

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 25 October 2018 at 6.30 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor John Pierce
Vice Chair : Councillor Abdul Mukit MBE
Councillor Dan Tomlinson, Councillor Dipa Das, Councillor Kevin Brady, Councillor Val Whitehead, Councillor Zenith Rahman and Councillor Rabina Khan

Substitutes:

Councillor Kyrsten Perry, Councillor Asma Begum and Councillor Marc Francis

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 23 October 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 24 October 2018**

Contact for further enquiries:

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

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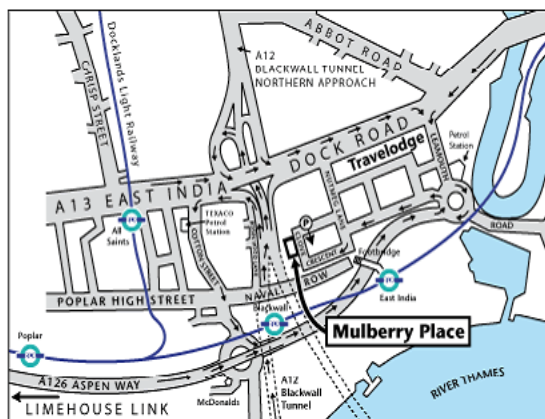
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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 9 - 20)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 20th September 2018.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)

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 Place 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 Place 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.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

23 - 24

5.1 82 West India Dock Road, E14 8DJ (PA/18/01203)

25 - 122

Limehouse

Proposal:

Erection of a part 7-storey, part 28-storey and part 30-storey building comprising 15,639 sq.m (GIA) hotel (Use Class C1) floorspace (consisting of 400 bedrooms), 8,537 sq.m (GIA) residential (Use Class C3) floorspace (consisting of a total of 66 homes; comprising 30 x 1 bed, 28 x 2 bed and 8 x 3 bed homes) and 71 sq.m (GIA) flexible retail and community floorspace (Use Class A1/D1), creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works.

Officer Recommendation:

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

Next Meeting of the Strategic Development Committee

Thursday, 29 November 2018 at 6.30 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:-

Asmat Hussain Corporate Director of 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 6.30 P.M. ON THURSDAY, 20 SEPTEMBER 2018

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

Members Present:

Councillor John Pierce (Chair)
Councillor Abdul Mukit MBE (Vice-Chair)
Councillor Dan Tomlinson
Councillor Dipa Das
Councillor Kevin Brady
Councillor Val Whitehead
Councillor Zenith Rahman
Councillor Rabina Khan

Apologies:

None

Officers Present:

Adam Armstrong	– (Arboriculture Officer, Place)
Paul Buckenham	– (Development Manager, Planning Services, Place)
Jane Jin	– (Team Leader, Planning Services, Place)
Amanda Helliwell	– (Legal Services, Governance)
Gareth Gwynne	– (Team Leader, Planning Services, Place)
Vicki Lambert	– (Conservation Officer, Development Design and Conservation, Place)
Victoria Olonisaye-Collins	– (Planning Officer, Place)
Jen Pepper	– (Affordable Housing Programme Manager, Place)
Zoe Folley	– (Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 24th July 2018 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, Place 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, Place 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.

Change in the running order for the meeting.

With the permission of the Chair, the running order for the meeting was varied to hear the Officer presentation first following by the presentations by the registered speakers in objection and support. The Chair advised that the Council were considering changing the running along the lines indicated above to facilitate the consideration of applications and in the interests of fairness. Changing the running order in this way for this meeting would enable there to be a review of its effectiveness before any changes were made to the Council's Development Procedure Rules.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Former London Chest Hospital, Bonner Road, London, E2 9JX (PA/16/03342 and PA/16/03343)

Update report tabled.

Paul Buckenham (Planning Services) introduced the planning and listed building application for the demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units and 428sqm non-residential institution space and associated works.

Officer's presentation

Gareth Gwynne, (Planning Services), presented the report describing the existing use of the site and the characteristics of the surrounding Conservation Area. He gave a comprehensive presentation on the key features of the application.

It was noted that the scheme had attracted a great deal of public interest. Concerns had been raised about the amenity impact, the harm to the hospital building and the setting of the Conservation Area and the impact on the Mulberry Tree, amongst other matters.

In land use terms, the principle of a residential led development on the site could be supported. The NHS had advised that the primary care provision has been accommodated elsewhere. The new residential units would be of a high quality and the child play space met the policy requirements. The application proposed 35% affordable housing by habitable room. The viability of the proposals had been independently assessed. Officers were satisfied that scheme was providing the maximum amount of affordable housing that could be supported. The impact on amenity in terms of daylight and sunlight to neighbouring properties were not considered to be of a magnitude to warrant the refusal of the application.

The application had been amended to reduce the height and massing of the proposed buildings to minimise their impact. There would be set backs in the design and increased spaces between the buildings to mitigate the impact from the height. The plans would allow the public to enjoy better views of the former hospital building. The St James's - the - less Church and Vicarage would retain their land mark status.

Regarding the heritage impact, it was noted that the development would result in the removal of and replacement of the current roof, the loss of the south wing, and internal alterations to the former hospital building. It would also involve the demolition of the nurses accommodation, which, whilst not listed, contributed to the setting of the former hospital building and the Conservation

Area. However, the proposal would also involve improvements to a number of elements of the heritage importance across the site.

As a result of the changes, Officers considered that the application would result in 'less than substantial harm' to the significance of the Grade II listed Hospital Building and the character and appearance of the Victoria Park Conservation Area. Officers considered that on balance, the scale of the public benefits which the scheme would deliver would outweigh the less than substantial harm to the heritage assets.

There would be loss of trees, but there would also be a tree planting and landscaping strategy to provide new trees and other benefits. On balance, Officers considered that the merits of the proposals in this respect would offset the loss of the trees.

Regarding the Mulberry Tree, it was noted that its proposed relocation had attracted a great deal of public interest. The tree was of precarious health and there was uncertainty about its age. However given its cultural and historic significance, Officers considered that it merited "veteran tree" status. On balance, Officers considered that the proposals with regard to the Mulberry Tree met the relevant tests in policy. Many of the public benefits of the scheme would not be realised if the tree was not re-located. The detailed tree management plan would support its relocation. Public access to the Mulberry tree would be enhanced.

Planning obligations had been secured and these were noted.

In view of the merits of the application, officers considered that it should be granted permission.

Objector's case.

Tom Ridge, Steve Westlake (Chair of the Parkview Estate Tenants and Residents Association) and Chris Key (local resident) addressed the committee.

Concern was expressed about: the harm to the hospital building given the loss of the roof structure and south wing building given its historic significance. There had been a lack of consideration given to the buildings true worth and the harm to the building and the setting of the Conservation area as required by the NPPF policy. Historic England had ignored the evidence provided by the objectors that the roof had not been that badly damaged during WW2. The roof was unique and had many historic features including an historic heating and ventilation system. It would be replaced by a fake roof. The demolition of these features would result in the loss of a third of the hospital building listed in 2013. Mr Ridge referred to the representations he had submitted and the nature of the concerns raised.

It was also pointed out that the local community objected to the proposals.

Concerns were also expressed about the excessive density of the proposal, particularly along St James Avenue and the height of the buildings in relation to the surrounding area. The applicant's images of the proposals were misleading particularly the images of the eight storey building. The proposal would dwarf the hospital building, destroy the built and natural environment, overshadow neighbouring properties and block light. It would also destroy trees and would put undue pressure on local services. Concern was also expressed about the level of affordable housing given the London Plan targets in respect of affordable housing.

Concern was also expressed about the letter from the applicant's team to the Council's Head of Planning regarding possible changes to the affordable housing should the application go to appeal. As a result of this letter, the application could not possibly be assessed impartially.

Applicant's case.

Jermaine Browne, Chris Miele, (Applicant's Heritage specialist) and Richard Curtis (Applicant's Tree specialist) addressed the meeting in support of the application. Jermaine Browne reported that he was a former employee of the Council but had had no involvement with the application whilst working for the Council. The Committee were advised that the applicant was a leading developer and had a lot of experience in respect of developments involving listed buildings. The applicant was committed to delivering the application at the earliest stage.

The proposal would strike the right balance between protecting the heritage assets, protecting the Mulberry Tree whilst delivering new housing and affordable housing. The Mulberry Tree would be placed on the front lawn of the site in a prominent position and the public would have access to it. The design, height and massing of the development would respond well to the former hospital building and be in keeping with the setting of the Conservation Area.

There had been substantial amendments to the application to address concerns. The proposals would deliver a number of public benefits including a significant amount of good quality housing including affordable housing.

The building and the site was generally in a poor state of repair and the roof had been damaged and was of a limited value. Bringing the building back into use would inevitably require alterations to the building to meet modern standards. The proposal would retain its special features and deliver a range of heritage benefits as set out in the Committee report. There would be a strategy to ensure that the Mulberry Tree would be carefully relocated by experts in this field using a bespoke methodology. This strategy was explained in some detail.

Questions to Officers.

In response to questions about the net increase in trees and the quality of the new trees, it was noted that the replacement trees would be of a good quality, and a better quality than some of the trees they were to replace. A number of the new trees would be semi mature trees and 'high impact trees'. Evidence had been submitted by the applicant to show that such trees could be planted at the site.

In response to further questions about the relocation of the Mulberry Tree, Adam Armstrong (Arboriculture Officer) provided assurances about the proposed relocation of the Mulberry Tree in view of the tree relocation strategy. Officers were of the view that if relocated, the historic value of the tree would be maintained and that there would be not a significant loss of habitat. It was also noted that whilst there was a possibility that the tree would not survive the move, there was a much higher chance that it would survive.

It was also clarified that the new policies in the NPPF relating to the loss of trees would not wholly apply to this application, given the tree would not be lost as a result of the proposed development, but would be relocated. Officers also considered that the public benefits of the application would warrant the relocation. Therefore, Officers considered that the proposals complied with the requirements in the NPPF with regard to the protection of trees. It was also pointed out that retaining the tree in its current location would require substantial changes to the application and would impact on the viability of the scheme.

In response to further questions, it was reported that it was not uncommon for applicants to adopt a different position on the affordable housing at the appeal stage. The Committee must consider the application on its own merits. The potential for an appeal if permission were refused, had not influenced the officer assessment and recommendation. Officers also responded to questions about the amount of New Homes Bonus that would be secured and the management of the social housing.

Regarding the impact on key elements of the former hospital building, Vicki Lambert (Conservation Officer, Development Design and Conservation) provided further guidance on the heritage assessment. She emphasised that whilst elements of the building would be lost, the special interest and historic significance of the building would be maintained and improved. It was a fine balance, but Officers and Historic England considered that the harm to the heritage assets would be 'less than substantial' as defined in the NPPF given that most of the building would be retained and the measures to restore the historic features of the building. Officers also gave some examples of what would constitute substantial harm to a heritage asset. As stated in the report, there would be an obligation requiring that there be a watching brief to preserve and maintain the historic features in the main hospital building.

Regarding the daylight and the sunlight report, a representative of the company who had carried out the independent assessment reported on the

findings. They advised that whilst the proposals would have an adverse impact on properties, (notable Roseberry House and Sankey House), the units mostly effected already had design features (such as over-hanging balconies) that already restricted sunlight and daylight levels to these properties. Should these constraints not exist, the impacts to these properties would not be so great.

In response to questions about the applicant's consultation, it was reported that Officers had previously had concerns about their Statement of Community Involvement and had raised these at pre-application stage. The Council had carried out a consultation on the application in accordance with the statutory requirements.

In response to questions about the affordable housing, it was noted that there would be separate cores for the affordable and private housing for management reasons, but the design quality of the blocks would be of the same high standard, irrespective of the tenure of housing.

In response to questions, officers confirmed that all of the wheelchair housing being proposed would be eligible for "project 120" – a Council initiative that is to link families in the most acute need of wheelchair housing with developments that are coming forward.

In relation to public access through the site, it was reported that the scheme would provide public access to the front of the building during the daytime. Whilst good permeability is a policy objective, it was considered appropriate that the access to the private amenity space and child play space be restricted. Changes had been made to the proposals to break up the impact of the development on St James Avenue and generally enhance the visually permeability of the site, providing increased opportunities to view the main elevations from the public realm.

It was also noted that whilst the applicant could seek grant funding from the Greater London Authority for further affordable housing, although no weight should be placed on this as there was no guarantee this would be awarded at this stage. The application should be considered on its merits.

Regarding the height of the proposal, Officers considered that the development would be in keeping with the setting of the Conservation Area and that there was an opportunity for a taller building at the corner of the site. Changes had been made to the application to reduce the height of the proposal. Officers had viewed the applicant's approach to capturing views of the proposal in relation to the surrounding area and considered the methodology was acceptable.

Questions to the objectors.

Regarding the relocation of the Mulberry Tree, the objectors drew attention to its historic significance. It provided a living memorial to those who had lost their lives from the bombing of the site in WW2 and was associated with

Bishop Bonner as set out in the objectors representations. It was not only the loss of the tree that was concerning but the removal of the tree from its historic and natural habitat. The NPPF stated that exceptional circumstances should exist to justify the loss of an historic tree, such as the provision of transport infrastructure. It was felt that the public benefits of this application did not justify this so it contravened this policy.

In response to further questions, they also clarified their concerns about the letter to the Head of Planning Services about possible changes to the level of affordable housing. The letter stated that it was a one off offer and would be withdrawn if the application went to appeal. This had been revealed by a Freedom of Information request.

In response to questions about the harm to the hospital building, it was emphasised that the NPPF required that great weight must be placed on the conservation of the former hospital building and the setting of the Conservation Area. It was clear that the roof was not badly damaged in the WW2.

In response to further questions, it was noted that the scale and massing of the development was a key concern for objectors. These concerns had been ignored for the sake of providing affordable housing. The objectors felt that the images that the developer had shown during the consultation were misleading in terms of the height of the building. The building would be too high for the surrounding area

Questions to the Applicant

Responding to questions regarding the Mulberry Tree, the applicant's tree specialist provided assurances about the relocation plans and the experience of the specialist company that would relocate the tree. It was noted that the tree specialists had successfully moved two other Mulberry trees and had relocated similar trees. In response to further questions from the Committee, the Applicant's tree specialist felt confident that the tree would survive the move given the proposed bespoke relocation strategy. There was no reason to believe that there would be a deterioration in its health.

In terms of the permeability of the site, the speakers stated that it was important to strike the right balance between providing public access to the site, protecting child play space and preventing ASB on the site. It was considered that the development met these aims. It was noted that parts of the development would be gated, but the front lawn would be open to the public. In response to further questions about it this, it was noted that there would be no through access through the development.

In response to further questions about the quality of the affordable housing, the speakers reported that the proposal strove to be tenure blind. The affordable housing would be of a high quality and a number of the units would have views of Victoria Park for example and have good levels of light. The representatives also provided assurances about the proposed management

arrangements for the housing, highlighting in particular that the 'first choice' housing provider had a good track record of housing management. The developer also had a good track record in delivering projects. The developer had every intention of delivering the application as soon as possible.

Regarding the removal of the nurses accommodation, the speakers confirmed that they were of limited value compared with the other buildings on site, Given this and the merits of removing these building (in terms of the provision of additional housing and amenity space), it was decided that these buildings should be removed. Retaining the buildings would negatively affect the number of dwellings and the quantum of amenity space that could be provided.

On a vote of 4 in favour 3 against and 1 abstention, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at Former London Chest Hospital, Bonner Road, London, E2 9JX for the demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units (Use Class C3) and 428sqm non-residential institution space (Use Class D1) with the new residential units located within an enlarged main hospital building and within the erection of three new buildings (rising to a maximum of 8 storeys with associated works to built heritage, selected removal of TPO trees, plus new tree planting and landscaping works, provision of 9 disabled car parking spaces and other works incidental to the development subject to.
2. The prior completion of a legal agreement to secure the obligations set out in the Committee report subject to the changes in the update report.
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report subject to the changes in the update report:
5. That listed building consent is **GRANTED** at Former London Chest Hospital, Bonner Road, London, E2 9JX for works to main hospital building including; demolition of south wing and other extensions to the rear of the main building, extension across the rear of main building, removal of existing roof structure to the main building and erection of new roof, including removal and replacement of existing chimneys to

roof, removal and replacement of roof dormers, alterations to the building including the removal and replacement of all windows, various internal alterations, and associated works of repair across main building; demolition of all other ancillary buildings on site; and repair and reinstatement placement where necessary of site boundary railings subject to the conditions set out in the Committee report.

5.2 Barratt Industrial Estate, 20-22 Gillender Street, London (PA/18/00528 & PA/18/00520)

Update report tabled.

Paul Buckenham (Planning Services) introduced the planning and listed building application for the demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units with works to remedial works to Grade II listed wall.

Victoria Olonisaye-Collins (Planning Services) presented the report, describing the site and the surrounding area. It was considered that in land use terms, the mix use residential development could be considered acceptable given the proposed re - provision of employment floor space in the Local Industrial Location. Officers consider that the substantial public benefits outweigh the less than substantial harm to heritage assets and on balance, the application is therefore acceptable in design terms. It was also noted that the proposals would deliver good quality affordable housing, was acceptable in amenity terms. The proposal would not have an adverse impact upon the local highway. Overall, given the merits of the application, Officers were recommending that it be granted permission.

In response to questions, Officers clarified that the outcome of the consultation and that the representations in objection had been addressed in the Committee report. It was also note that the applicant had carried out their own consultation involving public meetings. There would be measures to mitigate any air quality issues and the Council's air quality team considered that the proposed mitigation measures were acceptable. Furthermore, the design of the scheme should help mitigate this. It was confirmed that fire sprinklers would be fitted.

In response to further questions, it was noted that there had been contact with the developers for the nearby schemes regarding the opening up of the northern part of the pathway and this remained an aspiration of the various parties involved. In addition, there would be an obligation to secure public access routes and areas of public realm on site including the maintenance of these area.

In response to further questions, Officers confirmed that there would be a shortfall of over 12 play space. However, Officers considered that this would be acceptable given that the combined total amount for all age groups would

exceed the policy requirements. There would be an overprovision of under 0-11 year old play space.

Careful consideration had been given to the concerns from Historic England about the impact from the height of the building. Given the public benefits of the application, Officers were of the view that this would outweigh any harm caused by the application.

Officers also responded to questions about the accessible housing. Officers also explained that the Committee could place weight on the full amount of affordable housing in this case, because the grant funding from the GLA process was at an advanced stage and has been committed to this scheme, subject to planning permission. .

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

1. That subject to any direction by the London Mayor, Planning permission be **GRANTED** at Barratt Industrial Estate, 20-22 Gillender Street, London for the Demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace (Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 8 storeys (42.9m AOD), 17 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping. (PA/18/00528) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the report subject to the inclusion of the additional planning obligations in the update report.
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and in the update report.
5. That listed building consent be GRANTED at Barratt Industrial Estate, 20-22 Gillender Street, London for remedial works to Grade II listed wall that forms the north wall of the Dowgate Wharf P B Burgoyne and Company Limited Warehouse (List Entry UID: 1065050) in association with redevelopment of the site at 20 -22 Gillender Street for demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace

(Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 9 storeys (42.9m AOD), 17 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping subject to the conditions set out in the Committee report.

6. OTHER PLANNING MATTERS

None

The meeting ended at 10.00 p.m.

Chair, Councillor John Pierce
Strategic Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

Agenda Item 5

Committee: Strategic Development	Date: 25 th October 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2016
 - 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 the Planning Practice Guidance.
- 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

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:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

- 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Strategic Development	Date: 25 October 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Directorate of Place	Title: Application for full planning permission
Case Officer: Graham Harrington	Ref No: PA/18/01203
	Ward: Limehouse

APPLICATION DETAILS

Location: 82 West India Dock Road, E14 8DJ.

Existing Use: Vacant site and adjoining land.

Proposal: Erection of a part 7-storey, part 28-storey and part 30-storey building comprising 15,639 sq.m (GIA) hotel (Use Class C1) floorspace (consisting of 400 bedrooms), 8,537 sq.m (GIA) residential (Use Class C3) floorspace (consisting of a total of 66 homes; comprising 30 x 1 bed, 28 x 2 bed and 8 x 3 bed homes) and 71 sq.m (GIA) flexible retail and community floorspace (Use Class A1/D1), creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other 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 2017 (as amended). The Committee must take the environmental information into consideration in formulating its decision.

Submitted drawings: See Appendix 2.

Submitted documents: See Appendix 3

Applicant: West India Property Investments Limited

Ownership: West India Property Investments Limited and the London Borough of Tower Hamlets

Listed buildings: None on site. The following listed buildings are in close proximity:

Westminster Bank ILEA Careers Office, 52 East India Dock Road (Grade II),
Commercial Road Nos. 680, 777-783, 795-805, 811, 815-821 (Grade II),
Limehouse Church Institute, Three Colt Street (Grade II),

80 Three Colt Street (Grade II),
 St. Dunstan's Wharf (Grade II),
 Dunbar Wharf (4 warehouses Grade II),
 Limekiln Dock (Grade II),
 Sailmakers and Chandlers, 11 West India Dock Road (Grade II),
 Quadrangle Stores West India Dock Road (Grade II),
 148 and 150 Narrow Street (Grade II),
 Salvation Army Hostel, Garford Street (Grade II),
 10,12, 14, 16 Garford Street (Grade II),
 Cannon Workshops, Cannon Drive (Grade II),
 Import and Export Dock, West India Dock North Quay (Grade I),
 Warehouses and General Offices, West India Dock Road (Grade I),
 Former Excise Office, West India Dock Road (Grade II),
 West India Dock former Guard House (Grade II),
 St Anne's Limehouse Parish Church (Grade I)
 Limehouse Town Hall (Grade II)
 St Joseph Roman Catholic Church (Grade II).

Conservation Area: Adjacent to West India Dock Conservation Area. The following conservation areas are nearby:

St Anne's Church Conservation Area (150 m. to the north-west),
 Narrow Street Conservation Area (197 m. to the south-west),
 Lansbury Conservation Area (100 m. to the north-east),
 Limehouse Cut Conservation Area (north of East India Dock Road).

2. EXECUTIVE SUMMARY

- 2.1 The application site is vacant and unallocated in the Local Plan. Two planning permissions have been granted for redevelopment of the site for a tall building for both a residential led scheme and a hotel. A third application for a tall residential/hotel building was refused permission in August 2017 on the grounds that the application scheme represented over development – (a) excessive height, mass and scale relative to local character; (b) resultant public benefits would not outweigh this harm; (c) unacceptable impact on daylight and sunlight for surrounding properties and (d) concern about resultant microclimate (site, public realm and DLR users). The applicant has appealed against this decision and a public local inquiry is due to take place in April 2019.
- 2.2 The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents and other guidance.
- 2.3 The proposed land uses (hotel and residential with a ground level retail or community use) would be appropriate adjacent to Westferry DLR station within the Isle of Dogs and South Poplar Opportunity Area.
- 2.4 The proposed housing would provide a suitable mix of generally high-quality homes, with acceptable levels of on-site play and communal open space. Officers accept that the proposed scheme meets the requirements of the Mayor of London's 'Fast Track' approach as 35.2% of the proposed housing

(by habitable room) would be affordable. This amount of affordable housing would be the subject of an early review mechanism.

- 2.5 Whilst the proposed residential density is above the indicative density range suggested by the density matrix in London Plan Policy 3.4, officers consider that the proposals would be acceptable when considered against those factors identified in the exceptions tests set out in that Policy 3.4 and would not represent an overdevelopment of the site.
- 2.6 The proposed building and public realm areas would represent high-quality design and would make a positive contribution to the area. The proposed public benefits (bringing back in to use a long-standing vacant highly accessible site, providing visitor accommodation, jobs, much needed housing and public realm improvements would outweigh the less than substantial harm that would be caused to above ground heritage assets.
- 2.7 The proposed scale and massing and public realm works would ensure that there would be no unacceptable adverse effects on occupiers of nearby homes or users of proposed and nearby public realm areas in terms of daylight and sunlight, overshadowing, glare, privacy/overlooking, noise and wind microclimate.
- 2.8 There is adequate capacity on the public transport network to serve the development and the operation of the DLR railway can be safeguarded with the use of appropriate planning conditions. Highway matters, including access and servicing arrangements and parking are considered acceptable, subject to appropriate planning conditions and obligations and a s278 Agreement, although the use of Council owned land would need to be settled.
- 2.9 Subject to appropriate planning conditions, flood risk, surface water drainage, biodiversity, waste management, noise and vibration, air quality, contamination, telecommunication interference and airport safeguarding would all be satisfactory. The proposed scheme would not meet development plan policy on on-site carbon emission savings, but is acceptable subject to a planning obligation securing an appropriate carbon offsetting financial contribution.
- 2.10 The proposed development is significantly smaller in terms of building footprint, floorspace, density, scale, massing and height than the previously refused scheme and satisfactorily addresses the reasons why the previous scheme was refused planning permission.
- 2.11 The application is referable to the Mayor of London under the following categories of the Schedule to the Mayor of London Order 2008:
 - *Category 1B: Development (other than development which only comprises the provision of houses, flats, or houses and flats), which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 sq. m.*
 - *Category 1C: Development which comprises or includes the erection of a building more than 30m high and outside the City of London.*
- 2.12 Once the Council has resolved to determine its decision on the application, it is required to refer it back to the Mayor for his decision as to whether to direct

refusal; take it over for his own determination; or allow the Council to determine it itself.

3. RECOMMENDATION

3.1 That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) A contribution of £96,988 towards employment, skills, training and enterprise during the construction phase;
- b) A contribution of £265 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of up to £791,500 towards public realm enhancements and/or public realm improvements that complement highway improvements to reduce severance/improve the West India Dock Road/Westferry Road junction (to be available for up to 5 years from commencement of development)
- d) Subject to the outcome of further investigations (see Non-financial contribution (f) below), a contribution of up to £243,888 towards DLR public realm/improved staircase access arrangements (to be available for up to 5 years from commencement of development)
- e) A contribution of £40,000 towards Limehouse Project training initiatives
- f) A contribution of £423,000 towards carbon offsetting;
- g) A contribution of £542,852 towards Crossrail (Crossrail Funding SPG top-up)
- h) A contribution of £11,000 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £2,149, 493.

