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|---|--|--|-------------------------------|
| <b>Committee:</b><br>Strategic Development  | <b>Date:</b><br>04 <sup>th</sup> August 2009 | <b>Classification:</b><br>Unrestricted   | <b>Agenda Item No:</b><br>7.2 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal<br><br><b>Case Officer:</b> Jason Traves |  | <b>Title:</b> Planning Application for Decision<br><br><b>Ref No:</b> PA/08/01321<br><br><b>Ward(s):</b> Blackwall and Cubitt Town |                               |

## 1. APPLICATION DETAILS

**Location:** Site at 2 Trafalgar Way  
**Existing Use:**  
**Proposal:** Redevelopment of the site to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail / financial and professional service units, crèche, gymnasium, associated residential and community amenity space and car parking.

**Drawing No's:** Plan No's:  
  
950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2  
  
0215: A0000-01; A1000-01; A1100-01; A1101-01; A1102-01, A1103-01; A1200 – 01; A1201 – 01; A1202 – 01; A1203 – 01; A1300 – 01; A1301 – 01; A1302 – 01; A1303 – 01; A1304 – 01; A1305 – 01; A1306 – 00; A1307 – 01; A1400 – 01; A1401 – 01; A1402 – 01  
  
0000; A3001- 00; A3002 – 00; A3003 – 00; A2001 – 00; A2000 – 00; A2004 – 00; A2002 – 00; A2003 - 00

1045: L90-200-G; 201-E; L90-202-B; L90-203-A; L90-204-A; L90-300-D

Documents:  
Planning Statement  
Supplement to Planning Statement  
Archaeology Assessment  
Affordable Housing Toolkit  
Statement of Community Involvement  
Design and Access Statement  
Energy Renewable Toolkit  
Addendum to the Energy renewable Toolkit  
Environmental Statement – Non Technical Summary  
Environmental Statement – Volume 01  
Environmental Statement – Volume 02  
Environmental Statement – Volume 03  
Addendum to the Environmental Statement  
Transport Assessment

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

|   |                                    |                                   |
|---|------------------------------------|-----------------------------------|
| Brief Description of background papers:                       | Tick if copy supplied for register | Name and telephone no. of holder: |
| Application, plans, adopted UDP. draft<br>LDF and London Plan |                                    | Eileen McGrath<br>020 7364 5321   |

Addendum to Transport Assessment  
Service Apartment Provision at 2 Trafalgar Way, Canary Wharf

**Applicant:** 2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited  
**Owner:** As above  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seeks the efficient use of sites, in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance (2557.5 habitable rooms per hectare) it is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours, residents and users of the site;
- There is good access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides a combination of on-site provision as well as a contribution in-lieu which, when combined, achieve equivalent to 35%. On balance, the arrangement is considered to be the optimum use of the site and means to secure family housing in appropriate locations in response to Members concerns. The proposal is considered to accord with Policies CP22 and HSG4 of the LBTH Interim Planning Guidance which seeks sufficient and appropriately located affordable housing contributions to ensure a balanced and mixed community.

(4) The proposed family housing achieves the amount required in the social rent tenure, pursuant to CP21 of the Interim Planning Guidance. It therefore meets housing needs in this respect. In terms of overall family housing provision (20.9%), the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7. Moreover, it is considered acceptable in view of the tight confines of the site. As such, the scheme is in line with Policy CP21 which seeks to ensure a sustainable community.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Every flat has a balcony;

- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards, in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site. Additionally, it has no significant visual impact posed on the surrounding context. Consideration of the criteria of tall buildings policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. Furthermore, there are no adverse impacts upon views, including those from St Anne's Church or any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007. As such, the proposal is in line with Policy DEV27 'Tall Buildings Assessment' LBTH Interim Planning Guidance and Policies 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' of The London Plan (Consolidated 2008) which seek to ensure tall buildings have high architectural quality and are appropriately located.

(7) No significant loss of privacy, overlooking, noise and disturbance or overshadowing impacts to neighbours is identified. Therefore, the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance which seek to protect neighbour amenity.

(8) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis indicates that the local road system has the capacity to accommodate the trips generated by this scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision suggested by policy and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen Way roundabout. This will improve access between the site and Blackwall DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance which seek to ensure development in sustainable locations, which caters for the needs of future residents and users, without unacceptable harm to the local area.

(11) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (35%) as well as contributions for transport, education, health and amenity space improvements and to acoustic barrier treatment along Aspen Way. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible. Therefore, the contributions are considered acceptable.

### 3. RECOMMENDATION

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

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) Equivalent to **35%** affordable housing based on habitable rooms. This comprises a proportion of units on site (69 units) plus an off-site contribution (**£12.857m**) in-lieu, with a 70:30 split between social rent and shared ownership tenures.;
- b) Provide **£1,563,264** towards highway improvements;
- c) Provide **£632,592** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£569,664** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£546,480** towards an improved amenity space between the site and Poplar Dock to supplement the private and communal open space achieved of site;
- f) Provide for car club, car-free agreement, Travel Plan, TV reception monitoring and impact mitigation, employment/training initiatives, public art opportunity

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - External appearance and materials board
- 3) Full particulars of the children's play area are required
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant spaces)
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Renewable energy measures, satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling to be implemented as required by EA
- 12) No infiltration to ground waters required by EA  
Flood warning system as required by the EA
- 13) Archaeology details required by English Heritage
- 14) Final details of noise mitigation measures, including the barrier around the children's play area, as well as enclosure of private balconies and terraces to be agreed
- 15) Air quality mitigation in accordance with details agreed
- 16) The waste and recycling facilities to be provided in accordance with the approved plans
- 17) Construction in accordance with the TA
- 18) Full particulars of the green roof to be provided
- 19) Full particulars of extract ventilation and ductwork
- 20) Lifetimes Homes standards and 10% wheelchair accessible
- 21) Code for sustainable homes compliance
- 22) Full details of the design of the CHP are required
- 23) Water supply impact studies to be agreed prior to commencement as required by Thames Water

