Adopted Policies Map

Food Zone 3  
Tower Hamlets Activity Area  
Isle of Dogs Neighbourhood Planning Area

#### Tower Hamlets Managing Development Document (MDD)

30 Marsh Wall is not within a site allocation.  
Green Grid runs along Cuba Street

7.4 The following national, regional and local policies are relevant to the application:

#### 7.5 **National policy**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Technical housing standards – nationally described space standard 2015

#### **Regional policy**

#### 7.6 The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing

- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

### **Local policy**

- 7.7 Tower Hamlets Core Strategy 2010  
SP02 Urban living for everyone

- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

## 7.8 Managing Development Document 2013

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated land

## 7.9 **Supplementary Planning Documents**

### Greater London Authority

- The Mayor's Housing SPG May 2016
- Accessible London: Achieving an Inclusive Environment 2014
- Guidance on preparing energy assessments 2015
- Sustainable Design and Construction SPG 2014
- The Control of dust and emissions during construction and demolition 2014
- Shaping Neighbourhoods: Character and Context 2014
- London Planning Statement 2014
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013
- River Action Plan 2013
- London View Management Framework 2012
- East London Green Grid Framework 2012
- Shaping Neighbourhoods Play and Informal Recreation 2012
- London World Heritage Sites - Guidance on Settings March 2012



The Mayor's Energy Strategy 2010  
The Mayor's Transport Strategy 2010  
The Mayor's Economic Strategy 2010

Tower Hamlets

South Quay Masterplan 2015  
Planning Obligations SPD – September 2016  
Community Infrastructure Levy (CIL) Regulation 123 List September 2016

Historic England Guidance Notes

Historic England / Design Council Updated Guidance on Tall Buildings 2015

Building Research Establishment

Site layout planning for daylight and sunlight: a guide to good practice 2011.

- 7.10 The Isle of Dogs & South Poplar Opportunity Area Planning Framework (OAPF) is being written by the GLA with help from Tower Hamlets and Transport for London. Work started in 2015, public consultation during 2016 with adoption anticipated in 2018.

## 8 CONSULTATION

- 8.1 The following bodies have been consulted on the application. Representations received are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

### External consultees

Greater London Authority

- 8.2 The Deputy Mayor considered the application at Stage 1 on 22<sup>nd</sup> April 2016. The Council was informed that the application does not comply with the London Plan but possible remedies could address the following deficiencies:

- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The Council should confirm that the housing mix adequately addresses local need and the applicant should address concerns regarding residential quality and play space, in order to comply with London Plan Policy 3.5, 3.6 and 3.8.
- **Urban design:** the applicant should address concerns regarding ground floor layout and public realm, to ensure compliance with London Plan Policies 7.1, 7.4 and 7.5.
- **Inclusive design:** the applicant should confirm the location of the wheelchair accessible units and that they are split across tenures and unit sizes, in order to comply with London Plan Policy 3.8.
- **Flooding:** the applicant should give full consideration to the sustainable drainage hierarchy set out in London Plan Policy 5.13, including investigating direct discharge to the docks and installation of blue roof technology and rainwater harvesting.
- **Climate change mitigation:** the energy strategy does not fully accord with London Plan Policies 5.2, 5.6 and 5.9. Further information regarding overheating, connection to the Barkantine heat network and the combined

heat and power system is required. The final agreed energy strategy should be appropriately secured by the Council.

- **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.13 the applicant is required to provide further details relating to car and cycle parking. The Council should secure a £70,000 financial contribution towards bus capacity, a permit free scheme, a car park management plan, a travel plan, a construction logistics plan and delivery and a servicing plan.

#### Transport for London (TfL)

8.3 The overall scheme is acceptable, however, a number of revisions are requested to ensure the proposal is London Plan compliant:

- Further information regarding how wheelchair users would utilise the proposed car parking spaces.
- A car parking management plan should be secured by condition.
- Clarity regarding the location of all of the proposed cycle parking.
- Further information regarding cycle parking access and design (including reference to London Cycle Design Standards).
- The allocation of residential parking spaces should reflect London Plan standards for each housing tenure type.
- Full details of cycle parking be secured by condition.
- A contribution of £70,000 to mitigate the site specific impact on the bus network.
- Safeguarding of land to accommodate a 24 space docking station to be funded by the borough's CIL.
- The Construction Logistics Plan and Delivery & Servicing Plan should be secured by condition.
- The Travel Plan should be secured by condition with implementation through a section 106 agreement.

#### London Borough of Greenwich

8.4 No representations received.

#### The Greenwich Society

8.5 No representations received.

#### Maritime Greenwich Heritage Site

8.6 No representations received.

#### London Wildlife Trust

8.7 No representations received.

#### NHS Tower Hamlets Clinical Commissioning Group

8.8 No representations received.

#### Metropolitan Police Crime Prevention Design Advisor

8.9 No objections requests conditions to ensure measures to minimise the risk of crime and follow Secured by Design throughout the life of the development.

#### Docklands Light Railway

8.10 No representations received.

#### Canal and Rivers Trust

8.11 No objections in principle. The site is set back from the dock and there should be no direct adverse impact on the water space or dock structure. Requests a contribution towards environmental improvements to the water space environment, such as the replacement of the dockside interpretation boards.

Environment Agency

8.12 No objections. Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling shows that it is at risk if there was to be a breach in the defences or they were to be overtopped.

8.13 The proposal does not have a safe means of access and / or egress in the event of flooding to an area wholly outside the floodplain. However, safe refuge within the higher floors of the development has been suggested. The Council should assess the adequacy of the evacuation arrangements.

8.14 To improve flood resilience, recommends that finished floor levels are set above the 2100 breach level - 5.452 m. AOD.

London Fire and Emergency Planning Authority

8.15 No representations received.

London Underground

8.16 No comments.

Thames Water Plc

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

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

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

8.20 Thames Water also requests:

- An informative advising the applicant to incorporate protection to the property by installing a non-return valve or other suitable device to avoid waste backflow.
- An informative advising of large water mains adjacent to and crossing the site that may require diversion. Unrestricted access to the water mains should be available at all times.
- A condition to prevent impact piling until a piling method statement has been approved.

London City Airport

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

National Air Traffic Services

8.22 No conflict with safeguarding criteria.

Natural England

8.23 No comments.

Historic England

8.24 Does not consider it is necessary for the application to be notified to Historic England.

Greater London Archaeological Advisory Service

8.25 Recommends a condition 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

8.26 No representations received.

EDF Energy Networks Ltd

8.27 No representations received.

Defence Infrastructure Organisation

8.28 No safeguarding objection.

**Internal consultation**

Biodiversity officer

8.29 The application site has no existing biodiversity value. Ecology has correctly been scoped out of the EIA. It contains no vegetation or soft surfaces and the existing buildings are unsuitable for roosting bats or nesting birds. The site is close to the Millwall & West India Docks SINC, but no significant adverse impacts on the SINC are likely. There would therefore be no adverse biodiversity impacts.

8.30 MDD Policy DM11 requires major development to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP).

8.31 The proposals include landscaping at upper and lower ground levels, 1<sup>st</sup> floor podium, 10<sup>th</sup> floor gym level and roof level 39. These include tree planting, ornamental shrubs and planters with grasses and perennials. Few of the species indicated in the Landscape Design Strategy are native or of significant wildlife value, and the overall species diversity in the proposed planting is low.

8.32 The Ecology Report and the Design & Access Statement refer to bird and bat boxes that would contribute to LBAP targets.

8.33 Overall, the planting would ensure a small overall biodiversity benefit and help LBAP objectives and targets as required by MDD Policy DM11. Recommends a condition requiring the submission of full details of biodiversity enhancements, landscaping, bat boxes and nest boxes, the approved scheme to be implemented prior to occupation of the development.

### Environmental Health

- 8.34 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.
- 8.35 Air quality: Operational Impacts: The air quality assessment within the ES is accepted. It concludes that the NO<sub>2</sub> annual objective will be exceeded at the lower levels facing Marsh Wall. A condition should be applied to any planning permission to require that mitigation must be provided for all units where the NO<sub>2</sub> objective will be exceeded at the façade, details of the mitigation to be submitted for approval.
- 8.36 Construction Impacts: The construction part of the assessment is accepted. The proposed dust and emissions mitigation/management measures should be included in a Construction Management Plan to be submitted by and approved prior to commencement. The GLA's Non Road Mobile Machinery Low Emission Zone policy came into force on the 1st September 2015, all major construction sites in Greater London must now comply with this policy.
- 8.37 Micro-climate: No representations received.
- 8.38 Noise and vibration: No representations received.
- 8.39 Health & Housing Team: Advises that grills are not fitted to the apartment windows as they could constitute a possible main hazard under the Housing Act 2004 with a deleterious health effect due to lack of natural lighting which may have psychological impact on occupants.

### Energy Efficiency and Sustainability

- 8.40 The proposals seek to implement energy efficiency measures by a site wide heating system and renewable energy technologies to deliver a 35.2% reduction CO<sub>2</sub> emission reductions. The proposed CO<sub>2</sub> reductions fall short of the 45% requirements of MDD Policy DM29. The proposals require further consideration into delivering a connection to the Barkantine heat and power network to ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and MDD Policy DM29. Subject to conditions to prioritise linking to Barkantine, and the CO<sub>2</sub> emission reduction shortfall being met through a carbon offsetting contribution, the proposals are considered to accord with adopted policies for decentralised energy and emission reductions. It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Updated district energy connection strategy, submitted prior to commencement on site and agreed in writing with LBTH, with an assumption to deliver a connection to the Barkantine heating network unless demonstrated not feasible / viable. Updated strategy to include energy calculations using the carbon intensity applicable to the Barkantine network.
  - Carbon offsetting contribution secured through S106 contribution (£66,600)
  - Delivery of BREEAM '*Excellent*'.

### Housing Development & Private Sector Team

- 8.41 Reported within Material Planning Considerations below.

### Transport and Highways

- 8.42 Car parking: MDD Policy allows a maximum of 31 car parking. The proposed 34 spaces are not supported. If permission is granted, a 'permit free' agreement should prevent residents from purchasing on-street parking permits. The proposed parking bays would be in stackers capable of taking adapted vehicles. A minimum of 10% of the spaces must be retained for the sole use of registered Blue Badge holders and secured by condition. No spaces should be sold or rented out to non-residents. A Parking Management Plan should be submitted and approved.
- 8.43 The car park entrance is via one lift and the applicant should demonstrate that vehicles will not wait excessively on the public highway for the lift. Measures to ensure the lift always returns to street level should be incorporated in the Parking Management Plan. Details of how the car park would operate should the lift fail are also required. The car park entrance is located within a proposed loading bay on Cuba Street. This will not work as the access may be blocked with vehicles loading / unloading and a separate access is required. This redesign may affect the tracking diagrams supplied for the loading bay.
- 8.44 Cycle parking: Provision would exceed London Plan standards and is welcomed. Only double stackers are proposed. Recommends a mixture of stands, including some 'Sheffield' type stands and stands for adapted or recumbent cycles. Any planning permission should be conditioned to require the retention of the cycle storage facilities for the life of the development.
- 8.45 Servicing: Servicing is proposed from an inset shared surface bay on part of the public highway on Cuba Street. This could be acceptable if the additional 2 m. wide footway behind the bay was provided and dedicated as public highway under s72 of the Highways Act 1980 to ensure a continuous footway.
- 8.46 The submitted Design and Access Statement says "*the development is designed to ensure that all servicing activities will take place off the public highway in order to ensure that traffic flows on the surrounding highway network are unaffected by the operation of the site. Servicing will be taken from within the site boundary at basement level.*" However, the submitted Draft Delivery and Service Management Plan confirms that servicing is proposed on the public highway (the new bay) and the developer will not be able to exercise any control over the bay as it will be open for anyone using it legitimately within the operational hours. Outside of the operating hours the bay could be used for car parking and the applicant needs to put forward a strategy for dealing with this. Suggests that no waiting / loading at any time restrictions are proposed with exceptions for loading. This should be covered in a final Service Management Plan that should be conditioned by any permission.
- 8.47 Changes to road layout and other works: Alteration to the highway in Cuba Street and any other necessary works to the public highway adjacent to the site will require a section 278 agreement with the highway authority that should be secured by condition.
- 8.48 Pedestrian movement: The proposal will open up the site and improve pedestrian permeability which is welcomed.
- 8.49 Travel Plans: The submission and approval of a full Travel Plan and a Demolition and Construction Plan should be secured, Marsh Wall being sensitive to construction traffic due to the scale of development taking place. Cumulative impact should be examined.

#### Enterprise & Employment

- 8.50 The developer should use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Economic Development will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.51 To ensure local businesses benefit from the development, 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. Economic Development will support the developer to achieve their target through ensuring they work closely with the Council's Enterprise team to access the approved list of local businesses. 22 apprenticeships should be delivered during the construction phase.
- 8.52 Recommends planning obligations to secure contributions and measures to support and or provide the training and skills needs of local residents to access job opportunities during construction (£125,008) including 22 apprenticeships and at the end-use phase (£10,247).

#### Education Development Team

- 8.53 No comments received.

#### Communities, Localities & Culture - Strategy

- 8.54 No comments received.

#### Education Development

- 8.55 No comments received.

#### Waste Management

- 8.56 No comments received.

#### Sustainable Drainage Officer

- 8.57 The site is located within Flood Zone 3 and protected to a high standard by the Thames tidal flood defences. There are risks associated with the breach of defences and it is therefore recommended that finished floor level (FFL) is above the 2100 breach level to improve flood resilience. The applicant sets out FFL to be above the 2065 breach event and will endeavour to raise the lower ground level as high as practically possible, to reduce the impact from a 2100 breach event or surface water flooding of Cuba Street.
- 8.58 No residential accommodation is proposed in the lower levels and therefore limits the vulnerability; however there should be resilient means of safe access/egress and evacuation routes - the applicant references discussion with the Council's emergency planning and no concerns have been raised.
- 8.59 The Sustainable Urban Drainage strategy proposes a reduction of the existing surface water run-off to greenfield run off rates achieved by including 76 m3 of storage. The proposals are acceptable and comply with London Plan Policy 5.13 and MDD Policy DM13. The proposal primarily utilises storage tanks below basement level and pumping will be required to discharge in Thames Water's sewer. Whilst the discharge rate is welcomed the proposal makes little use of sustainable SUDs techniques and its appraisal is limited.

- 8.60 Otherwise no objection to the development. To ensure flood risk is not increased elsewhere a surface water drainage scheme as outlined in the Flood Risk Assessment should be secured by a planning condition.
- 8.61 Residual Risk: The applicant has not adequately addressed the residual risk associated with the drainage strategy. There is no indication how the entire drainage system is to be maintained. A poorly maintained drainage system can lead to future flooding problems. The attenuation tanks below basement level will necessitate pumping which will increase the level of risk due to pump failure. Safe and appropriate flow routes from blockage and exceeding the drainage system capacity should demonstrate no property flooding or increase in flood risk, either offsite or to third parties
- 8.62 Maintenance: Recommends that details of agreed adoption, monitoring and maintenance of the drainage and SUDS features are conditioned should planning permission be granted.
- 8.63 The Flood Risk Assessment and Outline Drainage Management Plan are in principle accepted. However, a detailed Drainage Management Plan should be conditioned confirming the location of the attenuation tanks and permeable paving.
- Conservation and Design Advisory Panel
- 8.64 The Panel received a presentation of the scheme on Monday 14<sup>th</sup> November 2016. Members will be informed of the Panel's advice in an Update Report.

## 9 LOCAL REPRESENTATION

- Community involvement by the applicant
- 9.1 The Localism Act 2011 requires developers of "*large scale major applications*" to consult local communities before submitting planning applications.
- 9.2 The application is supported by a Statement of Community Involvement that explains that prior to the submission of the application, the applicant carried out a programme of consultation with local community groups and residents.
- 9.3 Invitations to a public exhibition of the proposals held on site at 30 Marsh Wall on Wednesday 21<sup>st</sup> October 2015 were sent to approximately 2,000 homes and businesses in the surrounding area, councillors of Canary Wharf, Blackwall & Cubitt Town and Island Gardens wards, members of Tower Hamlets' Strategic Development Committee and Tower Hamlets Executive.
- 9.4 The following community groups were invited.
- Alpha Grove Community Centre
  - Association of Island Communities
  - Calders Wharf Community Centre
  - Cubitt Town Bengali Cultural Association
  - Docklands Outreach
  - Island Advice Centre
  - Island Friends
  - Island History Trust
  - Island Neighbourhood Project
  - Isle of Dogs Neighbourhood Forum



- East End Community Forum
- Millwall Park Centre
- St. John's Bengali Welfare Association
- St. Luke's Millwall
- Stratford Friendship Club
- Seven Mills Primary School
- Phoenix Heights Community Centre
- St. John's and Samuda Leaseholders Association
- St. John's Tenants and Residents Association
- Samuda Estate Bengali Association
- The Landmark
- Barkantine Tenants' Association

9.5 25 people including three councillors attended. The developer's project team was available to answer questions. A feedback form, a Freephone telephone number, Freepost and an email addresses were provided for comments. Nobody completed feedback forms on the day and no comments were received by Freepost. Members of the public who attended the exhibition made the following comments while there:

- Request for architectural models.
- Questions regarding the impact on the view from the Landmark East and West buildings.
- Questions about the nature of the "affordable" provision and who would manage the properties.

Representations following statutory publicity

9.6 The application has been publicised by the Council by site notices and advertisement in East End Life. 2,444 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment.

Representations received			24
Objecting:	24	Supporting	0
No of petitions received:			0

9.7 The comments have mostly been made by residents of the adjoining 'Landmark' development. Material objections may be summarised as:

- Overdevelopment - residential density exceeding three times the planning guidance;
- Overshadowing and loss of daylight to the Landmark particularly Whitby House the eastern building;
- Lack of privacy between the Landmark and the 30 Marsh Wall scheme due to their proximity;
- Additional traffic and environmental disturbance on local roads with inevitable parking problems;
- The Isle of Dogs and Marsh Wall do not have the infrastructure and services, including schools and water supply to support the exponential population growth;
- The building would be too tall and the plot too small for such a large building;

- Failure to comply with the policy that requires building height to reduce from Canary Wharf;
- Loss of amenity, quiet enjoyment and traffic disturbance during construction;
- Inadequate community consultation by the developer.

9.8 Non material objections may be summarised as:

- Construction work would threaten the safety of children attending the nursery at the Landmark.

## 10 MATERIAL PLANNING CONSIDERATIONS

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

- Principle of redevelopment & land use
- Optimising housing potential
- Urban design
- Affordable housing
- Residential tenure mix and inclusive design
- Housing quality
- Open space
- Impact on surroundings
- Microclimate
- Highways and Transport
- Waste
- Energy and Sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Archaeology
- Flood Risk
- Sustainable urban drainage
- Biodiversity
- Airport safeguarding
- Telecommunications
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

### **Principle of redevelopment & land use**

#### **NPPE**

10.2 A core planning principle is the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Paragraph 7 advises that a dimension of achieving sustainable development is a 'social role' supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

- 10.1 The Framework promotes a presumption in favour of sustainable development, through the effective use of land, driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. It promotes high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, particularly for new housing. Local authorities are expected to boost significantly the supply of housing and applications for housing should be considered in the context of the presumption in favour of sustainable development.
- 10.2 Paragraph 20 requires local planning authorities to plan proactively to meet the *'development needs of businesses and support an economy fit for the 21st century'*. Policies should be flexible to accommodate unanticipated changes and to allow a rapid response to changes in economic circumstances. Paragraph 21 says planning policies should avoid the long term protection of sites allocated for employment uses, where there is no prospect of the site being used for that purpose.
- 10.3 30 Marsh Wall is within an area exempt from the Government's office to residential change of use permitted development right introduced in 2013, the intention being to protect employment generating office floorspace in and around Canary Wharf.
- The London Plan 2016
- 10.4 Policy 3.3 *'Increasing housing supply'* identifies the pressing need for more homes in London. Increased housing supply is to be achieved in particular by realising brownfield housing capacity through opportunity areas and mixed-use redevelopment, especially of surplus commercial capacity.
- 10.5 The Plan states that an average of 42,000 net additional homes should be delivered across London annually. For Tower Hamlets a minimum ten year target of 39,314 new homes is set between 2015–2025 – an annual target of 3,931 homes per year is also given.
- 10.6 The Plan identifies *'Opportunity Areas'* which are capable of significant regeneration, accommodating new jobs and homes and requires the potential of these areas to be maximised.
- 10.7 The site lies within the Isle of Dogs and South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 shows the site also lying within an Area of Regeneration. London Plan Policy 2.13 provides the Mayor's policy on opportunity areas and paragraph 2.58 says they are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. Table A1.1 states that the Isle of Dogs Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031.
- 10.8 Policy 4.2 *'Offices'* encourages the renewal and modernisation of the existing office stock in viable locations.

The Tower Hamlets Local Plan

Adopted Policies Map

10.9 The Adopted Policies Map, reproduced on page 139 of the MDD 2013 *‘Place of Canary Wharf’* does not include the site within a Preferred Office Location. 30 Marsh Wall is annotated:

- Within a Flood Risk Area
- Within a Tower Hamlets Activity Area

Tower Hamlets Core Strategy 2010

10.10 Policy SP01 *‘Refocusing on our town centres’* applies a town centre hierarchy within the borough. Part 5 promotes areas outside and at the edge of town centres as places that support sustainable communities including primarily residential use and other supporting uses that are local in nature and scale.

10.11 Policy SP02 *‘Urban living for everyone’* seeks to deliver 43,275 new homes from 2010 to 2025 in-line with London Plan housing targets.

10.12 The Key Diagram page 27 also identifies 30 Marsh Wall lying within a Tower Hamlets Activity Area. Core Strategy paragraph 3.3 explains that the Activity Area is a specific area bordering the Canary Wharf Town Centre where the scale, continuity and intensity of town centre activity and land use is different to the rest of the borough. It is to provide a transitional area achieved through a vibrant mix of uses that are economically competitive based on the principles defined in the Town Centre Spatial Strategy 2009.

10.13 Other Core Strategy allocations applicable to 30 Marsh Wall are:

- Fig. 24 page 44 *‘Urban living for everyone’* identifies Canary Wharf for Very High Growth (2,501- 3500 residential units) to year 2025.
- Figure 28 page 46 *‘Spatial distribution of housing from town centre to out of centre’* shows densities decreasing away from the town centre and dwelling sizes increasing.

10.14 Core Strategy Annex 7 and Annex 9 concern *‘Delivering Placemaking.’* Fig. 39 page 90 *‘Strategic visions for places’* says *‘Canary Wharf will retain and enhance its global role as a competitive financial district as well as adopting a more local function.’* Figure 64 *‘Canary Wharf vision diagram’* adds:

*Canary Wharf will be driven by sustainable growth while capturing the benefits of the opportunities offered by Crossrail and Wood Wharf to ensure the place continues to grow into thriving living and working environment.*

*Leading international companies and new communities will continue to enjoy buildings, facilities and infrastructure of the highest quality. Canary Wharf will be better integrated with surrounding areas, not only in terms of physical accessibility, but also job opportunities. It will be a vibrant, mixed-use place, with office activities in the heart of Canary Wharf alongside areas such as Wood Wharf presenting a mixed-use, residential character.*

10.15 The Core Strategy *‘Priorities’* for Canary Wharf include:

- *To enable mixed-use and residential development around the fringe of Canary Wharf*

- 10.16 30 Marsh Wall borders Millwall and the Strategic vision for Millwall is for a 'community brought together through its waterways and a newly established high street at Millharbour.' Figure 65 page 123 Millwall Vision Diagram adds:

*'The north of Millwall will continue to be transformed to provide opportunities for local employment and new housing that will better connect with waterfronts, green spaces and areas to the south.'*

*There will be greater integration with Canary Wharf, offering a diverse retail and evening economy focused along Millharbour and dock fronts. Areas in the south will retain their quieter feel, being home to conservation areas and revitalised housing. Local communities will be supported by excellent services, provided in the town centre alongside better connections to a wider range of services and transport interchanges in Canary Wharf and Crossharbour.'*

- 10.17 The Housing investment and delivery programme page.146–147 identifies Canary Wharf for High Growth delivering 2,380 new homes between 2015 & 2025.