3.3 Non- financial contributions:

- a) Delivery of 35.2% Affordable Housing comprising 10 rented units (5 units at London Affordable Rent and 5 units at Tower Hamlets Living Rent) and 8 Intermediate (shared ownership) units;
- b) Viability review mechanism (early stage pre-commencement review if above ground superstructure of building not constructed within 2 years);
- c) All residents to have access to play and communal open space provision at Level 07 (with management and maintenance costs for this space being met exclusively from residents of the private flats)
- d) Residents of the affordable flats to have access to one of the two lifts that normally serve just the private flats when the dedicated lift for the affordable flats is out of action (maintenance/break-down)
- e) Provision of 12 construction phase apprenticeships;
- f) Commitment to work with the Council, TfL and DLR to further investigate possible DLR public realm/improved staircase access arrangements;
- g) Commitment to re-provide existing DLR infrastructure in consultation with TfL/DLR (including ticket machines, information boards, digital display panel, ticket reader and cycle stands);

- h) Access to employment and construction (20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs);
- i) Permit free agreement restricting future residents from applying for parking permits;
- j) Full Hotel Travel Plan;
- k) Housing Travel Plan Statement
- l) Code of Construction Practice;
- m) Retention of current architects for detailed design and discharge of conditions, unless otherwise agreed in writing by the LPA and;
- n) S.278 highways agreement with the Council and TfL securing public realm improvement works including: Stopping-up of Mandarin Street, works to Salter Street, works to Limehouse Causeway, Westferry Road and works to West India Dock Road. On-going management and maintenance of public realm areas (including proposed SUDS features) on public highways within the site.

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

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

Prior to commencement:

The inclusion of the following conditions has been agreed in principle with the applicant (subject to detailed wording).

- 1. Construction Environmental Management Plan and Construction Logistics Plan in consultation with TfL and DLR to include compliance with GLA's SPG on the Control of Dust and Emissions during Construction and Demolition;
- 2. Ground contamination site investigation;
- 3. Foundation design in consultation with DLR;
- 4. Piling method statement in consultation with Thames water;
- 5. Thames water capacity study;

Prior to commencement of Superstructure Works Conditions:

- 6. Details of proposed craneage and scaffolding in consultation with London City Airport and DLR;
- 7. Details of proposed wheelchair accessible residential units (7no – 10% and 1:50 details of the London Affordable Rent and Tower Hamlets Living Rent wheelchair accessible units to be approved before occupation);
- 8. Details of proposed accessible hotel rooms (40no – 10%)
- 9. Air quality - details of mechanical ventilation, air intake point(s) (from locations with Annual Mean NO₂ concentrations of under 40 ug/m³) and educational material for residents for residential units on Levels 01 to 02);
- 10. Air quality – details of hotel kitchens ventilation;
- 11. Details and specification of all external facing materials;
- 12. Details of appearance of internal structural columns (ground floor only):

13. Details and specification of all soft and hard landscaping and public realm within the site including: materials; street furniture; bollards lighting; and tree planting specification (in accordance with the Wind Microclimate assessment within the Environment Statement) in consultation with TfL/DLR;
14. Details of communal and play spaces (Level 07);
15. Details of surface water drainage scheme, including management/maintenance arrangements;
16. Radio impact survey in consultation with DLR;
17. Detailed review of competing demand for hotel roof space and inclusion of photovoltaic panels where possible;
18. TV reception mitigation measures (including pre and post construction surveys);
19. Details of SUDS measures;

Prior to commencement of relevant works

20. Air quality – details of CHP boilers;
21. Details of shopfronts including signage and lighting;

Prior to Occupation Conditions:

22. Secure by Design accreditation;
23. Level 07 play/communal open space and landscaping works to be completed prior to first occupation of any housing;
24. Biodiversity enhancements to be provided prior to first occupation of any housing;
25. Energy efficiency & Sustainability – Delivery of Energy Strategy and CO2 savings to at least 28% and submission of as built calculations to demonstrate delivery of these measures and delivery of BREEAM ‘Excellent’ for the non-residential elements of the scheme;
26. Ground contamination verification report and implementation;
27. Confirmation that proposed plant complies with specified noise level limits;
28. Noise – post completion verification report into internal noise standards for residential units (glazing and adjacency to hotel restaurant/bar/kitchen);
29. Delivery and Servicing Plan (hotel or residential units);
30. Provision of car parking spaces in accordance with a car parking implementation and management plan;
31. Provision of cycle parking (hotel or residential units);
32. Flood warning and Evacuation Plan;

Compliance Conditions:

33. Permission valid for 3 years;
34. Development in accordance with approved plans; and
35. Hours of construction.

Informatives

1. Subject to S106 and S278 agreements;
2. CIL liable;
3. Thames Water informatives;

4 SITE AND SURROUNDINGS

- 4.1 The site 82 West India Dock Road is vacant following the demolition in 2008 of a former 2-storey print works, warehousing and offices. It is an irregularly shaped island site enclosed by a hoarding and surrounded by highways. It lies adjacent to Westferry DLR Station with its railway viaduct and east bound access stair on Limehouse Causeway to the south; West India Dock Road (A1261) and Mandarin Street to the north; Salter Street to the west; and Westferry Road (A1206) to the east. All these highways are borough roads. The closest part of the Transport for London Road Network (TLRN) is Aspen Way to the east and the A13 East India Dock Road 350 m. to the north.
- 4.2 Salter Street is a two-way cul-de-sac, its original exit onto West India Dock Road having been closed and a parking area for five cars laid out on its north eastern side. There is a 'buses only' exit from Salter Street onto West India Dock Road. Mandarin Street is a two-way cul-de-sac without access to West India Dock Road and an on-street parking area for six cars has been laid out on its northern side.
- 4.3 The application site (within the red line boundary) measures approximately 0.26 hectares and includes areas of council owned land on Salter Street and West India Dock Road.
- 4.4 The site is within the approved Limehouse Neighbourhood Planning Area and the Limehouse Community Forum is at the early stages of preparing a Neighbourhood Plan.
- 4.5 The surrounding area is mixed in character but predominantly residential. Immediately to the west on Salter Street lies Cayman Court, a recent part 4, part 6-storey development of 17 flats with a dental surgery on part of the ground floor. To the north, Compass Point on the corner of Salter Street and Grenade Street comprises a modern part 3, part 4-storey block of residential flats. North of Grenade Street, with a frontage to West India Dock Road, 1-32 Rich Street is a modern 4-storey block of residential flats. South of the DLR, on both sides of Westferry Road, the area has been redeveloped with a number of residential blocks that range in height from 5 to 7-storeys.
- 4.6 Opposite the site on the north eastern side of West India Dock Road, the area is again predominately low to mid rise. There is a 3-storey local shopping parade with residential on the upper two floors, a 3-storey public house (West Ferry Arms), a 4-storey police station and office block and a 6-storey block of flats. There is an isolated 12-storey residential 1960's block further east at Pennyfields.
- 4.7 The tall office towers of Canary Wharf, some 700m to the south east, provide a backdrop to the site, particularly views southeast along West India Dock Road. At its closest, 82 West India Dock Road is some 228 m from the Canary Wharf Town Centre boundary and 158m from the Canary Wharf Activity Area designated in the Tower Hamlets Local Plan.
- 4.8 The development site does not lie within a conservation area. The nearest conservation area is West India Dock Conservation Area designated November 1982 (53 m. to the south east). Other nearby conservation areas are:
- St Anne's Church Conservation Area designated July 1969 and extended in October 2008 (150 m. to the north-west),

- Narrow Street Conservation Area designated in December 1975 and extended in October 2008 (197 m. to the south-west)
- Lansbury Conservation Area designated January 1997 (100 m. to the north-east).

4.9 The Limehouse Cut Conservation Area lies to the north of East India Dock Road and St Anne’s Church Conservation Area and is considered sufficiently distant from the application site not to be materially affected.

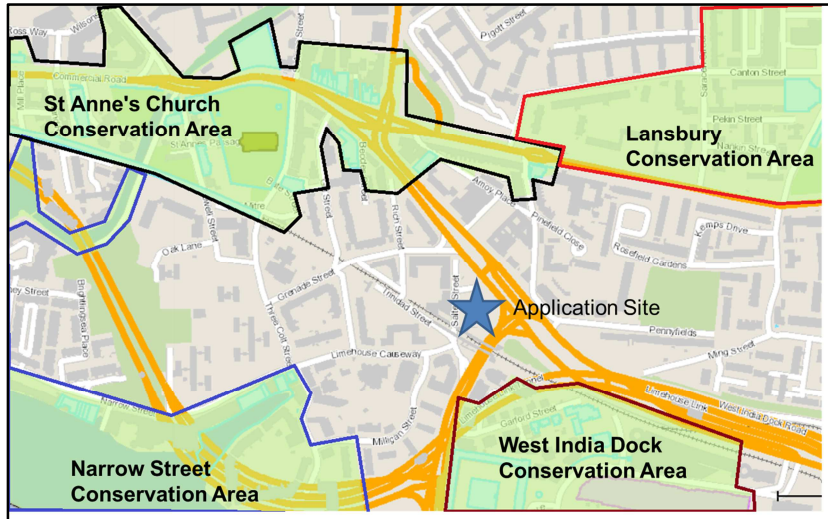


Figure 1 – Nearby Conservation Areas

4.10 There are numerous listed buildings nearby which are listed in ‘Application Details’ above. The most important relative to the application are:

- The Import and Export Dock West India Dock North Quay - Grade I
- The Warehouses and General Offices West India Dock Road - Grade I
- St Anne’s Limehouse Parish Church (Grade 1, Ecclesiastical Grade A)
- Limehouse Town Hall - Grade II
- Limekiln Dock and associated building around the Dock and on Narrow Street – Grade II

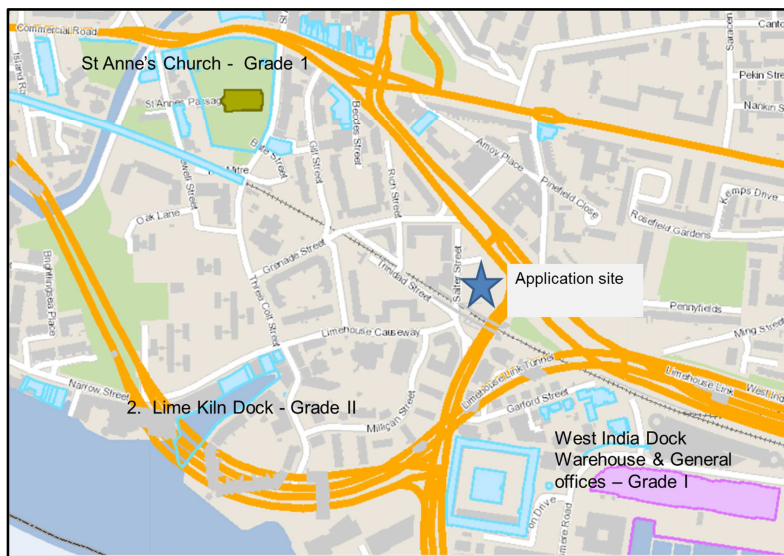


Figure 2 – Key nearby listed buildings

- 4.11 The site is currently hoarded off. There is an existing vehicular access from Salter Street.



Figure 3 – Application site - Westferry DLR station staircase in foreground

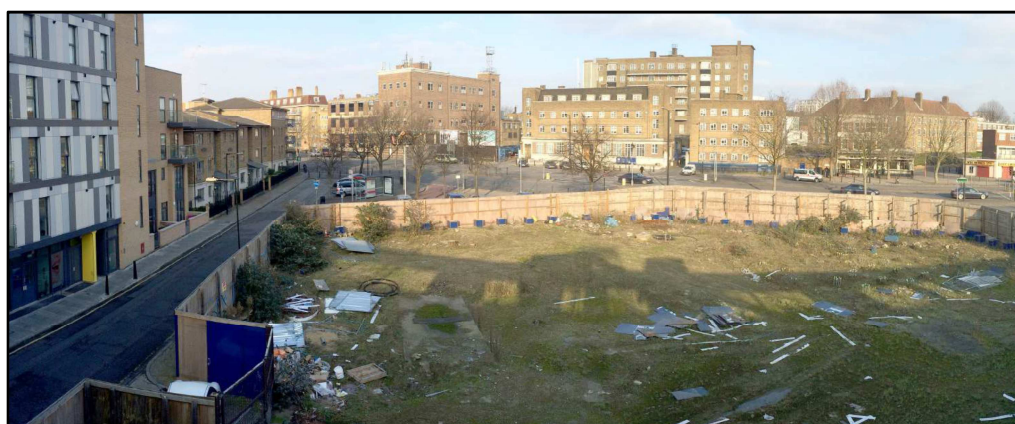


Figure 4 – Applications site - Salter Street, Cayman Court and Compass Point on the left

- 4.12 The site has a TfL public transport accessibility level PTAL 6a 'Excellent'. The DLR provides services to Canary Wharf, central London, Stratford, the Royal Docks, Woolwich, London City Airport and Lewisham. The Elizabeth Line (Crossrail) is currently due to open in late 2019 with a station at Canary Wharf. A number of bus routes serve West India Dock Road, Westferry Road and Limehouse Causeway. The closest bus stops are on Salter Street, serving routes 135, 277, D3, D7, N277 and N550. Additionally routes 15 and 115 are within walking distance on East India Dock Road.
- 4.13 The site lies within Flood Zone 3 (High Risk) i.e. greater than 0.5% per annum (less than 1:200 probability a year) but is protected by the Thames flood defences to 1 in a 1,000-year probability (Low Risk).
- 4.14 Cycle Superhighway 3 is located 50 m. to the south of the site on Limehouse Causeway. The area is served by the Mayor's Cycle Hire scheme and the nearest station is 'Westferry DLR' which provides 39 docks.
- 4.15 The site lies within a Controlled Parking Zone, a London City Aviation Safeguarding Zone, the Limehouse Neighbourhood Planning Area, and the

Crossrail SPG Charging Zone. The whole borough is an Air Quality Management Area.

5 PROPOSAL

- 5.1 Application is made for full planning permission for the construction at the site of 82 West India Dock Road of a part 7-storey, part 28-storey and part 30-storey building with a single level basement and external hard and soft landscaping works. The buildings would provide
- A 400-bed hotel, with ancillary bar and restaurant space (15,639sqm)
 - 66 mixed tenure residential units, with ancillary private gym (8,537sqm); and
 - A flexible retail/community use (A1/D1) unit (71sqm).
- 5.2 The proposed hotel is located to the east side of the site (next to West India Dock Road/Limehouse Causeway) and the proposed housing is located on the west side (next to Slater Street). The proposed residential part of the building is split between a 7-storey podium block which is similar in height to the nearby Cayman Court and a taller, more slender block which rises up to 30-storeys (+99.95m AOD to top of parapet). The proposed hotel part of the building would rise up to 28-storeys (+92.4m AOD to top of parapet). A communal amenity and play space would be provided on top of the podium level block and this would be accessible to all residents of the proposed housing. A gym/steam room is proposed on Level 08 for occupiers of the private flats only.
- 5.3 A single level basement (5m depth) would accommodate plant rooms and other ancillary spaces, including hotel stores and refuse stores. The ground floor would accommodate a hotel bar fronting West India Dock Road/Limehouse Causeway, with the hotel reception being located opposite the Westferry DLR Station. A flexible retail/community use would also face the Station and separate private and affordable housing entrances would front Salter Street. A mezzanine level in the residential block would accommodate cycle parking, accessed from Salter Street and served by a cycle lift.
- 5.4 The ground level space around the building would be landscaped to create different character areas (an 'arrival space' on the southern western side of the site next to the Station, a 'green buffer and hotel frontage' around the proposed hotel and an 'urban arboretum' of tree planting on the north side). A new 'left-in only' one-way vehicular link from West India Dock Road to Salter Street is proposed to the north of the building, to provide access and a loading bay for servicing both the proposed hotel and housing. Three car parking bays would be provided on Salter Street.
- 5.5 As part of the proposed highway works, Salter Street would be widened, Mandarin Street would be stopped up and the 6 existing resident permit on-street parking spaces and an existing tree would be removed. A raised table is also proposed on Limehouse Causeway before it interacts with West India Dock Road, with the aim of to reducing vehicle speeds and making it safer for pedestrians to cross the road.
- 5.6 The proposed 66 residential units would comprise 2 x Studios, 28 x 1 bed, 28 x 2 bed and 8 x 3 bed. The affordable housing offer is 35.2% by habitable rooms with an early viability review mechanism offered. The proposed dwelling and

tenure mix are set out in Table 1 below and this is assessed against policy in Section 10.

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Policy Target %
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	2	0	/	/	0	/	/	2	4%	/
1 Bed	28	0	/	30%	6	75%	25%	22	46%	50%
2 Bed	28	2	20%	25%	2	25%	50%	24	50%	30%
3 Bed	8	8	80%	30%	0	/	25%	0	/	20%
4 Bed	/	/	/	15%	/	/	/	/	/	/
Total	66	10	100%	100%	8	100%	100%	48	100%	100%

Table 1 - Proposed dwelling and tenure mix

5.7 The proposed ground floor plan is set out below.

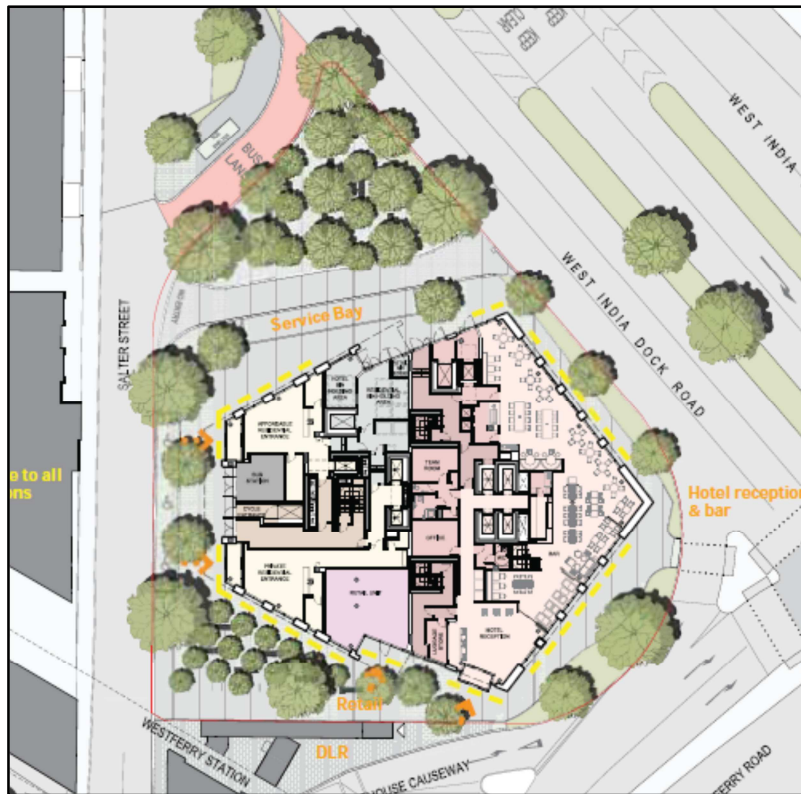


Figure 5 – Proposed ground floor plan

5.8 Set out below is a view of the proposed building from West India Dock Road, looking east.



Figure 6 – view of proposed development from West India Dock Road looking east (the hotel element of the proposed scheme).

6 MATERIAL PLANNING HISTORY

Application site

- 6.1 PA/04/01038. Demolition of existing buildings and redevelopment by a 7-storey building (22.6 m.) and a 20-storey building (69 m.) for mixed use purposes (1,442 m² of commercial floorspace and 120 flats). A paved public concourse between the two buildings, public art, DLR ticket machine and a glazed canopy overhead. Conditional planning permission granted by the Planning Inspectorate on appeal 9th May 2007. Not constructed. See Figure 7 below.



Figure 7 – from West India Dock Road – view of permitted 20-storey residential led scheme PA/04/01038

- 6.2 PA/09/02099. Erection of a part 3, 14 and 16-storey buildings to provide a 252-room hotel with conference rooms, restaurant, cafe and bar, drop-off area and servicing access off Salter Street. Permitted 15th July 2010. The print works, warehousing and office building that formerly occupied the site has been demolished and the permission has been implemented by a statutory start comprising the erection of hoardings and initial groundworks, although the permitted building has not been constructed. See Figure 8 below.



Figure 8 – from West India Dock Road – view of permitted 16-storey hotel scheme PA/09/02099

- 6.3 Whilst the making of a statutory start, may have been secured planning permission PA/09/02099 from time expiring, the development cannot be built as permitted until arrangements are in place about construction on council land and the use of jointly owned Mandarin Street to provide access.
- 6.4 PA/10/02700 & PA/12/00640. Non-material amendments to the permitted hotel were approved 13th January 2011 and 17th April 2012.
- 6.5 PA/16/01920. Erection of a part 18, part 37-storey (actually 39-storeys) building comprising 20,079sqm of residential floorspace, 11,597sqm of hotel floorspace and 90sqm of flexible retail/community space, demolition and replacement of the existing Westferry DLR staircase, creation of a new 'left turn only' vehicular access from West India Dock Road and extensive landscaping improvements. At approx. 1.57ha, the site area was significantly larger than the current site. The application was refused planning permission on 17th August 2017 for the following reasons:

"For the Reasons set out below, the proposal amounts to overdevelopment that seeks to maximise not optimise the development potential of the site. There would be conflict with London Plan 2016 Policy 3.4 'Optimising housing potential' (including Table 3.2 - 'Sustainable residential quality density matrix'), Policy 3.5 'Quality and design of housing developments' and Policy 7.6

'Architecture', Tower Hamlets Core Strategy 2010 Policy SP02 'Urban living for everyone' and Tower Hamlets Managing Development Document Policy DM24 'Place sensitive design' together with the Mayor's 'Housing' Supplementary Planning Guidance 2016.

- (a) **The proposed height, mass and scale would be excessive relative to local character. There would be a failure to preserve or enhance the character and appearance of three surrounding conservation areas and adverse impact on the setting of buildings of architectural or historic interest causing either substantial or less than substantial harm to designated heritage assets.** There is particular concern about impact on the Grade 1 Warehouse at West India Dock, the group of Grade II buildings at Limekiln Dock and the Grade 1 St. Anne's Church together with their associated conservation areas.
- (b) **The proposed development consequently conflicts with planning policy at national, regional and local levels.** The scheme would not be consistent with NPPF Chapter 7 'Requiring good design' paragraphs 58 and 59, Chapter 12 'Conserving and Enhancing the Historic Environment,' London Plan Policy 7.4 'Local character', Policy 7.7 'Location and design of tall and large buildings', Policy 7.8 'Heritage assets and archaeology', Tower Hamlets Core Strategy Policy SP10 'Creating distinct and durable places' and the Managing Development Document Policy DM24 'Place sensitive design,' Policy DM26 'Building heights' and Policy DM27 'Heritage and the historic environment.' Whilst the proposal would result in public benefits by bringing a long vacant site back to beneficial use, by the provision of new housing including affordable homes and employment within the hotel; **it is not considered these would outweigh the harm that would be caused and such public benefits could be achieved by an alternative scheme paying regard to its context and not causing such demonstrable harm.**
- (c) **The proposed 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,** significantly breaching guidance in the Building Research Establishment's publication 'Site Layout Planning for Daylight and Sunlight a guide to good practice' 2011. There is particular concern about impacts on Cayman Court and Compass Point, Salter Street. The extent and severity of the impacts are such that the development would cause significant harm to the amenity of nearby occupiers and be inconsistent with the London Plan 2016 Policy 7.6 'Architecture', Tower Hamlets Core Strategy 2010 Policy SP10 'Creating Distinct and durable places' and 'the Managing Development Document 2013 Policy DM25 'Amenity.' The impacts indicate that the proposed density, height, massing and layout of the scheme are inappropriate and significantly outweigh the potential public benefits of the scheme.
- (d) **It has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the Docklands Light Railway.** This conflicts with London Plan 2016 Policy 7.7 'Tall and large-scale buildings', the Mayor's Sustainable Design and Construction SPG 2014, Tower Hamlets Core Strategy 2010 Policy SP10 'Creating distinct and durable places' and Tower Hamlets Managing Development Document 2013 Policy DM24 'Place sensitive design' and Policy DM26 'Building heights.'

6.6 The refused scheme is illustrated in Figure 9 below.



Figure 9 – View 33 from Commercial Road junction with Est India Dock Road/East India Dock Road – with rendered image of the refused scheme PA/16/01920

6.7 The applicant (West India Property Investments Limited) has lodged an appeal against the Council's decision and a Local Public Inquiry is currently scheduled to take place in spring 2019.

6.8 PA/18/00248. Request for EIA Scoping Opinion. A scoping Opinion was issued on 14 March 2018.

Cayman Court, 9 Salter Street

6.9 PA/11/01640. Erection of part 4, part 6 storey buildings to provide 95 m2 of ground floor commercial space and 17 residential units (Cayman Court). Permitted 23rd March 2012. Constructed.

6.10 PA/15/00175. Vertical extension of Cayman Court by part-3 part-2 storey additions to form 9 residential dwellings. Refused 24th March 2015. Reason 2 relates to the building being of excessive height that would be to the detriment of the local character and street scene and the proposal not being sensitively designed to adequately take account of the surrounding context.

Pre-application advice

6.11 Following the refusal of proposals for a part 18/part 37-storey (actually 39-storeys) building (PA/16/01920), the applicant entered in to pre-application discussions with officers to develop a scheme that addressed, to officer's satisfaction, the reasons for refusal.