- 24) Details of works to highways to be submitted
- 25) Full particulars of PVs are required
- 26) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-12
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on 2 & 13
- 5) Consult LBTH Parks, LBTH landscape, natural England, BW and English Nature on the s106 for poplar dock
- 6) Consult port of London authority and TFL for 17
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage
- 22) Bird boxes and planting bluebells per Thomson ecology recommendations
- 23) Consult BW in respect of the dock wall
- 24) Consult London use of construction cranes prior to commencement

- 3.4 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Responding to Member's Concerns**

- 4.1 The subject application was first reported to the Strategic Development Committee on 9<sup>th</sup> October 2008. See report **attached**. The Committee resolved to defer the case to enable a further report to be submitted to the next meeting to consider their concerns, as follows:

*“On a vote of 4 against and two for, with one abstention, the Committee indicated that it did not support the Officer’s recommendation to grant planning permission for redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.*

*On a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee to address concerns expressed by*

*Members.”*

- 4.2 Whilst Members were encouraging of the architecture, they remain concerned about the level of residential development, including family housing, given the site characteristics and constraints, namely, connectivity, noise and air quality.
- 4.3 Since then, the applicant has modified the scheme which necessitates it being reported back to the Committee as a full item for consideration. The changes to the scheme area as follows:
- Removal of family-sized affordable-housing from the scheme in favour of an in-lieu financial contribution towards off-site provision by the Council;
  - Provided further details of the mitigation measures to address noise and air quality;
  - Deleting the short-term let apartments and replacement with residential C3 flats on floors 01-03;
  - Increase in the affordable housing offer by 5% to 35%, comprising of an off-site financial contribution for family-sized affordable units as well as 69 non-family units on site; and
  - An increase in the planning contributions (See summary in 3.1).
- 4.4 The subject report considers these amendments to the scheme as well as offers additional clarification to address the concerns of Members. It should be noted that the site characteristics and constraints have informed the development the scheme from the outset. From the Scoping Opinion and Scoping Report to the Environmental Statement, the appropriateness of the site for residential development of this scale, as well as connectivity, noise and air quality have been considered.

#### Removing family-sized affordable housing

- 4.5 Members discussed the quality of the living environment created, given the amount of development proposed as well as the site characteristic and constraints. Particular mention was made of the undesirability of the site for families. Removing family housing was discussed in the meeting as a possible option. The applicant has since amended the scheme to remove family sized affordable housing and instead, pay a financial contribution for its provision off site. The ‘Housing’ Chapter in section 8 provides the details of the housing offer which is acceptable to the Council’s Housing Team.

#### Connectivity

- 4.6 The ‘Transport’ chapter of section 8 considers the following connectivity improvements that the s106 planning contributions will contribute towards:
- Improvements to the Preston’s Road roundabout to improve linkages to areas to the north including the East India DLR station, A13 bus stop, Crisp Street Markets and future development in the Blackwall Reach Development Framework; and
  - Details the improvement to pedestrian connectivity across Trafalgar Way to the south to Poplar Dock and further afield to Canary Wharf
- 4.7 This report considers that the improvements to connectivity will be significant. Rather than being isolated and cut-off, future residents will be able to readily access the surrounding area in a more direct, convenient and safer way.

#### Noise

- 4.8 The ‘Amenity for future occupiers and users’ chapter of section 8 provides further clarification of the baseline noise levels, the mitigation measures required and how they will achieve a suitable environment for future occupiers in accordance with PPG24. This report considers that the mitigation measures agreed by the Council’s Environmental Health Team will

achieve a suitable noise environment for future residents.

#### Air quality

- 4.9 Further clarification concerning air quality is provided in section 8 under 'Amenity for future occupiers and users'. The mitigation measures agreed by the Council's Environmental Health Team will achieve a suitable level of air quality for future occupiers.

#### **Revised proposal**

- 4.10 The revised proposal is for redevelopment with a residential-led, mixed-use scheme. It includes two towers of 29 storey and 35 storeys in height. It is proposed to include 414 residential units, re-provision of the drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. In addition resident and community amenity space including a children's play area atop a podium level is proposed. Car parking is provided at ground level for the drive-through restaurant and in a basement for the residential units.
- 4.11 The details of the scheme are as follows:
- The provision of 604sqm Gross Estimated Area (GEA) of restaurant (Class A3) floorspace and 163sqm Retail (Class A1/A2) predicted to generate between 30 jobs in the operational phase and 146 jobs during the construction phase;
  - 33,257sqm of residential (Class C3) flats with sizes ranging between studio – 3 bedroom;
  - An affordable housing package comprising units on site and an off-site contribution which is equivalent to 35% based on habitable rooms;
  - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.1% wheelchair housing (42 units);
  - Incorporation of energy efficient and sustainable measures (i.e. the Combined Heat and Power plant) into the scheme that reduce carbon emission by 20%;
  - A total of 5,923sqm of amenity space comprising:
    - 2473sqm of private amenity space for residential C3 flats in the form of balconies;
    - 380sqm of children's playspace at podium level;
    - 420sqm communal space at podium level;
    - 100sqm associated with the podium level crèche;
    - 2550sqm of publicly accessible space at ground floor level, located between the site and Poplar Dock which will be upgraded with monies secured in the s106 planning contribution package;
  - The provision of 97 car parking spaces, comprising of 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald's restaurant. Of these, 2 spaces of the MacDonalds parking are for people with a disability whilst all spaces in the residential are accessible for people with a disability;
  - The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
  - The provision of refuse and recycling facilities

4.13 The floorspace of the various landuse is summarised in the table below:

**Floorspace**

| <b>Use</b>                    | <b>Proposed area<br/>PA/08/1321<br/>(GIA sqm)</b> |
|-------------------------------|---|
| Residential (C3)              | 33,257sqm<br>(414 units)                          |
| Retail (A1, A2)               | 132   |
| Restaurant/drive-thru (A3/A5) | 604   |
| Crèche (D1)                   | 98  |
| Health Club (D2)              | 88  |
| <b>Total</b>                  | <b>34,179</b>                                     |

4.14 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building as well as being an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop terraces complete the tower design. In terms of uses, the ground floor comprises the residential access and servicing areas, as well as being the location for the commercial units, including the MacDonal’s restaurant which is reprovided. Also of note is the podium level which accommodates amenity space, including the children’s play area and a crèche.