Tower Hamlets Managing Development Document 2013

- 10.18 Chapter 3 provides Site Allocations. 30 Marsh Wall is not identified as a Site Allocation within Figure 12 page 86.

- 10.19 Policy DM1 'Development within the town centre hierarchy' says that a mix of uses will be supported in the Tower Hamlets Activity Areas.

- 10.20 For employment floorspace to be lost, MDD Policy DM15(1) normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. MDD paragraph 15.4 provides:

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

South Quay Masterplan October 2015

- 10.21 The South Quay Masterplan is supplementary planning guidance that adopts the land use principles of the MDD and supports housing development alongside the provision of open space, commercial space and other compatible uses on the application site. The Marsh Wall frontage of No. 30 is shown as 'a non-residential active frontage.'

Assessment

- 10.22 Increased housing supply is a fundamental policy objective at national, regional and local levels.

- 10.23 The proposal involves the loss of 5,076 m<sup>2</sup> of Class B1 offices and 443 m<sup>2</sup> of Class D1 floorspace (Non-residential institution) to be replaced by 1,114 m<sup>2</sup> of commercial and community floorspace. 30 Marsh Wall is not within a MDD site allocation, the MDD paragraph 15.4 exception regarding loss of employment floorspace does not apply and the proposal is not policy compliant.

- 10.24 The applicant says Cherryman carried out a full marketing campaign for the building in 2011-12 which included:
- Marketing boards erected on the building;
  - Details and electronic brochure sent to interested parties;
  - Details uploaded on EG Property Link.
- 10.25 The campaign failed to stimulate interest in the building. Since then Cherryman have continued to market the building with details on their website and other commercial property sites.
- 10.26 The applicant explains that over half of the existing building has been vacant for over three years and the remaining floors let on reduced rents. In comparison to the surrounding properties, both present and proposed, the building is dated, requires refurbishment and unappealing to prospective occupiers. Its triangular shape is also a constraint as the floor plates are difficult to plan efficiently and not easily divisible if separate smaller space is required. A submitted 'Existing Building Report' by Levy concludes that the property has numerous condition issues, requires substantial investment which is considered unviable given the potential letting value.
- 10.27 There is a significant level of new and emerging office floorspace clustered around One Canada Square which is of higher quality and more desirable than 30 Marsh Wall.
- 10.28 The site does not lie within a Preferred Office Location. London Plan Policy 2.13 (and supporting Table A1.1), makes clear that there is scope to convert surplus business capacity south of Canary Wharf. On this basis, supported by the information within the Levy report and the strategic quantum of housing the scheme would deliver, Members may consider that the loss of office space in this location is on balance consistent with London Plan Policy 4.2 and the MDD Policy DM15.
- 10.29 The provision of a mix of uses as part of high-density housing-led development within opportunity areas can help to meet the needs of local residents, and assist in activating the ground-floor. The proposed ground floor active uses also accord with the objectives of MDD Policy DM1 regarding Tower Hamlets Activity Areas.
- 10.30 On balance, no planning objection is raised to the loss of the existing office accommodation and the principle of a residential led mixed use redevelopment is considered consistent with the aims of national policy and the development plan.

### **Optimising housing potential**

#### The London Plan 2016

- 10.31 Policy 3.4 '*Optimising housing potential*' requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and the design principles in Chapter 7.
- 10.32 Table 3.2 provides a '*Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)*' for differing locations based on public transport accessibility levels (PTAL). For '*Central*' areas with PTAL5, an indicative density range of 650-1,100 habitable rooms per hectare (hrph) is provided. '*Central*' is

defined as being within 800 metres walking distance of an International, Metropolitan or Major town centre. The Cuba Street site is some 300-400 m. from Heron Quays & South Quay DLR stations and 500 m. from Canary Wharf Underground station and by definition a 'Central' location. Development proposals which compromise this policy should be resisted.

- 10.33 Policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential. Generally, development should maximise housing output while avoiding any of the adverse symptoms of overdevelopment.

The Mayor's Housing SPG

- 10.34 Guidance on the implementation of Policy 3.4 is provided by the Mayor's 'Housing' SPG May 2016. 'Optimisation' is defined as 'developing land to the fullest amount consistent with all relevant planning objectives' (Para. 1.3.1).
- 10.35 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded. SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 10.36 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
  - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
  - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
  - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
  - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
  - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
  - *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
  - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*

Tower Hamlets Core Strategy

- 10.37 Core Strategy Figure 28 page 46 ‘Spatial distribution of housing from town centre to out of centre’ shows densities decreasing away from the town centre and dwelling sizes increasing.
- 10.38 Policy SP02 ‘Urban living for everyone’ reflects London Plan policy requiring development to ‘optimise’ the use of land with housing density taking account of public transport accessibility and context in relation to the town centre hierarchy.

**Assessment**

- 10.39 The site area, excluding highway land, but including the ‘pocket park’ adjoining 40 Marsh Wall is 1,875 m2. Calculated using the Mayor’s ‘Housing’ SPG methodology (para 1.3.70) the resultant density is 4,100 habitable rooms / hectare. This approaches four times the upper figure of the indicative of 650-1,100 hrph density range provided London Plan Table 3.2 - Sustainable residential quality density matrix. In justification, the applicant claims:

*“The Site sits within a strategically important location for growth in Tower Hamlets and London and presents an appropriate and significant opportunity to deliver high quality and sustainable housing in an exemplary scheme. For these reasons we consider that the density of the Development is acceptable.”*

- 10.40 Officers assessment of the development against the exception tests of London Plan Policy 3.4 provided by the Mayor’s ‘Housing’ SPG is as follows:

**London Plan Policy 3.4 ‘Optimising housing potential’**

<b>Housing SPG Design Standard 6 – Tests for exceeding the ‘Sustainable residential quality density matrix’</b>	<b>Assessment</b>
Local context and character & design principles.	The context and character of this part of Marsh Wall is considered appropriate in principle for a tall building. Tall buildings are prevalent or have been permitted to the north (City Pride, The Landmark / 22 Marsh Wall) and to the east (Novotel / 40 Marsh Wall and 50 Marsh Wall / Alpha Square).
Public transport connectivity	The site has a PTAL5 ‘Very Good’. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport connectivity and capacity increases are in hand. TfL raise no objection.
Design quality	London Plan policy 3.5 says the relative size of all new homes in London is a key element of this strategic issue.  The scheme proposes 15 residential typologies.



	<p>In two types neither the Government's <i>'Technical housing standards – nationally described space standard.'</i> (reproduced in the London Plan) would be met, nor would the Mayor's Housing SPG standards for private amenity space.</p> <p>It has not been demonstrated that internal natural light within the development would be satisfactory and meet BS minimum standards</p> <p>The Council's Health &amp; Housing Team advises that the proposed louvres to the windows could constitute a possible <i>'main hazard'</i> under the Housing Act 2004 identified by lack of natural light which may have psychological impact on occupants.</p>
Place making	The scheme could be considered to contribute to the creation of a <i>'place'</i> at the western end of Marsh Wall.
Potential for large sites to define their own setting and accommodate higher densities	The site is not sufficiently large to define its own setting.
Residential mix and dwelling types	The unit mix is considered broadly compliant with the Local Plan.
Management and design of refuse/food waste/recycling and cycle parking facilities	Considered satisfactory.
Location	London Plan Opportunity Areas are in principle appropriate for higher density development.

### Summary

As detailed in this report, the application raises concerns regarding residential quality including space standards, the provision of private and communal amenity space, natural light within the development and impact on the surroundings including sunlight / daylight and the development potential of the adjoining Cuba Street site. These concerns indicate that the proposal would not optimise the development potential of the site rather it would result in overdevelopment inconsistent with strategic policy.

### Urban design

#### NPPF

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

### The London Plan

10.42 Policy 7.4 '*Local Character*' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 '*Public realm*' emphasise the provision of high quality public realm. Policy 7.6 '*Architecture*' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 '*Tall and large scale buildings*' provides criteria for assessing such buildings which should:

- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f have ground floor activities that provide a positive relationship to the surrounding streets;*
- g contribute to improving the permeability of the site and wider area, where possible;*
- h incorporate publicly accessible areas on the upper floors, where appropriate;*
- i make a significant contribution to local regeneration.*

10.43 The Plan adds that tall buildings should not adversely impact on local or strategic views and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

10.44 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 7.10 '*World Heritage Sites*' requires development not to cause adverse impacts on World Heritage Sites or their settings.

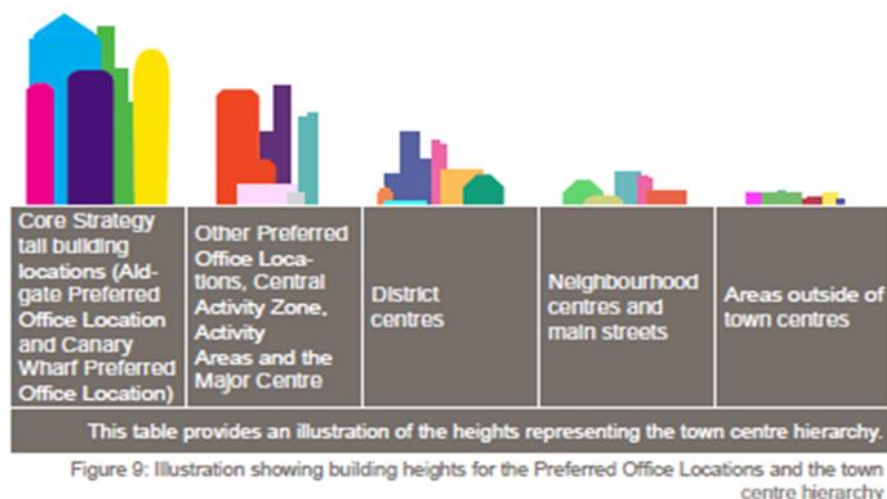
### Tower Hamlets Core Strategy

10.45 Policy SP10 '*Creating distinct and durable places*' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings.

### Tower Hamlets Managing Development Document

10.46 Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards. This includes being sensitive to and enhancing the local character and setting and use of high quality materials.

10.47 Policy DM26 'Building heights' and Figure 9 require building heights to accord with the town centre hierarchy. It seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. 30 Marsh Wall is within an Activity Area, the second step down in the hierarchy and in principle suitable for a tall building.



**Figure 6. MDD Building heights and the Town Centre Hierarchy**

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

10.49 Policy DM27 'Heritage and the Historic Environment' requires development to protect and enhance the borough's heritage assets, their setting and their significance.

South Quay Masterplan 2015 (SQMP)

10.50 Within the South Quay area, the amount, scale, height and densities of residential development being proposed is greater than envisaged in the Local Plan with nearly thirty sites subject to significant development interest. Proposals are seeking residential tall building typologies that commonly exceed the density guidance set out in the London Plan and are some of the densest in the UK. This presents challenges and opportunities for coordinating development proposals and managing their impacts. The SQMP was adopted on 6<sup>th</sup> October 2015 to provide guidance to steer future development in a co-ordinated and planned way. It supplements the development plan and is a material consideration in determining the planning application at Cuba Street.

10.51 The SQMP explains that when looking at the proposed densities across South Quay, applications for planning permission should consider cumulative impacts in terms of infrastructure delivery, environmental impacts, health and well-being and place-making, in line with policy requirements at national, regional and local levels.

10.52 The Masterplan's Placemaking Principles for South Quay include:

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

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

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

10.54 Density options were tested between 1,100 & 7,000 hrph and established that the threshold for the greatest number of significant adverse effects was 3,000+ hrph. In developing development scenarios, densities of 1,100 and 3,000 hrph were tested as reasonable options.

10.55 ‘*Towers in Space*’ and ‘*Podiums / Plinths / Towers*’ were considered the two main options for delivering high density development. ‘*Towers in Space*’ deliver all uses within a single tower, perhaps with open / private amenity space alongside. This type of development has been advanced within the Masterplan area and elsewhere. ‘*Podiums / Plinths / Towers*’ enables high density residential development in tall towers alongside podiums [1-2 stories] and plinths [3-10 stories] with non-residential uses provided at lower levels within the podium / plinth elements and for private / amenity space contained around the built form. The ‘*Podiums / Plinths / Towers*’ form is considered to offer greater opportunities to deliver a more ‘*liveable*’ place both within individual development plots and across the Masterplan area and informed the adopted Vision and Place Making Principles.



**Figure 7. South Quay Masterplan – vision and principles**

10.56 Design Principle SQ1 – ‘*Housing density*’ advises that development seeking to exceed London Plan housing densities should:

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

10.57 Design Principle SQ2.1 – ‘*Connections and public realm*’ requires development to deliver legible and well-defined networks of routes and spaces by:

- a. delivering a clear urban block pattern to support walking and cycling desire lines and define public, communal and private spaces;
- b. ensuring these are well defined, legible, safe and inviting;
- c. delivering non-residential uses generating active frontages along Marsh Wall, Millharbour, Limeharbour, docksides and public open spaces;
- d. delivering a movement hierarchy of primary streets, secondary streets, tertiary streets / walking & cycling paths and dockside walking and & cycling paths reflecting the recommended street section with a maximum plinth height of 35 m. AOD on the north side of Marsh Wall.
- e. Stepping back from the dock edges to improve the quality, character and continuity of dockside routes;
- f. Addressing barriers to movement to and from areas to the south;
- g. Supporting access to and from Canary Wharf by measure that include an additional footbridge across South Dock.

10.58 Sections are provided for development across the street hierarchy. Marsh Wall is designated a ‘*Primary street*’ and Figure 2.3 page 25 suggests a 26 m. AOD maximum plinth on the south side of Marsh Wall (35 m. on the northern side).

- 10.59 Design Principle SQ2.2 '*New public open space*' says that development should deliver and manage on-site high quality usable public open space that is coordinated with neighbouring sites. Within South Quay it is a priority to provide public open space on site, of a size and quality that provides for the residents and visitors in the area and helps to facilitate social interaction.
- 10.60 Figure 2.7 page 28 shows the adjoining Cuba Street site as an illustrative location for a new principal public open space.
- 10.61 Figure 3.1 '*Illustrative massing*' provides indicative layouts and is supported by Design Principle SQ3.3 that suggests the site of 30 Marsh Wall is suitable for a podium (1-2 storey) and a plinth (3-10 storey). The site is not identified for a taller element (10+ storeys). This is to ensure that the massing of new developments should complement and provide a transition from the Canary Wharf Major Centre to the adjacent residential areas, particularly along the southern boundary.
- 10.62 The height guidance for the podium and plinth are expected to vary in accordance with the location of development on the movement hierarchy. Podium and plinth heights should correspond to recognised degrees of enclosure that ensure a sense of human scale along streets and in public open spaces.
- 10.63 Development should deliver communal amenity space as a mix of typologies that are distinct from public open space, private amenity space and child play space.

#### Assessment

- 10.64 The following sections assess the proposed development against the four principle development plan policies pertinent to urban design namely London Plan policies 7.4 '*Local character*', 7.6 '*Architecture*,' Policy 7.7 '*Tall and large scale buildings*' and Tower Hamlets MDD - Policy DM26 '*Building heights*.'

#### ***London Plan - Policy 7.4 'Local character'***

- 10.65 Development should have regard to the form, function and structure of an area and the scale mass and orientation of surrounding buildings and natural features. A suite of five assessment criteria is provided.

##### Criterion a

- 10.66 The podium would fill the plot almost entirely. It would have a very solid appearance and create strong frontages to the tight surrounding streets which is contradictory to the tall buildings typology in the area. The set back of the tower provides articulation of the podium which constitutes the street frontage to Cuba Street; albeit the building line and height of the podium fails to match the lines established by the surrounding buildings.

##### Criterion b

- 10.67 The scheme would not impact on natural landscape features and respond positively to the difference in levels between Marsh Wall and Cuba Street. Joining the public realm with '*The Landmark*' would be successful.

##### Criterion c

- 10.68 The plinth with the tower set back from its southern and northern edges would create human scale at street level. There are concerns over deep fins along Marsh Wall which would appear as a solid wall in oblique views.

Criterion d

- 10.69 The scheme positively extends public realm associated with '*The Landmark*'; however its relationship with the existing and emerging residential schemes in the vicinity is more challenging due to the building's scale.

Criterion e

- 10.70 There is no '*surrounding historic environment*' to inform the development.

### **London Plan Policy 7.6 'Architecture'**

- 10.71 Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. A suite of nine assessment criteria is provided.

Criterion a

- 10.72 The architectural approach is considered to represent good architectural quality and innovation.

10.73 Criterion b

Whilst the podium would be very prominent, the proportion, composition, scale and orientation of the podium and tower would define the public realm but there are concerns about the effect on the microclimate particularly wind.

Criterion c

- 10.74 Details and materials would complement the local character defined by modern buildings.

Criterion d

- 10.75 The tower due to its disposition would cause harm to adjoining residential buildings in terms of privacy overshadowing, wind and microclimate. There are concerns about the integration of development on the Cuba Street site to the south.

Criterion e

- 10.76 Climate change can be mitigated.

Criterion f

- 10.77 The scheme would fail to provide high quality outdoor spaces although the steps to Marsh Wall, the proposed '*pocket park*' on Cuba Street and integration with the Landmark are welcomed.

Criterion g

- 10.78 Ground floor land use would be satisfactory.

Criterion h

- 10.79 The principles of inclusive design would be met.

Criterion i

- 10.80 As explained above it is considered the scheme would fail to optimise the potential of the site.

**London Plan - Policy 7.7 'Tall and large scale buildings'**

10.81 Tall and large scale buildings should be part of a plan led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations and not have an unacceptable harmful impact on their surroundings. A suite of nine assessment criteria is provided.

Criterion a

10.82 The site is not within the CAZ but Canary Wharf operates as such. The site is located in an Opportunity area and an Area of Intensification where tall buildings are generally directed. The site has a TfL PTAL5 'Very Good'.

Criterion b

10.83 The character of this part of Marsh Wall is considered appropriate in principle for a tall building. Tall buildings are prevalent or have been permitted to the north (City Pride, The Landmark / 22 Marsh Wall) and to the east (Novotel / 40 Marsh Wall, 50 Marsh Wall / Alpha Square) and Arrowhead Quay.

Criterion c

10.84 The scheme would not relate well to surrounding buildings. In particular it would be in too close proximity to the Landmark building and could prejudice the development prospects of the Cuba Street site to the south.

Criterion d

10.85 This part of Marsh Wall / Cuba Street is not a point of civic or visual significance requiring further emphasis or legibility. It is not considered that the development would enhance the skyline and image of London.

Criterion e

10.86 With regard to the architectural standard, see comments below on MDD Policy DM26 'Building heights' Criterion c.

Criterion f

10.87 Ground and lower floor uses (Classes A1-A4) and community uses (Class D1) would be satisfactory.

Criterion g

10.88 The scheme includes landscaping and public realm works providing new steps between Cuba Street and Marsh Wall and a small 'pocket park' adjoining 40 Marsh Wall and Cuba Street.

Criterion h

10.89 The scheme incorporates roof top amenity space at 39th floor level but this would not be accessible to the general public.

Criterion i

10.90 The redevelopment would contribute to local regeneration.

10.91 Policy 7.7 provides two further criteria that apply to tall building. They should not affect their surroundings adversely in terms of microclimate, wind turbulence and overshadowing that have not been satisfactorily demonstrated, although noise, reflected glare, aviation, navigation and telecommunication interference would be satisfactory. The proposal would also not impact on strategic or local views adversely.



**Tower Hamlets MDD - Policy DM26 'Building heights'**

10.92 Building heights are to be considered in accordance with the town centre hierarchy (illustrated in Figure 6 above) and a suite of twelve criteria.

Criterion a

10.93 The Town Centre Hierarchy seeks to guide tall buildings towards the Aldgate and Canary Wharf Preferred Office Locations. 30 Marsh Wall is not within a preferred office location but lies with an Activity Area, the second step down in the hierarchy and in principle suitable for a tall building.

Criterion b)

10.94 The site is located within the Canary Wharf Activity. There is a distinct change of character between Marsh Wall and the lower rise area of Millwall to the south with tall buildings prevalent on Marsh Wall.

Comparative heights (AOD):

**30 Marsh Wall – 141 m. application site**

1 Canada Square – 241 m.

City Pride – 238 m.

Landmark East – 139 m.

40 Marsh Wall – 124 m.

50 Marsh Wall (Alpha Sq.) – 221 m.



Figure 8. View west along Marsh Wall. 'Novotel' on left. 'Landmark' in background

Criterion c

- 10.95 The architectural approach is considered to represent good architectural quality and innovation. The combination of the twisted torso of the tower, and a visual vertical split of the mass, would be composed into a structure with a unique and elegant silhouette although there is concern about the impact of the perforated metal louvres. The quality of internal spaces is adversely affected by the proposed multi-layered skin of the building which in combination with relatively deep plans severely reduces access to daylight and outlook in a significant number of units.

Criterion d

- 10.96 The scheme would contribute to the consolidation of the tall buildings cluster to the south of the Canary Wharf Major Centre. It would be neutral in most views but not necessarily make a positive contribution to the skyline due to close proximity with other tall buildings.

Criterion e

- 10.97 The scheme will be neutral in terms of designated heritage assets. The spread of the tall buildings cluster at the western end of Marsh Wall would be noticeable in views particularly from the south and west, including London's strategic views and from the Greenwich Maritime World Heritage site although no objections have been raised by statutory organisations.

Criterion f

- 10.98 The scale of the podium and the significant set-back of the tower from the south and west would provide human scale at street level however the design of the podium raises some concerns over its oppressive appearance in oblique street views. The proposed monumental architectural articulation is appropriate to take the mass of the tower above and adequately address the streets on both levels;

Criterion g

- 10.99 The scheme does not provide adequate private amenity space in all residential units or sufficient child play space relying on extant green space or that which will be developed as a part of the scheme emerging on Cuba Street. This is not acceptable as the size of the proposed new park on Cuba Street only slightly exceeds requirements for a scheme of such scale.

Criterion h

- 10.100 As explained in '*Microclimate*' below, the application has not satisfactorily demonstrated compliance with development plan policy to achieve a satisfactory wind environment.

Criterion i

- 10.101 The scheme would be biodiversity neutral and not impact on open spaces, the Thames or the Dock.

Criterion j

- 10.102 The scheme includes 52 affordable dwellings. The dwelling mix would be broadly policy compliant and the scheme would contribute to socially balanced and inclusive communities. The proposed community use if implemented would be a positive social benefit. The micro public space at the junction of Cuba Street and Marsh Wall would also be beneficial.

Criterion k)

- 10.103 The scheme complies with Civil Aviation requirements.

Criterion I)

- 10.104 The scheme has very clean edge and overall would improve safety and security in the area by the removal of dead ended confined spaces along the boundary with the Landmark development. The Marsh Wall frontage raises some concerns over the security of spaces between deep pillars.

#### Urban Design Conclusions

- 10.105 Officers consider the proposed scheme represents an interesting architectural approach to the design of a tall building; however are concerned over cumulative issues and whether NPPF Chapter 7 '*Requiring good design*' would be addressed, particularly whether the development would function well and add to the quality of the area. As explained above, it is considered that the scheme conflicts with much of the criteria in the Mayor's '*Housing*' SPG Design Standard 6 to assess schemes which exceed the ranges in the London Plan's '*Sustainable Residential Quality Matrix*.'
- 10.106 The principle of tall building in this location is not fully supported by Core Strategy Policy SP10 '*Creating distinct and durable places*' Sub-policy 5 nor by MDD Policy DM26 '*Building heights*'. The South Quay Masterplan indicates that 30 Marsh Wall could be suitable for a substantial building consisting of a podium and plinth, but together should be no taller than 12 storeys.

#### Affordable housing

##### NPPF

- 10.107 Section 6 concerns '*Delivering a wide choice of high quality homes*.' Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.