Differences between the refused scheme and the application scheme

6.12 The key differences between the 2016 refused scheme and current application scheme (2018) are as follows:

- A reduction in the application site area (from 1.57ha to 0.26ha);
- A reduction in overall proposed floorspace of 10,492sqm (GIA) floorspace (approx. 36% reduction);
- A reduction in density (based on a site area of 0.26ha and common methodology) from 2,687hrph/1,275 uha to 2,000hrph/725 uha
- A reduction in height of the tallest element of the building by 9 storeys, from 39-storeys to 30-storeys above ground (140.7m AOD to 99.95m AOD, a reduction of 40.75m);
- Changes to the scale and massing of the proposed building such that the taller element is now located on the eastern side of the site, next to West India Dock Road/Westferry Road and away from Salter Street);
- Changes to the proposed landscaping scheme;
- A reduction in the number of proposed new residential flats (from 199 to 66);
- A reduction in the number of affordable homes (from 58 to 18), but an increase in the proportion of affordable housing (from 34% to 35.2%); and
- An increase in the number of bed spaces within the hotel (from 320 bed spaces to 400 bed spaces).

6.13 A diagrammatic cross section of the refused 2016 scheme and the current application (2018) scheme is set out in Figure 10 below.

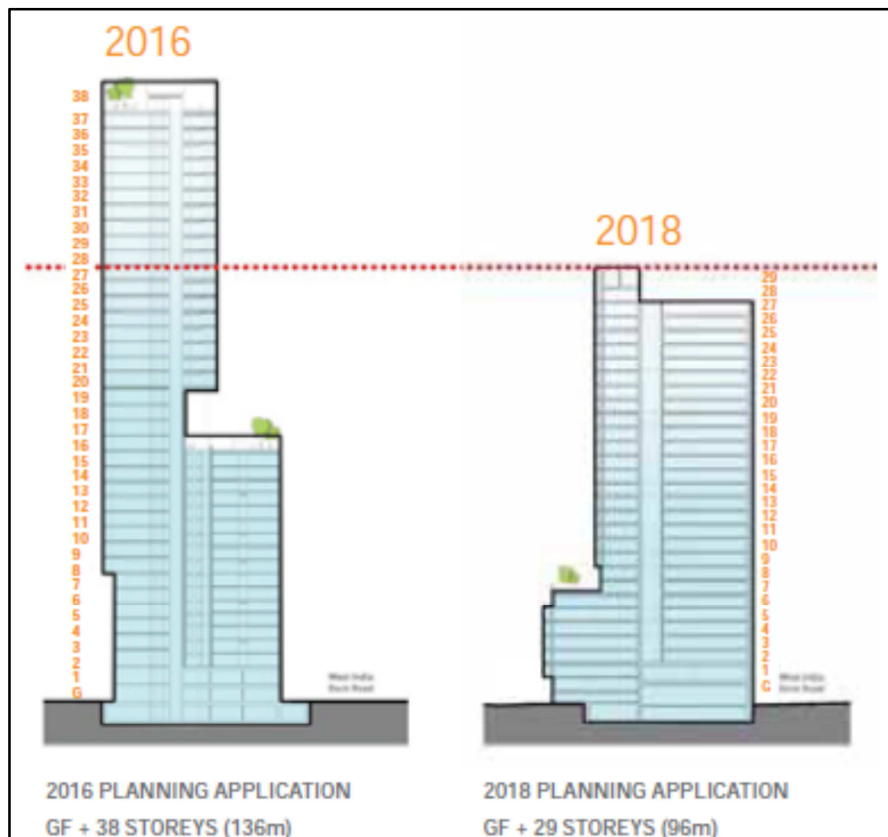


Figure 10 – Diagrammatic section of the refused 2016 scheme and the applications scheme 2018.

6.14 Table 2 below summarises how the application scheme (2018) addresses the reasons for refusing the 2016 scheme.

Summary of reason for refusal	How the application scheme addresses reason the refusal
<p>(a) The proposed height, mass and scale would be excessive relative to local character and fail to preserve the character and appearance of three surrounding conservation areas and adverse impact on the setting of buildings of architectural or historic interest causing either substantial or less than substantial harm to designated heritage assets.</p>	<p>The proposed building has been remodelled, such that the proposed taller element is now located on the eastern side of the site, next to West India Dock Road/Westferry Road and away from Salter Street.</p> <p>The tallest element of the building would be 9 storeys lower, from 39-storeys to 30-storeys above ground (140.7m AOD to 99.95m AOD, a reduction of 40.75m).</p> <p>Paragraphs 10.74 to 10.124 and Figures 12 to 19 assess the application scheme and officers consider the likely impacts on the character and appearance of surrounding conservation areas and the setting of buildings of architectural or historic interest to be acceptable.</p>
<p>(b) The proposed development conflicts with design and heritage policies and the resultant public benefits would not outweigh the harm that would be caused and such public benefits could be achieved by an alternative scheme paying regard to its context and not causing such demonstrable harm.</p>	<p>The application scheme would deliver public benefits, including bringing a long-standing vacant site in to use, providing visitor accommodation, 255 FTE additional jobs in Greater London, 18 additional affordable homes, and improvements to public realm (as outlined in later sections of this report). These public benefits would be delivered by a scheme which pays due regard to its context and which does not cause unacceptable harm.</p>
<p>(c) The proposed 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.</p>	<p>The revised scale and massing (summarised above) would have significantly less adverse impact on the daylight and sunlight enjoyed by nearby homes and people living in them (See paragraph 10.139 and Table 9).</p> <p>The proposed separation distances between existing and proposed habitable rooms is considered acceptable and there would be no undue sense of enclosure for people living in Cayman Court or Compass</p>

Summary of reason for refusal	How the application scheme addresses reason the refusal
	Point (See paragraph 10.142).
(d) It has not been satisfactorily demonstrated that the proposed development would result in satisfactory microclimate conditions within the development, within the surrounding public realm and for users of the DLR.	The revised scale and massing (summarised above) and revised public realm/tree planting has been assessed and no significant adverse effects in relation to surrounding public realm areas/DLR users have been identified (See Paragraphs 10.146 to 10.148 and Figure 23).

Table 2: How the application scheme addresses the reasons for refusing the 2016 scheme

7 LEGAL AND POLICY FRAMEWORK & ALLOCATIONS

7.1 In determining the application, the Council (and the Mayor of London should he decide to take over the application), has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to 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) of the Town & Country Planning Act 1990).
- In relation development which affects 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. (Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990)
- To pay special attention to whether the development would preserve or enhance the character or appearance of the surrounding conservation areas (Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The development plan

7.2 The development plan for Tower Hamlets comprises the London Plan 2016 and the Tower Hamlets Local Plan jointly the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013.

7.3 The following national, regional and local planning policies and supplementary planning documents are most relevant to the application:

7.4 **National policy**

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

7.5 Regional policy

The London Plan 2016

- 2.9 Inner London
- 2.13 Opportunity Areas
- 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
- 4.5 London's visitor infrastructure
- 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 open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

7.6 Local policy

Tower Hamlets Core Strategy 2010 (CS)

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

Tower Hamlets Managing Development Document 2013 (MDD)

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery homes
- DM4 Housing standards and amenity space
- DM7 Short stay accommodation
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing waste
- DM15 Local job creation and investment
- DM20 Supporting a sustainable transport network
- DM21 Sustainable 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

7.7 Supplementary Planning Documents & Other Guidance

Mayor of London

Development Viability SPD (October 2017)
Housing SPG (March 2016)
Crossrail Funding (March 2016)
Social Infrastructure SPG (May 2015)
Achieving an Inclusive Environment SPG (October 2014)
The Control of Dust etc. During Construction and Demolition SPG (July 2014)
Character and Context SPG (June 2014)
Sustainable Design and Construction SPG (April 2014)
Crossrail Funding (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings (March 2012)
All London Green Grid (March 2012)
Planning for Equality and Diversity in London (October 2007)

London Borough of Tower Hamlets

Planning Obligations SPD – September 2016
Community Infrastructure Levy (CIL) Regulation 123 List September 2016
Tower Hamlets Conservation Areas Character Appraisals & Management Guidelines (West India Dock, S Anne’s Church, Narrow Street, Lansbury adopted and Limehouse Cut)

Allocations

- 7.8 The London Plan identifies the broad location of the Isle of Dogs & South Poplar Opportunity Area (Map 2.4 page 79). Map 2.5 page 81 also shows the site lying within an ‘Area of Regeneration.’
- 7.9 The development site is identified in the Core Strategy as within the ‘Place of Limehouse.’ It is unallocated in the Local Plan except for being identified within a Flood Risk Area.
- 7.10 The site lies outside the Canary Wharf town centre boundary (228m. distant) and outside the Canary Wharf Activity Area (158m distant).
- 7.11 A Cycle Super Highway runs along Limehouse Causeway and Westferry Road.
- 7.12 Part of the Tower Hamlets Green Grid runs along Narrow Street, Limehouse Causeway and across West India Dock Road to Pennyfields,
- 7.13 The Limehouse Vision Diagram (Core Strategy Fig. 53) shows a new neighbourhood centre running along both sides of West India Dock Road towards Westferry DLR Station from East India Dock Road.

Emerging policy and guidance

- 7.14 Draft Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits
Statutory public consultation on the ‘Regulation 19’ version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. The Local Plan was submitted to the Secretary of State for examination on 28 February 2018. Weighting of draft policies is guided by paragraph 48 of the National Planning Policy Framework and

paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly, as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. The Regulation 19 version of the emerging plan was considered by an Inspector at an Examination in Public in September 2018. As such, it has limited weight, but it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 48 of the NPPF.

Draft London Plan: The Spatial Development Strategy for Greater London

- 7.15 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The draft London Plan has been submitted to the Secretary of State for examination and the Examination in Public is scheduled for early 2019. The Mayor of London published minor suggested changes on 13 August 2018. The current 2016 consolidation London Plan is still the adopted Development Plan. However, the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however, the weight given to it is a matter for the decision maker.

Draft Isle of Dogs & South Poplar Opportunity Area Planning Framework

- 7.16 The Mayor of London's Draft Framework shows the site being within the Opportunity Area, with the western boundary running to Limehouse Basin. The Westferry Junction and Westferry Road/Manchester Road/Preston's Road corridor are identified for improvement. This discussed in Section 10 under Design (Public realm).

8 CONSULTATION

- 8.1 The following bodies have been consulted. Representations received are summarised below. The views of the Directorate of Place are expressed in 'MATERIAL PLANNING CONSIDERATIONS' below.

External consultees

Canal and River Trust

- 8.2 No comments.

Crossrail Safeguarding

- 8.3 No comment.

Docklands Light Railway

- 8.4 No alterations to DLR infrastructure have been agreed with the applicant. Requests that a series of conditions & informatives be applied to any planning permission.

Environment Agency

- 8.5 No objection to the proposals. The site would be at risk if there was to be a breach in the defences or they were to be overtopped. To improve flood

resilience, we recommend that, where feasible, finished floor levels are set above the 2100 breach flood level, which is 4.65m AOD. The proposal will have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain and, safe refuge within the higher floors of the development is possible. LBTH is the competent authority on matters of evacuation or rescue and should assess the adequacy of any evacuation arrangements

Historic England

- 8.6 Recommend that a substantial development of this kind should meet the standard of plan-led sustainable development advocated in the NPPF. The LPA is encouraged to consult Historic England's Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (December 2017), and Historic England Advice Note 4 - Tall Buildings (December 2015), as a means of guiding its assessment of the potential impacts on the historic environment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice

Historic England Archaeology

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

London City Airport

- 8.8 No objection to proposed building (100.95m AOD), subject to London City Airport being consulted on the use of cranes and any landscaping which may be deemed attractive to birds.

London Fire and Emergency Planning Authority

- 8.9 Pump appliance access and water supplies for the service appear to be adequate. In other respects, this proposal should confirm to the requirements of Part B5 of approved Document B. The London Fire Commissioner strongly recommends that sprinklers are considered for new developments and major alterations to existing premises

London Underground Infrastructure Protection

- 8.10 No comment.

Mayor of London

- 8.11 The Mayor of London considered the application at Stage 1 on 9 July 2018. The council was informed that the application does not comply with the London Plan but remedies could address deficiencies:

- **Principle of development:** The principle to include hotel and residential uses as part of a high-density mixed-use development, with associated landscape improvements, is supported in line with the London Plan, the Isle of Dogs and Polar OAPF, and the draft London Plan. Details of the landscape contributions and maintenance arrangements must be provided and secured.
- **Affordable housing:** 35% made up of affordable rent (ten units) and intermediate (eight units). Subject to investigation by the applicant of the availability of grant funding, and confirmation of the affordability of tenures, the proposal meets the requirements f not required to submit a viability

assessment or be subject to a late stage viability review, in line with the draft London Plan and the Mayor's Affordable Housing and Viability SPG.

- **Urban design, strategic views, and historic environment:** The height, layout, massing and architecture of the building are supported and raise no concerns about strategic views. 'Less than substantial' harm will be caused to heritage assets, which would be outweighed by public benefits, subject to confirmation of public realm improvements.
- **Transport:** The proposed improvements to the public realm are supported; however, they do not fully reflect the aspirations set out in the emerging Isle of Dogs and South Poplar OAPF, or reflect the Mayor's Healthy Streets agenda, and further measures to improve crossing facilities and reduce severance on West India Dock Road should be investigated. The applicant proposal to replace the Westferry DLR Station staircase is supported in principle, subject to DLR agreement.
- **Climate change:** Further information is required on energy efficiency; the district energy network; worksheets; the site heat network; and photovoltaics. Following correspondence with the applicant, the GLA has confirmed that it is satisfied with these aspects of the proposal, subject to a condition that the applicant reviews the available roof space for the installation of PV once the roof layout has been finalised (sent to applicant direct).

Metropolitan Police

- 8.12 *Property.* Want to ensure that it retains/obtains the right to place Hostile Vehicle Mitigation in the footway outside of its proposed development and that any highway/public realm works outside of the red line allows for this.
- 8.13 *Crime Prevention Officer.* Some detailed comments and request that a condition requires a Certificate of Compliance to a Secured by Design scheme or alternative satisfactory set of standards.

Ministry of Housing, Communities & Local Government

- 8.14 No comments on the Environmental Statement.

National Air Traffic Services

- 8.15 No safeguarding objections

National Grid

- 8.16 Advises of National Grid apparatus in the vicinity. The contractor should contact National Grid before any works are carried out to ensure it is not affected by the proposed works.

Natural England

- 8.17 No comments.

Port of London Authority

- 8.18 No objections.

Thames Water

- 8.19 No objection, subject to conditions requiring (1) prior approval of piling (2) prior approval of network upgrades/phasing plan (3) prior approval of protection/diversion measures for assets within 5m.

Transport for London (TfL)

8.20 The following comments:

- Trip generation predictions are accepted and TfL is satisfied that that no site-specific public transport contribution is required.
- The lack of general car parking is welcome. The proposed 3 Blue Badge spaces should be served by Electric Vehicle Charging Points. The 2 proposed residential Blue Badge bays should be provided from the outset and a plan must be provided demonstrating how an additional 4 spaces could be provided.
- Support for public realm improvements – although long-term maintenance arrangements should be clarified. However, they do not reflect concerns raised in relation to earlier application, aspirations set out in the draft OAPF or reflect the Mayor of London’s Healthy Streets agenda. Further work is needed on improvements to cycle route CS3 and reducing the severance effects of West India Dock Road. Strongly encourages further improvements to be secured by s106/s278 Agreements.
- Proposed level of long-term cycle parking acceptable – but confirmation needed on type of parking (ensuring that at least 5% of spaces are suitable for larger or adapted cycles), the size of proposed bike lift and how the parking areas would be accessed when the lift is out of service. Welcome provision of showers/lockers for hotel staff. Stage 1 says uplift needed to draft LP standards.
- Proposed short-term cycle parking is acceptable.
- Coach movements should be managed by a Delivery Servicing Plan, so that movements are timed outside of the highway peak hour where possible and that movements are co-ordinated to avoid multiple vehicles being on site at once.
- Any proposals to re-locate the DLR staircase must not have a detrimental effect on the DLR.
- The draft Delivery and Servicing Plan acceptable (a full DSP should be secured by condition).
- Construction impacts on DLR infrastructure, the Westferry DLR cycle hire docking station and the bus route and stop on Salter Road needs to be managed by a detailed Construction Logistics Plan – which should be secured by conditions (and set out details of vehicles, routes and safety measures).
- A full Travel Plan for the proposed hotel and Travel Plan Statement for the proposed housing should be secured by a s106 Agreement.
- Crossrail s106/CIL contribution estimated as £1.3m.

8.21 TfL has since given its support to using CIL/securing additional financial contributions to fund works to reduce the severance of West India Dock Road and raised a number of detailed queries about cycle parking and Blue Badge parking. It has also made clear that it has no intention of moving the north-western staircase to Westferry Station as proposed in the applicant’s Design and Access Statement – although it is open to working with the Council and applicant to develop public realm/staircase improvements that are acceptable to DLR.

Others

8.22 No representations have been received from the following organisations following consultation:

- Georgian Group
- London Bus Services Ltd
- HM Tower of London & Historic Royal Palaces
- Tower Hamlets Clinical Commissioning Group
- The Victorian Society
- 20th Century Society

Internal consultees

Arboriculture Officer

8.23 No comments received.

Asset Management

8.24 No specific comments received – although Planning and Asset Management officers have liaised on ownership issues and potential improvements to public realm areas.

Communities, Localities & Culture

8.25 No comments received.

Education Development Team

8.26 No comments received.

Environmental Health

8.27 *Air Quality:* The site experiences multiple exceedances of the annual average air quality objective for nitrogen dioxide. For the proposed housing to be acceptable, satisfactory mitigation in the form of mechanical ventilation, location of air intake point(s) (from locations with Annual Mean NO₂ concentrations of under 40 ug/m³) and educational material for residents for proposed homes of Levels 01 and 02 needs to be secured by suitably worded planning conditions. In addition, conditions are requested relating to mitigate emissions from the proposed on-site boiler plant, odour from the proposed hot food uses and construction activities

8.28 *Contaminated Land:* No objection subject to condition to ensure any contaminated land is appropriately mitigated.

8.29 *Noise & Vibration:* No objection subject to condition controlling noise from mechanical plant.

Idea Stores

8.30 No comments received.

Transportation and Highways

8.31 The following comments:

Severance

- Regret that the proposed smaller scheme offers a much-reduced public realm scheme which excludes any works to address the severance issues of West India Dock Road. LBTH Highways seeks funding from either CIL or the s106 to fund works on the highway in the form of traffic management, SUDS and public realm enhancements to address the severance issues at this busy junction and would wish to see a financial contribution secured for this.

Parking:

- A 'Permit Free' agreement should be secured to restrict all future residents (other than registered blue badge holders and those that qualify under the Permit Transfer Scheme) from applying for parking permits on the surrounding roads.
- The proposed on-street accessible parking bays would be accessible to all blue badge holders, not only those in the development and residents within the development will have to apply for personalisation of the bays once the user is identified. Should more bays be required the applicant should investigate whether the service road proposed could be utilised for this. A Parking Management Plan which identifies how potential future demand for accessible bays should be secured by condition
- Cycle parking would be in line with the London Plan standards and the applicant has confirmed that a second lift will be available should it be required. A condition should ensure that cycle parking facilities are retained and maintained for their approved use only for the life of the development.
- There must be provision for adapted and recumbent cycles. A cycle parking management plan showing how storage will be provided and how more accessible spaces will be allocated should be secured by condition

Servicing

- The proposed service access road running one way from West India Dock Road to Salter Street is acceptable. The applicant's assessment of servicing and taxi trips is considered robust. Vehicles should be prevented (as far as possible) during demolition/construction and operational phases, from using more sensitive roads and utilise more suitable routes through service management planning.

Public Realm

- There are substantial changes adjacent to the site which will be covered by a s278 agreement. These included new planting and green verges. A minimum of 2m clear footway must be left in all these areas and where the proposed accessible bays are sited and the applicant must dedicate any land required to achieve this as public highway which will be adopted. A long-term maintenance agreement for the upkeep of the green verges and other areas of public highway where planting is required.
- Support proposed longer-term changes to the DLR access adjacent to the site, subject to agreement from DLR / TfL.

Construction phase

- Concerned that the demolition and construction phases will have the potential to disrupt local amenity. Vehicles should both enter (left turn only) via West India Dock Road and exit (left turn only) via West India Dock Road and this should be secured by condition.

- A robust demolition and construction management plan will be required prior to any works taking place. This must include details of all the traffic management issues and include mitigation measures to deal with any adverse impacts on other users of the public highway and local residential amenity.

Travel Plan

- An overarching travel plan for all uses will be required and approved prior to occupation. This must include details of how the hotel element will advertise the sustainable nature of the site and deter the use of private vehicles for drop off / pick up purposes. It must not promote any car use / nearby parking provision

Section 278 agreement

- Any basement works adjacent to public highway will require approval in principle and full technical approval from the Council's highway structures team to ensure the integrity of the public highway is maintained.
- The removal of parking bays in Mandarin Street must be legally done and the applicant must fund the relevant changes to the traffic order prior to Mandarin Street being closed either permanently or for works.
- Land within the public realm which is required to provide a clear 2m footway width around the site must be dedicated to public highway and be adopted by the highway authority to ensure adequate access for pedestrians and cyclists is maintained.

Waste Management

8.32 A number of detailed comments on storage and collection details have been raised.

Conservation and Design Advisory Panel (CADAP)

8.33 The CADAP considered a pre-application scheme on 12 February 2018 and made the following detailed comments at that stage:

Height

- Whilst the Panel were pleased to see the reduction in height from the previous scheme, they felt that a tall building still retained the ability to dilute the distinctive character of this location. A building of the height proposed could only be justified if the design and execution is of outstanding quality.
- Members were pleased to see that the reduction in height had succeeded in removing the proposal from key views of the Grade I listed church of St Anne's Limehouse.
- The Panel were nevertheless concerned by the potential precedent that the proposal could set for more tall buildings, of less slender proportions, within the immediate area.

Building form and design

- Building form is unresolved and appears somewhat muddled, especially in regard to the relationship between the podium and taller element.
- Request for more information with regard to the broad east elevation, which will be very prominent in street views.
- The existing buildings on West India Dock Road have, overall, a cohesive scale. As proposed the overall podium form attempts to address this scale,

but the design of the elevation, whereby two floors read as one, is confusing.

- Concerned with regard to the impact of the large blank wall element.
- Welcome the pulling back of the building from Salter Street
- The podium is considered over-scaled in relation to street surroundings
- The use of brick is appropriate in this location
- Stress the importance of the top of the building in design terms.

Public realm, amenity space and child play space

- The Panel questioned the extent to which the public realm proposals could be delivered, especially with regard to relocating the stair to the DLR. This aspect should be resolved as part of the pre-application process. If this is not possible it will have serious implications for the arrangement of the public realm.
- Given the lack of certainty, a landscape proposal should be prepared for a scheme which does not include a redesigned/ relocated staircase to the DLR Station.
- It is important that responsibility for future maintenance of landscaping is fully addressed at application stage.
- The area of hard landscape to the north presents an opportunity for more greening of the site.
- Consideration could perhaps be given to identifying a purpose for the public realm i.e. a reason to use this area of open space

Retail units

- The Panel consider that the proposed retail units are likely to fail as currently proposed as they are relatively tucked away, particularly the one on the North side where there is limited footfall (particularly given the lack of certainty with regard to repositioning of the steps to the DLR)
- Strongly recommend that footfall figures for the immediate area are carefully analysed at this stage to fully inform the planning of the site, including the most appropriate location for retail units. It is not appropriate to be locating units in inherently unsuccessful locations.

Additional information

- The proposal should be shown in relation to more views including those closer to the development looking north and south along West India Dock Road
- Bus stops, servicing routes etc. should be included on the landscape drawings to enable a fuller assessment
- Additional detail is necessary with regard to building elevations. Full elevations of the building are required; this would facilitate a more thorough assessment

8.34 An update on the application scheme was reported back to CADAP on 10 September 2018. Whilst the Panel considered some elements, such as the simplification of the form, had improved, they remained unconvinced that the design represents a building of outstanding quality that could justify a tall building in this location.

Height

- The Panel noted that there are no further height reductions in the amended scheme. They reiterated concerns that in this location a tall building could dilute the distinctive character. They also reiterated that a tall building

could only be justified if the design and execution resulted in a building of outstanding quality. The Panel were unconvinced that amendments to the proposal had yet achieved this.

Communal amenity and play space

- The Panel were pleased that the play space would no longer be accommodated on the ground floor. They welcomed its move to the podium and considered this a positive step. The Panel would like to have seen proposals for the play space in greater detail, however this was not available.
- To provide greater clarity the Panel would like to have been able to examine the landscape plans in greater detail; however they noted that the applicant proposed delivering extended landscaping improvements and maintenance of the publicly accessible areas at ground floor.

Building form and design

- Whilst the Panel welcomed the more simplified building envelope, they highlighted concerns about the building's overall appearance. They felt the amended design gave the building a dated appearance. They also expressed concern about the large blank areas resulting from the small amount of glazing on the north eastern and south eastern elevations of the hotel. They felt that this gave the elevations a brutal appearance which provided little evidence of human habitation. The Panel encouraged the architects to explore opportunities to increase the amount and size of glazing panels throughout the scheme.
- The Panel discussed the non-residential entrances to the building and expressed concern that they lacked street presence. The Panel explained that they would like to have seen entrances to the hotel and the retail units located and designed to have greater physical and visual prominence.
- Although the Panel were in principle generally supportive of a podium, they expressed concern about its chunky appearance. They would like to see this aspect of the design

9 LOCAL REPRESENTATION

Community engagement 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 the consultation programme was undertaken. Publicity included an advert in East End Life, letter to 2,300 addresses, letters and emails to ward councillors for Limehouse, Canary Wharf, and Poplar. A public exhibition took place on 13 March 2018 at the Limehouse Project. The applicant reports that 40 completed feedback forms were completed, with a range of comments – in support, objection and comments.
- 9.3 The applicant also met with representatives of the Limehouse Community Forum on 7 August 2018.

Representations following Tower Hamlets' statutory publicity

- 9.4 A total of 448 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to

comment and were re-consulted on a clarification of the description of development. The application has also been publicised by site notices and advertised in East End Life.