4.15 A unique feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

**Site and Surroundings**

4.16 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Poplar Dock. The site slopes down gently towards the east. The site is currently occupied by a MacDonal’s restaurant and drive-thru takeaway facility. The site benefits from landscaping and on-site car parking for 41 cars.

4.17 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the following designations apply:

- Central Activity Zone;
- Flood Protection Area;
- Is within 200m of east-west Crossrail; and
- Is adjacent a site of nature conservation importance.

4.18 Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as site ‘ID58’ and is proposed to be used for residential (Class C3) and employment (Class B1) purposes. It also falls within a Flood Risk zone 2 – 3.

4.19 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as site ‘ID58’ (for Residential C3 and Employment B1 uses), is adjacent to a new housing focus area and the Crossrail route.

4.20 Pursuant to the Mayor’s London Plan, the site is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public Transport Accessibility Level (PTAL) of 6a.



4.21 To the north of the site is Aspen Way, and further north is predominantly residential in character. To the south are recent residential developments and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf; whilst to the east is a mix of residential and commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is close to the site, to its north-east, across Aspen Way.

### **Planning History**

4.23 The previous application, PA/08/274 was for redevelopment to provide a residential-led, mixed use scheme. The scheme was identical in appearance and comprised of two towers of 29 and 35 storeys in height respectively. The proposed use for 397 residential C3 units, the re-provision of the drive-through restaurant, as well as retail, financial and/or professional service units. Also, a crèche and gymnasium. The scheme provided amenity space including the children's play area located atop the podium level.

4.24 At the meeting of 29<sup>th</sup> May 2008, the Strategic Development Committee resolved to refuse the application. Consequently, the decision notice was prepared with a reasons for refusal as follows:

*"1. The development is located in close proximity to major arterial roads containing very high levels of traffic that result in poor air quality and high noise levels (Noise Category Level D as identified in PPG24). The design of the development, consisting of a high density pair of towers atop a podium, has not responded appropriately to the constraints of the site, will create a low level of residential amenity for future residents and does not enable well designed mitigation of the external noise and pollution impacts. The development in its current form is therefore considered to be poorly designed for residential development and does not comply with PPS 23 and PPG 24, policies 3A.3, 4B.1, 4B.9 and 4B.10 of the London Plan (Consolidated with Alterations since 2004); policies ST23, DEV1 and DEV2 of the Unitary Development Plan 1998 (as saved 2007) and policies CP1, CP3, CP4, CP20, CP48, DEV1, DEV2, DEV5, DEV10, DEV11, DEV27 and HSG1 of the Interim Planning Guidance 2007: Core Strategy and Development Control, which seek to ensure appropriate levels of environmental amenity for future residents."*

4.25 It is noted that the application was withdrawn by the agent on 02 July 2008, prior to the Council issuing the decision notice.

4.26 The subject application PA/09/1321 was first considered by the Strategic Development Committee on 09 October 2008. The committee resolved to refuse the application as follows:

*"On a vote of 4 against and two for, with one abstention, the Committee indicated that it did not support the Officer's recommendation to grant planning permission for redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.*

*On a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee to address concerns expressed by Members."*

4.27 In the meantime, material changes were made to the scheme, necessitating a report back to committee as a full item. Although included on the agenda of the 02 April 2009 Strategic Development Committee meeting, the meeting overran and consideration of this scheme was deferred.

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Decision” agenda items. The following policies are relevant to the application:

**Unitary Development Plan 1998 (as saved September 2007)**

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

|           |        |  |
|-----------|--------|--|
| Policies: | DEV1   | Design Requirements                                    |
|           | DEV2   | Environmental Requirements                             |
|           | DEV3   | Mixed Use Developments                                 |
|           | DEV4   | Planning Obligations                                   |
|           | DEV8   | Protection of Local Views                              |
|           | DEV9   | Control of Minor Works                                 |
|           | DEV12  | Provision Of Landscaping in Development                |
|           | DEV43  | Protection of Archaeological Heritage                  |
|           | DEV44  | Preservation of Archaeological Remains                 |
|           | DEV46  | Protection of Waterway Corridors                       |
|           | DEV50  | Noise  |
|           | DEV51  | Contaminated Soil                                      |
|           | DEV55  | Development and Waste Disposal                         |
|           | DEV56  | Waste Recycling  |
|           | DEV69  | Efficient Use of Water                                 |
|           | EMP1   | Promoting economic growth and employment opportunities |
|           | EMP5   | Compatibility with Existing Industrial Uses            |
|           | EMP6   | Employing local People                                 |
|           | EMP8   | Encouraging Small Business Growth                      |
|           | EMP10  | Development Elsewhere in the Borough                   |
|           | EMP12  | Business Uses in Industrial Employment Areas           |
|           | EMP13  | Residential Development in Industrial Employment Areas |
|           | HSG7   | Dwelling Mix and Type                                  |
|           | HSG13  | Internal Space Standards                               |
|           | HSG 14 | Provision for Special Needs                            |
|           | HSG15  | Development Affecting Residential Amenity              |
|           | HSG16  | Housing Amenity Space                                  |
|           | T10    | Priorities for Strategic Management                    |
|           | T16    | Traffic Priorities for New Development                 |
|           | T18    | Pedestrians and the Road Network                       |
|           | T21    | Pedestrians Needs in New Development                   |
|           | S10    | Requirements for New Shop front Proposals              |
|           | OS9    | Children’s Playspace                                   |
|           | U2     | Development in Areas at Risk from Flooding             |
|           | U3     | Flood Protection Measures                              |