##### The London Plan 2016

- 10.108 Policy 3.8 '*Housing choice*' requires borough's local plans to address the provision of affordable housing as a strategic priority, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types. Policy 3.9 '*Mixed and balanced communities*' requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 10.109 Policy 3.11 '*Affordable housing targets*' requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be considered include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of developments.
- 10.110 Policy 3.12 '*Negotiating affordable housing*' requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy

and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

#### Tower Hamlets Core Strategy

- 10.111 Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

#### Tower Hamlets Managing Development Document

- 10.112 Policy DM3 '*Delivering homes*' requires development to maximise affordable housing on-site.

#### Assessment

- 10.113 The planning application is accompanied by a Financial Viability Assessment (FVA) and a Supporting Statement by Pioneer Property Services Limited. The FVA indicates that a '*threshold developer return*' could be secured with an affordable housing provision of circa 10%. Given the shortfall against the Core Strategy policy target the applicants have concluded that a growth model offers the most positive approach to identify the level of affordable housing and have offered of 25% affordable housing calculated by habitable rooms (36 affordable rent units and 16 shared ownership units) with a developer return at circa 10%.. This allows for CIL payments of £5.86 m. Pioneer has also included a one-off payment of £6,500,000 for Right of Light claims from neighbours. (Officer comment: the actual affordable housing offer is 24.1%)

- 10.114 The FVA and Supporting Statement were reviewed for the Council by BNP Paribas who concluded that the development with the offer of 25% affordable housing generates a surplus of £7,228,375 against the viability benchmark. This surplus could provide 32.57% affordable housing on site (56 affordable rent units and 22 shared ownership units). BNP Paribas also undertook an analysis where the Right of Light payment not need to be paid and concluded that the development could viably provide 35% affordable housing (60 affordable rent units and 26 shared ownership units) in addition to a surplus of £4,104,675. Due to the sensitivity of the scheme to residential values, should planning permission be granted, an affordable housing review mechanism was recommended.

- 10.115 Pioneer Property Services questioned BNP Paribas' advice on:

- Build Cost
- Affordable housing sales timings
- Sales Values
- Affordable Housing Values

- 10.116 To reach an agreed position and following advice from costs consultants, BNP Paribas has adopted the applicant's build costs. Timings of receipt from affordable housing sales have also been adopted if not agreed. BNP Paribas maintain their assessment of sales values for the market flats based on current prices at the '*Wardian*' Arrowhead Quay. They also consider their valuation of the affordable housing reflects the current market; however to achieve an agreed position, propose that the average value of £319.81 per square foot is adopted being the highest offer made by Registered Providers for development in the locality.

- 10.117 BNP Paribas conclude that the development generates a Residual Land Value (RLV) of £6,804,318 providing a surplus of £2,555,018 against the viability benchmark. This includes the potential Right of Light payment of £6,500,000. Including the payment, BNP Paribas conclude that the development could provide 26.27% affordable housing on-site (39 affordable rent units and 18 shared ownership units) in addition to a commuted sum payment of £29,706.
- 10.118 Without the Right to Light Payment, the development would be able to viably provide 32% affordable housing on site (54 affordable rent and 23 shared ownership units) in addition to a commuted sum payment of £169,477. The Right of Light payment is a key factor in the appraisal. Given its uncertainty, BNP Paribas advise it would be inappropriate for the Council to include this payment. Due to the sensitivity of the scheme to residential values, the Council is recommended to include a review mechanism should planning permission be granted.
- 10.119 The affordable housing offer is a shortfall of 10.9% against the Local Plan target. A significant amount of the shortfall is due to the £6.5 million contingency to meet potential Right of Light payments to adjoining owners. When the Rights of Light contingency is included the two valuations do not differ greatly.
- 10.120 Town planning is distinct and separate from the private law of easements which in the case of right to light needs to be established over a 20 year period although where redevelopment has occurred a new building can inherit a Right. The applicant's submitted Viability Assessment does not identify properties that might be eligible. With the exception of the Britannia International Hotel that opened in June 1992, the buildings in the vicinity of the site are mostly less than 20 years old. In 2006 when planning permission was granted for *'The Landmark'* the site was occupied by a series of mostly vacant industrial buildings (3 – 4 storeys) and the north eastern part fronting Marsh Wall was unoccupied. Given the uncertainty of possible claims officers conclude that the affordable housing offer has not been financially justified.
- 10.121 Should planning permission be granted by the Council, or the Mayor on call-in, officers recommend that an Affordable Housing Review mechanism should be secured within a section 106 agreement.

### **Residential tenure mix and inclusive design**

#### **NPPE**

- 10.122 Paragraph 50 requires local planning authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Paragraph 57 says that it is important to plan positively for the achievement of high quality and inclusive design for all development. Paragraph 159 requires authorities to prepare a Strategic Housing Market Assessment identifying the scale and mix of housing and the range of tenures likely to be needed over the plan period.

#### **The London Plan 2016**

- 10.123 Policy 3.8 *'Housing Choice'* requires London boroughs to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. The

Plan, together with the Mayor's Accessible London SPG, requires 90% of new housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings,' and 10% should meet requirement M4 (3) 'wheelchair user dwellings' i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

10.124 Policy 3.9 'Mixed and balanced communities' says that communities mixed and balanced by tenure should be promoted across London including by larger scale development such as this.

10.125 Policy 3.11 'Affordable housing targets' requires 60% of the affordable housing provision to be affordable rent and 40% to be for intermediate rent or sale.

The Mayor's Housing SPG 2016

10.126 Standard 7 of the Mayor's 'Housing' SPG 2016 says that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location.

Tower Hamlets Core Strategy

10.127 Policy SP02 'Urban living for everyone' requires:

- A tenure split for new affordable homes to be 70% social rented and 30% intermediate.
- A mix of small and large housing by requiring a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.
- Locations are to be identified by the Sites and Placemaking DPD and the Development Management Document where large family houses (4 bed+) will be sought including areas outside town centres where there is an existing residential community with good access to open space, services and infrastructure. (Officer comment: 30 Marsh Wall is not within a Site Allocation).

Tower Hamlets Managing Development Document

10.128 Policy DM3 'Delivering Homes' requires development to provide a balance of housing types, including family homes, in accordance with the following breakdown:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social rent	30	25	30	15

10.129 MDD Policy DM4 'Housing standards and amenity space' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

## Assessment

10.130 The proposed residential mix compared with the Core Strategy targets would be:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	136	10	28%	30%	6	37%	25.0%	120	55%	50%
2 bed	95	10	28%	25%	10	63%	50.0%	75	34%	30%
3 bed	40	16	44%	30%	0	0%	25%	24	11%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>271</b>	<b>36</b>	<b>100%</b>	<b>100%</b>	<b>16</b>	<b>100%</b>	<b>100%</b>	<b>219</b>	<b>100%</b>	<b>100%</b>

Figure 9. Proposed residential mix and Core Strategy targets

10.131 69% of the affordable housing would be rented and 31% intermediate which is in line with Core Strategy Policy SP02 that favours rented accommodation. London Plan Policy 3.11 seeks a 60:40 ratio but there is concern about the affordability of intermediate housing in Tower Hamlets.

10.132 The dwelling mix within the affordable rented sector broadly accords with Core Strategy targets:

- 28% 1 bed units - policy target 30%,
- 28% 2 bed units - policy target 25%,
- 44% family sized (3 bed +) - policy target 45%.

10.133 In the intermediate sector, the proposals fail to meet Core Strategy targets with an overemphasis on 1 bed units and 2 bedroom units and an absence of affordable family units. The Committee may consider this satisfactory given concerns expressed over the affordability of large intermediate units:

- 37% 1 bed units - policy target 25%,
- 63% 2 bed units against policy requirement of 50%.

10.134 On balance, the market unit mix is considered acceptably close to policy requirement albeit with a 9% shortfall of family units and an absence of units larger than 3 bed.

- 55% 1 bedroom units – policy target 50%
- 34% 2 bed units – policy target 30%
- 11% 3 bed + - policy target 20%.

10.135 10% of units by habitable room are designed to be wheelchair accessible/easily adaptable and policy compliant. All the residential units would be built to Lifetime Home Standards.

### **Housing quality**

#### Technical housing standards – nationally described space standard

10.136 In March 2015, the Government published ‘*Technical housing standards – nationally described space standard.*’ This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height of 2.3 m.

#### The London Plan 2016

10.137 London Plan Policy 3.5 ‘*Quality and design of housing developments*’ requires new housing to be of the highest quality internally and externally. The Plan explains that the relative size of all new homes in London is a key element of this strategic issue. Table 3.3 adopts the national standard:

**Table 3.3 Minimum space standards for new dwellings<sup>57</sup>**

Number of bedrooms	Number of bed spaces	Minimum GIA (m2)			Built-in storage (m2)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

**Figure 10. London Plan / National described minimum space standard**

10.138 A single bedroom should be at least 7.5 m2 and at least 2.15 m. wide, a double bedroom should be at least 11.5 m2 and at least 2.75 m wide.

10.139 Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – ‘*Minimum space standards for new development.*’ Designs should provide adequately sized rooms and convenient and efficient room layouts.

10.140 The nationally described space standard sets a minimum ceiling height of 2.3 m. for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, the London Plan strongly encourages a minimum ceiling height of 2.5m for at least 75% of the gross internal area.

#### The Mayor’s Housing SPG 2016

10.141 Standard 12 requires that each core should be accessible to generally no more than eight units per floor.

10.142 Standard 24 reflects the national space standard. Additionally, Standard 26 requires a minimum of 5 sq. m. of private outdoor space for 1-2 person dwellings and an extra 1 sq. m. for each additional occupant. Standard 27 requires balconies and other private external spaces to have minimum depth and width of



1.5 m. Para. 2.3.32 says exceptionally where it is impossible to provide private open space for all dwellings, a proportion may be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA.

10.143 Standard 29 says developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or which contain three or more bedrooms should be avoided.

10.144 Standard 31 encourages a 2.5 m. floor to ceiling height.

10.145 Standard 32 says all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.

10.146 Failure to meet one standard need not necessarily lead to conflict with the London Plan, but a combination of failures would cause concern. In most cases, departures from the standards require clear and robust justification.

#### Tower Hamlets Core Strategy

10.147 Core Strategy policy SP02(6) '*Urban living for everyone*' requires all housing to be high quality, well-designed and sustainable.

#### Tower Hamlets Managing Development Document

10.148 Policy DM4 '*Housing Standards and Amenity Space*' requires all new developments to meet the internal space standards set out in the Mayor's Housing SPG- 5 sq. m. for 1 & 2 person dwellings plus 1 sq. m. for each additional occupant.

10.149 Policy DM25 '*Amenity*' seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments and also requires the protection of neighbouring residents' privacy stipulating that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

#### BRE Handbook '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*'

10.150 The BRE provides advice on daylight and sunlight within proposed residential accommodation but is not mandatory. It provides advice on room depth and the no sky line within rooms but adopt British Standard 8206 as the main criteria that recommends minimum Average Daylight Factor (ADF) values for new residential dwellings:

>2% for kitchens;  
>1.5% for living rooms; and  
>1% for bedrooms

#### Assessment

##### Space standards

10.151 The applicant's agent states: "*The apartments have been designed in accordance with the GLA Housing Design Guide as well as conforming to the National described Space Standards. Allowances have been made to account for the new Part M (4) requirements adopted in October 2015.*" This is not accepted. The scheme proposes 15 residential typologies. The Typical 2 Bed 4 person Duplex

Apartment Layouts show winter gardens of 4 m<sup>2</sup> below the minimum requirements of 7m<sup>2</sup>. The residential units themselves are either 73 m<sup>2</sup> or 75m<sup>2</sup> both beneath the 79 m<sup>2</sup> minimum for 2-storey dwellings. Winter gardens for the Typical 2 Bed 4 person flats Type 2 are deficient by 2 m<sup>2</sup>. Typical 3 Bed - Type 2 6 person apartments are shown as 92 m<sup>2</sup> below the minimum 95 m<sup>2</sup>. All other typologies meet overall and private amenity space standards although individual room sizes are not specified.

10.152 The minimum of 2.5 m. floor to ceiling heights standard would be met. There would be a maximum of eight units per floor.

#### Single aspect dwellings

10.153 The design is a 'trapezoidal tower' that produces no single aspect north facing dwellings. The applicant says the proportion of dual aspect units has been maximised. However, as explained below, the Environmental Statement's analysis of sunlight in the new development is purely based on room orientation. 141 out of 349 living room windows would have an orientation within 90 degrees of due south, so 208 (nearly 60% of the total) would not. The BRE guidelines state that flats facing this direction are likely to be perceived as insufficiently sunlit.

#### Privacy

10.154 The separation across Marsh Wall to the east building proposed at Cuba Street (Ref.PA/15/2528) would be 16 m. i.e. 2 m. less than the Council's recommendation. The opposing windows at No. 30 Marsh Wall would be provided with angled perforated metal louvres to prevent overlooking. Separation to 'Endeavour House' would range from 16 m. to 25 m. but with only oblique views available. This disposition is considered satisfactory particularly when account is taken of the poor design of Endeavour House with residential windows and balconies on its eastern flank wall. Separation to 'Whitby House' (Landmark East Tower), across the Landmark's private access road would be 15.5 m. again less than the recommended distance. Privacy louvres would again be installed on the windows. This arrangement is considered to have implications for the quality of the proposed residential accommodation in terms of natural light.

#### Daylight and sunlight within the proposed residential accommodation

10.155 The application ES Volume II Chapter 09 by Brooke Vincent + Partners (BVP) assesses Daylight and Sunlight and provides an internal daylight and sunlight assessment by that has been analysed by the Building Research Establishment (BRE) for the Council.

10.156 In multiple locations within the development 'winter gardens' internalise kitchen/living/diners and bedrooms. It is unclear from the ES (paragraphs 9.109 to 9.118, Table 9.10 & Appendix 9.6) whether the daylight results reported treat a room and associated 'winter garden' as one space. In this regard the applicant has stated:

#### *"Winter Gardens*

*These are included in our daylight calculations. In other words, daylight is calculated from the outer face of the winter garden and the area/volume of the winter garden is added to the area/volume of the room to define an integrated room size which is then taken forward to the calculation and result."*

10.157 Also, windows within the development facing the Cuba Street site and the Landmark East Tower would be fitted with external perforated louvres to maintain privacy. It is again unclear from the ES whether the predicted outcomes take account of the external louvres.



**Figure 11. Perforated mesh louvres**

10.158 Given the internalising of rooms behind winter gardens and the proposed louvres, officers requested specific advice from the Building Research Establishment on whether the predicted daylight results within the proposed development have been correctly calculated and would be satisfactory according to BRE guidance.

10.159 The BRE advises that at first sight the headline results look good. With the existing obstructions, only 14 rooms are predicted not to meet the British Standard minimum values of average daylight factor. With surrounding proposed buildings in place, this would increase to 85 rooms, mainly because of the nearby Cuba Street development.

10.160 If folding doors to the winter gardens could be completely drawn back to give a larger interior space the winter garden area could be treated as part of the living room, but any obstruction caused by the folding doors in their retracted position would need to be taken into account.

10.161 Vertical louvres cover many of the windows. These are modelled by dividing the window into sections between each louvre. However the reference point for calculation has been taken as the central point between the two louvres. This will tend to over-estimate the light coming in. Also, the applicants state that a 50% louvre transmission had been assumed. This is a high value for a louvre. In addition the design and access statement indicates that the opening size of the perforations has not been decided yet.

- 10.162 The analysis of sunlight in the new development is purely based on room orientation. 141 out of 349 living room windows would have an orientation within 90 degrees of due south, so 208 (nearly 60% of the total) would not. The BRE guidelines state that flats facing this direction are likely to be perceived as insufficiently sunlit.
- 10.163 In addition, sunlight to the south facing windows may be blocked by other buildings, especially if the Cuba Street development is constructed. The Environmental Statement has not calculated sunlight to any windows.
- 10.164 Officers conclude that it has not been demonstrated that internal natural light within the the development would be satisfactory and meet BS minimum standards.
- 10.165 Further, the Council's Health & Housing Team advises that the louvres could constitute a possible '*main hazard*' under the Housing Act 2004 with a deleterious health effect due to lack of natural lighting which may have psychological impact on occupants.

#### Summary

- 10.166 Three flat typologies would fail to comply with minimum standards in terms of floorspace and the amount of private amenity space. It has not been demonstrated that internal natural light would meet the minimum British Standard for daylight and sunlight would be poor as nearly 60% of the rooms would be perceived to receive insufficient sunlight. Privacy to the adjoining '*Landmark*' development and proposals at Cuba Street would fail to meet the Council's minimum separation guidance and the mitigation by louvres across windows could constitute a main hazard under the Housing Act 2004. These factors indicate overdevelopment.

#### Open space

##### NPPF

- 10.167 Paragraph 73 recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities.

##### The London Plan 2016

- 10.168 Policy 3.5 '*Quality and design of housing developments*' seeks to enhance the quality of local places by ensuring that new housing developments take into account the provision of public, communal and open spaces.
- 10.169 Policy 3.6 '*Children and young people's play and informal recreation facilities*' requires all children and young people to have safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, taking account of the projected child population.
- 10.170 Policy 7.5 '*Public realm*' requires public spaces to be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

10.171 Policy 7.6 *'Architecture'* says that buildings should provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces.

#### The Mayor's 'Housing' SPG 2016

10.172 Standard 5 supports London Plan Policy 3.6 and reiterates that for developments with an occupancy of ten children or more should make appropriate play provision in accordance with the *'Providing for Children and Young People's Informal Recreation'* SPG. This states that children's play space should be provided in new developments with a target of 10 m<sup>2</sup> per child. The SPG further recommends the following accessibility requirements for children's play space:

- 400 metres walking distance from a residential unit for 5-11 year olds;
- 800 metres walking distance from a residential unit for 12+ year olds.

#### Tower Hamlets Core Strategy

10.173 Policy SP04 *'Creating a green and blue grid'* seeks to deliver a network of open spaces including by maximising opportunities for new publicly accessible open space of a range of sizes. Policy SP09 *'Creating attractive and safe streets and spaces'* seeks to create a high quality public realm network which provides a range of sizes of public space that can function as places for social gathering. Policy SP12 *'Delivering placemaking'* seeks to ensure that the borough's *'places'* have a range and mix of high-quality publicly accessible green spaces.

#### Tower Hamlets Managing Development Document

10.174 Policy DM4 *'Housing standards and amenity space'* requires residential development to provide communal amenity space at a minimum of 50 m<sup>2</sup> for the first 10 dwellings and 1 m<sup>2</sup> for every additional unit, making a requirement of 311 m<sup>2</sup> within the development.

10.175 Policy DM4 also requires child play space provision at 10 m<sup>2</sup> per child. This can be achieved by a combination of on-site (provision for children under 5 should always be on-site) or off-site provision within 400 m. & 800 m. in line with the Mayor's SPG.

10.176 Policy DM10 *'Delivering open space'* requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

10.177 Site Allocation 17 *'Millenium Quarter'* shows a Green Grid route running along Cuba Street.

#### The South Quay Masterplan 2015

10.178 Identifies the adjoining Cuba Street site as a potential location for new public open space at the western end.

#### Assessment

10.179 Communal amenity space: The development includes communal amenity space and child play space at 1<sup>st</sup> floor level on top of the podium and within the building, at 10<sup>th</sup> floor comprising a gym and a climbing wall and a roof terrace at 39<sup>th</sup> floor level.

<b>Communal amenity space and child play space</b>	
Indoor	560 m2
Outdoor	974 m2
<b>Total</b>	<b>1,534 m2</b>

10.180 Within the 1,534 m2, 1,015 m2 would comprise communal amenity space and 519 m2 child play space. The policy requirement for 311 m2 of communal amenity space is consequently met although it is not clear that a gym qualifies as such. Further with regard to the use of the podium ES Chapter 16 'Wind Mitigation' concludes:

*“At podium level, the south-eastern and north-western areas are too windy for recreational uses, while the south-eastern corner rates as unsuitable in terms of safety.*

*With the introduction of wind mitigation measures, within both existing and consented surrounds, conditions immediately around and within the proposed development are much improved and are now considered suitable for existing and planned pedestrian uses, in terms of comfort and safety.”*



**Figure 12. Proposed podium Cuba Street**

10.181 The proposed wind mitigation measures include the planting of thirteen 7 m. high trees alongside the 'Landmark' development and the public footway on Marsh Wall. On Marsh Wall the building would overhang the forecourt leaving a clear 1.2 m. wide forecourt. In addition the public footway is 2.4 m. wide. It is doubtful whether there is sufficient space for large trees to survive in this location.

10.182 Child play space: The GLA's child yield calculator estimates that the development would yield 62 children – 29 under 5, 20 aged 5 to 11 and 13 aged 12+ requiring

620 m2 of play space. Ideally this should be on site and apportioned between the different age groups.

- 10.183 The scheme provides 419 m2 of play space for 0-5 years i.e. 129 m2 above the 290 m2 policy requirement. There would be approximately 100 m2 of play space for older children, a shortfall of 130 m2. Due to the size of the site and the footprint of the building, the applicant says it is not possible to provide further child play space for the older age groups. In mitigation, the applicant refers to the proposed public open space within the proposed adjacent development on Cuba Street (PA/15/0528), which is under 100 m. from 30 Marsh Wall. The proposed open space at Cuba Street is 162 m2 larger than policy requirements but cannot be relied on. The nearest public open space is Sir John McDougal Gardens, Westferry Road which offers child play equipment but is some 500 m. walking distance from 30 Marsh Wall, beyond the 400 m. deemed to satisfy the Mayor's SPG for 5-11 year olds. The applicant's ES refers to Strafford Street Open space and playspace being within 400 m. from the proposed development but this comprises part of the Barkantine Estate managed by One Housing Group.
- 10.184 It is not considered that the scheme satisfactorily demonstrates compliance with development plan and the Mayor's SPG policy regarding the provision of usable communal open space or child play space.

### **Impact on surroundings**

#### The London Plan 2016

- 10.185 Policy 7.6 '*Architecture*' requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings. The GLA's Stage 1 Report is silent on the daylight and sunlight implications of the proposed development.

#### Tower Hamlets Core Strategy

- 10.186 Policy SP10 '*Creating Distinct and Durable Places*' protects residential amenity including preventing loss of privacy and access to daylight and sunlight.

#### Tower Hamlets Managing Development Document

- 10.187 Policy DM25 '*Amenity*' requires development to ensure it does not result in unacceptable loss of privacy, overlooking, sense of enclosure, loss of outlook, or material deterioration of sunlight and daylight conditions of surrounding development assessed by the methodology within the Building Research Establishment's '*Site layout planning for sunlight and daylight.*'

### **Sunlight & daylight**

- 10.188 The Building Research Establishment (BRE) publication '*Site layout planning for daylight and sunlight: a guide to good practice*' advises that to calculate daylight to neighbouring properties, the vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on

21<sup>st</sup> March. The Handbook also provides guidance for assessing overshadowing of future adjoining development land.

10.189 The applicant's Environmental Statement (ES) assesses the impact of the proposal on the sunlight and daylight impact on surrounding residential property and has been independently reviewed for the Council by the BRE.



Figure 13. 30 Marsh Wall & surrounding buildings

10.190 The worst affected existing properties would be on the Landmark Estate (No. 22 Marsh Wall), on the eastern sides of the Landmark East Tower and Landmark South ('*Endeavour House*'). Loss of daylight would be classed as major adverse. Loss of sunlight would be classed as major adverse for Landmark East and moderate adverse for Landmark South. There would be an additional cumulative impact on both daylight and sunlight to Landmark South if the Cuba Street development were constructed.

10.191 However Landmark East is a very tall building close to the site boundary. In these circumstances the BRE guidelines acknowledge that a greater loss of light may be inevitable if new buildings are to match the height and proportions of existing ones. There would be a moderate adverse impact on daylight to the Landmark West Tower, though loss of sunlight to this building would be within the guidelines.