Representations received	62
Objecting:	14
Supporting	48
No of petitions received:	1

9.5 Material grounds of support may be summarised as:

- Development of an unused/unattractive site
- Additional homes (including affordable housing)
- Additional jobs and training opportunities
- Improved public realm – brighten up place and make safer
- Hotel guests would benefit local businesses
- Proposed height is acceptable
- Welcoming design
- More decent shops are needed

9.6 Material grounds of objection may be summarised as:

- Tall building would be totally out of context with residential and historic character of the area (50% taller than permitted scheme)
- Loss of view of White Ensign which flies above St. Anne's Church
- Unwelcome precedent for further tall buildings
- Overdevelopment
- Increased footfall in the area, the area is already very busy.
- Increased traffic levels - more incidents and accidents (particularly Narrow Street which is not suited to heavy traffic and is a residential street)
- Drop-off/pick up bay is inadequately located and would be insufficient
- Traffic would overwhelm Salter Street
- Increased danger for cyclists
- The building would add further congestion to a highly dense part of the borough and put further strain on the DLR, already at capacity
- Increased level of noise, day and night (from residents and hotel guests)
- Increased level of pollution and air quality
- Building works and associated noise, dust and traffic
- Dust particles, poorer air quality
- Loss of daylight and sunlight
- Loss of outlook
- Proposed tree planting would be inadequate
- Housing would not meet local need
- Fear that an approved scheme would be changed to housing
- Hotel employment not needed

Petition

9.7 A petition objecting to the application scheme on the grounds set out below has been received with 221 signatories.

We the undersigned believe current proposals for the development of 82 West India Dock Road are too high, too dense, lack affordable housing and could open the door to further future overdevelopment in the area. We call on the following authorities (Tower Hamlets planning committee, Mayor of London and Secretary of State for Communities and Local Government) to reject the scheme as it stands for the above reasons and instead support proposals more in keeping with the character of the local area. We call on the developers (Rockwell) to drastically decrease the size of future proposals, so it is more in keeping with the character of the area.

Limehouse Community Forum

9.8 The Forum has submitted the following objections:

1. Massing. The overall height has increased by approximately 50% over the permitted scheme and this is unacceptable in a residential area. The proposed building would still towers above all other buildings in the vicinity, especially the neighbouring buildings just across Salter Street
2. Overshadowing, daylight and sunlight. Impact on St Anne's Church. We note the intention to use more locally appropriate brick like finishes but still feel the great expanse of reflective glass may be detrimental to local homes.
3. Impact on views of the White Ensign which flies above St Anne's church. The display of the flag is permitted by Trinity House as a 'seamark' and must be able to be viewed from 360 degrees, 24 hours a day and 365 days a year.
4. Traffic impact #1. The drop off /delivery lay-by is not fit for purpose. Associated traffic movements would overwhelm Salter Street, including during unsocial hours and weekends, not just the working day.
5. Traffic impact #2. Concern that proposed access arrangements would lead to unacceptable traffic on Rich Street., Grenade Street, Three Colt Street and Narrow Street with its already very busy Cycle Super Highway.
6. Cycle storage. The main bike store is on the mezzanine floor and is served by one lift - there must either be an additional lift or preferably a ramp.
7. Housing. Limehouse ward is already one of the most densely populated in London. Disappointing that this application would provide only 66 residential units, with only 18 affordable homes.

Councillor James King (Limehouse Ward)

9.9 Councillor King has submitted the following comments:

1. Excessive height - buildings on Salter Street are 7-storeys and the tallest building in the area is 12-storeys, the nearest building of a similar height is ½ mile away at Canary Wharf, approval of such a tall building would set a precedent for others
2. Density and design not in character – Limehouse is a low density/residential area, the proposal would have a negative impact on Narrow Street, West India Dock and St Anne's Conservation Areas, glass facades on upper storeys would be out of keeping, negative impacts St. Anne's Church from the west.

3. Loss of daylight – St. Vincent Estate would be cast into shadow between 6am and 9am every day, Birchfield Estate would be thrown into shadow from 6pm onwards, Salter Street/Gill Street/Grenada Street/Rich Street would be cast into shadow during the day, loss of daylight would reduce the quality of life and the right of light of hundreds of local residents.

4. Insufficient housing and community provision – Only 66 proposed homes and only 18 affordable. Missed opportunity to meaningfully contribute to the housing needs of the borough. Missed opportunity to contribute to the good of the area (no detail on type of leisure facilities, lack of information on proposed commercial unit, no guarantee that local people would get jobs).

5. Particulate pollution by the proposal is not addressed in the application.

6. Reasons to support – brings a long derelict site back into use, opportunities for improvement to public realm, economic opportunities through development of new business(es)

7. Conclusion – Positives do not outweigh significant concerns around height, density, housing and character.

Victory Place Residents Association

9.10 The Victory Place Residents Association has made the following comments:

- Proposed tower would be totally not in keeping with the residential nature of the area
- It would not be out of place at Canary Wharf, but does not belong in Limehouse

10 MATERIAL PLANNING CONSIDERATIONS

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

- Land use
- Density
- Housing
- Design
- Heritage, townscape and visual impact
- Amenity
- Transport and highways
- Waste
- Energy and sustainability
- Environmental considerations
- Impact upon local infrastructure/facilities
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights Act
- Equality Act

Land use

Policy context

- 10.2 London Plan Policy 3.3 (*'Increasing housing supply'*) identifies the pressing need for more homes in London to be achieved particularly by realising brownfield housing capacity through opportunity areas and mixed-use redevelopment, especially of surplus commercial land. 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 is also given.
- 10.3 London Plan Policy 2.13 (Opportunity Areas and Intensification Areas) and its supporting text (Table A1.1) identifies the Isle of Dogs Opportunity Area as capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031.
- 10.4 London Plan Policy 4.5 (*London's visitor infrastructure*) says the Mayor will, and borough should, support London's visitor economy. The target for visitor accommodation is 40,000 net additional bedrooms across London by 2036. It goes on to say that beyond the Central Activities Zone (CAZ), new visitor accommodation should be focussed in (amongst other places) opportunity areas, where there is good public transport access to central London. Policy 4.5 requires 10% of hotel bedrooms to be wheelchair accessible
- 10.5 MDD Policy DM2 (Local shops) supports appropriately sized local shops that meet a local need cannot be met in a town centre.
- 10.6 London Plan Policies 3.16 (*Protection and enhancement of social infrastructure*) and 3.17 (*Health and social care facilities*) support community D1 floorspace where such facilities are accessible by walking, cycling and public transport - particularly in areas of under provision. London Plan Policy 4.7 (*Retail and town centre development*) seeks to focus retail sequentially in town centres and then edge of centres well integrated with the existing centre and public transport.
- 10.7 Core Strategy Policy SP02 '*Urban living for everyone*' seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the London Plan housing targets. The site lies within the '*Place of Limehouse*' that Core Strategy Fig. 24 identifies for Medium Growth (1,501-2500 residential units) to year 2025. Core Strategy Annex 9 concerns '*Delivering Placemaking.*' For Limehouse Ward the Plan states: '*There will continue to be medium levels of growth in the area, with old industrial sites being redeveloped for mixed use....*'
- 10.8 Core Strategy Policy SP06 '*Delivering successful employment hubs*' seeks to concentrate hotels in the following locations: Central Activity Zone (CAZ); City Fringe Activity Area; Canary Wharf Activity Area; and Major and district centres.
- 10.9 MDD Policy DM7 '*Short stay accommodation*' supports hotel development in locations identified in the Core Strategy (Policy SP06) and also where:
- a. *The size is proportionate to its location within the town centre hierarchy;*
 - b. *There is a need for such accommodation to serve visitors and the borough's economy;*
 - c. *It does not compromise the supply of land for new homes and the council's ability to meet its housing targets;*

- d. *It does not create an over-concentration of such accommodation or cause harm to residential amenity; and*
- e. *There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.*

10.10 Core Strategy Policy SP03 (*Creating healthy and liveable neighbourhoods*) seeks to maximise opportunities to deliver new social and community facilities as part of new developments. MDD Policy DM8 (*Community infrastructure*) says new health, leisure, and social and community facilities should be located in or near the edge of town centres. Provision outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.

Principle of hotel and non-residential uses

- 10.11 The Hotel Demand Study that underpins the London Plan Visitor infrastructure policy states that the net extra hotel rooms required in Tower Hamlets from 2004 to 2036 is 4,500. Since 2004 there has been a net increase of over 4,075 hotel rooms in the borough which is 90.5% of the target recommended by the demand study.
- 10.12 Whilst the site is not in the preferred locations for hotel development listed in Core Strategy SP06, it is just 158m from the Canary Wharf Activity Area and within a short walking distance from Canary Wharf (a major centre that functions as CAZ). The site is located adjacent to Westferry DLR Station with excellent public transport links and subject to an extant planning permission for a 252-bed hotel and is considered suitable for hotel development.
- 10.13 The proposed hotel would incorporate 40 larger hotel rooms that have been designed to include appropriate manoeuvring space and either an accessible bath or shower room. All public areas within the proposed hotel would be served by an accessible lift and there would be accessible toilets at ground and first floor levels. As such, the proposal accords with London Plan Policy 4.5.
- 10.14 The proposed provision of a flexible use retail/community use unit on the ground floor facing the DLR is consistent with the relevant policies referred to above.
- 10.15 The Environmental Statement estimates that the proposed development would generate approximately 138 net direct Full Time Equivalent (FTE) jobs. Taking account of 'leakage', 'displacement' and 'multiplier' factors, it is estimated the scheme would result in a total net gain of 259 FTE jobs, of which 255 FTE jobs would be within Greater London. In accordance with the Planning Obligations SPD, it is recommended that planning obligations secure financial contributions towards skills, training and enterprise during the construction and operational phases and that obligation secure the provision of 12 construction phase apprenticeships and local access to employment during the construction and operational phases.

Principle of housing

- 10.16 The site is cleared, previously developed, brownfield land. In 2007, the Planning Inspectorate granted planning permission for a residential led

redevelopment of 120 flats and 1,442sqm of commercial floorspace. Redevelopment by providing 66 flats would be consistent with key national, London Plan and Council policies and would help the Council meet its housing targets and in principle is strongly supported.

Density

- 10.17 London Policy 2.13 '*Opportunity and intensification areas*' states that proposals within Opportunity Areas should optimise residential output and densities and contribute towards meeting and, where appropriate, exceeding the minimum guidelines for new housing.
- 10.18 London Plan Policy 3.4 '*Optimising housing potential*' requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and design principles and for proposals which compromise this policy to be resisted. Table 3.2 provides a '*Sustainable residential quality density matrix*' for differing locations based on PTAL. The Inspector in 2007 considered the site to be in an '*Urban*' location. However, '*Central*' is defined as being within 800 metres walking distance of a Major town centre. The site is some 228m from the Canary Wharf Town Centre and by definition is a '*Central*' location. For '*Central*' areas with a PTAL 6, an indicative density range of 650-1,100 habitable rooms per hectare (hrph) is provided.
- 10.19 Policy 3.4 makes clear that the matrix should not be applied mechanistically and that the indicative density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following eight considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
 - *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
 - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*
- 10.20 Core Strategy Policy SP02 (Urban living for everyone) reflects London Plan policy requiring development to '*optimise*' the use of land. Figure 28 ('Spatial

distribution of housing from town centre to out of centre') shows densities decreasing away from the town centre and dwelling sizes increasing.

- 10.21 The Mayor of London's 'Housing' SPG advises that density should be calculated based on net site area (the red line boundary) and that in mixed-use buildings, the proposed non-residential floorspace should be taken in to account by reducing the net site area proportionately. Approximately 35% of the proposed development would be residential space and so density has been calculated on 35% of the net site area. This results in a figure of 2,000hrph or 725uph.
- 10.22 The proposed density is substantially above the London Plan indicative range of 650-1,100hrph (215-405 uha). Officer's assessment of the development against the exception tests of London Plan Policy 3.4 is set out in Table 3 below.

Exceptions Tests	Assessment
Local context and character & design principles.	<p>The site is highly prominent and set within a diverse urban context of low to mid rise buildings with no defined or dominant historic or stylistic form although there is a general consistency of height established by 4-6 storey buildings. The presence of the DLR station is not signalled within the built environment, the immediate area lacks any strong sense of place or destination and the site is considered suitable for a landmark building.</p> <p>The site is detached from the established cluster of tall buildings at Canary Wharf, but whilst the proposed building would be much taller than those nearby, it has been carefully designed to take account of its surroundings and makes references to scale and materiality of the local character and would represent high-quality architecture that becomes a constituent part of its context.</p> <p>The Grade I West India Dock Warehouse is some 230m to the south east. The degree of change to the setting of the Warehouse and the related conservation area is considered acceptable.</p> <p>The degree of change on the setting of the Grade II Limekiln Dock and associated listed buildings within the Narrow Street Conservation Area is considered acceptable.</p> <p>The Grade I St Anne's Church (and the related conservation area) lies some 300 m. to the west. Views of the church tower from West India Dock Road and the DLR would be unaffected at the junction of Salmon Lane / Commercial Road.</p>
Public transport connectivity	The site has a PTAL 6 'Excellent'. There is no suggestion that development in the Opportunity Area should be restricted due to inadequate public

Exceptions Tests	Assessment
	transport and capacity increases are in hand. TfL raise no objection.
Design quality	<p>The proposed building would be of high quality design. Housing, private amenity, communal amenity and play space standards would be met and the proposed new homes and spaces would generally receive adequate daylight and sunlight.</p> <p>There would be some adverse impacts on daylight and sunlight for existing homes in Cayman Court and Compass Point, but this impact is considered acceptable.</p> <p>The proposed and existing homes would have an acceptable level of privacy and would not suffer from unacceptable overlooking.</p>
Contribution to Place making	The scheme would create a ' <i>place</i> ' on currently vacant land and mark the presence of Westferry DLR Station.
Potential to define own setting	The site abuts major roads and is sufficiently large to create a focal point next Westferry DLR Station.
Residential mix	The proposed residential and dwelling mix is considered satisfactory.
Design/Management of facilities	The design and management of waste and parking facilities is considered satisfactory.
Location	London Plan Opportunity Areas are in principle appropriate for higher density development.

Table 3: London Plan Policy 3.4 exception tests

- 10.23 Whilst the proposed residential density is above the indicative density range suggested by the density matrix in London Plan Policy 3.4, officers consider that the proposals would be acceptable when considered against those factors identified in the exceptions tests set out in that Policy 3.4 and would not represent an overdevelopment of the site.

Housing

Affordable housing

- 10.24 London Plan Policy 3.6 (Children and young people's play etc.) states that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs".

- 10.25 London Plan Policy 3.8 (*Housing choice*) requires 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*) promotes communities mixed and balanced by tenure and household income.

- 10.26 London Plan Policy 3.11 (*Affordable housing targets*) requires boroughs to maximise affordable housing provision and set an overall target for the amount of affordable housing needed in their areas. It requires 60% of the affordable housing provision to be affordable rent and 40% for intermediate rent or sale.
- 10.27 London Plan Policy 3.12 (*Negotiating affordable housing*) requires 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.
- 10.28 Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025 by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 10.29 DMM Policy DM3 seeks "to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate)" and ensure that development provides "a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment". DMM Policy DM3 requires development to maximise affordable housing on-site. DMM Policy DM4 states that "all housing developments should have adequate provision of internal space in order to provide an appropriate living environment" and provide amenity space and child play space in accordance with Council standards. DMM Policy DM3 requires development to maximise affordable housing on-site.
- 10.30 The Mayor of London's Affordable Housing and Viability SPG (August 2017) sets out a 'threshold approach' to viability, whereby the approach to viability information depends on the level of affordable housing being provided. Applications for schemes that (a) meet or exceed 35% affordable housing provision without public subsidy, (b) provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the relevant borough and the Mayor and (c), have sought to increase the level of affordable housing beyond 35% by accessing grant are not required to submit viability information.
- 10.31 Such 'Fast Track' schemes are expected to be subject to an early viability review, but this is normally only triggered if an agreed level of progress is not made within two years of planning permission being granted. Land in public ownership or public use that is used for housing development will be expected to deliver at least 50% affordable housing without grant to benefit from the Fast Track Route.
- 10.32 A recent High Court judgement in relation to a legal challenge by a group of leading retirement housebuilders to the Mayor of London's Housing and Viability SPG noted that once the Mayor of London has considered the consultation responses to the draft London Plan and has amended the Plan as

he sees fit, the Plan will have no lesser weight than the SPG. The Mayor of London published minor suggested changes to the draft London Plan on 13 August 2018, having taken account of comments received on the draft Plan. Draft London Plan Policy H6 (Threshold approach to applications) as proposed to be changed makes clear, amongst other things, that the threshold level of affordable housing is to be 50% for Strategic Industrial Locations, Locally Significant Industrial Sites and other industrial sites deemed appropriate to release for other uses where the scheme would result in a net loss of industrial capacity. It also makes clear that the 50% threshold for land in public ownership applies where there is no portfolio agreement with the Mayor.

- 10.33 The proposed 66 residential units would include 18 affordable homes; 10 rented (5 at London Affordable Rents and 5 at LBTH Living Rents) and 8 Intermediate (Shared Ownership). The affordable housing offer is 35.2% by habitable rooms (27.2% by unit). In terms of proposed tenure, the split would be 75%:25% Rented: Intermediate by habitable rooms or 71%:29% by unit – exceeding the Council’s policy for 70% Social/Affordable rent.
- 10.34 The proposed affordable and private homes would have their own entrance areas from Salter Street. The affordable homes would be located on Levels 01 to 04 of the building and would be served by a single lift, although all residents would share a central stair core. Residents of all of the proposed homes would have access to children’s play and communal open space at Level 07 (although the management and maintenance costs of this space would be met by private residents only).
- 10.35 London Affordable Rents are exclusive of service charges and LBTH Living Rents are inclusive of service charges. For LBTH Living Rents, if the service charge is in excess of the level that RP’s would normally charge, the net rent is restricted and as such, the value of the affordable rented units is reduced.
- 10.36 The affordability of the shared ownership homes is based on the total ‘housing costs’ that are payable by the occupier. Under the shared ownership model, a tenant purchases an initial equity share of the property of between 25% to 75% upon which they take out a mortgage. In addition, a rent is payable to the RP based on the percentage of equity that is not owned plus service charges. The combination of mortgage, rent and service charge forms the purchaser’s housing costs.
- 10.37 In accordance with HCA & GLA guidance, these housing costs must not exceed 40% of net household income. In addition, the latest London Plan Annual Monitoring Report states that the gross income thresholds for intermediate home ownership products are capped at £90,000.
- 10.38 Officers are satisfied that the proposals are capable of taking advantage of the Fast Track Approach.
- The level of proposed affordable housing is 35.2% by habitable room, thus meeting the required threshold without resort to public subsidy;
 - The proposed tenure mix by habitable room is 71:29 (Affordable/Social Rent: Intermediate), which meets Core Strategy Policy SP02 and the proposed scheme meets other planning requirements, including those recommended to be secured by planning obligations;
 - Whilst the applicant’s Affordable Housing Statement makes clear that the proposed scheme could be eligible for grant under the Mayor of London’s Affordable Homes Programme 2016-21, given the relatively high residential

values in this location and the relatively low levels of grant potentially available, the inclusion of public subsidy would not enable the delivery of additional affordable housing in this scheme;

- Whilst part of the site (approx. 25% excluding public highway) is owned by the Council, the majority is privately owned; and
- The site was occupied by a two-storey print works, warehousing and office building (Stebenheath House) until 2008, when the building was demolished and the site kept vacant. However, the permission granted in July 2010 (PA/09/02099), which has been implemented, has effectively changing the use of the land to a hotel. Furthermore, officers understand that the ownership of the site has changed hands more than once since this permission was granted, reflecting the value of the site with permission for a 252-bed hotel.

10.39 Given the acceptability of the 'Fast Track' approach, the application is not supported by a financial viability appraisal and the proposed level of affordable housing is considered to be the maximum reasonable amount of affordable housing that can be delivered through the planning system. However, in line with the Mayor of London's Housing and Viability SPG and draft London Plan, officers recommend that an early viability review is required in the event that the above ground superstructure of the building is not started within 2 years of the date of a planning permission. Such a requirement would be secured by way of a planning obligation in a s106 Agreement.

Dwelling mix

10.40 London Plan Policy 3.8 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.

10.41 Core Strategy Policy SP02 (*Urban living for everyone*) requires 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. 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.

10.42 DMM Policy DM3 (*Delivering Homes*) requires development to provide a balance of housing types, including a preferred unit mix for 1, 2, 3 and 4-bed homes. The following table outlines both the proposed unit mix, by size and tenure, as well as the Council's current preferred unit mix, which seeks to secure a mixture of small and large housing, and is set out within DMM Policy DM3.

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
		Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	2	0	/	/	0	/	/	2	4%	/
1 Bed	28	0	/	30%	6	75%	25%	22	46%	50%
2 Bed	28	2	20%	25%	2	25%	50%	24	50%	30%
3 Bed	8	8	80%	30%	0	/	25%	0	/	20%
4 Bed	/	/	/	15%	/	/	/	/	/	/
Total	66	10	100%	100%	8	100%	100%	48	100%	100%

Table 4: Proposed dwelling and tenure mix

10.43 The proposed provision of 3-bed family size affordable homes is above the Council's target mix, although there is a lack of any 4-bed properties. However, the relatively small number of proposed family-sized properties (8) and associated on-site play space make this acceptable. The proposed provision of Intermediate homes is 1-bed heavy and the proposed market housing is 3-bed heavy. However, overall, given the characteristics of the site and the proposed on-site communal and play space, the proposed dwelling mix is considered acceptable.

Accessible housing

10.44 London Plan Policy 3.8, 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. designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

10.45 DMM Policy DM4 (*Housing standards and amenity space*) requires 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

10.46 All proposed homes would meet the 'accessible and adaptable dwellings' standard and the following 7 homes (10.6%) of homes would meet the 'wheelchair user dwellings' standard.

Tenure	1-bed	2-bed	3-bed	Total
Market Sector	2	3	-	5
Intermediate	1	-	-	1
Social/Affordable Rented	-	-	1	1
Total	3	3	1	7

Table 5: Proposed wheelchair accessible homes

- 10.47 Overall, the proposed provision of wheelchair units is considered acceptable as the 10% requirement is met and the mix includes one family sized Social/Affordable Rent unit, where there is most demand. However, the proposed affordable homes would be served by one dedicated accessible lift. The Mayor of London's Housing SPG encourages 2 accessible lifts to serve accessible homes above ground level. It is recommended that, if granted permission, a s106 planning obligation secures use of one of the 2 proposed lifts that would serve private homes at such times as the affordable housing lift is out of action (break-down/maintenance).
- 10.48 In order to ensure that the proposed wheelchair accessible units are designed in accordance with Part M4 (3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 is recommended. The condition will also stipulate that the other proposed units must be designed in accordance with Part M4 (2) of the Building Regulations 2015. It is also recommended that a car parking implementation and management plan be secured by condition, to manage the use of the proposed three on-street Blue Badge car parking bays proposed for Salter Street (discussed further under Transport and highways below).

Housing quality

- 10.49 London Plan Policy 3.5 (Quality and design of housing developments) states that "the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people". This policy is supported by the Mayor of London's Housing SPG (2016), which sets out a number of design standards for new housing.
- 10.50 Core Strategy Policy SP02 (6) '*Urban living for everyone*' requires all housing to be high quality, well-designed and sustainable.
- 10.51 DMM Policy DM4 '*Housing standards and amenity space*' requires all new developments to meet the London Plan's internal space standards. Private outdoor space should accord with the Mayor of London's '*Housing*' SPG.
- 10.52 DMM Policy DM25 (*Amenity*) requires the protection of neighbouring resident's privacy stipulating that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 10.53 All of the proposed homes would meet or exceed the floorspace standards and private amenity space standards set out within the London Plan and the Housing SPG. There would be up to 5 flats per floor (less than the maximum recommended 8). There would be no single-aspect north (or south) facing homes, although there would be 6 single-aspect west-facing flats (2 x 2-bed Intermediate, 2 x 2-bed Social/Affordable Rent and 2 x 1-bed Market). These are all non-family sized homes and would not face the main road or railway. Proposed homes would have a floor to ceiling height of 2.5m, in line with guidance.
- 10.54 The proposed homes would all be in the western part of the development facing existing accommodation in Cayman Court, Salter Street. The minimum separation distance between the habitable rooms (bedrooms) within the development and habitable rooms (bedrooms) within Cayman Court would be

13.2m. Other bedroom to bedroom distances would be approximately 14.8m and there would be a bedroom to living room separation of 14.5m. Whilst these would be beneath the Council's 18m recommended minimum separation distance, such distances are not uncommon across streets in Tower Hamlets and, on balance, this is considered acceptable.

- 10.55 10 living and bedrooms in flats proposed at Levels 01 and 02 would be approx. 15.3m away from the east-bound platform at Westferry Station and/or between approx. 11.87m and 13.38m from the north-west staircase that serves the station and from passengers standing and walking on these structures. This relationship is considered acceptable.

Daylight/sunlight levels for the proposed homes

- 10.56 DMM Policy DM25 (*Amenity*) seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The BRE provides advice on daylight and sunlight within proposed residential accommodation. This recommends minimum Average Daylight Factor (ADF) values for rooms within new residential dwellings (>2% for kitchens; >1.5% for living rooms; and >1% for bedrooms) and minimum levels Annual Probable Sunlight Hours (APSH) for windows that orientated within 90 degrees of south.
- 10.57 The ES reports on an assessment of daylight and sunlight provision within the proposed development. This finds that 83% of the proposed habitable rooms meet or exceed the above ADF values. The 30 rooms that would not meet the recommended levels would be on Levels 01 to 06. The majority of the rooms that would not meet the standard would benefit from a private balcony (which slightly restricts daylight that reaches the room). Of the proposed rooms that have a window orientated within 90 degrees of south, 90% meet the BRE's minimum Annual Probable Sunlight Hours.
- 10.58 The daylight and sunlight assessment reported in the ES has been reviewed on behalf of the Council by Delva Patman Redler (DPR). DPR has highlighted that the rooms that would have substandard daylight would occur behind enclosed or semi-enclosed balconies and that the combination of this, deep rooms and narrow windows mean that some of the living spaces would be below recommended minimum recommended levels. Taking account of the desirability of having private amenity space and the overall quality of the proposed flats (including floor sizes and floor to ceiling heights and layout), officers consider that all of the proposed flats would have an acceptable level of amenity. Notwithstanding this, officers have secured the inclusion of an additional window to light large kitchen/dining rooms in the proposed 3-bedroom homes.