**Interim Planning Guidance for the purposes of Development Control (October 2007)**

Proposals: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP  
 IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent Crossrail route

|                  |     |                                       |
|------------------|-----|---------------------------------------|
| Core Strategies: | CP1 | Creating Sustainable Communities      |
|                  | CP2 | Equality of Opportunity               |
|                  | CP3 | Sustainable Environment               |
|                  | CP4 | Good Design                           |
|                  | CP5 | Supporting Infrastructure             |
|                  | CP9 | Employment Space for Small Businesses |

|           |       |   |
|-----------|-------|---|
|           | CP11  | Sites in Employment Use   |
|           | CP15  | Provision of a Range of Shops and Services  |
|           | CP19  | New Housing Provision   |
|           | CP20  | Sustainable Residential Density   |
|           | CP21  | Dwelling Mix and Type   |
|           | CP22  | Affordable Housing  |
|           | CP24  | Special Needs and Specialist Housing  |
|           | CP25  | Housing and Amenity Space   |
|           | CP28  | Healthy Living  |
|           | CP29  | Improving Education Skills  |
|           | CP31  | Biodiversity  |
|           | CP37  | Flood Alleviation   |
|           | CP38  | Energy Efficiency and Production of Renewable Energy  |
|           | CP39  | Sustainable Waste Management  |
|           | CP41  | Integrating Development with Transport  |
|           | CP43  | Better Public Transport   |
|           | CP46  | Accessible and Inclusive Environments   |
|           | CP47  | Community Safety  |
|           | CP48  | Tall Buildings  |
| Policies: | DEV1  | Amenity   |
|           | DEV2  | Character and Design  |
|           | DEV3  | Accessibility and Inclusive Design  |
|           | DEV4  | Safety and Security   |
|           | DEV5  | Sustainable Design  |
|           | DEV6  | Energy Efficiency   |
|           | DEV7  | Water Quality and Conservation  |
|           | DEV8  | Sustainable Drainage  |
|           | DEV9  | Sustainable Construction Materials  |
|           | DEV10 | Disturbance from Noise Pollution  |
|           | DEV11 | Air Pollution and Air Quality   |
|           | DEV12 | Management of Demolition and Construction   |
|           | DEV13 | Landscaping and Tree Preservation   |
|           | DEV14 | Public Art  |
|           | DEV15 | Waste and Recyclables Storage   |
|           | DEV16 | Walking and Cycling Routes and Facilities   |
|           | DEV17 | Transport Assessments   |
|           | DEV18 | Travel Plans  |
|           | DEV19 | Parking for Motor Vehicles  |
|           | DEV20 | Capacity of Utility Infrastructure  |
|           | DEV21 | Flood Risk Management   |
|           | DEV22 | Contaminated Land   |
|           | DEV25 | Social Impact Assessment  |
|           | DEV27 | Tall Buildings Assessment   |
|           | EE1   | Industrial Land Adjoining Industrial Land   |
|           | EE2   | Redevelopment/Change of Use of Employment Sites   |
|           | EE3   | Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations |
|           | RT3   | Shopping Provision Outside of Town Centres  |
|           | RT4   | Shopping Provision Outside of Town Centres  |
|           | HSG1  | Determining Housing Density   |
|           | HSG2  | Housing Mix   |
|           | HSG3  | Affordable Housing  |
|           | HSG4  | Ratio of Social Rent to Intermediate Housing  |
|           | HSG7  | Housing Amenity Space   |
|           | HSG9  | Accessible and Adaptable Homes  |
|           | HSG10 | Calculating Provision of Affordable Housing   |
|           | CON5  | Protection and Management of Important Views  |

## **Supplementary Planning Guidance/Documents**

Residential Space Standards  
Archaeology and Development

## **The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008**

|          |       |  |
|----------|-------|--|
| Policies | 2A.1  | Sustainability Criteria  |
|          | 2A.7  | Areas for Regeneration   |
|          | 2A.9  | The suburbs: Supporting Sustainable Communities  |
|          |       |  |
|          | 3A.1  | Increasing London's Supply of Housing  |
|          | 3A.2  | Borough Housing Targets  |
|          | 3A.5  | Housing Choice   |
|          | 3A.7  | Large Residential Developments   |
|          | 3A.9  | Affordable Housing Targets   |
|          | 3A.10 | Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes |
|          | 3A.17 | Addressing the Needs of London's Diverse Population                                    |
|          | 3A.18 | Protection and Enhancement of Social Infrastructure and Community Facilities           |
|          | 3A.20 | Health Objectives  |
|          | 3A.23 | Health Impacts   |
|          | 3A.24 | Education Facilities   |
|          | 3A.23 | Community Strategies   |
|          | 3A.24 | Meeting Floor Targets  |
|          | 3A.28 | Social and Economic Impact Assessments   |
|          | 3B.1  | Developing London's Economy  |
|          | 3B.2  | Office Demand and Supply   |
|          | 3B.3  | Mixed Use Development  |
|          | 3C.1  | Integrating Transport and Development  |
|          | 3C.2  | Matching Development with Transport Capacity   |
|          | 3C.23 | Parking Strategy   |
|          | 3D.11 | Open Space Provision in DPDs   |
|          | 3D.14 | Biodiversity and Nature Conservation   |
|          | 4A.22 | Spatial Policies for Waste Management  |
|          | 4A.7  | Renewable Energy   |
|          | 4A.4  | Energy Assessment  |
|          | 4A.3  | Maximising the Potential of Sites  |
|          | 4A.16 | Water Supplies and Resources   |
|          | 4A.17 | Water Quality  |
|          | 4A.18 | Water and Sewerage Infrastructure  |
|          | 4A.20 | Reducing Noise and Enhancing Soundscapes   |
|          | 4A.33 | Bringing Contaminated Land into Beneficial Use   |
|          | 4B.1  | Design Principles for a Compact City   |
|          | 4B.2  | Promoting World Class Architecture and Design  |
|          | 4B.3  | Enhancing the Quality of the Public Realm  |
|          | 4B.5  | Creating an Inclusive Environment  |
|          | 4A.3  | Sustainable Design and Construction  |
|          | 4B.9  | Tall Buildings – Location  |
|          | 4B.10 | Large Scale Buildings – Design and Impact  |
|          | 5C.1  | The Strategic Priorities for North East London   |