10.192 Other existing properties would be less affected. There would be a minor adverse impact on daylight to some rooms in residential properties in Nos. 2-6 Manilla Street, No. 12 Bellamy Street and Anchorage Point (Westferry Road). Loss of sunlight would be negligible for these buildings. For No. 19 Cuba Street (referred to as 1-26 Cuba Street in the Environmental Statement), some windows would gain light, and this would be a moderate beneficial impact.

10.193 The ES has carried out a cumulative assessment including other proposed developments nearby. There would be a very large cumulative impact on daylight to 1 Tobago Street. Most of the loss of light is due to the proposed Cuba Street



development which would be very tall and very close to Tobago Street, but No. 30 Marsh Wall does contribute to the loss of light.

**Microclimate**

Overview

10.194 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur due to a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose. The Lawson Comfort Criteria (LCC) is a widely accepted measure of suitability for specified purposes:

**Lawson Comfort Criteria**

Sitting	Long-term sitting e.g. outside a café
Entrance Doors	Pedestrians entering/leaving a building
Pedestrian Standing	Waiting at bus-stops or window shopping
Leisure Walking	Strolling
Business Walking	'Purposeful' walking or where, in a business district, pedestrians may be more tolerant of the wind because their presence on-site is required for work
Roads and Car Parks	Open areas where pedestrians are not expected to linger

10.195 For a predominantly residential urban site such as 30 Marsh Wall, the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. The business walking and roads classifications may be acceptable in isolated areas, but being associated with occasional strong winds should be avoided. Upper level amenity terraces are assessed on the basis that they are intended for good-weather use only with sitting or standing conditions during the summer acceptable.

London Plan 2016

10.196 Policy 7.7 '*Tall and large scale buildings*' says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.

The Mayor's Sustainable Design and Construction SPG 2014

10.197 Paragraph 2.3.7 confirms large buildings can alter their local environment and affect the micro-climate potentially making it unpleasant at ground level or limiting natural ventilation of buildings. On sites significantly taller than the surrounding environment, developers should assess the potential impact on ground conditions, and ensure the design of the development provides suitable conditions for the intended uses.

Tower Hamlets Core Strategy

10.198 Policy SP10 '*Creating distinct and durable places*' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development protects amenity.

Tower Hamlets Managing Development Document

10.199 Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. Policy DM26 '*Building heights*' requires development not

to adversely impact on the microclimate of the surrounding area, the proposal site and the provision of open space.

### Assessment

10.200 Chapter 16 of the applicant's ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site and the surrounding area in accordance with the Lawson Comfort Criteria (LCC) although there are departures from the accepted terminology.

10.201 Three configurations were tested which included the baseline (as existing), the completed proposed development with existing surroundings and the completed proposed development with proposed cumulative surroundings.

10.202 The ES concludes:

- *With the introduction of the Proposed Development, within both existing and consented surrounds, conditions immediately around and within the Proposed Development are generally suitable for existing and planned pedestrian uses, in terms of comfort and safety.*
- *Some isolated exceptions exist. At ground level for consented future surrounds, the entrances to the southern façade are too windy for comfortable ingress / egress. At podium level, the south eastern and north-western areas are too windy for recreational uses, while the south eastern corner rates as unsuitable in terms of safety, and of the instrumented balconies, one location on the exposed southern façade is too windy for comfortable seated use.*
- *Conditions within the surrounding area are generally acceptable also, but again exceptions exist, in terms of both comfort and safety. These principally occur within the region to the north of the Landmark development, but also, upon the introduction of the consented developments to the south, at the southwest corner of the consented development to the south. These exceptions are not expected to result from the introduction of the Proposed Development*
- *With the introduction of wind mitigation measures, within both existing and consented surrounds, conditions immediately around and within the proposed development are much improved and are now considered suitable for existing and planned pedestrian uses, in terms of comfort and safety.*
- *With the introduction of recommended mitigation measures, conditions within the wider surrounding area remain unchanged to the configurations tested in the absence of wind mitigation.*

10.203 The proposed wind mitigation measures comprise:

- Thirteen 5-7 m high trees at ground level on Marsh Wall and alongside the Landmark,
- 3 m high hedge at ground level alongside the Landmark,
- 5.75 m (or 6 m.) high screens at ground level alongside the Landmark,
- 3 m high screens at podium level,
- Four 3 m high trees at podium level,
- 6 m high solid parapet at roof terrace level.

10.204 Some mitigation measures appear excessive and impractical e.g. the 6 m. tall screen, which appears to be sited on land within the adjoining Landmark development, and the 6 m high solid parapet at roof terrace level. In addition, the proposed development overhangs the Marsh Wall footway leaving a clear 1 m. wide forecourt and a 2.4 m. public footway. It is doubtful whether there is sufficient space for trees to survive in this location and environment.

10.205 In its Review of the Environmental Statement for the Council, LUC report:

*“The wind environment has been assessed for the proposed development both with and without mitigation. Clarification is sought as to whether mitigation has been tested via wind tunnel (it is referred to as recommended mitigation in the conclusion). If not, this testing is required in order to determine effectiveness of these measures plus any effects requiring mitigation arising from the cumulative significant adverse effects.....”*

And,

*There are significant cumulative adverse effects that are not mitigated on the basis they are not considered to be a result of the proposed development. Further information is required about these significant effects to provide a justification for this conclusion. This could be undertaken by testing the cumulative scenario both with and without the proposed scheme. Wind testing of the mitigation measures required to reduce wind speeds to acceptable levels is required to determine their effectiveness.*

10.206 No further information has been submitted by the applicant. It is not considered that the scheme satisfactorily demonstrates compliance with development plan policy to achieve a satisfactory wind microclimate.

## **Highways and Transport**

### **NPPF**

10.207 Paragraph 30 says local planning authorities should support a pattern of development that facilitates the use of sustainable modes of transport. Paragraph 32 requires development generating significant amounts of movement to be supported by a Transport Statement or Transport Assessment. TfL’s Transport Assessment Best Practice Guidance Document 2010 advises that development of 2,500 m<sup>2</sup> or more be supported by a transport assessment.

10.208 Paragraph 34 says decisions should take account of whether safe and suitable access to the site can be achieved for all people. Paragraph 35 advises that developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies;*
- *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, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport.*

### The London Plan 2016

10.209 The key policies applicable to transport issues are:

6.1 – *Strategic Approach*

6.3 – *Assessing effects of development on transport capacity*

6.9 – *Cycling*

6.13 – *Parking*

10.210 Policy 6.1 provides the strategic approach to the integration of transport and development encouraging patterns of development that reduce the need to travel, especially by car. Policy 6.3 requires development proposals to ensure that impacts on transport capacity and the transport network, at both corridor and local level, are fully assessed.

### Cycle parking standards

10.211 Policy 6.9 requires development to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards in Table 6.3 – in inner London for Class B1 (Business) 1 long-stay space per 90 m<sup>2</sup> and 1 short-stay space per 500 m<sup>2</sup>. For Class C3 (dwellings) 1 cycle space for single bed units, 2 cycle spaces for all other dwellings.

### Car parking standards

10.212 Policy 6.13 explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In 'urban' areas with PTAL5 for residential development there should be 'up to one space per unit.' Developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Adequate parking spaces for disabled people must be provided preferably on-site. 20 per cent of all spaces must be for electric vehicles with an additional 20 per cent passive provision for electric vehicles in the future.

### Tower Hamlets Core Strategy

10.213 Strategic Objective SO20 seeks to: *'Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.'* Policy SP09 *'Creating attractive and safe streets and spaces'* provides detail on how the objective is to be met implementing a street hierarchy. Local streets should provide safe and convenient access and be place to gather and socialise in. Development should not adversely impact on the safety and capacity of the road network. Car free development is promoted.

### Tower Hamlets Managing Development Document

10.214 Policy DM20 *'Supporting a sustainable transport network'* reinforces the need for developments to be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.

10.215 Policy DM22 *'Parking'* requires developments to meet car and cycle parking standards and be permit free in areas with parking stress and good public transport accessibility. The policy supports the Mayor's cycle hire scheme and aims to ensure electric vehicle charging points and appropriate allocation of parking spaces for affordable family homes and disabled persons. Appendix 2 provides car and cycle parking standards that mirror the then London Plan. Cycle parking requirements have been increased by the London Plan 2016. For

accessible car parking, development with off-street parking should provide a minimum of 2 spaces or 10% of the total parking whichever is the greater.

### Assessment

#### Public Transport

10.216 The site has a TfL Public Transport Accessibility Level PTAL5 'Very Good'. The development would increase trips that would affect the public transport network, including buses, the DLR at Heron Quays & South Quay and the interchange with the Jubilee Line and Crossrail at Canary Wharf. There is no suggestion that development on the Isle of Dogs should be restrained due to inadequate public transport connectivity or capacity and the Elizabeth Line (Crossrail) is due to open in 2018. Further, the draft Isle of Dogs Opportunity Area Planning Framework recommends a future increase in the capacity of the DLR through Crossharbour. TfL raise no objection in principle requesting financial contributions to improve bus capacity and the Mayor's cycle hire scheme together with the implementation of a Construction Logistics Plan and Delivery & Servicing Plan and a Travel Plan.

#### Cycle parking

10.217 There would be 376 cycle parking spaces at lower ground floor accessed from Cuba Street. 274 spaces would be allocated to the market housing and 102 spaces for the intermediate and affordable rented housing. Provision would exceed London Plan standards. Any planning permission should be conditioned to require the retention of the cycle storage facilities for the life of the development.

#### Car parking

10.218 London Plan and MDD Policy allows a maximum of 31 car parking. The standard would be exceeded by 3 spaces but any planning permission could be conditioned to require policy compliance. The parking provision would be in stackers capable of taking vehicles adapted for disabled motorists. Any planning permission could be conditioned to require that a minimum of 10% of the spaces is retained for the sole use of registered Blue Badge holders. A legal agreement could prevent residents (other than Blue Badge holders) from purchasing on-street parking permits and requiring that no spaces should be sold or rented out to non-residents. A Parking Management Plan could also be required by condition.

10.219 The car park entrance would be via a single lift from Cuba Street. Vehicles should not be required to wait excessively on the public highway for the lift that should always return to street level. This could be incorporated in a Parking Management Plan together with details of how the car park would operate should the lift fail. However, the car park entrance would be located within a proposed loading bay on Cuba Street. Transport and Highways advises that this will not work as the access may be blocked with vehicles loading / unloading and a separate access is required. Revised details could be secured by condition.

#### Servicing

10.220 Servicing would also take place from the proposed inset shared surface bay on part of the public highway on Cuba Street. Transport and Highways advise that this could be acceptable if the additional 2 m. wide footway behind the bay was provided and dedicated as public highway under s72 of the Highways Act 1980 to ensure a continuous footway.

10.221 The submitted Design and Access Statement says "*the development is designed to ensure that all servicing activities will take place off the public highway in order to ensure that traffic flows on the surrounding highway network are unaffected by the*

operation of the site. Servicing will be taken from within the site boundary at basement level." However, the submitted Draft Delivery and Service Management Plan states that servicing is proposed on the public highway (the new bay). The developer would not be able to exercise any control over the bay as it would be open for anyone to use it legitimately within the operational hours. Outside of the operating hours the bay could be used for car parking. Arrangements would need to be put in place to deal with this and 'no waiting' at any time restrictions, except for loading. This could be covered in a final Service Management Plan that could be a requirement of any permission.

#### Changes to road layout and other works

- 10.222 Alteration to the highway in Cuba Street and any other necessary works to the public highway adjacent to the site would require a section 278 agreement with the highway authority and secured by condition.

#### Pedestrian movement

- 10.223 The proposal would open up the site and improve pedestrian permeability which is welcomed, including steps to Marsh Wall.

#### Travel Plans

- 10.224 Any planning permission would also need to be subject to the approval of a full Travel Plan and a Demolition and Construction Plan should also be secured, Marsh Wall being sensitive to construction traffic due to the scale of development taking place.

### Waste

#### The London Plan 2016

- 10.225 Policy 5.17 – '*Waste capacity*' requires suitable waste and recycling storage facilities in all new developments. The Mayor's '*Housing*' SPG 2016 Standard 23 advises that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906: 2005 – '*Code of Practice for Waste Management in Buildings.*' With weekly collections the Code recommends 100 refuse litres for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.

#### Tower Hamlets Core Strategy

- 10.226 Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 '*Dealing with waste*' implements the waste management hierarchy - reduce, reuse and recycle.

#### Tower Hamlets Managing Development Document

- 10.227 Policy DM14 '*Managing Waste*' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases. MDD Appendix 3 provides capacity guidelines for residential waste. These are to be revised in emerging revisions to the Local Plan and a Waste SPG.

## Assessment

- 10.228 The application is supported by a Waste Strategy by WSP Parsons Brinckerhoff. This considers the potential impacts that may arise from waste generated during site preparation, construction and operational phases with the overall aim of developing a strategy for legislative compliance and good practice in the separation, storage, collection, treatment and/or disposal of waste arising.
- 10.229 Residents would be responsible for manually transporting and depositing their refuse, recycling and compostable waste in the appropriate containers in the main waste storage rooms located at basement 1 level. Waste containers for affordable and private units would be located in separate secure stores. The bins would be moved by the managers of the building by lift to the collection point in Cuba Street at the collection time and returned to basement level.
- 10.230 The report also outlines the opportunities for implementing waste mitigation measures for the potential impacts arising during each phase of the development in order to ensure that such measures are consistent with both Government and local authority waste policies and targets.
- 10.231 The proposals set out in the Strategy meet the requirements of relevant waste policy and follow applicable guidance. Implementation of the strategy would need to be secured by condition on any planning permission.

## Energy and sustainability

### The NPPF

- 10.232 The NPPF says planning plays a key role in delivering reductions to greenhouse gas emissions and providing resilience to climate change. The Government encourages developments to incorporate renewable energy and promote energy efficiency.

### The London Plan 2016

- 10.233 Climate change Policy 5.2 '*Minimising CO2 emissions*' provides the Mayor's energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

- 10.234 Major developments should achieve targets for carbon dioxide emissions reduction expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations leading to zero carbon residential buildings from 2016. Policy 5.6 sets a target to generate 25% of heat and power by local decentralised energy systems.

### Tower Hamlets Core Strategy

- 10.235 Policy SP11 '*Working towards a zero carbon borough*' adopts a borough wide carbon reduction target of 60% below 1990 levels by 2025 with zero carbon new homes by 2016. It also promotes low and zero-carbon energy generation by implementing a network of decentralised heat and energy facilities and requires all

new development to provide 20% reduction of CO2 emissions through on site renewables where feasible.

Tower Hamlets Managing Development Document

10.236 Policy DM29 '*Achieving a zero-carbon borough and addressing climate change*' 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. Development is required to connect to or demonstrate a potential connection to a potential decentralised energy system unless it can be demonstrated that this is not feasible or viable.

Tower Hamlets Planning Obligations SPD 2016

10.237 The SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting contribution. In addition, the Council has an adopted carbon offsetting solutions study (Cabinet January 2016) to enable the delivery of carbon offsetting projects.

Assessment

10.238 The proposals seek to implement energy efficiency measures by a site wide heating system and renewable energy technologies to deliver a 35.2% reduction CO2 emission reductions. The proposed CO2 reductions fall short of the 45% requirements of MDD Policy DM29. The proposals require further consideration into delivering a connection to the Barkantine heat and power network to ensure compliance with London Plan Policy 5.6 '*Decentralised energy in development proposals*' and MDD Policy DM29. Subject to conditions to prioritise linking to Barkantine, and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would accord with adopted policies for decentralised energy and emission reductions. If planning permission was granted, it would be recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Updated district energy connection strategy, submitted prior to commencement on site and agreed in writing with the Council, with an assumption to deliver a connection to the Barkantine heating network unless demonstrated not feasible / viable. Updated strategy to include energy calculations using the carbon intensity applicable to the Barkantine network.
- Carbon offsetting contribution secured through a section 106 contribution (£66,600)
- Delivery of BREEAM '*Excellent*'.

Air Quality

The London Plan 2016

10.239 Policy 7.14 '*Improving air quality*' requires development proposals to minimise increased exposure to existing poor air quality and make provision to address local problems of air quality particularly within Air Quality Management Areas (AQMA) through design solutions, buffer zones or steps to promote greater use of sustainable transport modes. Sustainable design and construction measures to reduce emissions from the demolition and construction of buildings are also promoted. Development should be at least '*air quality neutral*.'



10.240 In July 2014 the Mayor of London published an SPG for *'The Control of Dust and Emissions during Construction and Demolition.'*

#### Tower Hamlets Core Strategy

10.241 The entire Borough of Tower Hamlets is an AQMA and Core Strategy Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to address the impact of air pollution. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of air pollution.

#### Tower Hamlets Managing Development Document

10.242 Policy DM9 *'Improving air quality'* requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

#### Assessment

10.243 The construction works have the potential to create dust. During construction it will be necessary to apply a package of mitigation measures to minimise dust emission. With these measures in place, it is expected that any residual effects will be *'not significant'*. If planning permission is granted, dust and emissions mitigation/management measures could be secured in a Construction Management Plan secured by condition.

10.244 Environmental Protection advises that the air quality assessment within the ES is accepted. It concludes that the NO<sub>2</sub> annual objective would be exceeded at the lower levels facing Marsh Wall. A condition should be applied to any planning permission to require that mitigation must be provided for all units where the NO<sub>2</sub> objective would be exceeded at the façade, details of the mitigation to be submitted for approval.

#### **Noise and Vibration**

10.245 NPPF paragraph 109 includes policy requirements to prevent new development from contributing towards unacceptable levels of noise pollution. The NPPG requires planning applications to identify any significant adverse effects on noise levels which may have an unacceptable impact on health and quality of life.

#### The London Plan 2016

10.246 Policy 7.15 *'Reducing and managing noise'* seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals.

#### Tower Hamlets Core Strategy

10.247 Policy SP03 *'Creating healthy and liveable neighbourhoods'* seeks to ensure that development proposals reduce noise by minimising existing and potential adverse impact and separate noise sensitive development from major noise sources. Policy SP10.4.b. *'Creating distinct and durable places'* requires design and construction techniques to reduce the impact of noise pollution.

#### Tower Hamlets Managing Development Document

10.248 Policy DM25 *'Amenity'* requires developments not to create unacceptable levels of noise on the amenity of existing and future residents and the public realm.

## Assessment

10.249 Noise and vibration have been considered within the submitted Environmental Statement. The ES claims:

- The change in local noise levels due to predicted changes in traffic flows has been assessed, and the only location where there would be an adverse change is Cuba Street (with a minor adverse effect). Changes elsewhere would be negligible.
- Internal ambient noise levels within the Development (as a result of noise intrusion from the surroundings) could be controlled through appropriate façade specifications. Given the size of the building, these specifications will change with height and orientation.
- The long term effect of fixed plant within the development on sensitive receptors in its immediate surroundings would be negligible with the application of sufficient mitigation at the design stages.

10.250 The Interim Review Report of the ES by Land Use Consultants for the Council found potential requests for further information regarding definitions of the criteria used for impact descriptors for construction noise, calculations of construction noise at specific locations rather than at fixed distances and assessment of construction traffic noise.

10.251 Officers advise that conditions could be applied to any permission to ensure noise, vibration and piling are controlled during construction including hours.

10.252 The operation of the proposed 1,114 m<sup>2</sup> of commercial and community floorspace [Classes A1 (Shop), A2 (Financial and professional services), A3 (Café restaurant) A4 (Drinking establishment) & D1 (Non-residential institution) at lower ground and ground floors raises no in principle concern and could be regulated by conditions and hours of operation.

## Contaminated land

### NPPF

10.253 Paragraph 109 explains that the planning system should prevent new development being put at unacceptable risk from unacceptable levels of soil pollution. To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location (paragraph 120).

### London Plan 2016

10.254 Policy 5.21 '*Contaminated land*' requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.

### Tower Hamlets Managing Development Document

10.255 Policy DM30 '*Contaminated land*' requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land.

## Assessment

10.256 The site and surrounding area has a long history of industrial land uses including various wharves, a timber yard, metal works, oil works and a landfill site. Potential contaminants include metals, asbestos, fuels and oils. Contaminants are likely to be restricted to any residual 'Made Ground' beneath the site following the installation of the proposed basement. In addition, borehole records relating to the site prior to the construction of the existing office building did not record evidence of gross widespread organic contamination (fuels and oils). Made Ground and Alluvium present beneath the site, and the landfill site to the northwest may pose a ground gas risk.

10.257 The potential effects identified include:

- Exposure to contamination associated with historical land use.
- Release / migration of contamination to controlled waters.
- Risk of hazardous ground gas and impacts to human health.
- Presence of unstable and compressible ground conditions.
- Presence of unexploded ordnance (UXO).

10.258 Conditions could be applied to any planning permission to secure a site investigation and mitigation of any contamination.

## Archaeology

10.259 The NPPF (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Applicants are required to submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

10.260 London Plan Policy 7.8 '*Heritage assets and archaeology*' requires development to incorporate measures that identify, record, interpret, protect and where appropriate, present the site's archaeology. New development should make provision for the protection of archaeological resources.

### Tower Hamlets Core Strategy

10.261 Policy SP10 '*Creating distinct and durable places*' says the Council will protect heritage assets and their settings including archaeological remains and archaeological priority areas.

### Tower Hamlets Managing Development Document

10.262 Policy DM27 '*Heritage and the historic environment*' requires development proposals located within or adjacent to archaeological priority areas to be supported by an Archaeological Evaluation Report.

## Assessment

10.263 The site is not located within or adjacent to an Archaeological Priority Area. The applicant's Environmental Statement Chapter 8 anticipates there are no buried heritage assets of very high significance on site that would merit permanent preservation in-situ. Though the site has potential for remains which might contribute to understanding past human activity in the area, it claims there is

nothing to suggest that any of the likely archaeological deposits are rare either in a national or regional context and worthy of further consideration for preservation (i.e. through design modifications).

10.264 The Interim Review Report of the ES by Land Use Consultants for the Council advised that Chapter 8 currently provides insufficient information for the Council to make a reasoned judgement in relation to the nature, extent and severity of potential effects on built heritage assets.

10.265 The Greater London Archaeological Advisory Service recommends a condition 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.

### **Flood Risk**

#### **NPPF**

10.266 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test and if required an exception test.

10.267 Paragraph 102 explains that for development to be permitted both elements of the Exception Test must be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

10.268 Paragraph 104 says development should be appropriately flood resilient and resistant, with safe access and escape routes where required, and that any residual risk is safely managed, including by emergency planning.

#### **The London Plan**

10.269 Policy 5.12 '*Flood Risk Management*' confirms that development proposals must comply with the NPPF's flood risk assessment and management requirements.

#### **Tower Hamlets Core Strategy**

10.270 Policy SP04 (5) within '*Creating a Green and Blue Grid*' says the Council will reduce the risk and impact of flooding by using the Sequential Test to assess and determine the suitability of land for development based on flood risk. All new development that has to be located in a high flood risk zone must demonstrate that it is safe and passes the Exception Test.

#### **Assessment**

10.271 The Environment Agency's Flood Map shows that the site is located in Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year

annual (<0.1%) and mean the site is within a low risk area but at risk if there was to be a breach or the defences overtopped.

10.272 30 Marsh Wall is not allocated in the Tower Hamlets Local Plan for redevelopment and has not passed the Tower Hamlets Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011.

8.65 Residential is a '*More Vulnerable*' land use. The Environment Agency raises no objection in principle but advises that the proposal does not have a safe means of access and / or egress in the event of flooding to an area wholly outside the floodplain. Safe refuge within the higher floors of the development has been suggested and the Council should assess the adequacy of the evacuation arrangements. The Agency also recommends that to improve flood resilience, finished floor levels should be set above the 2100 breach level - 5.452 m. AOD.

10.273 The application is supported by a Flood Risk Assessment (FRA) by WSP (ES Appendix 15.1). The applicant sets out finished floor levels to be above the 2065 breach event and will endeavour to raise the lower ground level as high as practically possible, to reduce the impact from a 2100 breach event or surface water flooding of Cuba Street. The FRA concludes that the proposed layout, with residential on the upper floors, means that residents would have safe refuge the development would provide wider sustainability benefits namely the provision of housing.