Communal amenity and play space

- 10.59 DMM Policy DM4 (*Housing standards and amenity space*) requires residential development to provide communal amenity space at a minimum of 50sqm for the first 10 dwellings and 1sqm for every additional unit.
- 10.60 London Plan 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.

- 10.61 DMM Policy DM4 also requires child play space provision at 10sqm per child. This can be achieved by a combination of on-site (space for 5-years and under should always be on-site) or off-site provision in line with guidance in the Mayor of London's SPG.
- 10.62 The GLA's child yield calculator within the Mayor of London's '*Shaping Neighbourhoods: Play and Informal Recreation*' SPG estimates that the development would generate 21 children (8 children under 5, 8 children aged 5-11 and 5 children aged 12+) requiring 210sqm of child play space.
- 10.63 The proposed open space on Level 07 amounts to approx. 334sqm of space that is partly open to the sky and partly located under Levels 08 to 29. It would be accessible to all residents living in the building, enclosed on three sides by a 1.8m high screen. This space would comprise approx. 106sqm of communal which would exceed the minimum amount of 66sqm required by DMM Policy DM4. It would also include 228sqm of play space for all age ranges, marginally exceeding the minimum amount required by DMM Policy DM4.
- 10.64 The proposed space would provide high quality communal and play space. The ES includes transitory shadowing diagrams that show expected overshadowing of the play space at different times of the year. The applicant has submitted clarification information that confirms that around 80% of it would receive in excess of 2 hours of sunlight on 21 March (exceeding BRE requirements). Having said this, it is recommended that details of this space are reserved for subsequent approval by planning condition. The space would be accessible to all residents living in the building and the applicant has confirmed that the costs of managing and maintaining it would be met from the service charges of private residents only. It is recommended that this is secured by a s106 planning obligation.

Design

Public realm

- 10.65 London Plan Policy 7.5 (*Public realm*) and Policy 7.18 (*Protecting Open Space and Addressing Deficiency*) support the creation of high quality open space and Policy 7.6 (*Architecture*) says that buildings should provide high quality outdoor spaces and integrate well with the surrounding streets and open spaces.
- 10.66 The draft Isle of Dogs & South Poplar Opportunity Area Planning Framework identifies the Westferry Junction (8) for improvement. The identified objective is to reduce actual and perceived severance, improving pedestrian and cycling priority and urban greening. It also identifies the West Ferry Road/Manchester Road/Preston's Road corridor (19) as a key corridor in need of a public realm upgrade. The identified objective is the creation of safe and legible links to cycle route CS3 which successfully address the change in levels.
- 10.67 Core Strategy 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. Policies SP09 (*Creating attractive and safe streets and spaces*) and SP12 (*Delivering placemaking*) seek 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.

- 10.68 DMM Policy DM10 (*Delivering open space*) requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with Council strategies. Part of the Tower Hamlets Green Grid runs along Narrow Street, Limehouse Causeway and across West India Dock Road.
- 10.69 The area around the base of the proposed building would be transformed in to a landscaped public space. Including a proposed one-way access road from West India Dock Road this would amount to approx. 0.15ha. In summary, these proposed works comprise the following:
- *Arrival space next to DLR staircase* – Relocation of the Westferry Station ticketing machines, information boards, digital display panel and ticket validator to allow for free pedestrian circulation throughout the public realm, table-top London Plane trees to provide a green canopy shelter from the wind and screen the railway and timber benches and 5 short-stay cycle stands beneath the green canopy. It should be noted that some tree planting is proposed immediately outside of the application site, on DLR-owned land.
 - *West India Dock Road/Westferry Road green buffer and hotel frontage* – A range of trees to frame the hotel entrance, provide year-round canopy and shelter, the planting of a large ‘gateway London Plane tree to mirror existing trees on the south side of Westferry Road and the replacement of railings with a rain garden to soften the edge of the pavement and provide a green buffer between pedestrians and vehicles.
 - *Urban Arboretum to the north of the proposed building* – Up to the existing bus lane a mix of evergreen and deciduous trees would provide shelter and season interest. Three large ‘gateway’ London Planes would border the triangular plaza on each corner and a rain garden would replace existing railings to West India Dock Road. An access lane for service vehicles only would be located between the urban arboretum and the building. To ensure access is restricted, a bollard would be located at the western entrance. The proposed surface treatment for the site is extended across the proposed access and it would be a shared surface, delineated with flush kerbs. A loading bay would provide an area for vehicles to stop.
- 10.70 Officers have considered design, highway and servicing issues and the proposed on-site works are considered acceptable, subject to approval of details, the agreement of suitable management and maintenance arrangements and a s278 Agreement.
- 10.71 In addition to the proposed on-site public realm works, the applicant has proposed to make a financial contribution of up to £791,500 towards implementing off-site works to nearby spaces to ensure that the proposed development sits within a cohesive wider public realm. This includes works to Salter Street public highway (removal of the existing 6 car parking spaces, retention of cobbles and dragon sculpture and replacement of existing bollards with shrub planting and re-paving and works to the publicly accessible open space south of Westferry Road (enhancement in the form of additional tree and shrub planting, the removal of railings and creation of rain gardens and the widening and re-surfacing of footpaths and paved areas). Following discussions with LBTH Highways and TfL, it is recommended that such a financial contribution is also available to fund public realm improvements that

complement highway improvements to reduce severance/improve the West India Dock Road/Westferry Road junction.

- 10.72 There has also been discussion with TfL and DLR over a number of years over the possible replacement of the existing north-western staircase/lift to Westferry Station. The existing stairs are set on a diagonal alignment, chosen when the application site was occupied by the former print works, warehousing and office building, which intrudes in to the public realm. Officers consider that a better arrangement would be if the stairs/lift could be re-provided as rectangular shaped structure, similar in size and shape to the Station's north-eastern staircase, to the east of Westferry Lane. TfL has made clear that it has no intention of moving the north-western staircase to Westferry Station in this way. However, it has confirmed a willingness to work with the Council and applicant to develop public realm/improved staircase access arrangements that are acceptable to DLR. The applicant has offered a financial contribution of £243,888 towards the costs of DLR public realm/improved staircase access arrangements.
- 10.73 In terms of the proposed financial contribution towards improving the two nearby off-site open spaces and DLR public realm/staircase improvements, to be lawful, a s106 contribution must not conflict with the Council's CIL Regulation 123 List and must also meet the three tests set out in CIL Regulation 122 (directly related to the development, necessary to mitigate the impact of the development and of a scale necessary to mitigate the impact of the development). Officers consider that the proposed contribution meet these requirements.

Built form and architecture

- 10.74 London Plan 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.
- 10.75 London Plan Policy 7.7 (*Tall and largescale buildings*) provides criteria for assessing such buildings which should:
- a *generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
 - b *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
 - c *relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
 - d *individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
 - e *incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*

- f have ground floor activities that provide a positive relationship to the surrounding streets;
- g contribute to improving the permeability of the site and wider area, where possible;
- h incorporate publicly accessible areas on the upper floors, where appropriate;
- l make a significant contribution to local regeneration.

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

10.77 DMM 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.

10.78 DMM Policy DM26 (Building heights) makes clear that the Council will consider proposed building heights in accordance with the town centre hierarchy (Figure 9 reproduced below). The application site is located in the penultimate step down in the hierarchy ('Neighbourhood centres and main streets') and is not identified as appropriate for the location of tall buildings. Policy DM26 also requires development to achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation, should consider public safety and provide positive social and economic benefits.

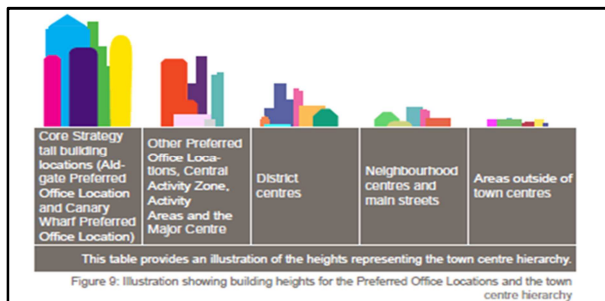


Figure 11 - MDD Policy DM26 'Building heights' and the Town Centre Hierarchy

10.79 Whilst not in a town centre of Preferred Office Location, the site is within the western gateway of the Isle of Dogs and South Poplar Opportunity Area, immediately next to Westferry DLR station and an important road junction. As such officers consider that a tall building here would act as a marker. Planning permission has been granted for tall buildings on the site in the past; a 20-storey building (PA/04/01038) in May 2007 and a 16-storey building (PA/09/02099) in July 2010. The 2010 permission has been part implemented and, subject to resolving ownership issues and approval of details, could be completed.

10.80 The form of the proposed building is based around an east to west axis, with the proposed hotel to the east (fronting West India Dock Road and Westferry Road) and proposed housing to the west (fronting Salter Street). This allows the orientation of the building to respond to the existing street grid to the west

of the site, the DLR viaduct and the irregular, inflected site boundary along West India Dock Road – leading to an ‘arrowhead’ formation. The elevational treatment has been developed to reinforce the architectural expression through the use of two differing, but complementary facade designs. The facade designs relate to the two primary volumes that comprise the building’s formal composition.

- 10.81 The proposed complex form of the building responds to the local context in its lower sections, presents conjoined slim towers above it with the clear set back section in between. Use of brick as a facing material strengthens the visual relationship of the building with local character. The massing is broken into smaller sections to create consistent scale of the street scene along key pedestrian approaches from the West. Prominence of Aspen Way and West Ferry Road is reflected in stark tower of the hotel. Multifaceted south-eastern elevation ‘pixelates’ the structure in long range views. Slim slices of southern and eastern elevations create apparent slenderness in views from the Thames and from the north-east. The proposed western residential façade has been designed to create an illusion of the building dissolving in to the sky.
- 10.82 The proposed residential part of the building would be split between a low-level podium block (up to Level 7, which relates in height to the adjacent Cayman Court and surrounding context) and a taller, more slender block which would rise up to 30 storeys above ground (maximum height +99.950m AOD). The proposed hotel would extend up to 28 storeys above ground (maximum +92.400m AOD). See Figure 12 below.

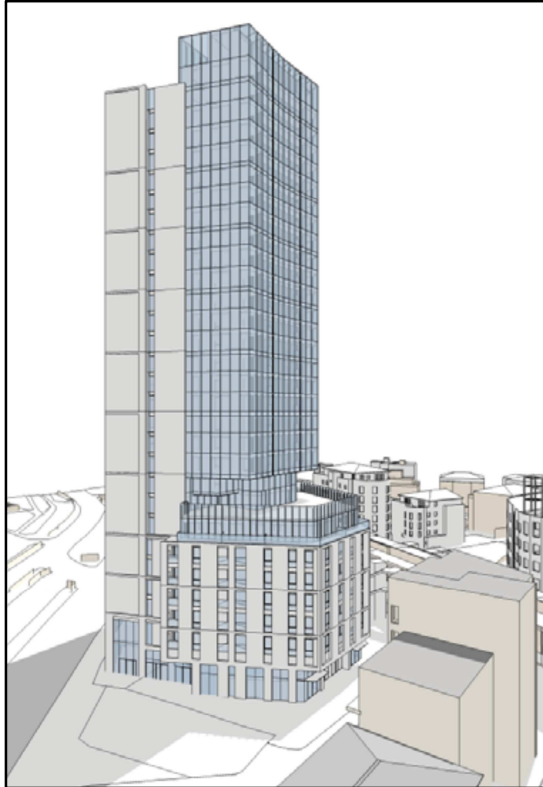


Figure 12: Diagram showing the proposed podium opposite Cayman Court and two different taller volumes (hotel on east/left and residential on west/right)

- 10.83 The proposed podium block takes its materiality reference from the existing brickwork buildings and DLR viaduct. A series of brick clad precast panels would form a regular expressed façade grid which changes in height and width in response to the context, providing visual interest, depth and animation. The rooftop garden at Level 07 would be enclosed by 1.8m high clear glazed screens.
- 10.84 The grid typology would be offset at ground and mezzanine level as the proposed building meets the ground. There would be a combination of full height glass panels, full height glass-faced solid insulated panels, and ventilated panels to plant and ancillary spaces. The transparency of the ground floor glazed areas would maximise natural daylighting to internal spaces, and creates visual depth, continuity and view in to ground floor areas. This would also increase passive surveillance and improve security.



Figure 13 – view of proposed development from Salter Street looking east (with Westferry Station staircase on the right-hand side).

- 10.85 The upper part of the residential element of the building would have unitized glass facade consisting of clear and opaque glazing panels and would be treated with transparent solar control coatings to reduce overheating and cooling costs and save energy. The residential facade would provide a consistent, highly glazed and reflective appearance which would reflect sky and lighten the appearance when viewed from a distance. Each surface would catch the light in a different manner and ensure a constantly changing appearance in response to the time of day, weather conditions and the viewer's perspective.
- 10.86 The proposed hotel element would be brick with deep inset bedroom windows and inclined reveals. As the hotel rises, the vertical piers of the grid reduce in width allowing the inclined reveals to increase. Together with the use of a polished metal to form the inclined reveals, the reduction in width of the piers creates a lighter appearance against the skyline.



Figure 14 – view of proposed development from West India Dock Road looking east (the hotel element)

- 10.87 The Tower Hamlets Tall Buildings Study, which helps provide the evidence base for the emerging Tower Hamlets' Local Plan, indicates that the height of the local landmark (a tall building of local significance) should be about 2 times and up to 3 times the context height, which in this case is in the range of 4-7 storey. The proposed building would exceed this. However, given the high quality of design and location at a key entrance to the Isle of Dogs and at the edge of the Opportunity Area, officers consider that a more prominent exception within the context is acceptable.
- 10.88 The applicant has responded positively to comments from officers and the CADAP during the pre-application stage and the application scheme incorporates many of the suggestions. Notwithstanding this, at its meeting on the 10 September 2018, the Panel remained unconvinced that the design represents a building of outstanding quality that could justify a tall building in this location.
- 10.89 Officers consider that the proposed tall building has been carefully designed to take account of its surroundings and makes references to scale and materiality of the local character and that it would represent high-quality architecture that becomes a constituent part of its context. London Plan Policy 7.7 and DMM Policy DM26 require tall buildings to be of the highest quality. The application scheme has been the subject of significant pre-application discussions and is supported by a lot of details, including samples of proposed key external materials. Officers consider that, subject to approval of final materials and details of the appearance of internal structural columns at ground level (which would be visible from the surrounding public realm), the proposals represent high-quality design that would make a positive contribution to area.
- 10.90 Simpson Haugh Architects are renowned for designing high-quality and innovative tall buildings. To ensure that this high quality is maintained and carried forward into the implementation stage, it is recommended that, if

permission is granted, a planning obligation requires that they are retained for detailed design and discharge of conditions.

Safety and security

- 10.91 London Plan Policy 7.3 (Designing out crime) and MDD Policy DM23 seek to ensure that developments are secure. London Plan Policy 7.13 (Safety, security and resilience) seeks to ensure that the built environment is resilient against emergencies including fire, flood, weather and terrorism.
- 10.92 The development has been assessed by the Metropolitan Police Crime Prevention Officer who has no objection in principle but recommends that any planning permission should be conditioned to require prior to the commencement of the development details to be approved in writing by the local planning authority demonstrating how the principles and practices of 'Secured by Design' have been incorporated into the development. The development should achieve Secured by Design accreditation.
- 10.93 The London Fire Brigade has commented that fire engine access and water supplies for the service appear to be adequate and stressed that in other respects this proposal should confirm to the requirements of Part B5 of approved Document B (Building Regulations). The Service has also stressed the London Fire Commissioner strongly recommends that sprinklers are considered for new developments as these can significantly reduce the damage caused by fire and the consequential costs to businesses and housing providers, and can reduce the risk to life. The applicant has confirmed that that it is their understanding that all new residential buildings over 30 meters are required to be provided sprinkler protection in accordance with BS 9251:2014 and in any event, the proposed residential accommodation would be fitted with sprinklers.

Heritage, Townscape and Visual Impact

- 10.94 Part 3 of the submitted ES comprises a Heritage, Townscape and Visual Impact Assessment (HTVIA). This sets out an integrated assessment of the likely significant effects that the proposal would have on heritage assets, townscape character areas and visual receptors. It is supported and informed by 37 Accurate Visual Representations (AVRs) for locations agreed with officers.

Above ground heritage assets

- 10.95 Statutory tests for the assessment of planning applications affecting listed buildings and conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". There is a presumption that development should preserve or enhance the character or appearance of conservation areas.

- 10.96 The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area. This applies to West India Dock Conservation Area (53m to the south east of the development site), St Anne's Church Conservation Area (some 150m to the north-west), Narrow Street Conservation Area (some 197m to the south-west) and Lansbury Conservation Area (some 100m to the north-east).
- 10.97 The implementation of the legislation has been addressed in Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below. However, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "*special regard / attention*" and therefore considerable weight and importance.
- 10.98 NPPF Paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset.
- 10.99 NPPF Paragraph 193 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification.
- 10.100 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between '*Substantial*' or '*Less than substantial*' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm (paragraph 195).
- 10.101 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196). The national planning practice guidance provides advice on considering whether any harm to the significance of a designated heritage asset is substantial or less than substantial.
- 10.102 London 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.
- 10.103 London Plan Policy 7.10 (World Heritage Sites) makes clear that development should not cause adverse impacts on WHSs or their settings.
- 10.104 DMM Policy DM27 (Heritage and the Historic Environment) seeks to ensure that development protects and enhances the borough's heritage assets, their setting and their significance.
- 10.105 The Council has prepared Character Appraisal and Management Guidelines for the following relevant conservation areas: West India Dock, St Anne's Church, Narrow Street and Lansbury.

10.106 The ES considers and assesses the likely significant effects on above ground heritage assets within 1km of the site and groups them into 4 groups – Group 1 – West India Dock, Group 2 – St Anne’s, Group 3 – Narrow Street and Limekiln Dock, Group 4 - Lansbury

10.107 The proposed building would be highly visible from four surrounding conservation areas and would impact on the setting of numerous listed buildings within them, the most important being the West India Import and Export Dock (Grade I), the Warehouses and General Offices at North Quay (Grade 1), St Anne’s Parish Church (Grade I – Ecclesiastical Grade A) and those at Limekiln Dock (Grade II).

West India Dock Conservation Area

10.108 The HTVIA includes three AVR views of the proposed scheme in relation to the West India Dock Conservation Area (Nos 26, 27 and 28). Affected listed buildings are, respectively: Grade I Listed Warehouses and General Offices, Grade II Listed Excise Office, Grade II Listed Quadrangle Stores and Grade II Listed West India Dock Former Guard House.

10.109 Officers consider that proximity and stark contrast in scale between listed buildings and the proposed development would result in some adverse visual impacts on their setting. However, those impacts would to a degree be mitigated by the proposed architectural design which reflects local heritage through the use of brick and metal on facades facing West India Dock. The proposed multifaceted form would contrast with the majestic simplicity of the warehouses and fine grain detailing of other listed buildings. The level of detailed design information submitted as part of this application helps assure officers that the scheme would be delivered to the high standards appropriate for its sensitive heritage context. Officers consider that there would be some harm to the setting of above ground heritage assets, but that this would be less than substantial and the quality of proposed architecture and additional public benefits that would be provided by the scheme in form of the development of a long-standing vacant site, the provision of visitor accommodation and the delivery of affordable housing, jobs and improved public realm, would outweigh this harm.

10.110 The existing and proposed views in Figure 15 below help illustrate officer’s assessment and also illustrate the reduced level of harm that would be caused by the proposed scheme compared with the previously refused scheme. See Appendix 4 for larger images.



Figure 15 – View 26 - Steps to West India Dock North – (a) Existing, (b) rendered image of proposed scheme & wirelines of consented scheme (c) rendered image of refused scheme & wirelines of consented scheme.

St Anne’s Church Conservation Area

10.111 The Grade I listed St Anne’s Parish Church, its historic churchyard, and the Grade II listed Limehouse Town Hall form the civic heart of the St Anne’s Church Conservation Area.

10.112 The Conservation Area Appraisal and Management Guidelines say “ensuring an appropriate scale for developments within and adjacent to the Conservation Area will be critical to protect the prominence of St Anne’s Church in views across and within the Conservation Area.” The Guidelines identify a number of significant views towards the church tower and these have been assessed in the HTVIA. This includes View 36 at the junction of Salmon Lane with Commercial Road where the church tower aligns with the old Town Hall.

10.113 The proposed height of the building would ensure that it would not appear in the background of the church tower from this view. Figure 16 below help illustrate the reduced level of harm that would be caused by the proposed scheme compared with the previously refused scheme, where the previously proposed tower would have appeared in the background of the tower. The application scheme would not be visible from this view. See Appendix 4 for larger images.



Figure 16 – View 36 - Limehouse Town Hall and St Anne’s church tower – (a) Existing, (b) rendered image of proposed scheme & wirelines of consented scheme (c) rendered image of refused scheme & wirelines of consented

10.114 The Limehouse Community Forum has raised a concern that the proposed development would prevent 360-degree sight of the Royal Navy White Ensign flag that flies from the Church. Whilst the Church was used in the past as a navigational point, the surrounding townscape has been significantly altered over the years and inter-visibility between the river and the tower is partial; limited by development such as Columbus Courtyard and Dundee Wharf and the tower is already no longer visible through 360-degrees.

Narrow Street Conservation Area

10.115 The proposed building would be visible from multiple locations within the Narrow Street Conservation Area. The HTVIA includes four AVR views of the proposed scheme in relation to this Conservation Area (Nos 16, 30, 31 and 37). The degree of change the proposals would bring to the setting of Limekiln Dock within the Narrow Street Conservation Area would be considerable. The dock itself is Grade II listed and around its perimeter are several other Grade II listed structures (148 & 150 Narrow Street, St Dunstan's Wharf, and the four warehouses comprising Dunbar Wharf). The approved Hertsmere House scheme would rise above buildings fronting the eastern edge of the dock and puncture the skyline.

10.116 The AVRs set out in Figure 17 below (larger images available in Appendix 4) demonstrate the notable impact that the proposed scheme would have on

this view. Officers consider that the architectural articulation of the proposed tower, including the proposed vertical split of volumes and use of materials, would reduce visual impact to the setting of heritage assets of Narrow Street Conservation Area (including listed buildings) and would result in harm that is less than substantial.



Figure 17 – View 37 - Limekiln Dock (a) Existing, (b) rendered image of proposed scheme & wirelines of the permitted 2007 and 2010 schemes (c) Rendered image of the refused scheme, wirelines of the permitted 2007 and 2010 schemes (red and pink) & wireline of consented Hertsmere House scheme

Lansbury Conservation Area

10.117 The Lansbury Conservation Area was designated to preserve and safeguard the original character and integrity of post-war housing built as part of the Festival of Britain. The housing is located towards the eastern end of the designated area. The proposed building would appear in the backdrop to outward view from the conservation area, similar to the existing background provided by the Canary Wharf cluster. Officers consider that the character and appearance of the Lansbury Conservation Area would be preserved and the proposal would not adversely affect the setting of listed buildings within the designated area.

Greenwich Maritime World Heritage Site

10.118 The proposed building would be hidden in views from Greenwich Park (View 5A.1) and would not impact of the Maritime Greenwich World Heritage Site. Likewise, the proposed building would be hidden in views of the Tower of London from London Bridge (View 11B.1) and Waterloo Bridge (View 15.B2).

Officers therefore consider that the proposed development would not adversely affect the setting of World Heritage Sites and would comply with London Plan Policy 7.10 and The Mayor of London’s guidance on settings of World Heritage Sites.

Townscape & Visual

10.119 London Plan Policy 7.11 (London View Management Framework) identifies a list of strategic views and this policy and the SPG that supports it seeks to manage impacts on designated views (foreground, middle ground or background).

10.120 DMM Policy DM26 (Building heights) seeks to ensure that tall buildings do not (amongst other things) adversely impact on strategic or local views.

10.121 The first 9 AVR views in the ES help assess the likely significant effects on the 9 strategic views identified in the London Plan, as set out in Table 6 below.

<p><u>London Panoramas:</u> 1A1 – Alexandra Palace 2A.1 Parliament Hill 4A.1 Primrose Hill 5A.1 Greenwich Park – General Wolfe Statue 6A.1 Blackheath Point 25A.2 In front of City Hall</p>	<p><u>River prospects</u> 11B.1 – London Bridge 15B.1 – Waterloo Bridge 15B.2 – Waterloo Bridge</p>
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Table 6: London Plan strategic views

10.122 The ES reports that the proposal would have a ‘neutral’ effect on the above strategic views. Officers’ assessment is that the proposed building would either not be seen at all or not have an adverse impact on the above strategic views. Given this, officers consider that the proposals comply with London Plan Policy 7.11 and the London View Management Framework SPG.

10.123 The other 27 AVR views in the ES relate to more local views. These include from the Commercial Road junction with East India Dock Road/East India Dock Road, set out below in Figures 18 and 19.