**Mayor of London's Sub Regional Development framework For East London  
Mayor of London SPG, London View Management Framework 2007**

## **Government Planning Policy Guidance/Statements**

|       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development                 |
| PPS3  | Housing  |
| PPG 4 | Industrial, Commercial Development and Small Firms |
| PPG9  | Nature Conservation                                |
| PPG16 | Archaeology and Planning                           |
| PPS22 | Renewable Energy                                   |
| PPS23 | Planning and Pollution Control                     |
| PPS25 | Flood Risk   |

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

## **6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **TH Primary Care Trust (PCT)**

6.2 The TH PCT requested a total planning contribution of £2,202,419.00 (Capital element £505,379.00 and Revenue element £1,697,040.00):

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

### **LBTH Landscape Section**

6.3 No comments received.

### **LBTH arborculturalist**

6.4 No comments received

### **LBTH Ecology**

6.5 Although, no comments have been received in respect of the current revisions, the Ecology Team previously advised that they had no objection to the application.

### **LBTH Highways**

6.6 Advice that the changes to not materially alter their consideration of the application and that the previous comments still apply, namely:

- Located in a high PTAL area;
- Residential parking is in line with policy and is acceptable;
- Restaurant parking not in line with current policy and has less than 10% accessible spaces provided. This is an existing use, is not considered to be justification to depart from policy
- Loading and car club bays on the street cannot be supported
- Concern about circulation system for restaurant-related vehicles and conflict between vehicles as well as pedestrians
- Recommends a car free agreement, s106 for Highways works and s278 agreement

(Officer Comment: These issues are discussed in section 8: 'Transport'.)

### **LBTH Energy Officer**

6.7 Although, no comments were provided in respect of the current revisions, it is not considered to alter the previous advice, namely:

- In consideration of energy efficiency and renewable energy, a condition is recommended requiring a feasibility study of the cooling, heating and power systems proposed, as well as the renewable energy systems to be employed in the scheme
- In respect of sustainability, a condition is recommended for full details of the compliance with Code for Sustainable Homes criteria, prior to commencement and occupation

(Officer comment: The conditions are recommended if the Committee is minded to approve the application.)

### **LBTH Environmental Health – Health**

6.8 No comments received

### **LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues**

6.9 Satisfied that potential impacts are mitigated through the design in accordance with the details submitted

(Officer Comment: See 'Amenity impacts for future occupiers' and 'neighbour impacts' in section 8 for discussion).

### **LBTH Environmental Health – Land Contamination Issues**

6.10 The officer considers the approach to assessing land contamination risk is appropriate and recommends an appropriately worded condition of approval.

(Officer comment: An appropriately worded condition is recommended if the Council approves the application.)

### **LBTH Environmental Health – Air quality**

6.11 Satisfied that the potential air quality impacts have been mitigated through the design in accordance with the details submitted.

(Officer comment: See 'Amenity impacts for future occupiers' in section 8 for discussion.)

### **LBTH Education**

6.12 An education contribution of £419,628 is requested.

(Officer Comment: See section 8 of this report for discussion of s106 contributions.)

### **LBTH Waste**

6.13 The Waste Team indicate that they have no comments to make in respect of the revisions, the waste arrangements otherwise being considered acceptable.

### **Greater London Authority (Statutory Consultee)**

6.14 The Mayor's previous comments are noted below:

- Principle of development – supported;
- Housing – Satisfied the 30% affordable housing is the maximum possible;
- Serviced apartments should be resisted;
- Density – reduction as a consequence of serviced apartments is acceptable and still a suitable maximising of the site in accordance with London plan Policy;
- Mix – not significantly affected in the current application;
- Views of the Greenwich World Heritage Site – only a marginal effect on the setting of the world heritage site and its listed buildings;
- Layout and appearance – ground floor is well-considered; service entrance cuts

across pedestrian environment; circulation spaces and flat layout fairly spacious; final details of the noise barrier around the playspace should be agreed with LBTH; elevations and appearance is one of the strongest aspects of the development; transport s106 contributions welcomed;

- Access – over 10% of units wheelchair accessible/adaptable;
- Children’s playspace – child occupancy calculated at 140 kids and the playspace required is 1400sqm. Given that 6125sqm amenity space is being provided including the crèche and ecological space (brown roofs), it is considered that the scheme meets the requirements to cater for the expected child occupancy on the site;
- Energy – 20% energy reductions targeted but outstanding issues are the extent of the district heat network, evidence of the sizing and efficiency of the CHP, commitment to photovoltaic panels
- Climate change and adaptation – Scheme satisfactorily addresses the relevant issues;
- TFL comments – level of car parking, especially for the restaurant is contested; expects contributions towards the Preston’s Road roundabout and improvements in connectivity to Blackwell DLR; cycle parking complies with policy; no significant impact on the local bus network; delivery and servicing plan and construction management plan required if the scheme is approved; the sound barrier on the Aspen Way flyover should be accommodated on site; welcomes the travel plan
- LDA comments – principle of development supported; welcomes childcare provision; financial contribution towards healthcare should be considered; encourages LBTH to consider employment and training initiatives; supports the provision of serviced apartments;
- Legal considerations – LBTH to consult the mayor when a resolution is made;
- Financial considerations – none apply
- Conclusion – affordable housing (compliant), Mix (compliant), Density (compliant), Urban design (compliant), access (compliant), children’s playspace (complaint), energy (non-compliant), Climate change (compliant), Transport (non-compliant)
- Recommendations - (1) Energy – provide further clarification; (2) reduce the restaurant parking.