10.274 Given the site is already developed, the proposal and would not increase the risk of flooding elsewhere, and the development provides wider sustainability benefits to the community by the provision of housing, officers consider the proposal passes the Exception Test. No residential accommodation is proposed in the lower levels and therefore limits the vulnerability and safe refuge is available upwards if necessary.

### **Sustainable urban drainage (SUDS)**

#### NPPE

10.275 Paragraph 103 asks local authorities in determining planning application to ensure that flood risk is not increased elsewhere and any residual risk gives priority to the use of sustainable drainage systems.

#### The London Plan

10.276 Policy 5.11 '*Green roofs and development site environs*' requires major development proposals to include roof, wall and site planting including green roofs and sustainable urban drainage where feasible. Policy 5.13 '*Sustainable drainage*' requires schemes to utilise SUDS, unless there are practical reasons for not doing so, and aims to achieve greenfield run-off rates and manage surface water run-off in line with the following hierarchy:

- 1 Store rainwater for later use,
- 2 Use infiltration techniques, such as porous surfaces in non-clay areas,
- 3 Attenuate rainwater in ponds or open water features for gradual release,
- 4 Attenuate rainwater by storing in tanks or sealed water features for gradual release,
- 5 Discharge rainwater direct to a watercourse,
- 6 Discharge rainwater to a surface water sewer/drain,

7 Discharge rainwater to the combined sewer.

Tower Hamlets Core Strategy

10.277 Policy SP04 5. within '*Creating a green and blue grid*' requires development to reduce the risk and impact of flooding through, inter alia, requiring all new development to aim to increase the amount of permeable surfaces, include SUDS, to improve drainage and reduce surface water run-off.

Tower Hamlets Managing Development Document

10.278 Policy DM13 '*Sustainable drainage*' requires development to show how it reduces run off through appropriate water reuse and SUDS techniques

Assessment

10.279 The proposed drainage strategy proposes a reduction of the existing surface water run-off to greenfield run off rates achieved by including 76 m3 of storage. The Council's Sustainable Drainage Officer advises that the proposals are acceptable and comply with London Plan Policy 5.13 and MDD Policy DM13. The proposal primarily utilises storage tanks below basement level and pumping would be required to discharge into Thames Water's sewer. Whilst the discharge rate is welcomed the proposal makes little use of sustainable SUDs techniques and its appraisal is limited.

10.280 Otherwise no objection to the development. To ensure flood risk is not increased elsewhere a surface water drainage scheme as outlined in the Flood Risk Assessment should be secured by a planning condition.

10.281 The applicant has not adequately addressed the residual risk associated with the drainage strategy. There is no indication how the drainage system is to be maintained. A poorly maintained drainage system can lead to future flooding problems. The attenuation tanks below basement level will necessitate pumping which will increase the level of risk due to pump failure. Safe and appropriate flow routes from blockage and exceeding the drainage system capacity should demonstrate no property flooding or increase in flood risk, either offsite or to third parties.

10.282 It is recommended that details of agreed adoption, monitoring and maintenance of the drainage and SUDS features are conditioned should planning permission be granted.

**Biodiversity**

NPPF

10.283 Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity providing net gains where possible. Local Plans should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (Paragraph 114). Opportunities to incorporate biodiversity in and around development are encouraged.

The London Plan 2016

10.284 Policy 7.19 '*Biodiversity and access to nature*' requires development proposals wherever possible to make a positive contribution to the protection and enhancement of biodiversity.

#### Tower Hamlets Core Strategy

10.285 Policy SP04 concerns '*Creating a green and blue grid.*' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value.

#### Tower Hamlets Managing Development Document

10.286 Policy DM11 '*Living buildings and biodiversity*' requires developments to provide elements of a '*living buildings.*' This includes living roofs, walls, terraces or other greening techniques. The policy requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP). Cuba Street forms part of the Tower Hamlets' Green Grid.

#### Assessment

10.287 The application site has no existing biodiversity value and ecology has been scoped out of the ES. The site contains no vegetation or soft surfaces and the existing buildings are unsuitable for roosting bats or nesting birds. The site is close to the Millwall & West India Docks Site of Interest for Nature Conservation (SINC) but no significant adverse impacts on the SINC are likely. There would therefore be no adverse biodiversity impacts.

10.288 MDD Policy DM11 requires major development to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The proposals include landscaping at upper and lower ground levels, 1<sup>st</sup> floor podium, 10<sup>th</sup> floor gym level and roof level 39. These include tree planting, ornamental shrubs and planters with grasses and perennials. There would also be a communal 'pocket park' on Cuba Street. Few of the species indicated in the Landscape Design Strategy are native or of significant wildlife value, and the overall species diversity in the proposed planting is low.

10.289 The Ecology Report and the Design & Access Statement refer to bird and bat boxes that would contribute to LBAP targets.

10.290 Overall, the planting would ensure a small overall biodiversity benefit and help LBAP objectives and targets as required by Policy DM11. Should permission be granted the Council's Biodiversity officer recommends a condition requiring the submission of full details of biodiversity enhancements, landscaping, bat boxes and nest boxes, the approved scheme to be implemented prior to occupation of the development.

#### Airport Safeguarding

10.291 The application site lies beneath flight paths to and from London City Airport in an area subject to aerodrome safeguarding. National Air Traffic Services confirm the development does not conflict with safeguarding criteria. London City Airport has no objection but requests an informative that no construction works such as cranes or scaffolding above the height of the planned development shall be erected unless a construction methodology statement has been submitted and approved in writing by London City Airport.

## **Telecommunications**

- 10.292A Telecommunications Interference chapter was included within the Environmental Statement that supported the previous application. The conclusions demonstrated that with the implementation of the mitigation measures listed for the construction and operational phases there would be no anticipated significant residual impacts. Given the switch to digital television broadcast, the proposed development would be unlikely to give rise to significant effects and is not anticipated to interfere with terrestrial TV or satellite TV signals.
- 10.293 In scoping the ES, the applicant proposed that Telecommunications Interference be scoped out. The Council confirmed its agreement with this approach.

## **Environmental Statement**

- 10.294 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The application was submitted in February 2016 accompanied by an Environmental Statement (ES) by Metropolis Green. Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information.
- 10.295 The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 10.296 The Council appointed Land Use Consultants Ltd to independently examine the applicant's ES, to prepare an Initial Review Report (IRR) and to confirm whether the ES satisfies the requirements of the EIA Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR dated June 2016 identified clarifications and potential 'further information' required under Regulation 22. Once the applicant has received the clarifications and potential Regulation 22 requests from the Council they are invited to submit further information to address the points raised.
- 10.297 Any further information received is reviewed by LUC and conclusions drawn as to whether the additional information is satisfactory. These conclusions are then included in the report, and the document completed as the Final Review Report (FRR).
- 10.298 The IRR identified clarifications and potential 'further information' required under Regulation 22 in the following chapters:
- Chapter 6: Demolition and Construction Management
  - Chapter 7: Air Quality
  - Chapter 8: Archaeology and Built Heritage
  - Chapter 9: Daylight and Sunlight. Additionally, the Building Research Establishment advises that the methodology use to assess interior daylight conditions is flawed.
  - Chapter 10: Ground Conditions and Contamination



- Chapter 11: Noise and Vibration
- Chapter 13: Socio-Economics
- Chapter 14: Transport and Access
- Chapter 15: Water Resources, Hydrology and Flood Risk
- Chapter 16: Wind Microclimate
- Chapter 17: Cumulative Impacts
- Chapter 18: Summary and Conclusions

10.299 No additional information or clarifications have been submitted by the applicant and officers conclude that the ES is not regulatory compliant and it has not been possible to issue a Final Review Report.

### **Planning contributions and Community infrastructure levy**

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

10.301 The NPPF requires that planning obligations must be:

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

10.302 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. Section 106 obligations should be used where the identified pressure from a proposed development cannot be dealt with by Planning Conditions and the infrastructure requirement relates specifically to that particular development and is not covered by CIL.

10.303 Core Strategy Policy SP13 '*Planning obligations*' also sets out the Council's priorities for planning obligations. These are: Affordable housing; sustainable transport; open space; education; health; training employment and enterprise; biodiversity; community facilities; highway works and public realm.

10.304 If permitted and implemented, the proposal would be subject to the Council's Community Infrastructure Levy. The Council's Regulation 123 List September 2016 sets out those types of strategic infrastructure that will or may be wholly or partly funded by CIL.

- Community facilities,
- Electricity supplies to all Council managed markets,
- Employment and training facilities,
- Energy and sustainability (including waste) infrastructure,
- Flood defences,
- Health and social care facilities,
- Infrastructure dedicated to public safety (for example, wider CCTV coverage),
- Leisure facilities such as sports facilities, libraries and Idea Stores,
- Open space, parks and tree planting,

- Public art provision,
- Public education facilities,
- Roads and other transport facilities.

10.305 The LBTH CIL contribution is estimated at £4,964,748. In addition, the development would be liable to the London Mayor's CIL estimated at £902,230. The development does not involve a net increase in commercial floorspace and would not attract the Mayor's Crossrail levy.

10.306 The applicant has also offered 24.1% affordable housing by habitable room. Should planning permission be granted by the Council, or the Mayor on call-in this would need to be secured within a legal agreement. Given the difference in viability assessments reported above, officers recommend that an Affordable Housing Review mechanism should be secured within a section 106 agreement.

10.307 Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction, to secure contributions and measures to support and or provide the training and skills needs of local residents to access job opportunities during construction (£125,008) including 22 apprenticeships and at the end-use phase (£10,247). and 20% end phase local jobs, a car parking permit-free agreement (other than for those eligible for the Permit Transfer Scheme), and agree to a carbon offset contribution should a connection to the Barkantine not be feasible.

### **Other Local finance considerations**

10.308 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

In this context "*grants*" include the New Homes Bonus Scheme (NHB).

10.310 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.311 If permission is refused for the current application NHB would not be received but would be payable were the Mayor to grant permission. Following a refusal, any alternative permitted development involving new housing would receive NHB should the scheme remain in operation.

10.312 Using the DCLG's New Homes Bonus Calculator, the proposed would generate an estimated £407,306 in the first year and £2,443,836 over 6 years.

10.313 If planning permission is refused for the current application, NHB would not be received but would be payable if an alternative development involving new housing was consented should the scheme remain in operation.

### **Human rights Act 1998**

10.314 Section 6 of the Act prohibits the local planning authority from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

10.315 Following statutory publicity, no objections have been raised on the ground that a grant of planning permission would result in any breach of rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998.

### **Equalities Act 2010**

10.316 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.317 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

## **11 CONCLUSION**

- 11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the redevelopment of 30 Marsh Wall should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

Planning Application Site Map  
PA/16/00477



	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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# Agenda Item 5.2

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 29 November 2016	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Zarndra Piper	<b>Ref No:</b> PA/16/01763/A1
	<b>Ward:</b> Poplar

## 1.0 APPLICATION DETAILS

**Location:** Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG

**Existing Use:** Vacant

**Proposal:** Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities

**Drawings:** PL099 A, PL100 A, PL101 A1, PL102 C,  
PL103 C, PL104 C, PL105 C, PL106 C,  
PL107 C, PL108 B, PL109 B, PL110 B,  
PL111 B, PL112 B, PL113, PL114,  
PL120, PL001, PL002, PL150,  
PL151, PL152, PL153, PL154,  
PL200, PL201 B, PL202 B, PL203 B,  
PL204 B, PL205 B, PL210 A, PL211 A,  
PL212 A, PL213 A, PL301, PL302,  
PL303, PL304, PL305, PL306,  
PL307, PL308, PL309.

**Documents:**

- Design & Access Statement (including refuse and lighting strategy) prepared by BUJ Architects
- Statement of Community Involvement, prepared by Four Communications
- Townscape, Heritage & Visual Impact Assessment prepared by Heritage Architecture
- Daylight & Sunlight Assessment prepared by GVA Schatunwski Brooks
- Landscape Design Report, prepared by Outerspace
- Transport Assessment and Travel Plan, prepared by Cole Easdon
- Energy Statement, prepared by Metropolis Green
- Sustainability Statement, prepared by Metropolis Green

- Air Quality Assessment, prepared by Air Quality Consultants
- Dust Assessment, prepared by Air Quality Consultants
- Ecology Report, prepared by ACD Ecology
- Flood Risk Assessment, prepared by Cole Easdon
- Land Contamination Report, prepared by Parsons Brinckerhoff
- Archaeological Desk Based Assessment, prepared by CgMs
- Wind Assessment, prepared by BMT Fluid Mechanics
- Acoustic Report, prepared by Bickerdiike Allen Partners
- Aeronautical Safeguarding Assessment, prepared by Eddowes Aviation Safety
- Construction Logistics plan, prepared by O'Shea
- Arboricultural Assessment, prepared by Landmark Trees
- Infrastructure Services Report, prepared by Cole Easdon
- Financial Viability Report, prepared by James R Brown

**Applicant:** Galliard Homes Ltd

**Freeholder:** GLA Land and Property Ltd

**Historic Assets:** Site is partially located on:

- The Grade II Listed Entrance Gateway to the former Blackwall Goods Yard

## 2.0 EXECUTIVE SUMMARY

- 2.1 The proposal seeks a comprehensive redevelopment of the site including a change of use from former sui generis (Petrol filling station) to C3 Residential. The redevelopment is proposed as a high-density residential-led scheme.
- 2.2 The application proposes 338 residential units, of which 35.4% is affordable housing by habitable room. A total of 376sqm of flexible, commercial floor space (within use class A1, A2, A3, B1, D1, and D2) is proposed at ground floor, as well as 36sqm of café floorspace (Use Class A3) set across two main buildings including a 24 storey tower and a stepped building from 8 to 20 storeys, linked by a 2 storey podium at ground level, with landscaping and associated amenities.
- 2.3 The proposed development will also be supported by 472 secure bicycle parking spaces, 33 x blue badge parking spaces, 2 x zip car parking spaces, a new basement for parking and plant, a new landscaped courtyard space and communal roof terraces at levels 9, 12, 15 and 18.
- 2.4 In the immediate vicinity of the site, there is currently considerable investment being made from new developments that are contributing to the regeneration of this area. The proposed development will positively contribute to this process through the delivery of a significant numbers of new homes, together with new employment opportunities and environmental improvements through new green spaces.



- 2.5 Whilst the previous lawful use as a petrol filling station (sui generis) was an employment generating use, the site was underutilised in its previous use and is now currently vacant.
- 2.6 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes.
- 2.7 The replacement with a high quality mixed use residential led development, within the housing zone is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.8 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing (35.4% affordable housing of which 33% is shared ownership and 67% rented accommodation based on habitable rooms. Taking into account the viability of the site the development is maximising the affordable housing potential of the scheme.
- 2.9 The residential quality of the scheme would be high. Out of the 59 affordable rented units 54% would be of a size suitable for families. 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 the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' and 10% would be provided as wheelchair accessible.
- 2.10 In terms of design, through a series of amendments negotiated by the Local Planning Authority and the GLA, the scheme is now considered to sit comfortably within the townscape. Internal and external amenity is considered to be of an acceptable standard and the development delivers a high quality public realm.
- 2.11 By virtue of the site's location in relation to commercial uses, and separation distances to nearest residential uses, the proposed development is not considered to have any unduly detrimental impacts on the amenity of surrounding uses.
- 2.12 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance, would deliver good quality homes in a sustainable location and would enhance the setting of the Grade II listed Entrance Gateway. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.13 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.14 The scheme would meet the full financial and non-financial contributions, in the line with the Council's adopted Planning Obligations SPD.
- 2.15 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

### **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 £98,596 towards employment, skills, training for construction job opportunities
  - b) A contribution of £11,220 towards employment, skills, training for unemployed residents
  - c) A Carbon offsetting contribution of £37,440.00
  - d) £2500 towards monitoring fee (£500 per s106 HoT's)
- Total £149,756**
- 3.3 Non-financial Obligations:
- a) Affordable housing 35.4% by habitable room (303 habitable rooms)
    - 67% Affordable Rent at Borough affordable rental levels (59 units)
    - 33% Intermediate Shared Ownership (43 units)
  - b) Affordable housing review mechanism if the development does not commence within 2 years.
  - c) Access to employment
    - 20% Local Procurement
    - 20% Local Labour in Construction
    - 14 apprenticeship
  - d) Car free agreement
  - e) S278 agreement to the surrounding highway including public realm works
  - f) Residential travel plan
  - g) 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:**
- Compliance
1. Compliance with approved plans
  2. 3 year time limit for implementation
  3. Car and cycle parking facilities to be retained for the lifetime of the development

#### Pre-commencement

4. Archaeology - written scheme of investigation
5. Land contamination

#### Pre-commencement (other than demolition of the remaining substructure, backfilling and construction of a below grade guide wall, capping beam and excavation of service trenches)

6. Construction Management Plan including working hours, control of dust, air pollution and noise pollution, measures to minimise impact on adjoining residential and commercial occupiers.
7. Crane operation plan
8. Detailed drawings and samples of all external materials including 1:1 mock-up of typical section of elevation
9. Landscaping and public realm (including the following):
  - a) Soft landscaping
  - b) Biodiversity improvement measures
  - c) Hard landscaping
  - d) Street furniture
  - e) Play equipment
  - f) Signage
  - g) Lighting to public realm including lighting spill drawings
  - h) CCTV and security measures
  - i) Visitor cycle parking
  - j) Wind mitigation measures
  - k) Ground levels & thresholds – inclusive access
10. Details of communal areas & roof gardens:
  - a) Access routes
  - b) Play equipment
  - c) Finishes and surfaces
  - d) Planting
  - e) Lighting
11. Security & access control measures
12. Details of surface water drainage & SUDs
13. Details of internal cycle parking
14. Details of wheelchair accessible and adaptable units
15. Details of all mechanical equipment including ventilation to residential units and details of noise insulation to residential units
16. Details of wintergardens
17. Details of lighting
18. Water supply infrastructure capacity study
19. Secured by Design
20. Jersey Cudweed – Precautionary site survey
22. 33 blue badge parking spaces for the 10% wheelchair accessible housing

#### Pre-occupation

24. Parking Management Plan
25. Energy efficiency measures (blinds, air-conditioning controls, resident guidance)
26. Waste Management Plan and Delivery & Servicing Plan
27. Travel Plan
28. Scheme to maximise active shopfronts details of signage
29. Details of opening hours for any commercial units
30. Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
31. 2 x zip car spaces
32. Electric vehicle charging points

#### Informatives

1. Thames Water
  2. Environmental Health – Noise & Vibration
  3. Subject to a S106 agreement
  4. CIL
  5. Subject to a S278 agreement (Highways improvements)
  6. Infrastructure protection agreement
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 4.1 The site (0.36Ha) was a former petrol filling station that was recently demolished (late 2015/early 2016). The site is bounded by Leamouth Road to the west, Leamouth Road roundabout to the south and by Silvocea Way to the east. Silvocea Way provides direct access to a LBTH owned vehicle depot and MOT station, which is located directly to the north of the site. This site is used to store refuse and recycling vehicles and some school buses.
- 4.2 Beyond Silvocea Way are the River Lea and the Bow Creek Ecology Park. Silvocea Way and Leamouth Road are connected by a strip of land that acts as a private road, which runs along the northern boundary of the site, however this land is owned by LBTH and is contained within the boundary of the vehicle depot station.
- 4.3 The site is located immediately adjacent to the Leamouth Roundabout to the south, which forms a junction between the A1261 Aspen Way, the Lower Lea Crossing and the A1020 Leamouth Road. The A1261 to the south west of the site and the A13 East India Dock Road to the north both form part of the Transport for London Road Network (TLRN), and are accessed by the roundabout.
- 4.4 The following aerial shows the application site (with the former petrol station) and surrounding locality. Not shown is the recently completed data centre to the west of the site.



Figure 1 – Site location plan

- 4.5 The East India Docklands Railway (DLR) station is located approximately 450m to the south west of the site, which provides links to Tower Gateway and Bank station to the west, Canning Town, London City Airport and Beckton to the east. The nearby bus stops are located on East India Dock Road and Saffron Avenue and these stops are served by buses on routes D3, 115, N15, N550 and N551.
- 4.6 The site is also served by the Mayors Cycle Hire Scheme with the nearest docking station located at East India DLR approximately 450m south of the site providing 51 spaces. Cycle super highway route 3 (CS3) between Barking and Tower Gateway also passes along the A13 and Leamouth Road within close proximity to the site. The following plan shows the site in relation to these transport nodes.



Figure 2 – The site in proximity to public transport

- 4.7 As such, it has been estimated that the site has good Public Transport Accessibility Level (PTAL) of 4, on a scale of 1 to 6, where 1 is very poor. The walking distance between the site and Canning Town Station (DLR/Jubilee Line) has been improved

following the opening of the footbridge currently being delivered as part of the London City Island (Leamouth North) development on Leamouth Peninsula.

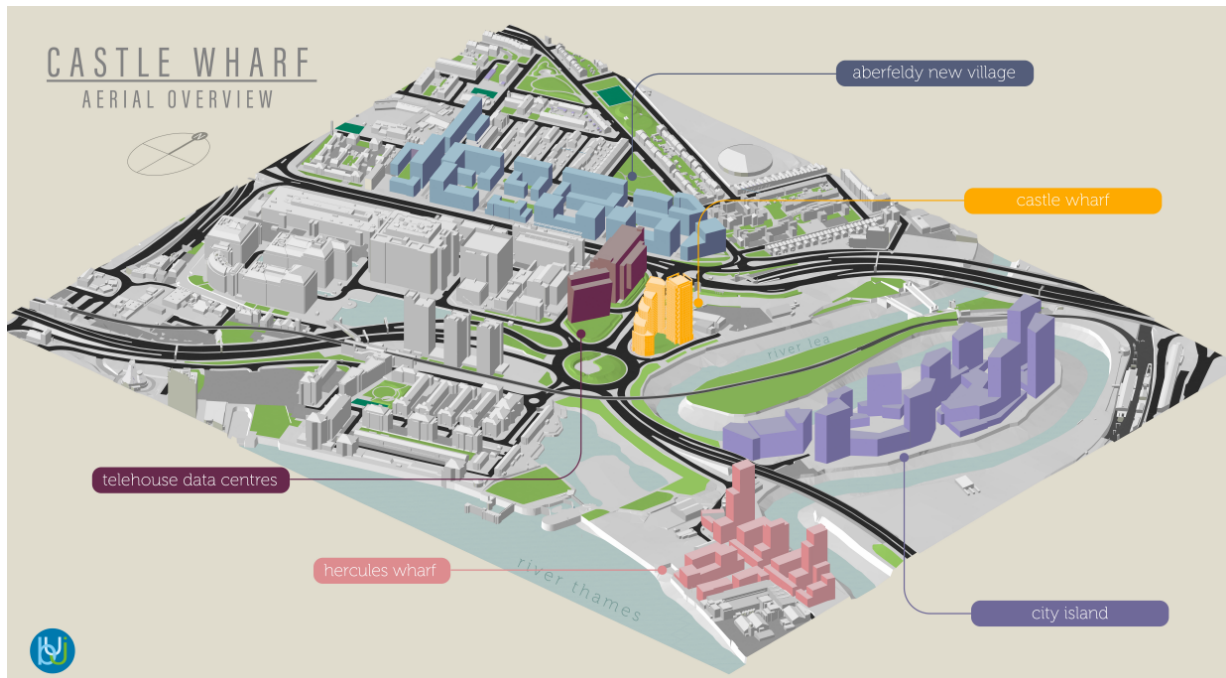
- 4.8 The Grade II Listed entrance Gateway to the former Blackwall Goods Yard is a notable heritage feature of the area. The entrance gateway is early Egyptian revival style and was moved some 12 feet to the east of its original position to allow for the widening of Leamouth Road in 1993. To the west of the site, in the central reservation of Leamouth Road, is the Grade II Listed East India Dock Wall and Gateway.
- 4.9 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes through £78m worth of funding from the GLA to be delivered in two phases.
- 4.10 £52m has been earmarked through an Overarching Borough Agreement with the GLA for phase one which will be drawn down in the next three years and will deliver funding for 10 identified sites. This proposal does not form part of this phase, but rather is in phase two which sees £26m as an outline commitment not yet funded in the GLA's programme. It is proposed to deliver 1300 affordable homes within Phase 2 without GLA grant through the use of planning powers and other resources available to the borough such as Right to Buy receipts.
- 4.11 The application site is also subject to the following designations:
- Flood zones 2 and 3
  - Aviation safeguarding areas
  - Railway safeguarding (within 200m of East West Crossrail)
  - Archaeological priority zone
  - Potentially contaminated land
  - CIL residential zone 2.