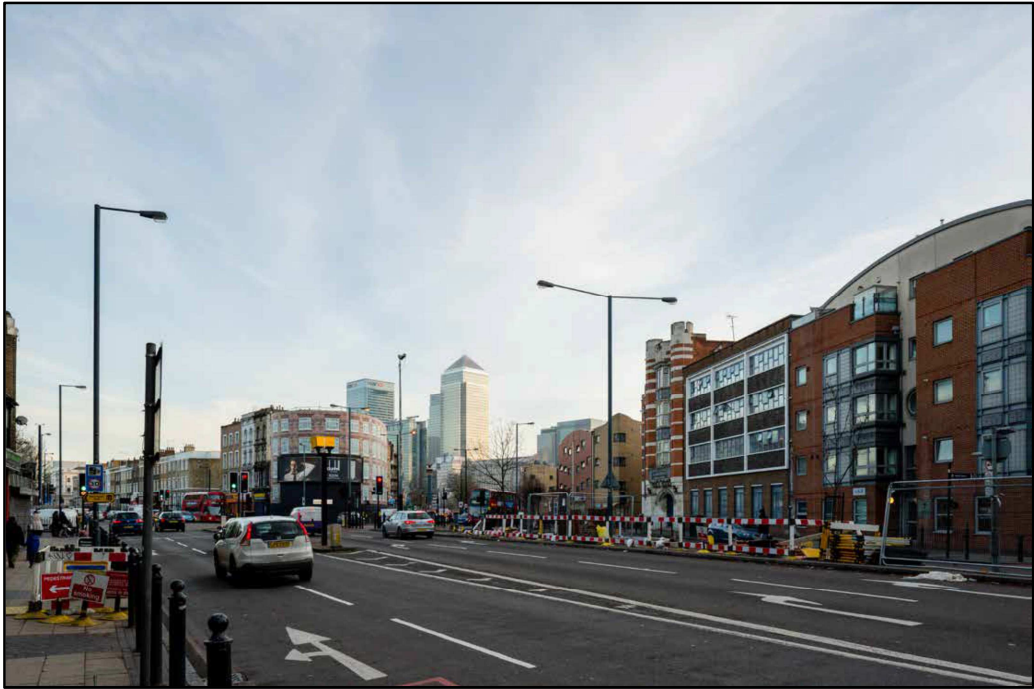


Figure 18 – View 33 – Existing from Commercial Road junction with East India Dock Road/East India Dock Road



Figure 19 – View 33 - with rendered image of proposed building

10.124 The ES finds that the proposals would have differing likely effects on identified visual receptors, ranging from neutral to moderate beneficial. A number of these 'local' views are discussed in some detail above, when considering likely significant effects on above ground heritage assets. Of the others, whilst officers do not always agree with the assessment in the ES, they do consider that the impact of the proposed tall building on these views and the receptors would be acceptable.

Amenity

- 10.125 London Plan Policy 7.6 (*Architecture*) requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.7 (*Location and design of tall and large building*)' says: *"Tall buildings should not: ...affect adversely their surroundings in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference."*
- 10.126 The Mayor of London's Housing SPG advises on standards for privacy, daylight and sunlight as follows and advocates a flexible approach to the application of standards, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm.
- 10.127 Core Strategy Policy SP10 (*Creating Distinct and Durable Places*) seeks to protect residential amenity including preventing loss of privacy and access to daylight and sunlight.
- 10.128 DMM Policy DM25 (*Amenity*) requires development to ensure it does not result in a material deterioration of sunlight and daylight conditions of surrounding development and the avoidance of sense of enclosure. Proposals are to be assessed by the methodology within the BRE's publication '*Site layout planning for sunlight and daylight.*'
- 10.129 DMM Policy DM25 (*Amenity*) requires the protection of neighbouring resident's privacy, with justifying text referring to a distance of approximately 18m between opposing habitable reducing inter-visibility to a degree acceptable to most people.
- 10.130 To calculate daylight to neighbouring properties, the BRE guidelines emphasise that vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March.
- 10.131 The applicant's ES assesses the likely significant impact of the proposal on the sunlight and daylight on surrounding residential properties identified in Figure 26 below. The ES has been reviewed for the Council by Delva Patman Redler (DPR).

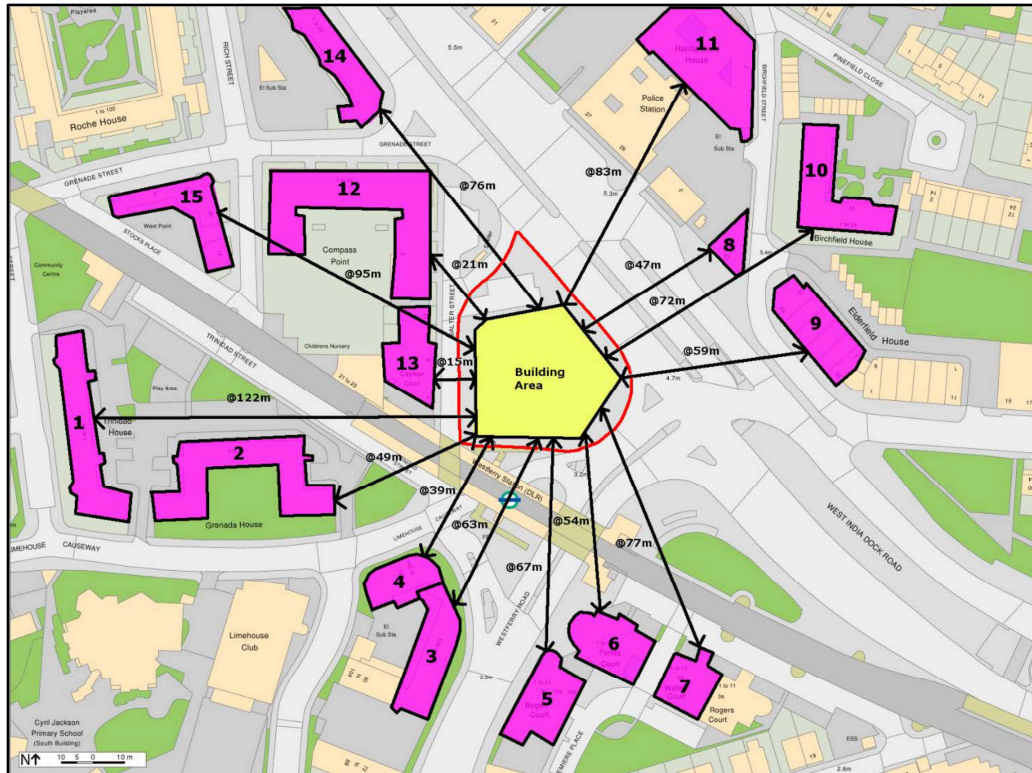


Figure 20 - Application site (red) and surrounding residential buildings

10.132 There is no industry-standard categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:

- Reduction less than 20% - Negligible
- Reduction of 20% - 29.9% - Minor adverse
- Reduction of 30% - 39.9% - Moderate adverse
- Reduction greater than 40% - Major adverse

10.133 The ES includes a comparison between the daylight and sunlight conditions in existing surrounding properties that would result from the proposed development and the extant 2010 consent respectively to help understand whether the proposed development would cause lesser or greater impacts than the extant consent. The assessment effectively takes the VSC and APSH values for the extant consented scheme and uses them as alternative benchmarks and measures the amount of deviation from those benchmarks, as advised in the BRE guidelines.

10.134 The nearest existing homes are in Cayman Court (number 13 on the above plan) as illustrated below in Figures 21 and 22.



Figure 21 - Cayman Court from the Westferry DLR station



Figure 22 – Cayman Court from Salter Street

10.135 Table 7 below sets out the findings of DPR's review of the assessment of likely daylight impacts that are set out in the ES. The property numbers relate to those in Figure 20 above.

Property	Significance & comment
1. Trinidad House	<i>Minor adverse</i> Minor effects on VSC to 9 kitchens and 3 other rooms (use unknown) – max. 23% loss. Windows sit under deck access balconies, making them unusually sensitive to VSC impacts. NSL fully adherent.
2. Grenada House	<i>Negligible to Minor Adverse</i> Very minor VSC loss to 1 kitchen and 1 bedroom (<21% loss). Minor VSC loss to 5 rooms assumed to be living rooms (23% to 29% loss), which sit under balconies, making them unusually sensitive to VSC impacts, but absolute losses would be quite small (max. 6% VSC) and NSL is BRE adherent. Larger relative losses of VSC to 5 kitchens (43% to 51% loss), which sit under balconies; making them unusually sensitive to VSC impacts, but absolute losses would be quite small (max. 5% VSC) and NSL is BRE adherent.
3. 106-138 Milligan Street	<i>Negligible</i> BRE adherent
4. 140-162 Milligan St	<i>Negligible</i> BRE adherent
5. Bogart Court	<i>Negligible to Moderate Adverse</i> The 3 affected bedrooms (1 per floor) sit above one another and have a tunnelled view of sky between blocks, making them unusually sensitive and the absolute losses would be small (max 3% VSC). The 4 affected living rooms would experience quite small absolute losses (max 6% VSC), are all served by other windows, one of which in each case would retain >26% VSC, and all 4 rooms would retain excellent NSL (>91%).
6. Fonda Court	<i>Minor Adverse</i> Very minor effect on 1 living room & 1 bedroom (both <21% loss). Living room would retain very good daylight (29% & 26.5% VSC and excellent NSL). Bedroom would retain reasonably good daylight (21.6% VSC and excellent NSL).
7. Welles Court	<i>Minor Adverse</i> Minor effects on 1 LKD and 1 kitchen. LKD would retain 30% VSC to another window and excellent NSL.
8. 43 West India Dock Rd	<i>Minor Adverse</i> Minor effects on NSL to 6 rooms (use unknown) – max. 25% loss – but retained daylight is good (29% VSC and 74% NSL).
9. 45-55 West India Dock Rd	<i>Minor Adverse</i> Minor effects on VSC to 2 rooms (use unknown) – max. 30% loss – but windows sit behind semi-enclosed balconies, making them unusually sensitive to VSC impacts, and retained NSL would be excellent (100%). Very minor effects (<21% loss) to 2 further rooms, but excellent retained NSL (100%).
10. Birchfield House	<i>Negligible</i> BRE adherent
11. Harold Scott House	<i>Minor Adverse</i> Minor effects on VSC to 12 rooms (use unknown) – max. 22% loss. Windows sit under balconies, making them unusually sensitive to VSC impacts. NSL fully adherent.
12. Compass Point	<i>Negligible to Minor Adverse</i> 16 rooms would experience VSC transgressions, mostly small to

Property	Significance & comment
	moderate losses, comprising 6 kitchens, 6 reception rooms and 4 assumed living rooms. All rooms in the building would be NSL adherent. The retained VSCs to the 16 rooms would all reasonable or good for an urban area: 17% to 15% to the kitchens, 20% to 26% for the reception rooms and 25% to 27% for the living rooms.
13. Cayman Court	<p><i>Negligible-Major Adverse</i> VSC transgressions to all 26 rooms (8 LKDs, 2 KDs and 16 bedrooms) and NSL transgressions to 1 KD and 12 bedrooms.</p> <p>The 5 corner LKDs are dual-aspect rooms. Those from 1st to 4th floor levels whose windows face the development are set beneath projecting balconies and would experience large relative losses but moderate absolute losses of VSC. However, all 5 rooms have other windows in the return (south-facing) elevation that would not be affected and would retain much better VSC values as they are not blinkered by balconies (16% VSC at 1st floor, 26% VSC at 2nd, 37% VSC at 3rd, 38% VSC at 4th and 39% VSC at 5th) and all would retain excellent NSL (>96%).</p> <p>The other 3 LKDs are single-aspect rooms (if one discounts the glazed door leading to the adjacent balcony to one of them) and would experience large losses of VSC but would nonetheless retain reasonable VSCs for an urban area to one of more of their windows (17% to 22% VSC) and all would retain excellent NSL (>92%).</p> <p>The 2 KDs at ground floor level would experience large losses of VSC but would nonetheless retain reasonable VSCs for an urban area to one of more of their windows (17% to 19% VSC) and both would retain good NSL (>72%).</p> <p>The 16 bedrooms would experience large losses of VSC and 11 of them would also experience moderate or large NSL losses. Nevertheless, 15 of them would retain reasonable VSCs for an urban area to one or more of their windows (>15% VSC) and the 16th, whilst slightly lower (13% VSC).</p> <p>It should also be borne in mind that as the development site is a cleared site with windows directly opposite on the other side of a narrow street, even a development of a similar height and proportions to the neighbouring property (e.g. a mirror image) would result in some transgressions of the BRE guide.</p>
14. 1-32 Rich Street	<i>Negligible</i> BRE adherent
15. West Point	<i>Minor Adverse/Negligible</i> Minor VSC effect (25% loss) to 1 window to a reception/dining room, but the room would retain good daylight (3 other windows to same room would retain 24-25% VSC and NSL is very good).
Hertsmere House	<i>Negligible</i> BRE adherent

Table 7: Likely daylight impacts of the proposed scheme on surrounding properties

10.136 Table 8 below sets out the findings of DPR's review of the assessment that of the likely sunlight impacts that are set out in the ES. The property numbers relate to those in Figure 20 above.

Property	Significance & Comment
106-138 Milligan St	<i>Negligible</i> BRE adherent
140-162 Milligan St	Negligible BRE adherent
Bogart Court	<i>Negligible</i> BRE adherent
6. Fonda Court	<i>Negligible</i> BRE adherent
8. 43 West India Dock Road	<i>Negligible</i> BRE adherent
9. 45-55 West India Dock Road	<i>Negligible</i> BRE adherent
10. Birchfield House	<i>Negligible</i> BRE adherent
11. Harold Scott House	<i>Negligible</i> BRE adherent
12. Compass Point	<i>Moderate adverse</i> 78% of rooms fully meet the guidelines. Of the 17 that do not, 10 are reception/living rooms and 7 are kitchens or bedrooms, where sunlight is less important. Of the 10 reception/living rooms, 3 do not meet the annual guideline, 1 does not meet the winter guideline and 6 do not meet either guideline. The rooms currently enjoy very high levels of sunlight, so although the relative impacts would be large, the retained values are considered reasonable for an urban area (14% to 25% APSH annually and 2% to 5% APSH in winter).
13. Cayman Court	<i>Negligible</i> BRE adherent
14. 1-32 Rich S	<i>Negligible</i> BRE adherent
15. West Point	<i>Negligible</i> BRE adherent
Hertsmere House	<i>Negligible</i> BRE adherent

Table 8: Likely sunlight impacts of the proposed scheme on surrounding properties

10.137 Homes in Compass House and Cayman Court currently look over a vacant site and enjoy very high levels of daylight and sunlight. This means that the relative impact of the proposals would be very noticeable and high. However, the Council's consultant, DPR, considers that the likely retained daylight and sunlight values (following the proposed development of the site) would be acceptable. Officers agree with this conclusion and consider that the revised scheme is acceptable in terms of likely significant daylight and sunlight impacts.

10.138 DPR has also reviewed the current scheme against the approved 2010 scheme. This shows that the proposed scheme would have similar impacts to

the approved scheme, although there would be some minor reductions in daylight and sunlight over and above the approved scheme.

10.139 Reason (c) for refusal of the 2016 scheme raised particular concern about impacts on the amenity of people living in Cayman Court and Compass Point. Table 9 below sets out a summary comparison of the likely daylight/sunlight impacts on Compass Point and Cayman Court between the refused scheme and the application scheme. This demonstrates that the revised scale (which has been re-modelled to be lower on Salter Street and 9 storeys lower overall) would have significantly less adverse impact on nearby homes and people living in them than the refused scheme.

Location	Impact on daylight		Impact on sunlight	
	2017 Refused scheme	Application scheme	2017 Refused scheme	Application scheme
Compass Point	Negligible (45) Minor adverse (34)	Negligible (63) Minor Adverse (16)	Negligible (55) Moderate Adverse (24)	Negligible (62) Moderate adverse (17)
Cayman Court	Minor adverse (2) Moderate adverse (10) Major adverse (14)	Minor adverse (18) Moderate adverse (4) Major Adverse (4)	Negligible (6) Minor adverse (3)	Negligible (9)

Table 9: Summary comparison of likely daylight/sunlight impacts on Compass Point and Cayman Court between the refused scheme and the application scheme

Overshadowing

10.140 The ES includes a transient overshadowing study. This shows that the shadows cast by the proposed building would pass relatively quickly across the surrounding amenity areas area at the three times of the year assessed (March 21st, June 21st and December 21st) and would not linger on any areas. The ES categorises this as a ‘minor adverse’ effect. The Council’s consultants, DPR, agree with this assessment.

Solar glare

10.141 The ES reports on an assessment of potential for adverse instances of solar glare from seven different driving viewpoints on surrounding roads. This shows that instances of solar glare are generally short in duration and/or not directly in the eyeline of an approaching driver and has been assessed as minor adverse. The proposal would actually reduce glare in the winter months between 9.30 and 10.30 for those driving east along West India Dock Road. The Council’s consultants, DPR, agree with this assessment.

Privacy/overlooking

10.142 The proposed homes would all be in the western part of the development facing existing accommodation in Cayman Court, Salter Street. The minimum separation distance between the habitable rooms (bedrooms) within the development and habitable rooms (bedrooms) within Cayman Court would be 13.2m. Other bedroom to bedroom distances would be 14.73 and 14.76 and there would be a bedroom to living room separation of 14.5. Whilst these would be beneath the Council’s 18m recommended minimum separation distance, such distances are not uncommon across streets in Tower Hamlets and, on balance, this is considered acceptable.

Microclimate

- 10.143 London Plan Policy 7.7 (Tall and large-scale buildings) says tall buildings should not affect their surroundings adversely in terms of microclimate and wind turbulence.
- 10.144 Core Strategy Policy SP10 (Creating distinct and durable places) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.145 DMM Policy DM24 (Place sensitive design) requires development to consider impacts on microclimate. Policy DM26 (Building heights) requires proposals for tall not to adversely impact on the microclimate of the surrounding area, the proposal site and public spaces.
- 10.146 The applicant's ES reports on an assessment of Wind Microclimate in accordance with the Lawson Comfort Criteria (LCC) following wind tunnel tests for a number of on-site receptors (pedestrian thoroughfares, entrances and terraces/balconies) and off-site receptors (pedestrian thoroughfares, entrances, bus shelter, DLR platform and railway, roadways and Cycle Superhighway CS3). A number of configurations were tested, including the baseline (as existing), the proposed development, the proposed development and mitigation and the proposed development with committed development and mitigation.
- 10.147 Based on iterative testing, the proposed landscaping proposals were revised to incorporate additional tree planting to mitigate against predicted adverse in the south-east corner of the site (near to the DLR staircase and Westferry Road frontage). This comprises 3 x 8m tall semi-mature evergreen trees (2 within the site and 1 on DLR-owned land) and 1 x 6m semi-mature deciduous tree. These are identified in Figure 23 below.



Figure 23: Additional tree planting added as mitigation

10.148 With the revised landscaping scheme in place, the re-assessment found one likely minor adverse effect for a proposed private 6th floor balcony, but otherwise no significant adverse effects either on or off-site. There are no expected occurrences of strong winds in excess of 2.2 hours per year. If approved, it is recommended that a planning condition and obligation requires landscaping, including identified wind mitigation, to be implemented.

Transport and highways

10.149 London Plan Policy 6.1 (Strategic approach) 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 (Assessing effects of development on transport capacity) requires full assessment of likely impacts on transport capacity.

10.150 London Plan Policy 6.9 (Cycling) requires development to provide secure, integrated and accessible cycle parking in line with the minimum standards.

10.151 Policy 6.13 (Parking) sets maximum car parking standards for housing and adequate parking for disabled people (the Mayor of London's '*Housing*' SPG calls each designated wheelchair accessible home to have an accessible car parking space). For hotels in locations with a PTAL of 4-6, Policy 6.13 states that *provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing and that one coach parking space should be provided per 50 rooms.*

10.152 Policy 6.13 also calls for 20% of all spaces to be for electric vehicles (with passive provision for a further 20%.

10.153 Core Strategy 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.

10.154 DMM Policy DM7 (*Short stay accommodation*)' supports hotel development where there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.

10.155 DMM 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.

10.156 DMM 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 echoes London Plan parking standards.

10.157 The site is immediately adjacent to Westferry Station and is well served by bus services, with a bus stop close by on Salter Street and West India Dock Road. River bus services are also accessible from Canary Wharf Pier (about 650m away). The site has a PTAL of 6a (Excellent).

Public transport

- 10.158 The applicant's ES estimates that the proposed development would generate an additional 90 two-way trips on the DLR and 21 two-way trips on the Jubilee Line, 64 two-way trips on the Elizabeth Line (currently due to be operational in late 2019) and 37 two-way trips on buses during the AM and PM peak hour. This is assessed as having a negligible effect. TfL has accepted these predictions and is satisfied that no site-specific transport contribution is required. The proposed development is estimated to generate a total Mayoral CIL/SPG payment of £1,322,267 towards the construction of the Elizabeth Line. The cumulative effects of the application scheme and consented schemes is also considered acceptable.
- 10.159 As outlined above, existing DLR infrastructure (ticket machines, notice boards, digital display board, ticket reader and cycle parking) would need to be re-located and if the application is approved, this would be secured by s106 planning obligations. As outlined above when discussing public realm, there is the potential to improve staircase access arrangements to Westferry Station. DLR has requested a number of conditions to safeguard the operation of the railway and it is recommended that these are included in any planning permission.

Highways

- 10.160 A dedicated, private drop-off and servicing area would be provided to the north of the proposed building, accessed via a new one-way left-in and left-out link from West India Dock Road into Salter Street. Mandarin Street would be stopped-up to enable improved public realm to the north of the site and the 6 existing residents permit on-street parking spaces would be removed.
- 10.161 The servicing area would accommodate servicing including, including taxi and coach drop-off and refuse collection (with waste collection stores being located next to it). If approved, officers recommend that a Delivery and Service Plan to manage deliveries, including their timing, is secured by planning condition.
- 10.162 Emergency vehicles would be able to access the site via the proposed one-way link or from Salter Street. Fire vehicles would be able to park within 18m and in sight of the wet riser inlet and the London Fire Brigade has confirmed that pump access and water supplies appear to be adequate.
- 10.163 A raised table would be introduced on Limehouse Causeway to the south of the site to reduce vehicle speeds and make it safer for pedestrians to cross. The pedestrian area adjacent to Westferry station on the corner of Westferry Road and West India Dock Road would be improved to create a landscaped public space. If approved, officers recommend that a s278 Highways Agreement is required to manage and control this and other works to public highways
- 10.164 Any development on this vacant site would result in additional traffic movements. However, the applicant's ES identifies negligible impacts on current traffic levels on surrounding main roads. There would be a more noticeable increase in traffic on Salter Street, but this is only predicted to be 9 vehicles per hour in the AM peak. Additional tracking testing submitted by the applicant confirms that larger vehicles would not be able to use Limehouse Causeway or Salter Street/Westferry Road to get back on to West India Dock Road and that they would need to continue south to Westferry Circus to turn around. Although not ideal, officers consider that this is acceptable.

10.165 The West India Dock Road/Westferry Road junction is identified in the draft Isle of Dogs and South Poplar OAPF as in need of improvement to reduce severance improve pedestrian and cycling priority and improve urban greening. LBTH Highways regret that the proposed smaller scheme offers a much-reduced public realm scheme which excludes any works to address the severance issues of West India Dock Road – including the junction. TfL is also keen to see improvements to junction. Following discussions, the applicant has confirmed that it would be willing to allow its proposed financial contribution towards public realm improvements used to fund these and/or other public realm improvements that complement highway improvements to reduce severance/improve the West India Dock Road/Westferry Road junction. It is recommended that this flexibility is secured in the proposed s106 Agreement.

Parking

10.166 The loss of the existing 6 on-street parking bays on Mandarin Street is considered acceptable. Limited car parking is proposed in the form of three on-street Blue Badge parking bays for wheelchair users on a widened stretch of Salter Street. Officers would want to see all three bays provided at the outset – one for hotel staff and two as general Blue Badge bays. The two general bays would be designated for use by specific residents of the scheme who live in one of the proposed wheelchair accessible housing (residential parking permits would be personalised to a particular person, allowing them to park in the space). The Council does not currently require electric charging points for on-street parking bays. The applicant has submitted a plan showing that an additional 4 Blue Badge parking spaces could be provided on Salter Street, within the area outside of the site that is proposed to be improved, although officers would prefer that any additional Blue Badge parking is provided within the service access road if possible. If the application is approved, it is recommended that the provision of car parking is managed by a car parking implementation and management plan.

10.167 There would be no coach parking, but officers consider this to be acceptable, given that this is a highly accessible site.

10.168 The proposals provide for 10 short-stay cycle spaces in the public realm area to the south of the proposed building and this provision meets London Plan requirements. A total of 136 long-stay cycle parking spaces would be provided in the mezzanine level of the proposed building (128 spaces in two tier cycle racks and 8 in Sheffield stands). This exceeds the minimum required by the London Plan and meets the draft London Plan requirements. The inclusion of Sheffield stands means that provision is made for non-standard bikes. The long-stay cycle parking would be accessed from a dedicated cycle lift and the applicant has confirmed that one of the two lifts for the proposed private flats would be large enough to be used by cycles at times when the bike lift is out of action.

Construction

10.169 The most intense period of construction related traffic is likely to be during site excavation and sub-structure works, when up to 120 HGVs over a 10-hour day could be expected. Traffic for the majority of the works would be significantly less than this. Officers have encouraged maximising the use of West India Dock Road as an access and egress during construction and if the application is approved, it is recommended that a Construction Logistics Plan is secured by planning condition, to enable the Council to approve detailed arrangements and to ensure that the vehicle routing is the most appropriate for the area.

Waste

- 10.170 London Plan Policy 5.3 (*Sustainable Design and Construction*) requires the minimising the generation of waste and maximising re-use and recycling.
- 10.171 London Plan Policy 5.17 (*Waste capacity*)' requires suitable waste and recycling storage facilities in all new developments, with detailed standards being included in the Mayor of London's *Housing*' SPG.
- 10.172 MDD Policy DM14 (*Managing Waste*) requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide a Waste Reduction Management Plan for the construction and operation phases. Appendix 2 '*Standards*' Part 3 '*Waste*' provides capacity guidelines for residential waste.
- 10.173 This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018), although proposed waste storage and collection arrangements are set out in a submitted Waste Management Strategy and drawings for approval.
- 10.174 The propose building includes separate waste storage areas in the basement for hotel and residential uses. These are organised in to separate general', 'recyclable' and 'food waste' areas to help maximise recycling. A bulky waste store would also be included for the proposed housing. There would be separate hotel, residential and A1/D1 unit bin holding area at ground floor level, adjacent to the proposed servicing area, which would be served by separate lifts up from the basement for the hotel and housing. Refuse collections would be made at times agreed with the Council or private waste collector and the proposed management company would ensure that bins are brought to the servicing area prior to the vehicle's arrival.
- 10.175 The Waste Management Strategy sets out details of storage and collection arrangements that meet the queries raised by Waste officers and is considered acceptable.