Additional comments were received in respect of the commuted sum for off-site provision of family-sized affordable housing. The benefits of the off-site affordable housing were recognised. Although, at this stage, the delivery cannot be quantified in real terms given there are no planning permissions or guaranteed outcomes, other than by means of a payment to the Council. As such, there is no onus of the developer to complete the affordable housing prior to the completion of the market units.

(Officer comments: See section 8 for full discussion of the above matters.)

### **The Government Office of London**

6.15 No comments received

### **Environment Agency (Statutory Consultee)**

6.16 No objection to the scheme and recommends the following conditions:

- Flood warning system required
- Land contamination investigation and assessment required
- Verification report for remediation required
- Amendment to remediation strategy, to address instances where new contaminants are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

(Officer Comment: The above conditions are recommended if the Committee were to grant planning permission.)

**TFL (Statutory Consultee)**

6.17 No comments received

**DLR**

6.18 No comments received

**BBC**

6.19 No comments received

**English Heritage (Statutory Consultee)**

6.20 EH advise that the comments in respect of the previous application PA/08/274 apply to this application. EH have concern about the scheme's impact on conservation area views (E.g. from All Saints church, East India Dock Road) and the effect of the materials and design, especially its shiny finish.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'.)

**English Heritage (Archaeology)**

6.21 No objection to the scheme. An appropriately worded condition for a program of archaeology to be agreed.

(Officer comment: An appropriately worded condition is recommended if the Council was to consider approval of the application.)

**London City Airport (Statutory Consultee)**

6.22 No comments received.

(Officer comment: Although, LCA did not comment on the revisions, the changes to the scheme do not involve any alteration to the height, location or appearance of the towers. Therefore, it is considered that the previous comments from the LCA apply i.e. that they have no objection to the proposal.)

**National Air Traffic Services Ltd (NATS) (Statutory Consultee)**

6.23 The Authority has no safeguarding objection to the proposal.

**Thames Water Authority**

6.24 Comments in respect of the revisions are the same as previously provided:

Waste comments:

- It is the developers responsibility to provide adequate drainage
- No building should be located within 3m of sewers without Thames Water approval
- Petrol/oil interceptors in the car parking areas is required
- Fat trap for all catering establishments is required

Water Comments

- Recommends a condition for a water supply impact study, prior to the commencement of the scheme, as it is considered that the water supply infrastructure in the area is insufficient

Additional comments

- Peak sewer discharge should not exceed the historic peak. This is achievable by on-site detention

(Officer comment. It is recommended that these matters are dealt with by planning conditions and informatives if the Council is consider granting planning permission)

**British Waterways**



- 6.25 No objection to the proposed development, it being noted that they previously recommended conditions in respect of the following:
- Details of landscaping
  - Details of lighting and CCTV
  - Risk assessment and method statement to be provided in respect of works adjacent the water
  - Feasibility study for water borne freight movement

(Officer Comment: The conditions are recommended if the Council considers granting planning permission.)

#### **Lea Valley regional Park Authority**

- 6.26 No comments received

#### **Metropolitan Police**

- 6.27 Metropolitan Police advise that they are happy with the scheme.

#### **London Fire and Emergency Planning Authority (LFEPA)**

- 6.28 The Authority advises that there is no change to their previous advice, as follows:

- Comments are as per previous application PA/08/274, that they raise no objection to the scheme having received the following clarification:
  - The stacking arrangement of the parking facility
  - The lower car park plan
  - Inclusion of the escape stair for the basement
  - Reliance on an engineering design solution needs to be clarified
- Cooking facilities in flats should not interfere with means of escape although this is a building control issue
- Consideration could be given to domestic fire sprinklers

(Officer Comment: This advice was forwarded to the agent for their information.)

#### **London Borough of Greenwich**

- 6.29 The borough no to make in respect of the revisions.

#### **Natural England**

- 6.30 Natural England advise they have no further comments to make other than those given in respect of PA/08/274. They felt that the Environmental Statement does did not consider fully the nesting and breeding of birds. They noted Black Redstarts are found in LBTH, and the Isle of Dogs has the most breeding pairs. A condition is therefore recommended to ensure impacts during works are minimised. The nesting, breeding and seasonal requirements should be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended to secure the maintenance and continued provision of accessible natural green space.

(Officer Comment: The Thompson Ecology Habitat Survey was submitted as part of the Environmental Impact Assessment (EIA). It states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock, which has the potential to support natural green space.)

#### **Port of London Authority**

- 6.31 The Authority raised no objection to the application. The Authority considers the site to be

ideally placed to allow the bulk of building materials to come by river and suggests a condition or planning agreement should be imposed to ensure this.

(Officer Comment: An appropriately worded informative is recommended for the Authority to be consulted as part of the discharge of the construction management plan condition to establish what opportunities exist to utilise waterborne transport.)

#### **National Grid**

6.32 The Authority considers the risk to be negligible.

#### **Canary Wharf Group PLC**

6.33 No comments received

#### **Crossrail**

6.34 The Authority advise that the application site is outside the limits of land that is subject to consultation under the Safeguarding Direction. Therefore, they do not wish to make any comments regarding this application and the revisions.

#### **CABE**

6.35 No comments to make on the scheme and the revisions.

#### **Barkantine Tenants and Residents Association**

6.36 No comments received.

#### **Alpha Grove and Barkantine Tenants Association**

6.37 No comments received

#### **Maritime Greenwich World Heritage Site**

6.38 No further comments made received.

(Officer Comment: It should be noted that objections were received in addition to those for the previous application PA/08/274. Whilst the site is considerable distance from Maritime Greenwich, it is visible from Greenwich Park and is in the GLA London View nevertheless. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the park is a concern. Also, there is concern for scale and design of the tower. The this matter was considered in the ES and additional written justification was submitted previously in support of the scheme, as discussed in detail in Section 8 under 'Design'.)