### **Background and Planning History**

- 4.12 PA/16/00184 - Request for Screening Opinion as to whether an EIA is required in respect of an application for 2 blocks, generally arranged around the northern and western (Leamouth Road) boundaries of the site. The applicant was advised the development did not fall within the scope of an Environmental Impact Assessment application 29/01/2016.
- 4.13 The immediate area surrounding the site is undergoing significant redevelopment. There are several notable planning applications that are relevant to the site and surrounding context.
- A) A planning application at Telehouse far East, Sites 6 to 8, Oregon Drive, was granted in October 2014 for the erection of a new 10 storey (66m in height) data centre building comprising approximately 24,370 sqm of floor space and associated works; together with the erection of a new 12 storey office development (65m in height) comprising approximately 13,280 sqm of floorspace and other associated works (Ref: PA/14/00074).
  - B) To the east of the site is Leamouth Peninsula, which was granted outline planning permission for a residential led masterplan for up to 1,706 units in various buildings ranging in height from 3 to 27 storeys (PA/10/01864).

- C) To the north west of the site, planning permission was granted for a development of up to 1,176 units for 'Aberfeldy New Village' in various buildings up to 10 storeys in height (Ref: PA/11/02716).

4.14 The following image has been provided by the applicant to show the proposal and its proximity to consented and implemented schemes.



## Proposal

4.15 The proposal seeks planning permission for the construction of a residential-led mixed use development comprising:

- 2 main buildings, a 24 storey tower and stepped blocks of 8, 11, 17 and 20 storeys linked by a two storey podium at ground level.
- 338 residential units
- 376sqm of flexible, non-residential floorspace (Use Class A1, A2, A3, B1, D1, and D2)
- 36 sqm café floorspace (Use Class A3)
- 472 secure bicycle parking spaces
- 33 car parking spaces
- 2 ZipCar parking spaces
- A new basement for parking and plant
- A new landscaped courtyard and amenity space
- Communal roof terrace at levels 9, 12, 15 and 18.



Looking North-East

CGI – View looking north-east

4.16 The following mix of units would be provided:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Affordable Rented	<b>19</b>	<b>8</b>	<b>19</b>	<b>13</b>	<b>59</b>
<b>Total</b>	226	60	39	13	338

4.17 The proposed development includes 35.4% affordable housing on a habitable room basis.

## 5.0 POLICY FRAMEWORK

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.

5.1 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  
National Planning Policy Guidance

### 5.3 London Plan 2016

- 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**

- Planning Obligations SPD (LBTH 2016)
- Tall Building Advice Note (Historic England 2015)
- The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Housing SPG (GLA 2016)
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Shaping neighbourhoods: play and informal recreation (GLA 2012)
- London View Management Framework (GLA 2012)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Consultation on proposed changes to national planning policy (DCLG 2015)

## 6.0 **CONSULTATION RESPONSE**

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

#### LBTH Environmental Health – Contamination

- 6.3 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. 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.

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

#### LBTH Environmental Health – Air quality

- 6.4 The Air Quality Assessment shows that the annual NO<sub>2</sub> objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective. This should be included as a condition.

- 6.5 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement.

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

#### LBTH Transportation & Highways

- 6.6 CAR PARKING: Transport and Highways welcome the proposal to make it car and permit free development. Therefore, Transport and Highways require a section 106 'car and permit' free agreement for this development.

- 6.7 Transport and Highways welcome the proposal to provide of 33 disabled parking bays within the site. The disabled bays shall be retained and maintained for this purpose for the life of the development. This should be ensured by way of a condition.

- 6.8 Transport and Highways require a car parking management plan to ensure only the residents use disabled bays.

- 6.9 CYCLE SPACES: The applicant is required to provide design specification of the cycle stands and the dimension of the cycle stores.

- 6.10 TRIP GENERATION: Transport and Highways agree with the applicant that proposed development will attract fewer vehicular trips to and from the site.

- 6.11 CONSTRUCTION MANAGEMENT PLAN: The applicant has submitted a construction management plan along with the full planning application. Transport and Highways welcome the approach; however, Transport and Highways require that the CMP is secured through a condition.

- 6.12 TRAVEL PLAN: The applicant is required to submit a detailed Travel Plan, this should be secured by condition.

- 6.13 HIGHWAYS IMPROVEMENT WORK: Transport and Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.

*[Officer comment: The requested conditions, S106 agreement and S278 highways improvements have been included.]*

#### LBTH Open space & Tree Officer

- 6.14 The removal of the Horse Chestnut trees in the car park to the north of the site is regrettable, these trees have suffered both impact damage and soil compaction from the use of the site as a car park. Replacement planting can provide effective mitigation. A condition is recommended requiring the approval of a detailed planting scheme.

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

#### LBTH Biodiversity

- 6.15 The site is of little biodiversity value, however the submitted Biodiversity Report does not identify Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species close to the application site, along the verge of Silvocea Way, and it could spread onto the application site. As this is an annual plant, which could colonise the site at any time, it is appropriate to deal with this via a condition for a precautionary survey prior to commencement of work.
- 6.16 The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives. It is recommended that full details are submitted for approval.

*[Officer comment: The requested conditions have been included.]*

#### LBTH Energy & Sustainability

- 6.17 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 6.18 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for emission reductions.
- 6.19 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
  - Carbon offsetting contribution secured through S106 contribution (£37,440)
  - Delivery of BREEAM Very Good Development

*[Officer comment: The requested conditions and S106 contribution has been included.]*

#### LBTH Employment/Enterprise

- 6.20 20% of the construction phase workforce will be local residents of Tower Hamlets.

- 6.21 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.22 A financial contribution of £98,596 is required 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.
- 6.23 A monetary contribution of £11,220 is required towards the training and development of unemployed residents in Tower Hamlets to access either:  
 i) jobs within the uses A1, A2, A3, B1, D1 and D2 of the development  
 ii) jobs or training within employment sectors relating to the final development
- 6.24 Existing jobs  
 There are no existing jobs as the site is vacant. However, it is understood that the proposed employment floorspace outweighs the employment yield generated from previous uses at the site.

*[Officer comment: The requested S106 financial contributions and obligations have been included.]*

Greater London Authority (inc Transport for London)

Land Use

- 6.25 The proposed development for residential-led mixed-use within the Isle of Dogs Opportunity Area is supported, in line with London Plan policies 2.13 and 3.3.

Housing

- 6.26 The proposed new housing is welcomed in line with London Plan policy 3.3. The application currently proposes 35.4% affordable housing (by habitable room). Further information is required to ensure the maximum reasonable amount of affordable housing is being provided in line with London Plan policy 3.12. Further details and amendments to the scheme will be required in relation to housing quality and child play space provision to ensure the development meets London Plan policies 3.4, 3.5 and 3.6.

Urban design

- 6.27 The broad urban design principles are supported, and the applicant has sought to activate the ground floor frontages. In line with the comments, the size of the proposed café on the southern point is questioned.

Inclusive access

- 6.28 The broad approach to access and inclusion is supported and the scheme should comply with London Plan policies 3.8 and 7.2, with suitable conditions.

Climate Change

- 6.29 Whilst the proposed energy strategy would meet London Plan Policy 5.2 comments are made on the approach and further details are requested which should be provided ahead of Stage 2 to verify the proposed strategy. London Plan policies 5.12 and 5.13 on flood risk are complied with, subject to securing conditions.

Air Quality

- 6.30 Further information on air quality is required, notably the impacts of the adjacent vehicle testing centre to the north and mitigation measures to ensure London Plan policy 7.14 is met.

- Blue Ribbon Network and Biodiversity
- 6.31 In order to meet London Plan policy 7.19, the enhancement measures within the ecology report should be secured by condition. Planting should maximise foraging opportunities for pollinators.
- Noise and safeguarded wharves
- 6.32 The application site is located in close proximity to a number of safeguarded wharves - Orchard Wharf, Priors Wharf and Mayer Parry Wharf however no noise assessment data is included within the acoustic assessment.
- Transport
- 6.33 In order to comply with the transport policies of the London Plan the following is sought: Car parking management plan, Blue Badge and EVCP, delivery and servicing plan and construction logistics plan should be secured via condition; the applicant is advised that the number of cycle spaces should be increased marginally to comply with the London Plan (2016).
- 6.34 Following the issue of Stage 1 response, the applicant provided clarifications and amended plans to address GLA's concerns.
- 6.35 The Applicant has added 130m<sup>2</sup> of child play space to the communal roof terrace on level 17 and submitted an accommodation schedule, to demonstrate compliance with the Housing SPG standards. Cycle parking has increased to 480 to comply with the London Plan (2016). Outstanding energy, air quality and noise and safeguarded wharf concerns have been addressed as explained further in this report. The GLA have advised that issues originally raised will be covered in their stage 2 response.

#### Thames Water (TW)

- 6.36 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, Thames Water would not have any objection to the above planning application. However, an informative is recommended requiring the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

#### Environment Agency (EA)

- 6.37 The site it is located within Flood Zone 3 and protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance event in any year.
- 6.38 The EA have advised to improve flood resilience of the proposed development, it is recommended that finished floor levels are set above the 1:100 year + 20 % climate change flood level plus 300mm freeboard which is 5.13m AOD. A condition has been recommended to secure this.

#### London City Airport

- 6.39 No safeguarding objection subject to condition included to manage the height of cranes.

#### Greater London Archaeological Advisory Service

- 6.40 Conditions are recommended to require a two-stage process of archaeological investigation comprising evaluation of the nature and extent of surviving remains followed, if necessary, by a full archaeological investigation.

### Port of London Authority

- 6.41 PLA's original response requested clarification of why use of River Lea/Bow Creek was dismissed, as road freight is a major contributor to CO2 and to congestion.
- 6.42 Due to the sites close proximity to the Safeguarded Orchard Wharf, the applicant was asked to consider the cumulative impact of traffic associated with the proposed development and Wharf itself (once in use).
- 6.43 It was recommended that a condition secures the provision of riparian life-saving equipment (such as grab chains, access ladders and life buoys) along the river edge to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety.
- 6.44 Following PLA's request, the applicant has provided additional information with respect to the above, and PLA are satisfied adequate consideration has been given.

### Metropolitan Police

- 6.1 A planning condition is recommended to ensure the development achieves Secured by Design accreditation.

### NATS

- 6.2 No safeguarding objection to the proposal.
- 6.1 The following consultees did not provide representations:

London Borough Newham Council

## **7.0 LOCAL REPRESENTATION**

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 417 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses:    Objecting: 5                      Neutral: 0            Supporting: 0

### **Summary of issues raised:**

- 7.2 The following issues were raised in objection to the proposal:
- Overcrowding on public transport/insufficient local infrastructure to cope
  - Loss of daylight/sunlight
  - Construction noise/pollution
  - Wind tunnel effect
  - Not enough businesses to support this amount of flats being built in this area. More space needs to be allocated for shops / takeaways / coffee shops / public gyms / pubs etc
  - Additional noise
  - Parking stress

- The pedestrian walkway next to the flats in question and the River Lea is unsafe due to lack of lighting and secluded.
- The proposed structures are much higher than surrounding buildings and would be incongruous in the immediate area.
- Privacy intrusion
- Height and density will obscure views.

### **Applicant's Consultation**

- 7.3 A Statement of Community Involvement has been submitted with the application.
- 7.4 Consultation activities for this application commenced in February 2016, which included a public exhibition held on 8 and 11 March 2016. Additionally, 1200 newsletters were delivered to locals and local groups were offered briefings. Throughout the consultation process, a dedicated telephone number, email and freepost address were supplied and managed by Four Communications to provide further information to residents and stakeholders.
- 7.5 The public exhibition showed no principle objection to the redevelopment of the site. Some residents were disappointed about the loss of the petrol station, however Esso have specified alternative filling stations. Residents voiced a desire for new amenities in the area and public realm enhancements.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- Land Use
  - Design, Heritage and Townscape
  - Housing
  - Amenity
  - Transport, Access and Servicing
  - Sustainability and Environmental Considerations
  - Planning Obligations
- 8.2 Other material issues addressed within the report include biodiversity as well as financial, health, human rights and equalities considerations.

### **Land Use**

- 8.3 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:
- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
  - a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
  - an environmental role – protecting and enhancing the natural, built and historic environment.



- 8.4 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.5 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.
- 8.6 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.
- 8.7 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.
- 8.8 The LBTH adopted Policies Map show the site to have no specific land use designations, however it is within an Archaeological Priority Area and within a Flood Risk Area (Level 3). Immediately to the east of the site is a Green Grid route and a Site of Importance for Nature Conservation.
- 8.9 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.10 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.11 The Opportunity Area Planning Framework for the Isle of Dogs and South Poplar is currently being drafted by the GLA for consultation in mid to late 2016, and when adopted will replace the Lower Lea Valley OAPF where the two Opportunity Areas overlap.
- 8.12 Figure 1 below, shows the surrounding land uses:



Figure 1 – Existing land uses surrounding the site

- 8.13 The proposed development comprises of a residential led scheme providing 338 units. Alongside the residential accommodation, 376 sqm of flexible non-residential floorspace is proposed. Permission is sought for a flexible approach to the use of this floorspace, to include retail (A1), financial and professional services (A2), food and drink (A3), office and flexible workspaces (B1), community and cultural uses (D1) and assembly and leisure uses (D2). This floorspace will be provided at ground and first floor levels along the northern frontage of the proposal.
- 8.14 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element.
- 8.15 Whilst the previous use of the site as a petrol filling station and associated car parking (sui generis) is an employment generating use, the site is currently vacant at present and the previous use would have offered a significantly lower density of employment.
- 8.16 Additionally, given that the site has been excluded from the Preferred Office Location designation and that an appropriate scale and quantum of ground floor commercial uses within use classes A1-A3, B1, D1 and D2 would be provided, it is considered that the development would be acceptable with regard to the aforementioned land use policies.
- 8.17 The immediate context is therefore undergoing significant regeneration, including a number of residential led developments or commercial led developments. Pockets of retail uses are found around emerging residential development. These new developments, namely Aberfeldy Village and Leamouth Peninsula North, are creating a new area of residential activity and providing additional services to serve this new population.
- 8.18 Given the character of the emerging area, it is considered that the proposed flexible commercial uses would support the new residents.

Principle of residential use and compatibility with existing uses

- 8.19 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (2016) seeks to alleviate the current and projected housing shortage within London through the 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.
- 8.20 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.21 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.22 The proposal is for 338 units, which is equivalent to around 8.5% of Tower Hamlet's borough wide annual monitoring housing target as defined by the London Plan. The proposed delivery of these new homes is strongly supported in accordance with London Plan Policy 3.3.
- 8.23 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.
- 8.24 Given the above and the emerging residential character of surrounding area, the principle of intensification of housing use on this brownfield site is supported in policy terms.
- 8.25 LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.
- 8.26 Notwithstanding the site's location within the Housing Zone, the scheme has been designed to both respond to the existing urban environment and accommodate any future mixed used development on the depot site. Full consideration has been given to protecting the amenity of future resident's through careful design of the communal and private amenity spaces, and providing high quality accommodation that meets the required design standards.
- 8.27 With regards to increasing activity at the depot, the proposed residential development will significantly reduce vehicle activity on the site when compared to the lawful petrol filling station use and therefore will not compromise vehicle activity from the depot along Silvocea Way.
- 8.28 The proposed development has also been designed with triple glazing and a combination of wintergardens which along with separation distances involved ensure the proposed use will be compatible to the depot to the north.

### Proposed flexible commercial space

- 8.29 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. Development Managing Document Policy DM2 (Local Shops) states development for local shops outside of town centres will only be supported where: there is demonstrable local need that cannot be met within an existing town centre they are of an appropriate scale for their locality, they do not affect amenity or detract from the character of the area; and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.30 Paragraph 69 of the NPPF encourages mixed use developments, acknowledging the important role they can have in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decision should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 8.31 At London Plan Policy 4.3, the Mayor supports mixed use development. The policy acknowledges that beyond CAZ and the north of the Isle of Dogs, mixed use redevelopment can play an important role in promoting the delivery of other uses, including housing.
- 8.32 Core Strategy Policy SP01 promotes mixed used development outside of town centres which comprise primarily of residential, together with other supporting uses that are local in nature and scale
- 8.33 The proposed development will provide 376 sqm of flexible non-residential floorspace which could comprise a range uses including:
- Retail (A1), financial and professional services (A2) and food and drink uses (A3);
  - Business and flexible workspace (B1);
  - Community and cultural (D1); and
  - Assembly and leisure uses (D2).
- 8.34 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element of the proposed development.
- 8.35 The non-residential uses have been positioned in order that particular elements of the proposed development will benefit from optimum pedestrian activity and active frontages.
- 8.36 The proposed non-residential uses will contribute towards creating a viable and vibrant place, and one that is able to contribute to and support the living and working population, particularly as the area changes through future regeneration.
- 8.37 The proposed café use will be provided at ground level on the southern frontage to create an active frontage and to animate space alongside the proposed indoor play area.

- 8.38 The proposed development would result in the creation of 338 residential units and the nearest Tower Hamlets neighbourhood centre is Aberfeldy Street Local Shopping Parade which is situated 450m away. The creation of 376 sqm of flexible non-residential floor space would result in a hub of activity that is of appropriate scale for the locality. The introduction of active frontages in the form of shop fronts would allow for the activation of space and enhance the character of the area. The proposal would not result in a concentration of uses in this location that would not undermine any existing Tower Hamlets town centre.

#### Density

- 8.39 The NPPF requires Local Planning Authorities (“LPAs”) to set out their “own approach to housing density to reflect local circumstances” (para 47). The NPPF recognises the link between design and development density and requires that, amongst other things, policies should ensure that new developments optimise the potential of the site to accommodate development including a mix of uses (para 58).
- 8.40 London Plan policy 3.4 requires development to optimise residential densities. London Plan policy 3.12 emphasises the need for optimised densities in Opportunity Areas and development that contributes significantly towards the borough’s housing and employment targets.
- 8.41 Policy SP02 of the Core Strategy specifies that high development densities, consistent with other Plan policies, will be sought throughout the Borough. Policy SP02 of the Core Strategy also requires new development to 'optimise' the use of land and achieve density levels which accord with public transport accessibility levels and the wider accessibility of that location.
- 8.42 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account the local context and character, design principles set out in the London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. For a central setting with a PTAL rating of 4, the density matrix suggests a residential density in the region of 650 – 1100 habitable rooms per hectare.
- 8.43 The proposed development would generate a density of 2,377 hrph or 939 uph. Whilst this is in excess of the density ranges for an ‘Central’ location set out within table 3.2 of the London Plan, the intent of the London Plan and the Council’s Development Management DPD is to optimise the intensive use of sites compatible with local context, good design principles and public transport capacity.
- 8.44 However, the London Plan and the Housing SPG 2016 confirm that it is not appropriate to apply Table 3.2 mechanistically and advise that the density ranges should be considered as a starting point rather than an absolute rule when determining the optimum housing potential of a particular site.
- 8.45 In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. Where these considerations are satisfactorily addressed, the London Plan and the Housing SPG 2016 provides sufficient flexibility for such higher density schemes to be supported. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:

- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan; the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability,
- public realm, residential and environmental quality, and, in particular, accord with
- the housing quality standards set out in Part 2 of this SPG;
- a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/ recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

8.46 It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in chapter 7 of the London Plan, so an informed judgement can be made about the point at which a development proposal falls within the wide density range for a particular type of setting/location. The maximum of the range should not be taken as a 'given', much less a minimum expectation.

8.47 Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.

8.48 As discussed above, the London Plan provides a benchmark not a development maximum. The proposed development is reflective of the existing and emerging higher densities within this area, and is considered to be appropriate given the site's location within a housing zone, the Council's proposed housing targets in this area; improved pedestrian and transport connections delivered through London City Island and the general changing nature of this area in particular along the river.

8.49 The proposed development is in keeping with LBTH's high growth agenda set out in the Core Strategy to deliver 43,275 new homes up to 2025 with over 4,000 proposed in the Blackwall and Leamouth "places". The resultant residential density is considered appropriate for the site and reflective of the optimum development capacity of the site, consistent with the site's location.

8.50 A high residential density does not, in itself, make a scheme undesirable in planning terms and it is not uncommon for development schemes in the northern part of the Isle of Dogs or within the City Fringe to significantly exceed the density range suggested by the matrix. All of the above aspects of the development have been rigorously assessed elsewhere within this report and found to be acceptable. The

proposed development does not exhibit symptoms of overdevelopment and is considered to appropriately optimise the development potential of the site, in line with policy requirements.

8.51 In conclusion, the main arguments as to why the site is considered to be particularly suitable to be developed at density in excess of that suggested by the matrix are as follows:

- a) The site is located within the Isle of Dogs Opportunity Area as designated on London Plan Map 2.4 and Annex 1 with an indicative capacity of 110,000 new jobs and a minimum of 10,000 new homes over the plan period to 2035.
- b) The site is located within an area with good public transport accessibility, with a rating of 4 (PTAL) and, as such would be a sustainable location for a high quantum of new residential units.
- c) The proposed buildings would enjoy particularly generous breathing space. The distances to other buildings and in particular other mid to high-rise buildings would be significant. Significant public realm works have been included as part of the proposal, maximising the public benefits.
- d) In urban design terms the site is highly suitable for a tall building. The tower would be of a high architectural quality. The distinctive design would provide visual interest.
- e) Opportunity Areas are expected to make a particularly strong contribution towards meeting London's housing needs. The development would provide a significant contribution towards the Council's housing targets, including through provision of a significant quantum of affordable housing.
- f) The residential quality of the development would be high, in many instances exceeding the baseline requirements of the Housing SPG. Communal amenity, including play space, would be of a high quality.
- g) The heritage impacts of the proposal would be minor, but positive by enhancing some views and additionally creating an improved public realm, especially in the context of the Grade II listed East India Dock gateway. Furthermore, the gateway has inspired the proportions and scale of the proposed facades and the lower levels of the proposed buildings.
- h) The overall regenerative benefits of the proposal would be substantial.

#### Conclusion

8.52 This brownfield site provides an opportunity to make a significant contribution to the provision of new residential accommodation within the borough, including that of affordable housing. The proposal would not result in the loss of an active and viable employment use. The proposed uses would also be complementary to the role of the Lower Lea Valley Opportunity Area, the Isle of Dogs Opportunity Area and the Poplar Riverside Housing Zone.

#### **Heritage, Design & Townscape**

8.53 The National Planning Policy Framework attaches great importance to the design of the built environment.

8.54 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.
- 8.55 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.56 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.
- 8.57 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.
- 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.

#### Site layout

- 8.63 London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) states development proposals should manage the impact of noise by "separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation."