Energy and sustainability

- 10.176 London Plan 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).
- 10.177 London Plan Policy 5.6 sets a target to generate 25% of heat and power by local decentralised energy systems and establishes a hierarchy of connecting to an existing heating and cooling network, providing site-wide Combined Heat and Power (CHP) and otherwise providing communal heating and cooling.
- 10.178 Core Strategy 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.

- 10.179 MDD Policy DM29 (Achieving a zero-carbon borough and addressing climate change) includes carbon reduction targets for new development and identifies that residential development should be zero carbon and that for non-residential developments the Council has applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations. Policy DM29 also requires all non-residential development to achieve BREEAM 'Excellent.'
- 10.180 The Tower Hamlets Planning Obligation SPD contains the mechanism for any shortfall in CO2 reduction on site to be met through a carbon offsetting financial contribution. In addition, the Council has adopted a Carbon Offsetting Solutions Study to enable the delivery of carbon offsetting projects.
- 10.181 The submitted Energy Strategy has followed the principles of the Mayor's energy hierarchy. The potential for connection to nearby existing low carbon heat distribution networks has been investigated but is not viable and seeks to focus on reducing energy demand, by passive design and energy efficiency (3% reduction in regulated CO2 emissions over that required by the Building Regulations 2013), the provision of a CHP system in the basement to serve the proposed hotel and housing (22% reduction) and the inclusion of an Air Source Heat Pump for the hotel – which would also provide cooling in the summer (4% reduction). Overall, this would achieve a 29% reduction in regulated carbon emissions.
- 10.182 Following the Mayor of London's Stage 1 Report, the applicant has submitted an Addendum to the Energy Strategy in answer to queries raised. If approved, it is recommended that a planning condition reserve details of the roof layout of the proposed hotel to allow for the inclusion of photovoltaic panels, if details of mechanical plant allows.
- 10.183 The submitted energy strategy identifies the shortfall to meeting zero carbon for the proposed residential elements is 65 tonnes CO2. The carbon emission reduction shortfall to meet the non-residential 45% requirement is identified as 170 tonnes CO2. If permission is approved, it is recommended that the shortfall in CO2 emission reductions is offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 and so the required offsetting contribution is £423,000.
- 10.184 Thermal comfort in the flats would be maintained via high efficiency Mechanical Ventilation with Heat Recovery (MVHR) units and openable windows for natural ventilation, on the lower levels (up to 9th floor). On the proposed upper floors (Levels 9 – 29), only the doors opening to the winter gardens on the west elevation will be openable, with the rest of the apartments being fully sealed. The glazing specification would manage solar gain to help prevent over-heating
- 10.185 The submitted Sustainability Statement includes a BREEAM pre-assessment which shows the scheme is designed to achieve BREEAM 'Excellent'. If the application is approved, it is recommended that the submission of a final certificate to demonstrate it has been delivered is secured via condition.

Environmental considerations

Air Quality

- 10.186 London Plan Policy 7.14 'Improving air quality' requires development proposals to minimise increased exposure to existing poor air quality and make provision

to address local air quality problems particularly within Air Quality Management Areas (AQMA) such as Tower Hamlets 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.'

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

10.188 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.

10.189 MDD Policy DM09 'Improving air quality' requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.

10.190 The ES sets out an assessment of the likely significant air quality effects of the proposed development. The applicant has also submitted an Air Quality Neutral Assessment of compliance for road traffic and expected energy plant Nitrogen Dioxide emissions, in line with the Mayor of London's Sustainable Design and Construction SPG.

10.191 The site already suffers from poor air quality. The proposed development itself (which would have very limited car parking and limited traffic generation, but emissions for an on-site energy centre) is assessed as being air quality neutral for vehicle and building emissions. The likely significant effects are identified as Negligible to Minor Adverse for some existing receptors. Effects of odour from kitchen flue (hotel) are assessed as negligible.

10.192 However, the ES predicts that the proposed development would result in new exposure to elevated concentrations of Nitrogen Dioxide above the long-term objective for the occupiers of proposed flats at Levels 01 and 02 (although the short-term objectives are not predicted to be exceeded). By way of mitigation, the ES recommends that mechanical ventilation or nitrogen dioxide filtration is introduced at lower floors of the proposed development and supported by provision of educational material for residents, explaining the benefits of the filtration system and how to ensure that it adequately protects them. Officers favour mechanical ventilation only as a form of mitigation and if approved, it is recommended that planning conditions require details of the following to be submitted to and approved by the Council: details of mechanical ventilation, air intake point(s) (from locations with Annual Mean NO₂ concentrations of under 40 ug/m³) and educational material for residents for residential units on Levels 01 to 02); CHP boiler catalytic reduction and ventilation for the hotel kitchen.

10.193 Following mitigation in the form of a Construction Environmental Management Plan (CEMP) including dust suppression controls, adverse effects on air quality during the construction phase is predicted to be Negligible. It is recommended that a suitable CEMP is secured by way of planning condition.

Noise and vibration

- 10.194 London Plan Policy 7.15 (*Reducing and managing noise*) seeks to reduce and manage noise and to improve and enhance the acoustic environment in the context of development proposals.
- 10.195 Core Strategy 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.
- 10.196 MDD Policy DM25e. (*Amenity*) requires development to seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by not creating unacceptable levels of noise, vibration, artificial light, and odour, fume or dust pollution.
- 10.197 The ES assesses the site as suitable for its intended use, including noise and vibration from adjacent roads and the DLR. If the application is approved, it is recommended that planning conditions be included to control noise from mechanical plant and reserve details of glazing/ventilation for the proposed flats for subsequent approval. It is also recommended that a planning condition ensures a satisfactory internal noise environment for the proposed flats that would be next to the hotel kitchen/restaurant.
- 10.198 Noise and vibration effects during construction are assessed as minor adverse, assuming that appropriate mitigation is in place. If the application is approved, it is recommended that planning conditions reserve approval of a Construction Environmental Management Plan and control hours of work.

Contaminated land

- 10.199 London Plan Policy 5.21 (*Contaminated land*) requires appropriate measures to be taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 10.200 MDD Policy DM30 (*Contaminated land*) requires a site investigation and remediation proposals to be agreed for sites which contain potentially contaminated land before planning permission is granted.
- 10.201 This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018). Environmental Protection officers have raised no objections subject to any permission being subject to a condition requiring a written scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment. A second part of the condition will require any remediation works to be carried out in full and a verification report to ensure this has been completed

Archaeology

- 10.202 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.

- 10.203 Core Strategy Policy SP10 (*Creating distinct and durable places*) seeks to protect heritage assets and their settings.
- 10.204 MDD 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.
- 10.205 The site is not located within or adjacent to an Archaeological Priority Area. Following past archaeological investigations on the site (2004 and 2008) it was considered unlikely that the proposed development would result in any significant residual effects with regard to archaeology. Consequently, this topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018). Historic England has confirmed that the proposal is unlikely to have a significant effect on archaeology and that no further assessment or conditions are necessary

Flood Risk

- 10.206 London Plan Policy 5.12 (*Flood Risk Management*) confirms that proposals must comply with the NPPF's flood risk assessment and management requirements.
- 10.207 Core Strategy Policy SP04 (5) (*Creating a Green and Blue Grid*) says the Council will reduce the risk and impact of flooding by using a 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 pass the Exception Test.
- 10.208 The site is in Flood Zone 3 (High Risk). However, it is protected by the Thames Tidal flood defences to a 1 in 1,000 year annual (<0.1%) and so is at a low risk of flooding (which would only occur if defences were breached or overtopped).
- 10.209 This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018), although the application is supported by a Flood Risk Assessment. Residential is a '*More Vulnerable*' use but the site has passed the Sequential Test within the Borough's Level 2 Strategic Flood Risk Assessment 2011. The Flood Risk Assessment demonstrates that the proposed development would not be at an unacceptable risk of flooding, would not increase flood risk elsewhere and passes the Exception Test.
- 10.210 The Environment Agency raises no objections in principle but recommends that, where feasible, finished floor levels set above the 2100 breach flood level of 4.65m AOD. The lowest residential accommodation (Level 01) would have a finished floor level of 8.9m AOD, although the communal entrance lobby would be below the flood level at 3.8m AOD. However, all of the proposed flats would have a safe place of refuge and there would be a safe means to access/egress from/to an area outside the floodplain. If permission is approved, it is recommended that a planning condition secures the preparation and implementation of a Flood Warning and Evacuation Plan.

Sustainable urban drainage

- 10.211 London Plan Policy 5.11 (*Green roofs and development site environs*) requires major development to include roof, wall and site planting including the provision of green roofs and sustainable urban drainage where feasible. Policy 5.13 (*Sustainable drainage*) requires schemes to utilise SUDS, unless there

are practical reasons for not doing so, and aims to achieve Greenfield run-off rates.

10.212 Core Strategy Policy SP04 5 (*Creating a green and blue grid*) requires development to reduce the risk and impact of flooding by increasing permeable surfaces to improve drainage and reduce surface water run-off.

10.213 MDD Policy DM13 (*Sustainable drainage*) requires applicants to show how development would reduce run off through appropriate SUDS techniques.

10.214 A conceptual surface water drainage strategy for the proposed development is included in the submitted Flood Risk Assessment. Surface water runoff would be discharged into Thames Water network at a greenfield runoff rate of 5l/s, using existing site surface water connection to the combined sewer in West India Dock Road. To enable this, the proposals would incorporate attenuation tanks in the basement. The proposed landscaping incorporates rain gardens (SUDS features) and would help to achieve the greenfield runoff rate.

10.215 Thames Water has raised not objection to the proposal in principle, but has highlighted the need for a Groundwater Risk Management Permit to be obtained from them before any discharge of groundwater in to a public sewer.

Biodiversity

10.216 London Plan 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.

10.217 Core Strategy Policy SP04 (*Creating a green and blue grid*) supports new development that incorporates measures to green the environment including green roofs whilst protecting and enhancing areas of biodiversity value.

10.218 Development Plan Policy DM11 (*Living buildings and biodiversity*) requires developments to provide elements of a *'living buildings.'* The policy requires developments to deliver net biodiversity gains in line with the Tower Hamlets Local Biodiversity Action Plan (LBAP).

10.219 The development site was cleared in 2008. A Phase 1 Habitat Survey was undertaken on 9th May 2014 and found the site of low ecological value. This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018).

10.220 The proposed landscaping in the public realm would enhance the biodiversity value of the site. If permission is approved, it is recommended that the details of landscaping are reserved by condition (to allow for the Council to ensure that nectar-rich planting is included) and that bird and bat boxes are incorporated in to the development.

Aviation

10.221 This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018). The application site lies beneath London City Airport flight paths in an area subject to aerodrome safeguarding. London City Airport has no objection in principle but requests a condition that it is consulted on cranes and any landscaping which may be attractive to birds. If approved, it is recommended that a condition reserved details of cranes for subsequent approval, in consultation with London

City Airport (there is no proposed landscaping that would attract large numbers of birds).

10.222 National Air Traffic Services has raised no objection to the proposed scheme.

Telecommunication Interference

10.223 This topic was scoped out of the EIA at the EIA Scoping stage and confirmed in the Council's Scoping Opinion (PA/18/00248) (March 2018). However, as requested by the Council's Scoping Opinion, the ES does set out proposed mitigation measures relating to radio, terrestrial and satellite TV reception. If permission is granted, it is recommended that pre and post construction surveys and any necessary mitigation is secured by way of planning condition.

Environmental Impact Assessment

10.224 The planning application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and is accompanied by an Environmental Statement (ES) co-ordinated by Trium.

10.225 Regulation 3 prohibits the council from granting planning permission without consideration of the '*environmental information*' that comprises the ES, including any further information submitted following request(s) under Regulation 25 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.

10.226 The ES assesses the environmental impacts of the development under the following topics:

- Construction
- Socio-economics
- Traffic & Transport
- Air quality
- Noise and vibration
- Wind microclimate
- Daylight, sunlight, overshadowing and solar glare
- Climate Change
- Heritage, Townscape and Visual Impact
- Effect interactions
- Likely Significant Effects and Conclusions

10.227 The Council appointed Temple to independently examine the ES, to prepare an Interim Review Report (IRR) and to confirm whether the ES satisfies the Regulations. This is supported by reviews by the authority's internal environmental specialists. The IRR dated 12 July 2018 identified clarifications and potential '*further information*' required under Regulation 25.

10.228 In early September 2018, Temple issued a Final Review Report (FRR) that identified clarifications and potential '*further information*' required under Regulation 25. Following responses from the applicant to the queries raised, Temple subsequently issued an updated final FRR confirming that the ES is regulatory compliant.

10.229 In addition, the Council appointed Delva Patman Redler (DPR) to review Chapter 11 of the ES (Daylight, sunlight, overshadowing and solar glare).

10.230 Relevant issues are discussed in the body of this report and adverse environmental effects have been identified. If planning permission was to be granted mitigation measures could be secured by planning conditions and/or planning obligations as appropriate except where considered unsurmountable.

Impact upon local infrastructure / facilities

10.231 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure taking account of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD 2016 sets out how these impacts can be assessed and appropriate mitigation.

10.232 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.

10.233 Regulation 122 of the CIL Regulations 2010 brought 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.

10.234 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.

10.235 If permitted and implemented, the development 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 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.

10.236 Should planning permission be granted, the Council's CIL contribution is estimated at £4,131,790 (inclusive of social housing relief and exclusive of indexation). The Mayor of London's CIL estimated at £779,415 (inclusive of social housing relief and exclusive of indexation) and the proposed development is also liable to a Crossrail Funding SPG Contributions top-up contribution of approximately £542,852 (inclusive of social housing relief and exclusive of indexation).

10.237 The developer has offered the following obligations were planning permission granted:

Financial contributions:

- a) A contribution of £96,988 towards employment, skills, training and enterprise during the construction phase;
- b) A contribution of £265 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of up to £791,500 towards public realm enhancements and/or public realm improvements that complement highway improvements to reduce severance/improve the West India Dock Road/Westferry Road junction (to be available for up to 5 years from commencement of development)
- d) Subject to the outcome of further investigations (see Non-financial contribution (g) below), a contribution of up to £243,888 towards DLR public realm/improved staircase access arrangements (to be available for up to 5 years from commencement of development)
- e) A contribution of £40,000 towards Limehouse Project training initiatives
- f) A contribution of £423,000 towards carbon offsetting;
- g) A contribution of £542,852 towards Crossrail (Crossrail Funding SPG top-up)
- h) A contribution of £11,000 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £2,149, 493.

Non- financial contributions:

- a) Delivery of 35.2% Affordable Housing comprising 10 rented units (5 units at London Affordable Rent and 5 units at Tower Hamlets Living Rent) and 8 Intermediate (shared ownership) units;
- b) Viability review mechanism (early stage pre-commencement review if above ground superstructure of building not constructed within 2 years);
- c) All residents to have access to play and communal open space provision at Level 07 (with management and maintenance costs for this space being met exclusively from residents of the private flats)
- d) Residents of the affordable flats to have access to one of the two lifts that normally serve just the private flats when the dedicated lift for the affordable flats is out of action (maintenance/break-down)
- e) Provision of 12 construction phase apprenticeships;
- f) Commitment to work with the Council, TfL and DLR to further investigate possible DLR public realm/improved staircase access arrangements;
- g) Commitment to re-provide existing DLR infrastructure in consultation with TfL/DLR (including ticket machines, information boards, digital display panel, ticket reader and cycle stands);

- h) Access to employment and construction (20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs);
- i) Permit free agreement restricting future residents from applying for parking permits;
- j) Full Hotel Travel Plan;
- k) Housing Travel Plan Statement
- l) Code of Construction Practice;
- m) Retention of current architects for detailed design and discharge of conditions, unless otherwise agreed in writing by the LPA and;
- n) S.278 highways agreement with the Council and TfL securing public realm improvement works including: Stopping-up of Mandarin Street, works to Salter Street, works to Limehouse Causeway, Westferry Road and works to West India Dock Road. On-going management and maintenance of public realm areas (including proposed SUDS features) on public highways within the site.

10.238 Officers consider that the following proposed financial contributions are lawful:

- Public Realm & DLR Access – To be lawful, a section 106 contribution must not conflict with the Council’s CIL Regulation 123 List and must also meet the three tests set out in CIL Regulation 122 (directly related to the development, necessary to mitigate the impact of the development and of a scale necessary to mitigate the impact of the development). The proposed contributions are considered to meet these requirements.
- Off-site Highway Works – These monies would be paid under section 278 of the Highways Act and would not conflict with the Council’s CIL regime.

Local finance considerations

10.239 Section 70(2) of the Planning Act requires that the authority shall have regard to:

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

10.240 Section 70(4) defines “*local finance consideration*” as:

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

10.241 In this context “grants” include New Homes Bonus Scheme (NHB). 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 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.

10.242 The DCLG's New Homes Bonus Calculator estimates that the development would generate approximately £100,600 in the first year and £603,610 over six years.

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

Human rights Act

10.244 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.

10.245 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 or the Human Right Act 1998.

Equality Act

10.246 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:

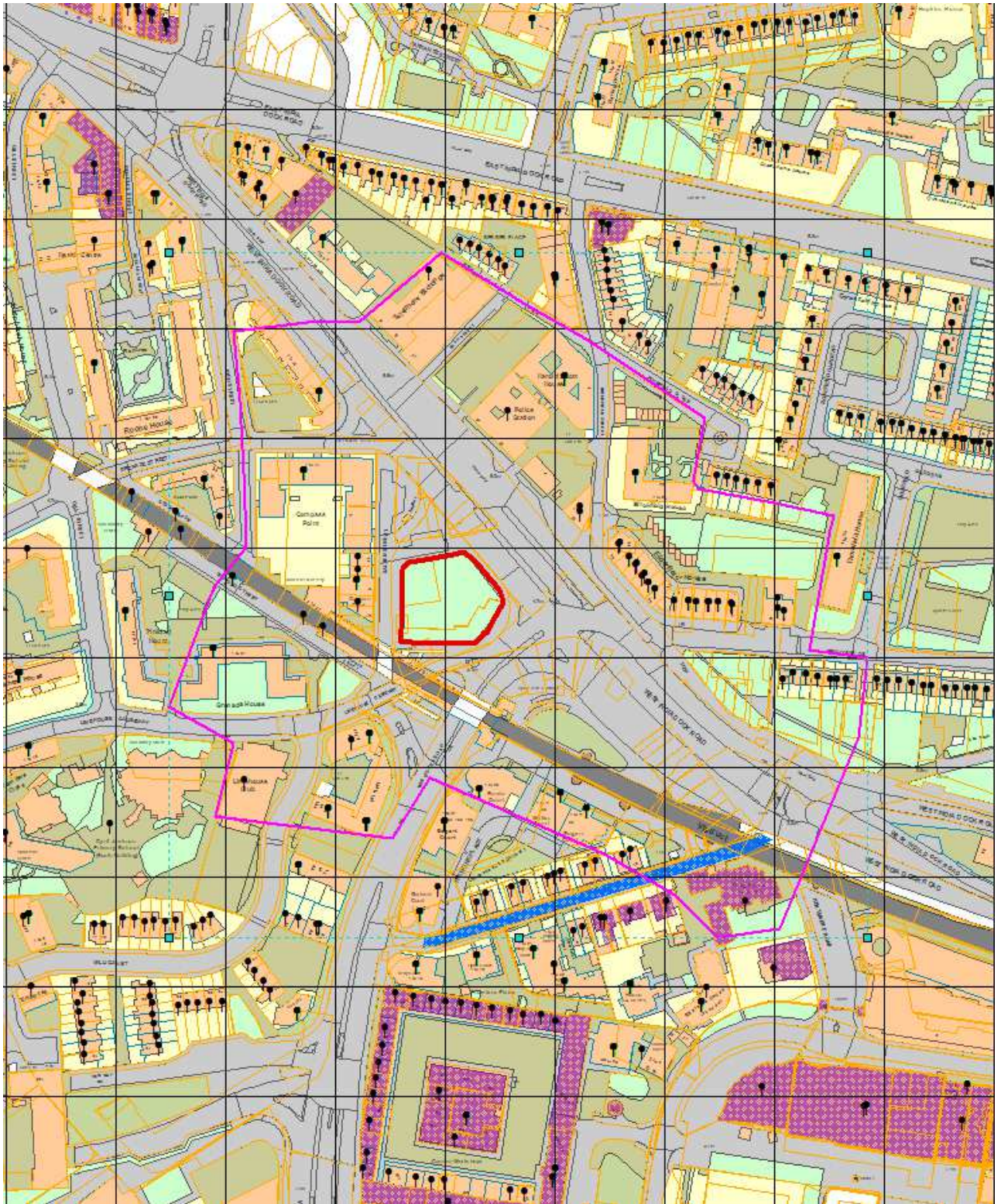
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

10.247 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 and includes wheelchair adaptable homes.

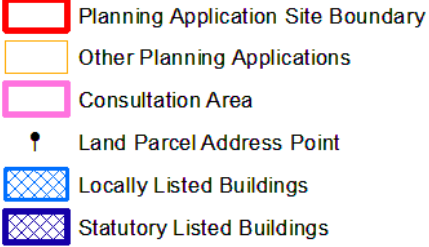







11 CONCLUSION

11.1 All relevant policies and considerations have been taken into account. It is recommended that planning permission be **GRANTED** for the reasons set out in this report.

APPENDIX 1: SITE MAP



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 <p>  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings </p>	<h3 style="text-align: center;">Planning Applications Site Map PA/18/01203</h3> <p style="text-align: center;">This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p style="text-align: center;">TOWER HAMLETS London Borough of Tower Hamlets</p>
	Scale : 50m grid squares	Date: 16 October 2018

APPENDIX 2: DRAWINGS

7307-AB5D9-G100-XP-00-001 (Location Plan)
7307-A-B5D9-G100-P-001 Rev 01 (Proposed Site Plan),
7307-A-B5D9-G200-P-B1-001 Rev 01 (Basement Plan)
7307-A-B5D9-G200-P-00-001 Rev 01 (Ground Floor Plan)
7307-A-B5D9-G200-P-MG-001 Rev 01 (Mezzanine Plan)
7307-A-B5D9-G200-P-01-001 Rev 01 (Level 01 Plan)
7307-A-B5D9-G200-P-02-001 Rev 01 (Level 02 Plan)
7307-A-B5D9-G200-P-03-001 Rev 01 (Level 03 Plan)
7307-A-B5D9-G200-P-04-001 Rev 01 (Level 04 Plan)
7307-A-B5D9-G200-P-05-001 Rev 01 (Level 05 Plan)
7307-A-B5D9-G200-P-06-001 Rev 02 (Level 06 Plan)
7307-A-B5D9-G200-P-07-001 Rev 01 (Level 07 Plan)
7307-A-B5D9-G200-P-08-001 Rev 01 (Level 08 Plan)
7307-A-B5D9-G200-P-09-001 Rev 01 (Level 09-22 Plan)
7307-A-B5D9-G200-P-23-001 Rev 01 (Level 23 & 25 Plan)
7307-A-B5D9-G200-P-24-001 Rev 01 (Level 24 & 26 Plan)
7307-A-B5D9-G200-P-27-001 Rev 01 (Level 27 Plan)
7307-A-B5D9-G200-P-28-001 Rev 01 (Level 28 Plan)
7307-A-B5D9-G200-P-29-001 Rev 01 (Level 29 Plan)
7307-A-B5D9-G200-P-RF-001 Rev 01 (Roof Plan)
7307-A-B5D9-G200-E-NE-001 (North East Elevation)
7307-A-B5D9-G200-E-SE-001 (South East Elevation)
7307-A-B5D9-G200-E-SW-001 (South West Elevation)
7307-A-B5D9-G200-E-W-001 (West Elevation)
7307-A-B5D9-G200-E-NW-001 (North West Elevation)
7307-A-B5D9-G251-E-LW-001 (Hotel Lightwell Elevations)
7307-A-B5D9-G200-S-AA-001 (Section AA)
7307-A-B5D9-F200-P-01-001 (Wheelchair Adaptable Unit Affordable (Social Rented)
Tenure)
7307-A-B5D9-F200-P-02-001 (Wheelchair Adaptable Unit Affordable (Intermediate)
Tenure)
7307-A-B5D9-G251-D-XX-001 (Façade Detail Key)
7307-A-B5D9-G251-D-XB-001 (Façade Detail B1)
7307-A-B5D9-G251-D-XB-002 (Façade Detail B2)
7307-A-B5D9-G251-D-XB-004 (Façade Detail B4)
7307-A-B5D9-G251-D-XC-001 (Façade Detail C1)
7307-A-B5D9-G251-D-XC-002 (Façade Detail C2)
7307-A-B5D9-G251-D-XC-004 (Façade Detail C4)
7307-A-B5D9-G251-D-XD-001 (Façade Detail D1)
7307-A-B5D9-G251-D-XD-002 (Façade Detail D2)
7307-A-B5D9-G251-D-XD-003 (Façade Detail D3)
7307-A-B5D9-G251-D-XD-004 (Façade Detail D4)
7307-A-B5D9-G251-D-XD-005 (Façade Detail D5)
7307-A-B5D9-G251-D-XE-002 (Façade Detail E2)
7307-A-B5D9-G251-D-XE-003 (Façade Detail E3)
7307-A-B5D9-G251-D-XE-004 (Façade Detail E4)
7307-A-B5D9-G251-D-XF-001 (Façade Detail F1)
ExA_1779_P-100 Rev A (Site Masterplan)
ExA_1779_P-110 Rev A (Landscape GA Plan – Level 00)
ExA_1779_P-111 Rev A (Landscape GA Plan – Level 07)
ExA_1779_P-200 Rev A (Planting Plan – Level 00)
ExA_1779_P-201 Rev A (Planting Plan – Level 07)

APPENDIX 3: SUPPORTING DOCUMENTS

Planning Statement (GVA, May 2018);
Affordable Housing Statement (DS2, May 2018);
Design and Access Statement (Simpson Haugh and Partners and Exterior Architecture, May 2018);
Energy Statement (Aecom, May 2018);
Sustainability Statement (Aecom, May 2018);
Statement of Community Involvement (Capital Management, May 2018);
Environmental Statement Volume I (Main Chapters, coordinated by Trium, May 2018);
Environmental Statement Volume II (Heritage, Townscape and Visual Impact Assessment (Montagu Evans, May 2018);
Environmental Statement Volume III (Technical Appendices, coordinated by Trium, May 2018); and
Environmental Statement Non-Technical Summary (Trium, May 2018).