#### **The Greenwich Society**

6.39 No comments received.

### **7. LOCAL REPRESENTATION**

7.1 A total of 987 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No. of individual responses: 1

*(Note that this is the only additional submission since the first report to Strategic Development Committee on 09 October 2009 in which 7 submission were considered)*

7.3 The following comments were raised in representations that are material to the determination

of the application:

- 7.4 Concern about local residents.  
(Officer comment: The potential impacts of the scheme upon local residents has been addressed in section 8 of this report. The impact upon local facilities/services has been addressed by the package of financial contributions, also discussed in section 8. This is considered to appropriately deal with the potential impact to local residents and no further consideration is necessary).
- 7.5 The view that there are too many buildings “like this” being built in tower hamlets.  
(Officer comment: Although unspecified, the opinion is taken to be in reference to the tall building format. As such, the suitability of the design of the tall building and it’s impact has been fully addressed in section 8.)

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. Landuse
  2. Housing
  3. Design
  4. Amenity for future occupiers and users
  5. Neighbour Impacts
  6. Transport Impacts
  7. Sustainability
  8. Planning Contribution

### **Landuse**

#### Mixed-use

- 8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.3 In respect of national policy, PPS 1 ‘Creating Sustainable Development’, it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 ‘Housing’.
- 8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 ‘Sustainability Criteria’ also promotes the optimal use of land. Policy 2A.9 ‘The Suburbs: Supporting Sustainable Communities’ refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.1 ‘Developing London’s Economy’ seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses. Policy 3B.3 ‘Mixed Use Development’ (90) mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 ‘The Strategic Priorities for North East London’ of the London Plan.
- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor’s North East London sub-region is a priority for development,

regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub-region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities.

- 8.6 In addition, the North-East Sub Regional Framework of the London Plan indicates that the application site is on the northern edge of the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design.
- 8.7 Policy 3B.3 'Mixed Use Development' indicates that in the CAZ and the north of the Isle of Dogs Opportunity Area, any increases in office floorspace should be accompanied by a mix of uses including housing.
- 8.8 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central Area Zone. Strategic Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/companies/corporations, media, galleries/museums, cinemas/stadia/halls/theatres, hotels and educational establishments).
- 8.9 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID58' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development. Policy CP8 'Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone' recognises that parts of the borough play a strategic and international role as a global financial and business centre. Therefore, the Council will amongst other things, encourage office development and employment opportunities in the north of the Isle of Dogs. It should be noted that the Policy also indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites.
- 8.10 Pursuant to CP19 'New Housing Provision' of the IPG, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although, the UDP implies that landuses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.
- 8.12 Furthermore, there are approvals for residential-led, mixed-use developments in this area, some since the adoption of the UDP in 1998, and in some cases, since the original London

Plan adoption in 2004 and the IPG (formerly Council's Local Development Framework Core Strategy 2006 as well as the Isle of Dogs Area Action Plan 2006). Such schemes include the following (see locality map below):

- Phase II Electron Building, Aspen Way – Application PA/04/973 was granted on 08 December 2005 for buildings containing 437 residential flats and 229sqm commercial floorspace;
- 'No. 1 The Gateway' being land bound by Poplar High St, Preston's Road and Poplar Business Park – application PA/04/510 was granted on 13 March 2006 for 243 residential units, 1,084sqm retail;
- Building C New Providence Wharf – The first application PA/00/267 was granted 22 June 2001 for 735 residential units, 29,500sqm hotel, 42600sqm office plus retail, restaurant, health club and car parking; a second application PA/06/2101 was granted 31 January 2008 for 484 residential flats, 323sqm retail, and 948sqm fitness club;
- Building D New Providence Wharf – The first application PA/03/1387 was granted 06 October 2004 for 257 flats and 86sqm A1/A2/A3/B1 use; a second application PA/04/1858 was granted 06 October 2004 for 257 flats, 210 room hotel, and 86sqm A1/A2/A3/B1 use;
- Poplar Dock – The history in section 4 of this report indicates approvals for residential development since 1997 with the most recent application being approved in January 2001 (PA/99/1540);
- 'The White Swan', Yabsley Street - Application PA/01/1323 was granted 20 December 2002 for 113 residential units and 154sqm A3 use;
- Alberta House – Application PA/07/241 was granted 20 September 2007 for 133 residential units, 47sqm retail A1/A3 and 26sqm community D1 uses; and
- Reuters/Blackwall Yard – Application PA/03/1515 was granted 15 July 2005 for 708 residential units, plus D2 leisure, a non-residential institution D1, Business B1a and retail A1/A2/A3 uses.



### Density

- 8.13 Policy 3A.3, 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising the intensity and the efficient use of sites. Members were previously concerned about the amount of development on the site and in this regard, it is noted that the number of residential units have increased from 397 to 414 units (from 940 to 1023 habitable rooms).
- 8.14 Subsequently, the proposal is equivalent to 2557.5 habitable rooms per hectare. This is compared to 2350 habitable rooms per hectare in the original version of this scheme as well as 2633 habitable rooms per hectare of PA/08/274. All three variations have been in excess of published local and regional guidance. These are as follows:

- London Plan: 650-1100 habitable rooms per hectare in an area of a Public Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf); and
- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area.

8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons:

- There are no significant impacts identified for neighbours for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
- There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
- There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
- The scheme is of high architectural quality (See 'Design');
- Tall buildings are appropriate in this location (See 'Design');
- The scheme has acceptable access to public transport (See 'Transport');
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision (See 'S106 planning contributions'.

8.16 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.17 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

*"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."*

8.18 It should also be noted that the Mayor was supportive of the density in his Stage 1 response. In the conclusion of the report, the scheme's density was considered to be 'compliant' with the London Plan and no changes were recommended to the scheme in this regard.

8.19 In addition, high density schemes in excess of the nominated range have been approved in the immediate vicinity. For example:

- No.1 The Gateway (PA/04/00510) - 2259 habitable rooms per hectare;
- Building C, New Providence Wharf (PA/06/2101) - 1256 habitable rooms per hectare;
- Alberta House (PA/07/241) – 1300 habitable rooms per hectare; and
- Electron (PA/04/973) – 1196 habitable rooms per hectare.