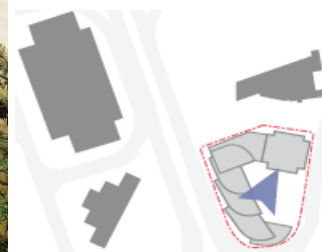
- 8.64 The supporting text to policy 7.15 states at paragraph “it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”
- 8.65 Throughout the pre-application discussions, it was recognised that the site sat within a ‘challenging’ environment, with the constraints of the Leamouth Road and the Grade II Listed East India Dock Wall to the west, the roundabout to the south, the MOT centre to the north and the softer environs of Bow Creek and the Peninsula Park to the east.
- 8.66 In response, the proposal seeks to activate all the frontages. The proposed development would be arranged with built form positioned along the northern, southern and western boundaries of the site. This configuration creates a barrier against Leamouth Road and roundabout to the south west and encloses an area of open space in the centre of the site that is open to the east. This approach is considered to be positive in that it shields amenity space from the road and allows a visual link between the landscaped centre of the site and the adjacent riverside walkway along Silvocea Way.
- 8.67 The proposal seeks to provide duplex/townhouse units, with individual doors and set behind areas of defensible space, along the western boundary of the site, which would assist to create a degree of activity, passive surveillance and visual interest along this stretch of Leamouth Road. It is proposed that a raised terrace would provide private amenity space for the dwellings, while the rest of the defensible space would be a buffer that would be managed as part of the estate. This approach would help to strike a balance between providing amenity space that contributes to passive surveillance and visual interest, as well as ensuring the public face of the building is well maintained and remains attractive. This is shown in the following image.



CGI – View from west, along Leamouth Road, showing cascading block

- 8.68 Additionally, Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.
- 8.69 The tallest elements are located to the north of the site and towards the southern end of the proposals, the reduced mass relates to local, smaller buildings at the southern end, and opens amenity and views to the south and the River Thames.

- 8.70 The northern boundary faces toward the Council's Vehicle Depot and is set back approximately 1m from the edge of this property where cars are currently parked.
- 8.71 At ground floor level there would be two areas of 'flexible non-residential' space which would provide some active frontage to the walkway/road connecting Leamouth Road and Silvocea Way. A small café (36 sq.m) is proposed at the southern tip of the site, to activate the frontage and provide passive surveillance towards the child play space. It is recommended that a condition is secured which requires further details of the proposed shopfront and signage.
- 8.72 The eastern boundary of the site has been designed so that there is a visual connection between the central landscaped amenity space and the riverside footpath along Silvocea Way. It is recognised that public access to the site will not be provided. However, the amenity space, and importantly, the activity that takes place within, would make a visual contribution to the character and quality of the riverside walkway. The internal element of the proposal, opens up the accommodation to its riverside location, increasing the glazing and perforation, to soften the edge and provide occupants with a pleasant outlook.



CGI showing the view from internal courtyard/communal open space

- 8.73 In principle, the proposed site layout is considered to be an acceptable, improving the public realm conditions along Leamouth Road, activating street based environments to the west and north with modulated built forms, and opening up the east with a communal garden providing the opportunity to visually connect with the riverside environment.

#### Height

- 8.74 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 (2016) 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.

- 8.75 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. 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.
- 8.76 Whilst the site does not fall within an identified area for tall buildings, as defined by Policy DM26, the area is currently undergoing significant regeneration through a number of high density developments that incorporate well designed and appropriately located taller buildings.
- 8.77 The proposed development comprises of two main buildings, the first being a 24 storey tower located in the north east corner of the site and the second being a stepped building which runs along the Leamouth Road frontage. The building that fronts Leamouth Road steps down from the north to the south of the site and includes heights from 8, 11, 17 and 20 storeys. The two main building are linked by a two storey podium at ground level which fronts on to the northern boundary of the site.
- 8.78 The proposed development has responded to the various building heights in the immediate surrounding area. The tower element of the scheme, which comprises 24 storeys, does not surpass the Elektron Towers in height and the cascade block decreases in height along the western boundary towards the southern boundary finishing with a height of 8 storeys. The lower elements of the scheme relate in height to the lower developments of the area, including Virginia Quay to the south.

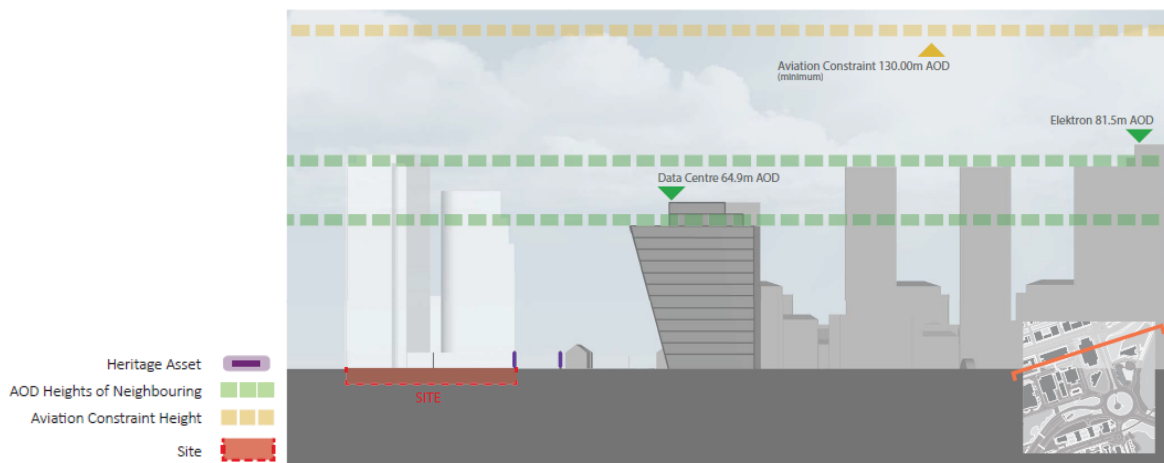


Figure 1: View south



Figure 2: View west

- 8.79 Overall, it is considered the proposal would sit comfortably with the local existing context of the Elektron Tower and the consented Data Centre office building.
- 8.80 Whilst the proposals will relate in scale to these neighbouring buildings, they will also create visual interest through the introduction of windows and balconies, in contrast to the adjacent Data Centre.
- 8.81 The form diminishes to the south to relate to the lower buildings along Saffron Avenue and Virginia Quay development to the south, allowing the open nature of the existing townscape to be maintained.
- 8.82 Looking south, the scheme would sit in a context of local developments such as 'The Helix', Leamouth Peninsula and New Providence. Developments to the west include several tall elements which stand out on their own. The tallest elements of the proposal can be seen here to be of a comparable scale to buildings in its immediate context.
- 8.83 Looking from the East towards the west, the scheme is nestled behind the Leamouth Peninsula development in a long range view. While the proposal is obscured from this point, there is an indication of its massing diminishing to the south, similar to the Leamouth Peninsula development.
- 8.84 The Applicant has provided a series of 'Townscape Views' to illustrate the proposal within key locations to analyse the visual impact.
- 8.85 The image shown below was taken from the pedestrian bridge over East India Dock Road/Aspen Way and accessing the East India DLR. The Elektron Tower is seen to the right whilst the Data Centres along Saffron Way are seen on the left. These buildings demonstrate the urban character of the area surrounding the viewer. This view will be experienced by people accessing the DLR station in addition to vehicular traffic moving along East India Dock Road/Aspen Way.



Figure 3: Existing photo from pedestrian bridge over East India Dock Road/Aspen Way



Figure 4: Proposed view from pedestrian bridge over East India Dock Road/Aspen Way

- 8.86 The proposed development, is seen above the tunnel entrance terminating the road. Although it cannot be read as two separate buildings from this viewpoint, the tower behind the block which cascades down along the western and southern boundary of the site makes the proposed development appear smaller. It also relates in height to the neighbouring Data Centre and the distant City Island Development within this view. The treatment of the cascade block will create visual interest on the skyline, which is largely occupied by windowless data centres.
- 8.87 The buildings to the west of the site are relatively bulky, presenting a broad mass of built form to a number of views, particularly from the east and west. The division of the building into five stepped sections and its curved plan form help to alleviate the impact of this mass. The proposed materials and architectural detailing on the external facades would provide a degree of detail and interest that would also help to alleviate the mass and the internal facades would have a more lightweight appearance. Provided a sufficient level of architectural quality is maintained throughout, the massing is considered acceptable in townscape terms.
- 8.88 Additionally, the proposed scale and height of buildings are considered acceptable, given the context of recent residential development within the vicinity of the site and the relatively spacious setting afforded by the river, Ecology Park, wide road and roundabout.
- 8.89 In line with Core Strategy policy SP02 and MDD policies DM1, DM24 and DM26, the design strategy for the proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.

#### Materials and elevation treatments

- 8.90 The building façades are proposed to be clad predominantly in brickwork, with aluminium window frames and zinc cladding on the inner shell of the 'protective edge' facing the central amenity space. The brick choice of 'Ivanhoe Mellow Red' emulates the local context of the existing dock walls and will be complemented by a contrasting window frame and cladding colour of RAL 7021 which is also suggestive of an industrial aesthetic. This approach is generally supported.
- 8.91 The outward facing facades would also have a degree of depth provided by recessed windows and panels, texture provided by the brickwork and variety provided by the

different window shapes and sizes. These details would help to create interest to the elevations. The glazed inward facing facades would help to create a softer and lighter face toward the amenity space and river walkway.

- 8.92 The base of the development would feature a plinth that would respond to the scale of the adjacent section of Grade II listed wall. Again this approach is supported as it helps to relate the lower parts of the scheme to the fragment of historic fabric and create a readable scale for pedestrians along the lower floors of the proposed duplex units. A condition is recommended to be secured, requiring all external materials to be submitted to ensure the proposed development is of the highest quality and finish.

#### Heritage

- 8.93 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.94 Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.95 LBTH Core Strategy Policy SO22 seeks to “protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. Core Strategy Policy SP10(2) of the Council’s adopted Core Strategy (2010) seeks to protect and enhance the Borough’s Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.96 MDD policy DM27 also relates to heritage and the historic environment and seeks to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.
- 8.97 The site does not fall within the boundary of a conservation area, however, the Grade II East India Dock Gateway is on the eastern boundary of the site. Furthermore, the site is within the setting of the Grade II listed East India Dock boundary wall, which runs down the middle of Leamouth Road.
- 8.98 The Grade II Entrance Gateway is partially located on the application site. The Egyptian revival style entrance is flanked by two broad, slightly tapering pylons of rendered brickwork standing on Portland stone plinths rising to a height of 22ft. Each pylon is decorated with a caduceus, the symbol of Mercury, patron deity of merchants and travellers. (The original Coadestone caducei was hacked off by thieves in 1990, and have been replaced by replicas in carved Portland stone.)



Image showing Grade II listed Entrance Gateway

- 8.99 Evidence shows that the gateway has been heavily altered in its long history. The gateway had to be restored in the early 1990s. Furthermore, the gate keeper's lodge on its southern end no longer remains. The gateway is no longer associated with its original use, however its association with the East India Docks and Company gives it significant historical value.
- 8.100 It is proposed to retain the Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall, which makes a positive contribution to the area. However, Officers consider that the site possesses little or no historic interests and provides a poor setting to the listed structures. The proposed development, therefore, has the potential to enhance the setting of the listed structure through the erection of a high quality building and the implementation of an improved public realm scheme.
- 8.101 It is considered that a new, sensitively designed development as contemplated by this application will sustain and enhance the significance of these heritage assets. Furthermore, the proposed improvements to the public realm will create an enhanced setting for the heritage asset. The ability to understand and appreciate the structure will be improved.
- 8.102 A significant number of local and more distant views have been tested as part of the submitted in the Heritage, Townscape and Visual Impact Assessment. Overall, it is considered that the visual effect of the proposed development will have a minor and beneficial impact on the identified heritage assets and the surrounding townscape.
- 8.103 Lastly, Historic England do not raise any objections.
- 8.104 Taking into account the above, it is considered that the proposed development has been sensitively designed in terms of its scale, height, form, design and facing materials and would protect the setting and special architectural and historic interest of the Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall. As such, the proposals accord with Policy 7.8 of the London Plan, Policies SO22 and SP10(2) of the Council's adopted Core Strategy, Policy DM27 of the MDD and government guidance set out in Section 12 of the National Planning Policy Framework.

### Secure by Design

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

### Archaeology

- 8.108 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.
- 8.109 The planning application lies in an area of archaeological interest.
- 8.110 Historic England Archaeology officer (GLAAS) advised that there is a need for field evaluation to determine appropriate mitigation. A safeguarding condition would therefore secure a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 8.111 Subject to this condition, the impact of the development with regards to archaeology is considered acceptable in accordance with the NPPF and London Plan Policy 7.8.

### Public realm

- 8.112 As an island site, the proposal must respond positively to the public realm on all sides of the development.
- 8.113 Silvocea Way is already earmarked to benefit from Lea River Park improvements commissioned by the LLDC, and the proposals seek to act as a continuation of this. Leamouth Road and the riverside will both benefit from the improvement as a result of the application.
- 8.114 Some of the proposed works lie outside the boundary, which include:
- Leamouth Road: Tree planting
  - Silvocea Way: Pedestrian friendly treatments.
  - Northern link: Incorporation of the pedestrian route into the landscaping treatment including resurfacing to match the surrounding pedestrian finish.
- 8.115 Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.



- 8.116 A formal division between public and private will be created, which runs in line with Leamouth Road Gateway, to defend private amenity space at the ground level.
- 8.117 The aims for Silvocea Way are to improve the existing public realm and create a sense of connection between the generous communal gardens, the River Lee and Ecology Park beyond.
- 8.118 These public realm enhancements are to be secured as part of the S106 agreement.

#### Design Conclusions

- 8.119 The proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.
- 8.120 The proposed scheme is sympathetic to the scale, mass, height and aesthetic attributes of the surrounding buildings and to the area as a whole. The Grade II listed East India Dock Gateway will be unharmed in the proposals, however the proposal would be successful in contributing to a high quality public realm and in establishing a more sympathetic relationship to the adjoining heritage assets.
- 8.121 The proposed development designed with a variation in heights would provide interest and variety to the skyline with its architecture and domestic scale elements. The introduction of duplex/townhouse units and commercial uses on the site would provide active frontages and enhance levels of activity.
- 8.122 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer public realm enhancements.

#### **Housing**

##### Affordable housing and housing mix

- 8.123 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.
- 8.124 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).
- 8.125 Core Strategy Policy SP02 and Policy DM3 of the MDD set out the housing target for the Borough, with a target of 50% overall. Development will be required to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the Core Strategy. Affordable housing should be built to the same standards and should share the same level of amenities as private housing.

- 8.126 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 8.127 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.128 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.
- 8.129 It is noted that the scheme proposes 338 residential units with 856 habitable rooms. This scheme proposes to provide 35.4% affordable housing by habitable rooms, which will be split as a 67% affordable rent and 33% intermediate (on a habitable room basis). This quantum of affordable meets with the Boroughs minimum requirement of affordable within new developments. All of the rented units will be delivered in block B which also includes 23 intermediate units.
- 8.130 The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. This would be provided in the following mix:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Social Rented	19	8	19	13	59
Total	226	60	39	13	338

Table 1: Affordable Housing Provision.

- 8.131 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council’s Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant

targets and the breakdown of the proposed accommodation are shown in the tables below.

<b>Affordable housing</b>	<b>Provided %</b>	<b>LBTH Target</b>
1 bed units	32.2	30
2 bed units	13.6	25
3 bed units	32.2	30
4 bed units	22.0	15

8.132 As outlined in the tables above, in terms of the affordable/social rented units, the proposed development offers 32% of one bed units against the Core Strategy target of 30%, 14% of two bed units against the target of 25%, 32% of three bed units against the target of 30% and lastly, 22% of four bed units against the target of 15%.

8.133 Policy DM3 of the MDD requires that 45% of the rented homes are provided as 3 or more bedroom family accommodation. The applicant proposes the provision of 54% of the affordable rented units as family homes (3 and 4 bedroom units), which is supported.

8.134 The applicant has removed the provision of 3 bedroom intermediate units and replaced these with 1 bedroom units. Whilst the provision of 2 bedroom units falls below Council's recommended 50% provision, due to internal layouts and the building configuration, it has not been possible to provide an additional 2 bedroom units without compromising the quality of the proposed units.

8.135 It is therefore considered that the mix of intermediate homes is appropriate, ensuring affordability both locally and borough wide, taking into account the household incomes required to own or rent privately in Poplar and the borough.

8.136 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'.

8.137 As discussed above, the viability appraisal has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved. A review mechanism will be secured as a planning obligation, to take account of changing market circumstances if the scheme does not commence within 2 years of the grant of planning permission. Officers are satisfied that the offer is the maximum that could be achieved without making the development undeliverable.

8.138 The following table shows the affordable housing rent levels:

	<b>Borough Framework (Service charge included)</b>
1 bed	£204 p.w
2 bed	£214 p.w
3 bed	£227 p.w
4 bed	£267 p.w

8.139 Overall, the proposed affordable housing offer maximises the provision of affordable housing without prejudicing the objectives of creating mixed and balanced communities. It is considered that the proposal will deliver a range of housing types, sizes and tenures, together with a sustainable mix of complementary and supporting

non-residential uses and facilities. The proposal is in accordance with the London Plan policy 3.9, Core Strategy policies SO8 and the NPPF paragraph 50 which requires the delivery of socially mixed and balanced communities.

#### Residential space standards

- 8.140 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. Additionally, policy DM3 requires that affordable housing should be built to the same standards and should share the same level of amenities as private housing.
- 8.141 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private amenity space for all new homes. Policy DM25 requires a good level of amenity for the future occupiers including through provision of adequate daylight and sunlight, outlook and privacy.
- 8.142 The 'National Space Standard' was introduced by the Government from 1st October 2015. The requirements of the standard are consistent with those of the London Plan and Managing Development Document with respect of gross internal area.
- 8.143 Overall the proposed residential quality is considered to be good, with no more than 8 units per core and a high quantity of dual aspect units. The internal areas of the proposed flats would be generous, with all of the flats meeting and exceeding the minimum floorspace standards.
- 8.144 The submitted floor plans demonstrate that all necessary furniture and storage can be comfortably accommodated within the proposed layouts. Generous 2.8m high floor to ceiling heights would be provided at all floor levels, providing housing quality in excess of the baseline Housing SPG standards.
- 8.145 Private amenity space is proposed in the form of balconies, terraces and private gardens for all of the dwellings. A total of 2,856m sqm of private amenity space is provided within the proposed development.
- 8.146 Wintergardens have been introduced in particular to units along Leamouth Road to minimise the impact of potential environmental and noise pollution. The proposed winter gardens would be designed with a thermal and physical barrier between the internal floor space and amenity provision. The use of wintergardens would appropriately maximise the usability of the private amenity space in winter and during windier months, which is considered positive, and in line with the approach taken at Aberfeldy further north of the site.

#### Internal daylight/sunlight

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

- 8.148 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement Vertical Sky Component (VSC) and No Sky Line (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.
- 8.149 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.
- 8.150 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. The baseline scenario has been presented in the ES Sunlight and Daylight Report by assessing the internal daylight to the lowest three floors of residential accommodation within each block. Where the levels of daylight were below the suggested BRE guidelines, rooms directly above were assessed up the building until the rooms showed compliance.
- 8.151 Within the western block from ground to second floor, of the 44 rooms tested, 40 will achieve the 1.5% for living/dining space or 1% bedrooms. This equates to 91% compliance with the BRE/BS target values. However, it is noted that this percentage increases for every additional storey tested and on this basis, the results confirm a high percentage of APSH sunlight test.
- 8.152 With respect to the north-east block, the south facing windows which view towards the internal courtyard have been tested, as these will have the most obstructed view. The eight rooms tested over the second and third floors indicate that only one room will fall just short of the 1% ADF value for bedrooms with 0.84%. However, bedrooms are considered less important by the BRE guidelines and it would meet the criteria as part of the 20+ floors above. The APSH sunlight results demonstrate that almost all rooms, with the exception of bedroom, will contain at least one window that will satisfy the annual guideline values.

#### Privacy and outlook

- 8.153 The proposed development has involved various design iterations, as the key concerns have been the suitability of the residential land use, as a result of the harsh, traffic exposed site.
- 8.154 The proposals open up the east, creating the opportunity to visually connect with the riverside and across to the Ecology Park. The cascading western block seeks to protect the landscape of the riverside edge from the harsher, traffic exposed environments. The diminishing massing relates to the local, smaller buildings at the southern end, and opens amenity and views to the south and River Thames.

- 8.155 The dimensions and arrangement of the plans, allow for maximising dual aspects within the accommodation. As a result, each unit would benefit from a pleasant outlook.
- 8.156 With regards to privacy, Officers initially raised concerns with respect to overlooking from balconies. As a result, the applicant's design team have included privacy measures or re-located the balconies to the identified units in order to ensure all future occupants maintain a reasonable level of visual privacy, details of privacy screens will be secured by condition

Communal amenity space and play space

- 8.157 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.
- 8.158 In addition, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 8.159 Applying the methodology within the Mayor's Play and Informal Recreation SPG (2012), the scheme could generate a child yield of 106 requiring a total of 1,064 sq.m of play space (the Planning Obligations SPG adopted on September 2016 advocates the use of GLA yields). The following is a breakdown of the expected number of children per age group:

	<b>Number of children</b>	<b>%</b>
Under 5	34	32
5 to 11	40	38
12+	32	30
Total	106	100

Table 1 – Proportion of children using GLA yields

- 8.160 Play space provision to meet the planning policy requirements would be provided on site. Following GLA's initial concern with regards to the proposal not achieving the minimum requirement, an additional 130m2 of child play space has been provided to the communal roof terrace on level 17, which would be accessible to all of the occupants of the development using a fob system.
- 8.161 As a result, 1066 sqm of play space is proposed, which meets the Mayor's Play and Informal Recreation SPG (2012), and how this is broken down is illustrated in the table below:

<b>Age</b>	<b>Child Yield</b>	<b>Requirement</b>	<b>Provided</b>
0-3	31	312 sqm	343 sqm
4-10	39	391 sqm	391 sqm
11-15	20	202 sqm	202 sqm
TOTAL	90	906 sqm	960 sqm

\*Excluding 130sqm of additional child play space added to roof

- 8.162 It is proposed to allocate specific play spaces for different age groups and use separate space for communal amenity. Circulation space has not been counted as play; however it does offer additional informal play opportunities. Additionally, the proposed pavilion has not been counted as play space, and instead is included as communal amenity space. In total 250sqm of child play space is provided at roof level.
- 8.163 The landscape design creates play space which weave around a central pathway, and flow into indoor/outdoor play areas to the north and south, providing weather-protected space for children. A range of play elements would be used, which include:
- Natural play features such as stepping logs, timber and rope climbing features.
  - More challenging adventurous play volumes (within the indoor and outdoor place space) with multiple play stations including climbing elements, roped elements and rubberised floor patterns.
- 8.164 These would provide places for play, discovery, socialisation, relaxation and personal reflection. It would be designed to visually integrate with, and create character links to the surrounding public realm.
- 8.165 Seating would be provided for parents to watch their children. The courtyard garden would be gated and secure from the public realm. The lawn offers more relaxed, unstructured play for 0-3 years.
- 8.166 Play spaces would be integrated alongside communal amenity space physically yet will be spatially defined and has not been double counted.
- 8.167 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 378sqm. The applicant is providing a total of 505sqm, provided at ground level within the pavilion and at roof level in the form of gardens and terraces.



Figure 1: Image illustrates the central courtyard

- 8.168 The central courtyard garden would be inaccessible to the general public and contain a communal pavilion providing rest and socialisation, work space and shelter for all ages.
- 8.169 The cascading form of the building has allowed for the creation of roof gardens at the setbacks. These are communal spaces with level access, which maximises the south-facing, open aspect of the site.
- 8.170 The proposed communal open space and children's play space included within the development provides a high quality amenity space for future residents of all ages. The level of provision will meet policy requirements and deliver opportunities for play and recreation within the site and contribute towards amenity.
- 8.171 A condition has been included to require the Council's approval of full details of the proposed spaces, including finishes and quality of access routes, play equipment, all finishes and surfaces, toilet facilities, planting, lighting, security and access control measures.
- 8.172 Additionally, in order to ensure that the landscaping scheme contributes to the character and appearance of the area and to mitigate for tree losses, Council's Open Space & Landscaping Officer has recommended a condition requiring the approval of detailed drawings of a planting scheme.