Post submission

Design and Access Statement Addendum (Simpson Haugh and Partners and Exterior Architecture, June 2018); and
Energy Statement Addendum Note (Aecom, 9 July 2018).
Response to TfL comments (Transport Planning Practice, 21 August 2018)
External Materials: Precedents and samples

Appendix 4: Scheme Images and drawings



The application site – Salter Street, Cayman Court and Compass Point on the left



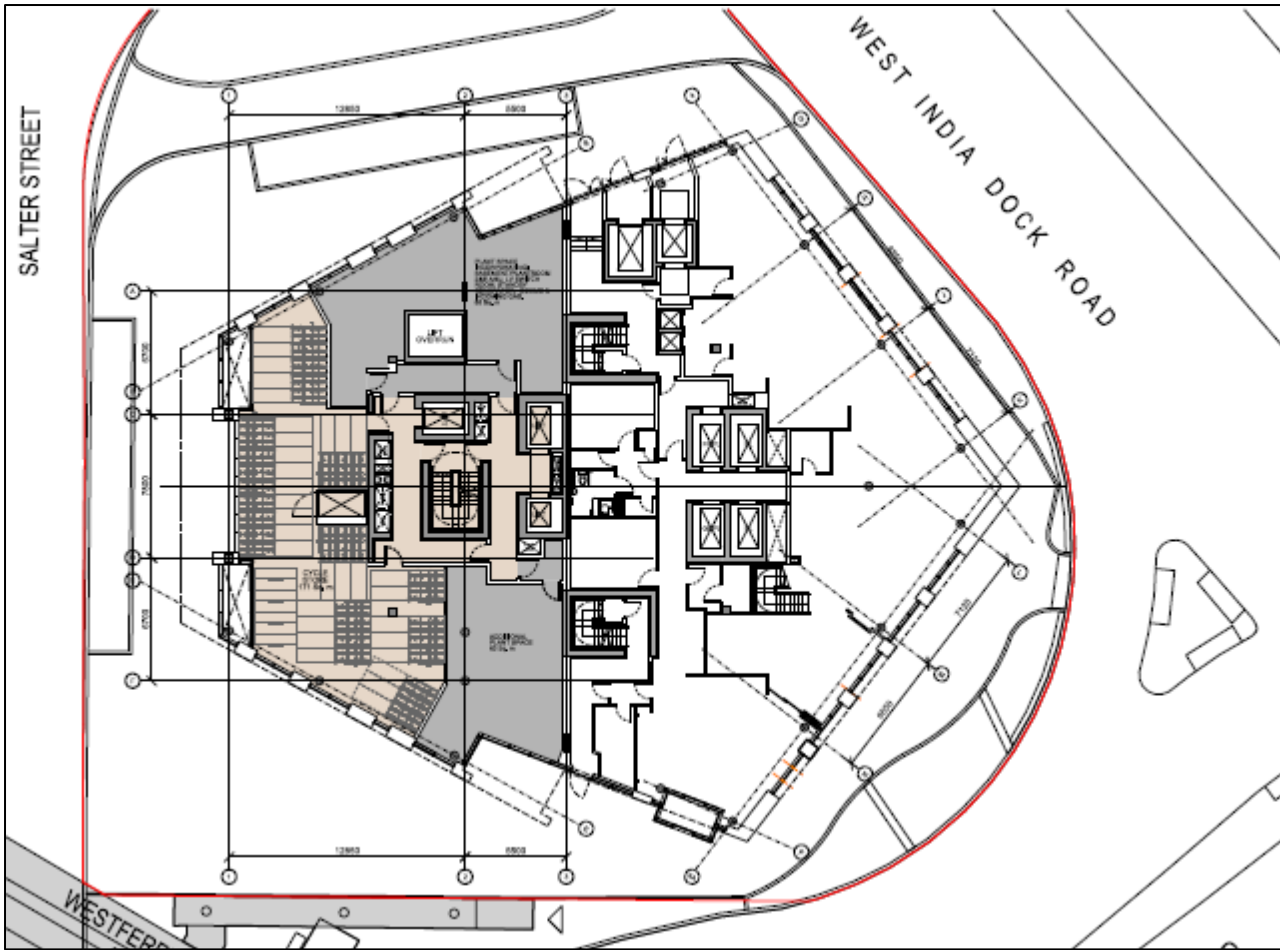
Application site – Westferry DLR station staircase in foreground



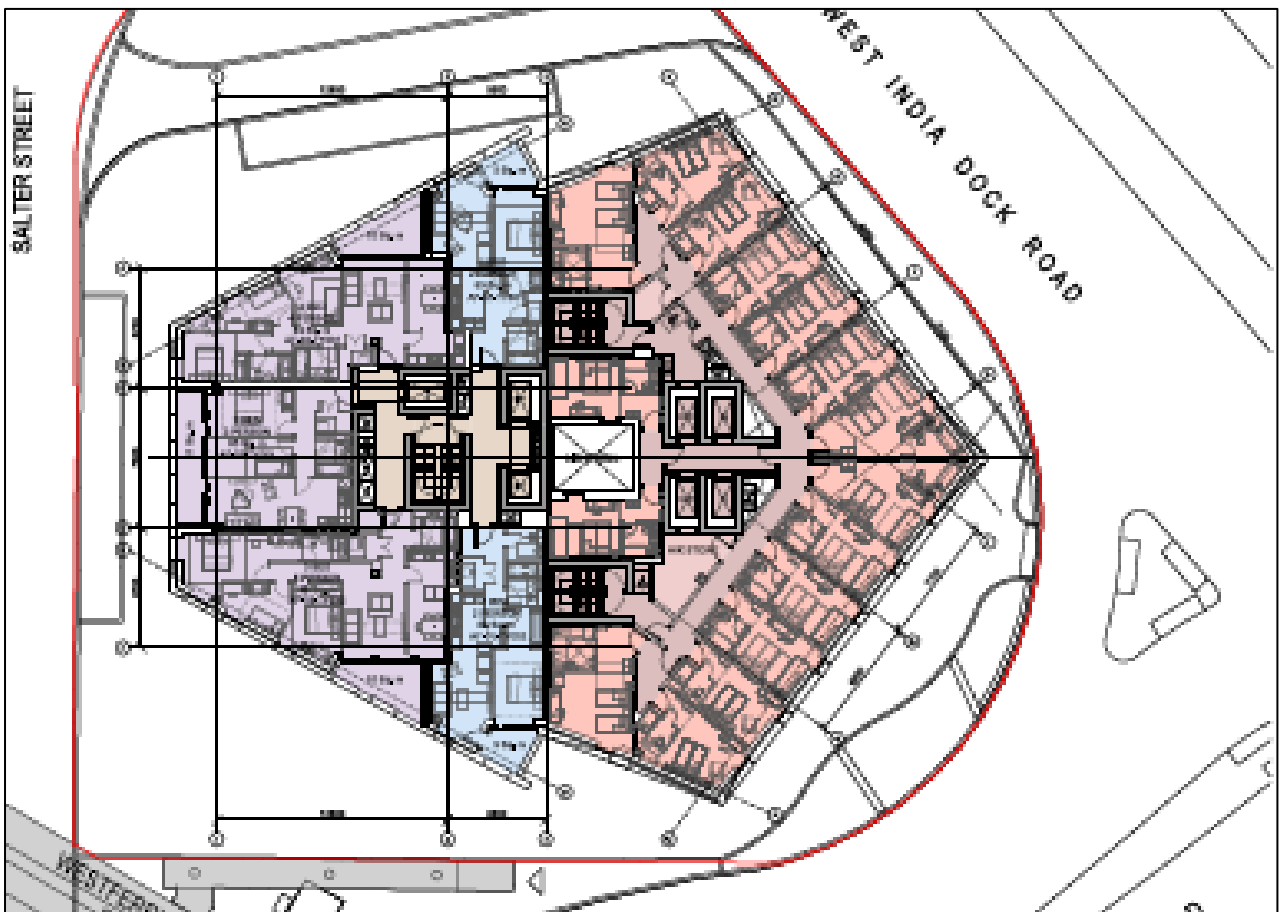
Cayman Court from Westferry Station



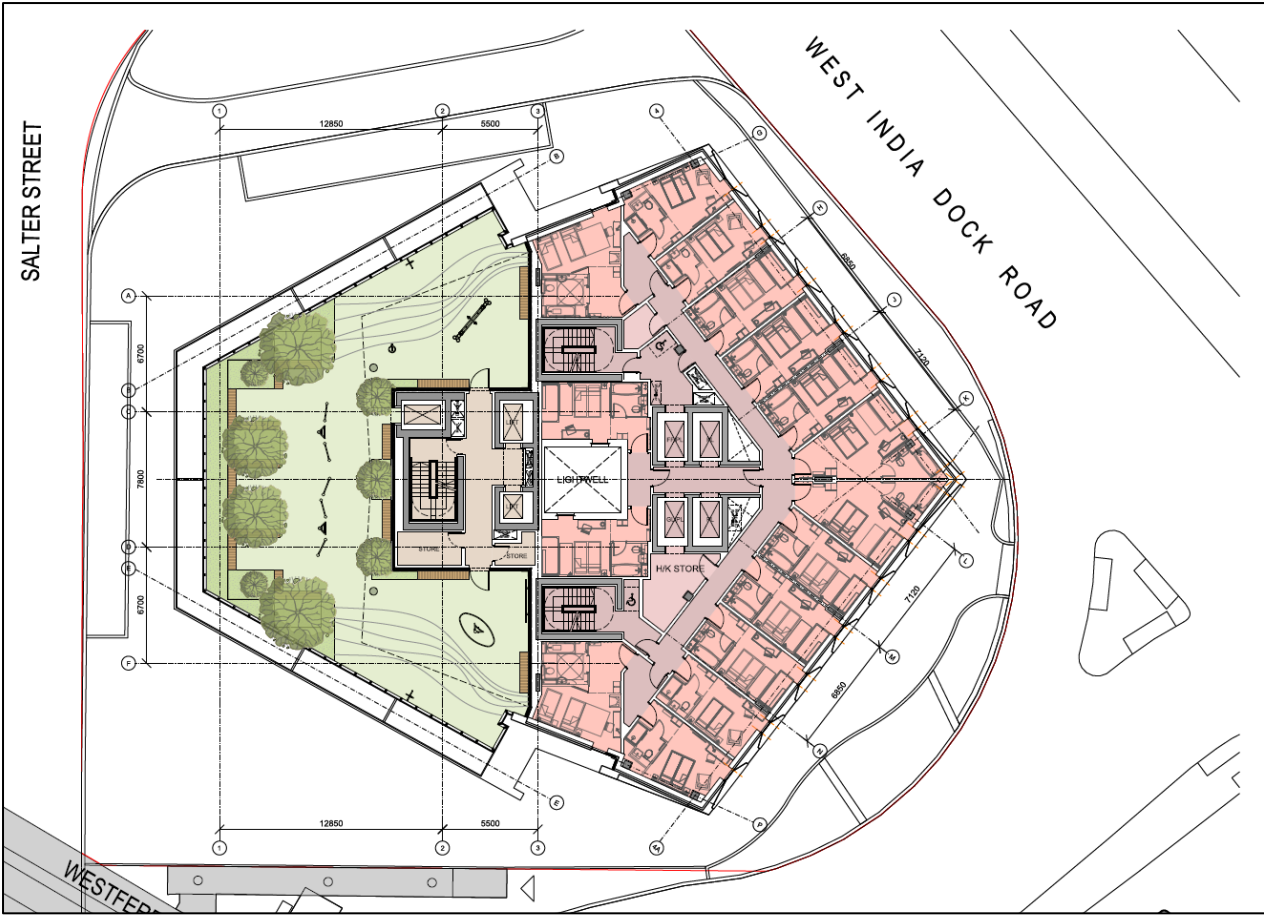
Cayman Court from Salter Street



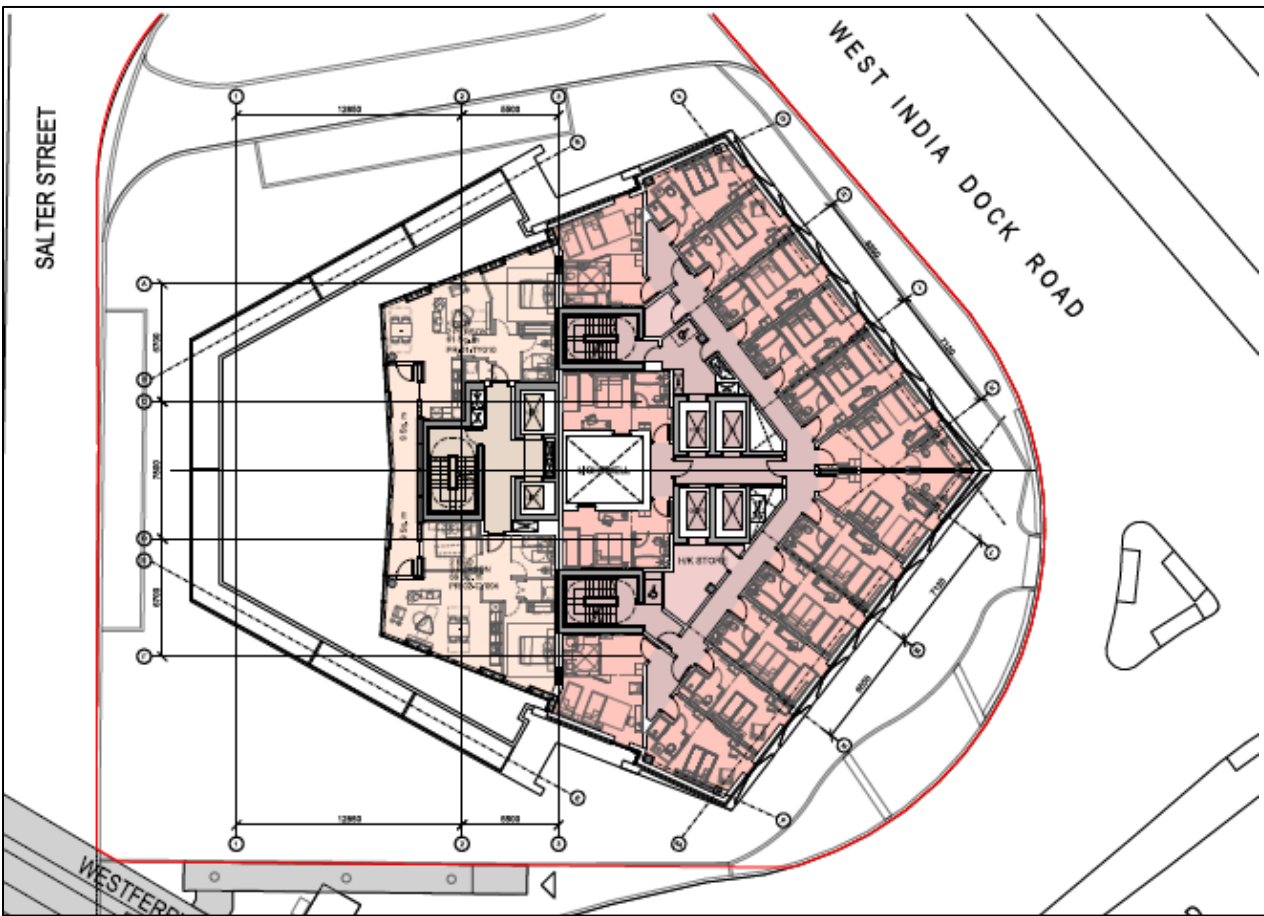
Mezzanine level – residential mezzanine level on left (cycle parking and plant)



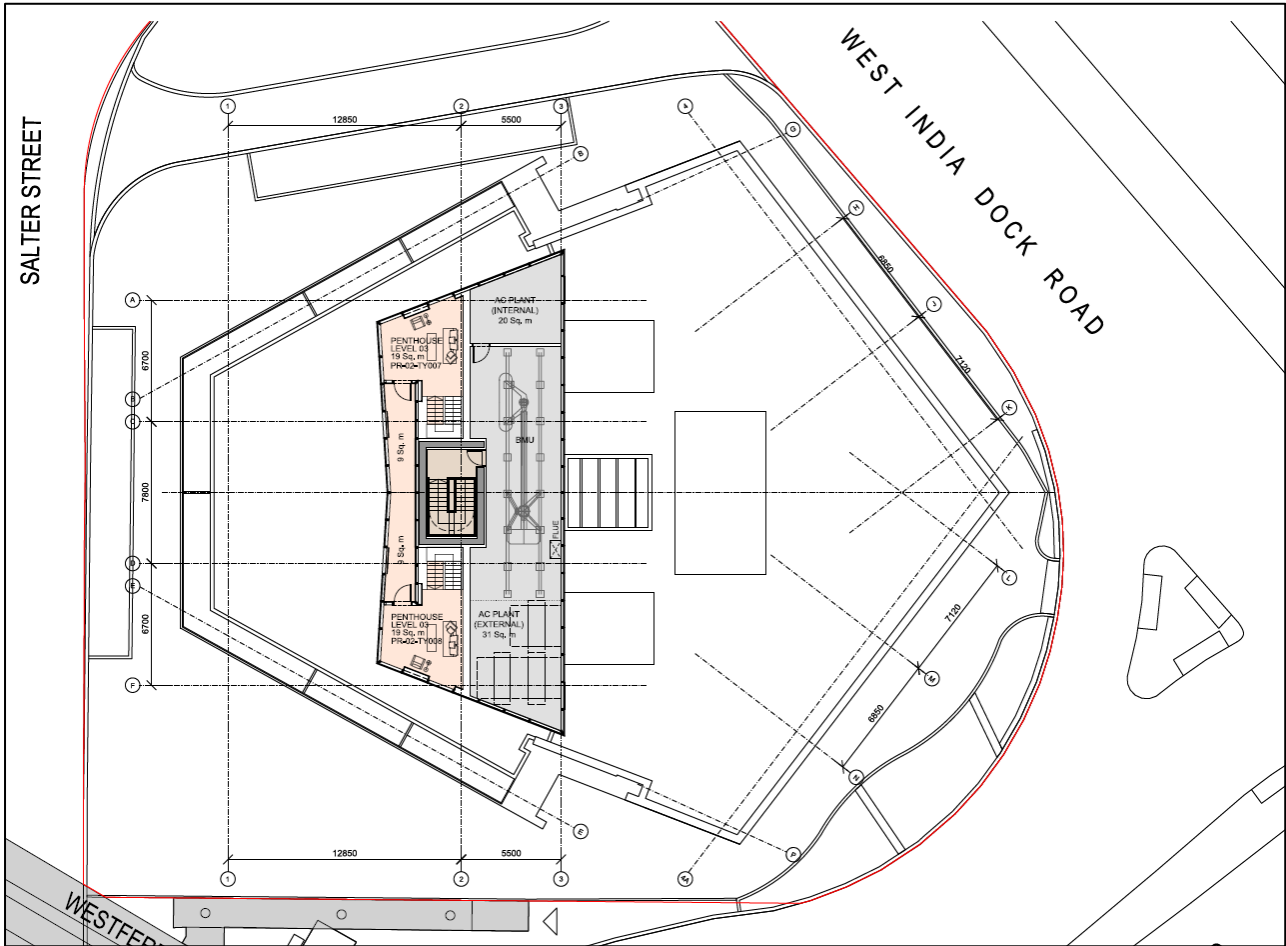
Level 02 – residential on left and hotel on right



Level 07 residential communal space/play space on left and hotel on right



Level 09 residential on left and hotel on right



Level 29 – residential on left



South east and north east elevations



West and south west elevations



View of proposed development from West India Dock Road looking east (the hotel element)

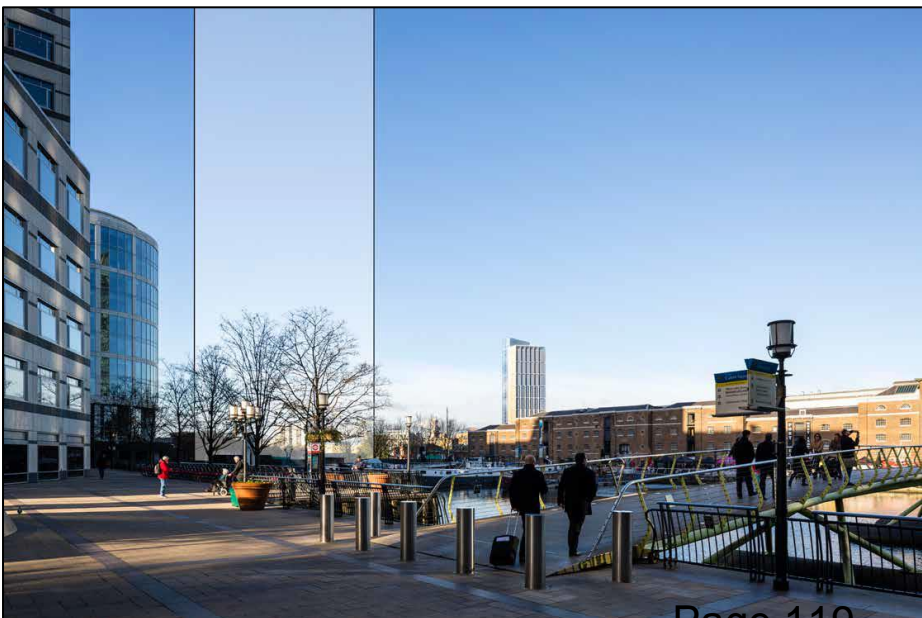
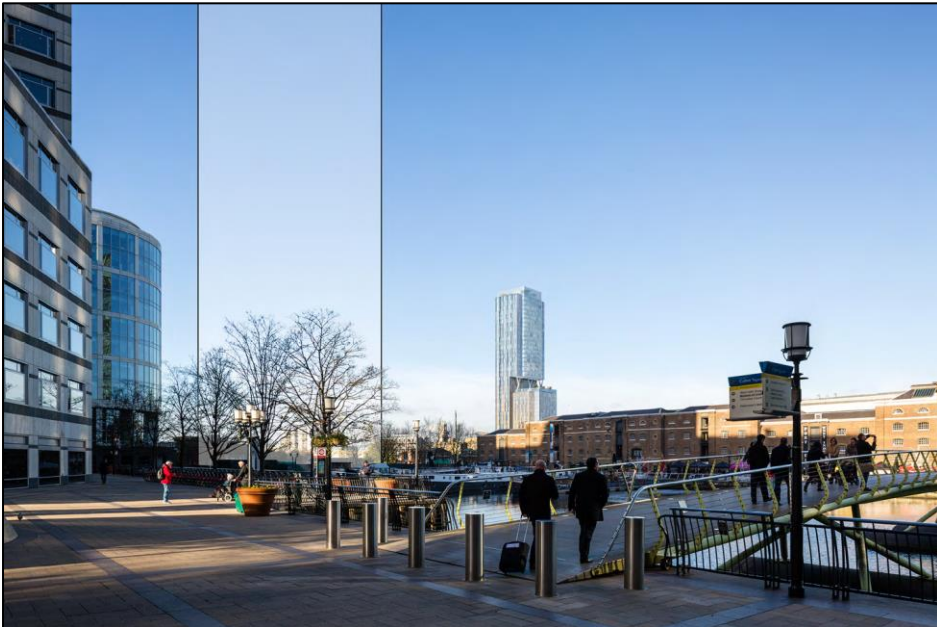
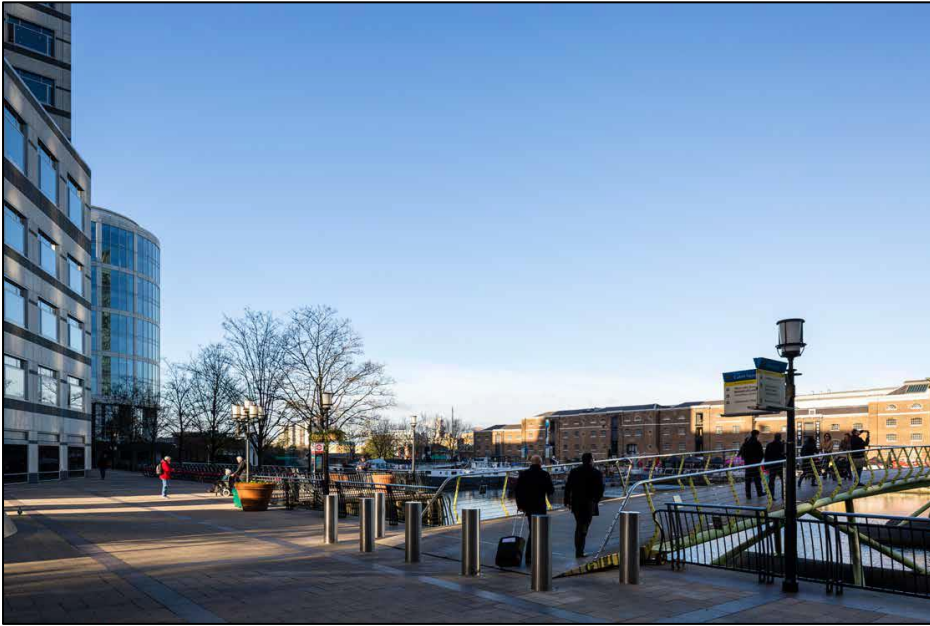


**View of proposed development from Salter Street looking east
(with Westferry Station staircase on the right-hand side)**

Verified views: Commercial Road junction with East India Dock Road (Existing, refused scheme, current scheme)



Verified views: West India Dock North (Existing, refused scheme, current scheme)



Verified views: Limehouse Town Hall & St Anne's Church Tower (Existing, refused scheme, current scheme)



Verified views: Limekiln Dock (Existing, refused scheme, current scheme)



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