#### Inclusive design & access

- 8.173 As of 1 October 2015 the Government's technical housing standards came into effect. These standards require that 90% of homes to be built to meet building regulations M4 (2) 'accessible and adaptable dwellings' and 10% to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to meet building regulation M4 (3) 'wheelchair user dwellings'. As a consequence Policy 3.8 of the London Plan has been updated accordingly (March 2016).



- 8.174 10% of the overall development has been designed as Part M(3) compliant homes for wheelchair access. This includes 10% across each tenure type. The units are spread throughout the development to ensure different types and aspects are provided.
- 8.175 However, it is noted that 7 duplex units do not benefit from level access from the main entrance. Part M regulations, state that 'where it is not reasonable to achieve step-free access, an alternative step-free route should be provided.
- 8.176 The applicant has considered alternative design options, including the provision of a ramp element, however it was considered that this would have a significant detrimental impact on the overall design of the scheme presented to Leamouth Road. Furthermore, providing a ramp in this position would also mean that the front garden space is not accessible. Given that the proposed duplex units are not included within the proposed 10% wheelchair accessible units, and the fact that the duplex units will have level access via the private rear gardens, together with the need to create a quality frontage and meet flood risk requirements, Officers are satisfied that the units are acceptable in this instance.
- 8.177 Each unit has a designated parking space in the basement, from which units can be accessed via a secure communal core.
- 8.178 The detailed floor layouts and locations within the site for the wheelchair accessible units are recommended to be secured by condition.

### **Neighbours amenity**

#### Overlooking and privacy

- 8.179 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.
- 8.180 The property closest to the application site, to the north is a Council owned vehicle depot and MOT station, used to store refuse and recycling vehicles. The immediate area surrounding the site is subject to numerous new developments and is still undergoing significant regeneration through a range of residential and commercial led development. To the west of the site are several new mixed use development including, the Data Centre on Oregon Drive and Aberfeldy New Village. To the south-west of the site is the established Barratt Homes residential development on the former Elektron Building site, consisting of high rise development of between 22 and 25 storeys. To the east of the site across the River Lee and Bow Creek Ecological Park is London City Island. All surrounding residential properties are located in excess of 18m separation distance and as a result the proposal will not give rise to excessive overlooking opportunities.

### Outlook and sense of enclosure

- 8.181 Given that the site occupies an island site, it benefits from maintaining a distance from neighbouring buildings, especially residential uses. The townscape around the site is open to the east and south east. The proposed massing generally would not result in an overbearing appearance, sense of enclosure or unreasonable impacts on outlook.

### Daylight, Sunlight and Overshadowing

- 8.182 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. 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 with ratio of 0.8 times the former value being noticeably adverse.
- 8.183 With regards to daylight and sunlight amenity to the neighbouring residential properties, there are no neighbouring receptors with a direct view or within sufficient distance of the proposed development to be materially affected.
- 8.184 Therefore, the proposed development will not result in any negative daylight and sunlight impacts upon any neighbouring residential properties.

### Noise and Vibration

- 8.185 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.
- 8.186 Noise is a material consideration to be taken into account in planning decisions. A full assessment of the noise considerations has been undertaken and is set out in the supporting Acoustic Report.
- 8.187 The report sets out the acoustic strategy required to ensure that the proposed development will result in compliance with national and regional guidelines and LBTH requirements.
- 8.188 The application site is located in close proximity to noise generating activities including the DLR, London City Airport and a number of safeguarded wharves – Orchard Wharf, Priors Wharf and Mayer Parry Wharf.
- 8.189 Additionally, LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with

associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.

- 8.190 The strip of land between the where the depot site activities begin and the application site is Council owned land and is used as ad hoc car parking in association with the depot. There is an established public right of way on foot only running through it which is used by depot workers and also members of the public as a thoroughfare. Cars parked on this strip of land enter and exit through Silvocea Way. It is not possible to exit onto Leamouth Road given the narrow width of the Grade II listed entrance gate. Vehicles using the depot site enter via Silvocea Way and exit on Leamouth Road.
- 8.191 To minimise risk of noise nuisance to the surrounding area during the operation of the proposed development, an assessment has been undertaken and noise emission limits derived to ensure compliance with recommended external noise criteria.
- 8.192 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 are recommended to be secured by condition.
- 8.193 Noise intrusion to the proposed development will be controlled to acceptable levels by ensuring the facade and internal building elements satisfy the specified minimum sound insulation performance requirements. 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.
- 8.194 The report concludes that noise issues can be adequately addressed in the design of the proposed development and therefore it is in accordance with the London Plan policy 7.15, Core Strategy policy SO3, SP03 and SP10, and MDD policy DM25.
- 8.195 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.
- 8.196 Noise assessments have been undertaken; however the acoustic assessment contains no reference to the safeguarded wharves. The operation of the wharves is safeguarded by the Secretary of State through an Article 10 (3) Direction and the applicant should demonstrate that the proposed development would not harm the operations of these wharves, prior to Stage 2 referral. Any required mitigation and conditions should be agreed with the Port of London Authority (PLA).
- 8.197 Concern was raised by GLA that the introduction of the proposed residential units may harm the operations of the wharves, specifically Orchard Wharf, Priors Wharf and Mayer Parry Wharf, due to the noise they make. The applicant submitted additional information which considered the noise implications for the development, carrying out both an attended noise survey, and a 7 day unattended survey, on the site. During the attended survey no noise from operations from these wharves was audible, and nothing was identified from the unattended noise survey.
- 8.198 The distance between the site and the nearest wharf is approximately 300 metres which will result in significant noise attenuation from activities there. Furthermore, between the site and Priors Wharf and Mayer Parry Wharf lies the A13 which dominates noise from the north. Between the site and Orchard Wharf is the A1020

overpass, roundabout and the DLR which will dominate noise levels from the south east. Due to the transportation noise from these sources the design of the Orchard Wharf development will incorporate significant noise reduction measures.

- 8.199 With respect to potential noise generated by the proposed flexible commercial units, a condition is recommended to be secured which requires the opening hours to be submitted to ensure the hours of operation for the flexible commercial use is controlled appropriately.
- 8.200 Overall, subject to conditions any adverse impacts on noise and vibration are suitably controlled and are acceptable.

#### Construction Impacts

- 8.201 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

#### Wind

- 8.202 The supporting Wind Assessment assesses the likely effects of the proposed development on the local wind microclimate. In particular, it considers the potential effects of wind on pedestrian comfort and safety around the proposed development and summarises the findings of a wind tunnel test of the proposed development.
- 8.203 The pedestrian environment and open spaces have been designed to ensure wind conditions are suitable for the intended use, with reference to the Lawson's comfort criteria. Where required, windiness shall be mitigated through landscape design, location and recessing of entrances and screening.
- 8.204 The assessment concludes that with the incorporation of such mitigation measures, the open spaces within the proposed development will generally be suitable for use during the windiest season.
- 8.205 The proposed development is therefore in accordance with London Plan policy 7.6 and 7.7 and MDD policy DM25.

#### Light pollution

- 8.206 A condition has been included to require submission of full details of proposed lighting, in order to minimise any impact on the amenity of adjoining occupiers.

#### Conclusion

- 8.207 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies. Appropriate conditions have been included to mitigate any impacts and safeguard the amenity of these residents.

## Highways, transportation and servicing

- 8.208 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.
- 8.209 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.
- 8.210 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.
- 8.211 The application is accompanied by a Transport Assessment.
- 8.212 The site is bounded by A1020 Leamouth Road to the West, Leamouth Road roundabout to the South, Silvocea Way, an access only route and the River Lea to the East and a Council Depot to the North. The nearest section of the Transport for London Road Network (TLRN) is approximately 100metres to the North of the site at A1020 Leamouth Road, whilst the closest section of the Strategic Road Network (SRN) is approximately 980 metres to the East at Silvertown Way.
- 8.213 East India DLR station is located 450 metres to the South of the site and serves the Bank, Woolwich Arsenal, Tower Gateway and Beckton lines. Canning Town Underground Station is approximately 870 metres west of the site and serves the Jubilee line.
- 8.214 The site is supported by bus routes, D3, 115, N15, N550 and N551 within a reasonable walking distance. The closest bus stop is Abbott Road which is approximately 2 minute walking distance.
- 8.215 The above results in the site recording a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1 to 6b, where 6b is excellent. This equates to a good level of accessibility to public transport. This may be improved in the future with the opening of the bridge link from Leamouth North to Canning Town interchange.



Figure 1: Local Transport Infrastructure

- 8.216 The site is also served by the Mayor's Cycle Hire Scheme with the nearest docking stations located at East India DLR approximately 450m south of the site providing 51 spaces.
- 8.217 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

### Cycle Parking

- 8.218 The applicant proposes 480 long-stay cycle basement cycle spaces for the residential element of the development, which is in line with London Plan policy 6.9. The applicant has specified that they will be Josta 2-tier High Capacity Racks. The majority of the residential cycle spaces will be accommodated within the basement car park.
- 8.219 The applicant proposes cycle access to the scheme via a cycle lift to the basement. Further details are required regarding cycle parking access, including reference to the London Cycling Design Standards.
- 8.220 The applicant proposes 12 visitor cycle spaces in Sheffield stands at street level; which meets the requirement.
- 8.221 With regards to commercial cycle parking, two of the non-residential units (Unit 2 & 3) will be less than 100sqm. Unit 3 is designated as an A1 café and would therefore not trigger a requirement. Unit 2, due to its size will also most likely attract an A1 user, and would therefore not trigger the requirement.
- 8.222 Whilst Unit 1 is larger at 295sqm, it has a proposed flexible use class and therefore it is not possible to accurately calculate the required cycle parking as per the London Plan guidance. Based on the potential users, the use would only be likely to generate the requirement for 1-2 spaces maximum. It is recommended that a condition is attached to address this once the end user is known.

- 8.223 A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

### **Car Parking**

- 8.224 Policy DM22 sets out the Council's parking standards in new developments.
- 8.225 Given the high PTAL rating of 4, the development would be subject to a 'car free' S106 agreement restricting all 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.
- 8.226 The development includes 33 Blue Badge spaces located within the basement, 6 of which will be active electrical vehicle charging points (EVCP), whilst an additional 7 will be passive ECVPs. Council's Highway's Officer and TfL both support this quantum as it is in line with London plan standards. The provision of EVCPs is recommended to be secured by condition. Furthermore, the disabled bays shall be retained and maintained for this purpose for the life of the development.
- 8.227 It is also recommended that a car parking management plan is secured by condition to ensure only the residents use disabled bays and to clarify which parking spaces in the basement will be allocated for car clubs.

### **Servicing and Refuse Storage**

- 8.228 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 is in accordance with current waste policy.
- 8.229 All residents will have a communal bin store within 30m (horizontal travel distance) of their homes at either ground or basement level. The bin stores have been designed to segregate refuse from dry recyclables and food waste.
- 8.230 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.231 Originally, LBTH objected to the refuse collection strategy of the site as it was considered that the turning manoeuvre utilising the site access was unacceptable. However, Council's Highway's Officer has confirmed that due to the low frequency of the manoeuvre (2 times per week maximum) and the fact that the LBTH depot is at the end of Silvocea Way, that refuse servicing from Silvocea Way is an acceptable solution. This conclusion came as a result of the lack of options to take the refuse vehicle on site without compromising the ability of the site to deliver on other commitments such as disabled parking, public open space and play space.
- 8.232 Day to day servicing such as supermarket and courier deliveries, will be undertaken from the basement area. A swept path analysis has been submitted to demonstrate that a 7.5T box van can access and exit the basement in a forward gear. Similarly, 3.5T vans will also be able to service the site from the basement, allowing for day to day servicing such as supermarket home deliveries.

- 8.233 A condition is recommended to request submission of a Delivery and Servicing Management Plan.

### **Traffic generation and public transport impacts**

- 8.234 A Transport Assessment has been submitted as part of the supporting documentation. The assessment has been reviewed by both TfL and the Council's Highways & Transportation Officers.
- 8.235 Given the former use of the site as a petrol filling station and the 'car free' nature of the proposal, TfL and Council's Highways Officer acknowledge that vehicular use will be low and road traffic generation would be reduced as a result of the proposal. The great majority of trips generated by the development would take place on foot, by cycle or by public transport.
- 8.236 The biggest impact on public transport will be on the DLR/underground services, where some 65 additional trips are predicted in the AM peak (13 arrivals and 52 departures) and 79 (52 arrivals and 27 departures) in the PM peak. In order to assess the impact on these trips, officers have relied upon 2011 census travel to work data for Tower Hamlets.
- 8.237 The data demonstrates that the greatest impact will be on the Jubilee line from Canning Town, especially towards and from Stanmore. In the AM peak some 31 additional departures and 8 arrivals are predicted. During the PM peak some 17 departures and 31 arrivals are predicted.
- 8.238 During the AM peak some 24 Jubilee line trains depart Canning Town westbound meaning an additional ½ passenger per train. During this same time period approximately 23 services arrive at Canning Town from the west meaning one additional passenger every 2/3 trains. During the PM peak approximately 24 services depart from and arrive at Canning Town from/to the west meaning an additional ½ passenger per train arriving and less than one additional passenger per train departing, on average.
- 8.239 The proposed development is predicted to generate only 7 two-way bus trips in the morning peak and 9 two-way trips in the evening. Approximately 48 services depart the bus stops identified within easy walking distance of the site meaning approximately 1 additional person every 6 buses during the peak hours.

### Conclusion

- 8.240 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

### **Biodiversity**

- 8.241 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document 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 an overall increase in biodiversity.



- 8.242 The Ecology Report concludes that the site is of little biodiversity value. The report however, fails to mention Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species very close to the application site, along the verge of Silvocea Way, and it could easily spread onto the application site, which has small areas of ruderal vegetation around the edges. If Jersey Cudweed was present on the site, Natural England would issue a licence for a suitable mitigation scheme, so it would not be a barrier to development of the site. A condition is recommended to be secured which requires a precautionary survey prior to commencement of work.
- 8.243 Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP), and elements of a living building. The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives.
- 8.244 The proposals for lighting, especially uplighting of trees in the communal garden, are not acceptable. Bats are known to use Bow Creek for foraging and commuting, and the landscaping of this development could add to their potential foraging habitat. Lighting should be restricted to lighting paths, and should not be directed upwards or towards the river. Therefore, a condition is recommended to be secured which requires full details to be submitted which detail biodiversity mitigation and enhancement measures.
- 8.245 Accordingly, the proposal would not result in undue biodiversity impacts. Subject to conditions, the proposal would deliver net biodiversity improvements, in accordance with the relevant policies.

### **Energy Efficiency and Sustainability**

- 8.246 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.
- 8.247 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.248 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 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.249 The submitted Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand, utilising a CHP system

and integration of renewable energy technologies. The current proposals are anticipated to achieve CO2 emission reductions of 10.5% through Be Lean measures, 25.6% through a CHP (35kWe) site wide heat network and 3.8% from a photovoltaic array (33.97kWp). The cumulative CO2 savings from these measures are proposed to be in accordance with policy London Plan requirements at 40%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.

8.250 The CO2 emissions are:

- Baseline – 411.5 Tonnes/CO2/yr
- Proposed design – 247.1 Tonnes/CO2/yr
- LBTH policy requirement – 226.3 Tonnes/CO2/yr
- Annual Shortfall – 20.8 Tonnes/CO2/yr

#### Carbon Offsetting

8.251 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £37,440 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

8.252 Shortfall to meet DM29 requirements = 20.8 tonnes/CO2 x £1,800 = £37,440 offset payment to meet current policy requirements.

8.253 This is recommended to be secured by condition and a S106 agreement for £37,440 to be payable prior to commencement of development.

8.254 The energy strategy is clear in identifying that the proposed carbon savings are based on the integration of a CHP system, that will require further consideration at the detailed design stage. Should a CHP not be feasible then the CO2 savings would be significantly reduced and the carbon offsetting payment increased to £212,700 (the CO2 shortfall would be circa 118 tonnes).

8.255 It is recommended that the submitted energy strategy, incorporating a CHP be secured via Condition and any subsequent change would require approval and variation of the S106 to take into account anticipated emission reductions.

#### Sustainability

8.256 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Very Good rating with a score of 63. Given the size of the non-residential area is only 400m2 and this is split into smaller units, the proposed sustainability measures are appropriate and proportionate to the scale of development. It is recommended that the

submission of the final certificate to demonstrate it has been delivered should be secured via condition.

### Conclusion

- 8.257 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 8.258 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution the proposals would be considered in accordance with adopted policies for emission reductions.
- 8.259 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
  - Carbon offsetting contribution secured through S106 contribution (£37,440)
  - Delivery of BREEAM Very Good Development

### **Land Contamination**

- 8.260 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.

### **Air quality**

- 8.261 Air quality is a material consideration to be taken into account in planning decisions (NPPF, London Plan Policy 5.3 and MDD policy DM9). The supporting Air Quality Assessment has assessed the likely air quality impacts associated with the construction and operation of the proposed development.
- 8.262 The construction works will give rise to a 'medium risk' of dust impacts for on-site activities and a 'low risk' of dust impacts for trackout. It will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these mitigation measures in place, the overall impacts during construction will be 'not significant'.
- 8.263 The additional traffic generated by the proposed development will be minimal and falls beneath a recognised threshold (100 vehicles per day), below which air quality impacts are highly unlikely. Increases in pollutant concentrations at sensitive locations resulting from emissions from these additional traffic movements will have a negligible impact on air quality.
- 8.264 Emissions from the proposed boiler and CHP Plant within the proposed development will lead to an increase in nitrogen dioxide concentrations at nearby existing properties. The Air Quality Assessment has demonstrated that increases in both 1-hour and annual mean concentrations of nitrogen dioxide at existing properties will be insignificant.
- 8.265 Air quality conditions for new residents within the proposed development have also been considered. Annual mean nitrogen dioxide concentrations are predicted to be above the air quality objectives for the proposed residential units on the ground and

first-floor levels on the western boundary, however mitigation measures will ensure that conditions are suitable for residential occupation.

- 8.266 To reduce exposure of future residents to outdoor air that exceeds concentration limits specified in the government's air quality objectives, it is recognised that it is preferential to consider the position of buildings on site and to then review the internal layout of these buildings and the positioning of opening doors and windows. In this case, the scheme architects have explored a wide range of options, the merits of which have been considered with respect to a range of design and environmental constraints. It is understood that the arrangement and location of buildings was determined through an in-depth development with LBTH and the result was supported by GLA design officers. For example, the internal layout of the blocks maximise dual aspect accommodation, minimise any north facing dwellings and are arranged to ensure adequate levels of daylight & sunlight reach every dwelling.
- 8.267 All of the car parking associated with the site is for the residential elements, with no provision for the non-residential elements. It is therefore reasonable to assume that no vehicular trips would be generated by the non-residential element. In the Transport Assessment, it was stated that "It is important to note that the 412m<sup>2</sup> of flexible non-residential floor space on site has been considered to be ancillary to the residential uses on site and will not generate a significant number of trips itself. No formal trip generation exercise has therefore been undertaken for this element of the development."
- 8.268 A traffic count was carried out on the access road to the Tower Hamlets Council depot (including the MOT test centre) and the results presented in the Dust Assessment submitted with the application (J2532/2/F1, 10th June 2016). This indicates that traffic flows on the access road are approximately 56 vehicles per hour (10:00 – 11:00), around 8 of which are HGV. This is likely to equate to less than 1,000 vehicles per day accessing the site. Emissions from vehicles on this access road are insignificant when compared with flows on 20,000 to 113,000 on other roads in the area, and thus were not included in the model.
- 8.269 The MOT test centre is located to the north of the proposed development site. It appears to have 8 test bays and opening hours are 9am to 3pm, Monday to Friday. The proposed residential blocks are at least 20m from the building where MOT testing is carried out. However, this is the distance to the rear of the building. At the closest point, the proposed block is 35m from the access doors. The test centre would only be a source of emissions when engines are being run to test emissions. Therefore as a maximum, emissions from the test centre would equate to that of 8 vehicles (there are 8 test bays), at any one time. These emissions will be insignificant when compared with emissions from vehicles on local roads, and thus will not have a significant impact upon the proposed development.
- 8.270 The Air Quality Assessment shows that the annual NO<sub>2</sub> objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective.
- 8.271 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement by way of condition.
- 8.272 All Non Road Mobile Machinery used in the construction and demolition must meet the GLA's NRMM emission limits as part of this condition.

- 8.273 As the energy centre plant has not been fully decided yet can it be included as a condition, should the development be approved, that any plant utilised for energy & heat production must meet the emission limits specified in the GLA's 'Sustainable Design and Construction' SPG.
- 8.274 Overall, the proposed development is considered to be in accordance with planning policy, in particular the NPPF; London Plan Policy 5.3 and Policy DM9.

### **Flood Risk**

- 8.275 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.
- 8.276 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.277 The FRA states that in the event of a breach or overtopping of the flood defences the occupants of the building should remain within the building (due to the potential for the surrounding areas to be flooded) and the following measures will be used to mitigate flood risk:
- Finished floor levels to be set at a minimum of 5.13m AOD;
  - No sleeping accommodation below 5.59m AOD;
  - No self-contained basement dwellings;
  - Dry pedestrian access to be provided to areas at 5.59m AOD and higher, from all residential areas, non-residential space and the basement;
  - Car park flood sensor and barrier to prevent the removal of vehicles during a breach event;
  - Flood resilient/resistant construction methods;
  - End users to sign up to the EA flood warning system.
- 8.278 The listed measures are acceptable and the applicant is advised to ensure that the flood resistant construction methods include the provision to protect building utility services from flooding, to ensure that in the unlikely event of flooding, occupants will be able to remain in the building in relative comfort.
- 8.279 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.
- 8.280 In terms of sustainable drainage, the FRA states that the development will be designed to reduce surface water run-off from the site up to the 1 in 100 year storm by at least 50%. The FRA goes on to state that this requirement will be met without the inclusion of the extensive green roofs into the calculations, and that therefore the actual reduction will be in excess of 50%. The proposed destination of the discharge is to the nearby River Lea. This is welcomed and considered to be the most sustainable destination for the residual surface water. Given the nature and location of the proposals this approach is considered to be an acceptable approach to London Plan policy 5.13.

## **Aviation**

- 8.281 An Aviation Assessment has been submitted with the application. NATS and City Airport do not object to the proposal subject to a condition requiring the submission of a construction crane methodology plan.
- 8.282 The proposed height would not affect the safety or the operation of the City Airport flight paths.
- 8.283 Subject to conditions, the proposal would result in no unacceptable aviation impacts.

## **Health Considerations**

- 8.284 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.
- 8.285 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.
- 8.286 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**

- 8.287 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).
- 8.288 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.
- 8.289 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.
- 8.290 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.

8.291 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.

8.292 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

8.293 The proposed heads of terms are:

8.294 Financial Obligations:

- a) A contribution of £98,596 towards employment, skills, training for construction job opportunities
- b) A contribution of £11,220 towards employment, skills, training for unemployed residents
- c) A Carbon offsetting contribution of £37,440.00
- d) £2500 towards monitoring fee (£500 per s106 HoT's)

**Total £149,756**

8.295 Non-financial Obligations:

- a) Affordable housing 35.4% by habitable room (303 habitable rooms)
  - 67% Affordable Rent at Borough affordable rental levels (59 units)
  - 33% Intermediate Shared Ownership (43 units)
- b) Affordable housing review mechanism if the development does not commence within 2 years.
- c) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 14 apprenticeship
- d) Car free agreement
- e) S278 agreement to the surrounding highway including public realm works
- f) Residential travel plan
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 8.296 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 8.297 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**

- 8.298 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.

- 8.299 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.
- 8.300 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.
- 8.301 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.
- 8.302 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.
- 8.303 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 £518,642 in the first year and a total payment £3,11,853 over 6 years.



## **Human Rights Considerations**

- 8.304 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:
- 8.305 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".
- 8.306 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.
- 8.307 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.
- 8.308 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.
- 8.309 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**

- 8.310 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.







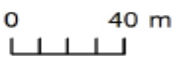
8.311 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing, wheelchair accessible/adaptable housing and improvements to permeability 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

Planning Application Site Map  
PA/16/01763



 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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