8.20 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts and is appropriate to the area context.

## **Housing**

8.21 In response to Member's concern about the amount of development proposed and the effect of this on the future occupiers, especially families, the applicant has undertaken to amend the scheme to address this concern. Firstly, family-sized affordable housing has been removed from the scheme and replaced with non-family sized units. Table 1 shows the new unit mix of 414 units on site.

### **Table 1 – On-site unit mix (414 units)**

|          | Market Housing |        |       | Affordable Housing |        |        |                 |        |       |
|----------|----------------|--------|-------|--------------------|--------|--------|-----------------|--------|-------|
|          | Private Sale   |        |       | Intermediate       |        |        | Socially Rented |        |       |
| Unit Mix | Unit No        | Unit % | LDF % | Unit No            | Unit % | LDF %  | Unit No         | Unit % | LDF % |
| Studio   | 66<br>(66)     | 19%    | 25%   | 10<br>(10)         | 17%    | 0      | 0               | 0      | 0     |
| 1 Bed    | 87<br>(174)    | 25%    | 25%   | 21<br>(42)         | 35%    | 37.5 % | 2<br>(4)        | 2%     | 20%   |
| 2 Bed    | 149<br>(447)   | 43%    | 25%   | 29<br>(87)         | 48%    | 37.5 % | 7<br>(21)       | 8%     | 35%   |
| 3 Bed    | 43<br>(172)    | 13%    | 25%   | -                  | -      | 25%    |                 | 90     | 30%   |
| 4 Bed    | -              | -      |       |                    |        |        |                 |        | 10%   |
| 5 Bed    | -              | -      |       |                    |        |        |                 |        | 5%    |
| Total    | 345<br>(859)   | 100%   | 100%  | 60<br>(139)        | 100%   | 100 %  | 9<br>(25)       | 100 %  | 100 % |

8.22 Secondly, to off-set the loss of family-sized affordable housing on-site, a financial contribution in-lieu (£12.857m) is proposed for the off-site provision of the family-sized affordable housing. Table 2 shows an indicative unit mix for the purposes of calculating the financial contribution. Two scenarios are shown in the table. Version 1 is for securing solely 3 bedroom dwellings and Version 2 is for securing a mix of 3, 4 and 5 bedroom dwellings.

**Table 2 – Unit Mix for calculating off-site contributions**

|          | Market Housing |        |       | Affordable Housing |        |       |                 |        |       |                 |        |       |
|----------|----------------|--------|-------|--------------------|--------|-------|-----------------|--------|-------|-----------------|--------|-------|
|          | Private Sale   |        |       | Intermediate       |        |       | Socially Rented |        |       | Socially Rented |        |       |
|          |                |        |       |                    |        |       | V.1*            |        |       | V.2*            |        |       |
| Unit Mix | Unit No        | Unit % | LDF % | Unit No            | Unit % | LDF % | Unit No         | Unit % | LDF % | Unit No         | Unit % | LDF % |

|        |              |      |      |             |      |           |             |          |          |             |          |          |
|--------|--------------|------|------|-------------|------|-----------|-------------|----------|----------|-------------|----------|----------|
| Studio | 66<br>(66)   | 19%  | 25%  | 10<br>(10)  | 17%  | 0         | 0           | 0        | 0        | 0           | 0        | 0        |
| 1 Bed  | 87<br>(174)  | 25%  | 25%  | 21<br>(42)  | 35%  | 37.5<br>% | 2<br>(4)    | 2%       | 20%      | 2<br>(4)    | 3%       | 20%      |
| 2 Bed  | 149<br>(447) | 43%  | 25%  | 29<br>(87)  | 48%  | 37.5<br>% | 7<br>(21)   | 8%       | 35%      | 7<br>(21)   | 11<br>%  | 35%      |
| 3 Bed  | 43<br>(172)  | 13%  | 25%  | -           | -    | 25%       | 71<br>(299) | 90       | 30%      | 37<br>(185) | 58       | 30%      |
| 4 Bed  | -            | -    |      |             |      |           |             |          | 10%      | 12<br>(72)  | 18<br>%  | 10%      |
| 5 Bed  | -            | -    |      |             |      |           |             |          | 5%       | 6<br>(42)   | 10<br>%  | 5%       |
| Total  | 345<br>(859) | 100% | 100% | 60<br>(139) | 100% | 100<br>%  | 80<br>(324) | 100<br>% | 100<br>% | 64<br>(324) | 100<br>% | 100<br>% |

8.23 The key aspects of the revised proposal are discussed in detail below.

Financial contribution for off-site provision of family-sized affordable housing

8.24 Pursuant to Policy HSG3 of the LBTH Interim Planning Guidance, the Council will consider the off-site provision of affordable housing or a financial contribution (commuted sum) where an appropriate alternative site has been identified which the Council considers will be a better outcome than providing the affordable housing on site.

8.25 In this revised application, the applicant proposes a financial contribution in-lieu, rather than bringing forward a second site to accommodate the affordable housing. This approach is compliant with Policy HSG 3 and provides the Council with funding to secure affordable housing, rather than reliance on the applicant to bring it forth. The Housing team support this approach, citing the following potential advantages, namely:

- Family housing at a lower density;
- Family housing with lower service charges;
- Family housing where there are established services and infrastructure;
- Family housing bought or developed on existing estates where there is an established management operation and caretaking facility; and
- Potential scope to provide family housing on a borough-wide basis i.e. in more than one location rather being limited to a site secured by an applicant.

8.26 In respect of securing an appropriate sum, the Council's Housing Team have considered the illustrative mix Version 1 and Version 2 in Table 2 and find it acceptable. Based on this mix, the financial contribution recommended is £43k per habitable room, being equivalent to the average new-build purchase price for a 3 bedroom, 5 person dwelling in the borough. Based on a total of 299 habitable rooms in both the Version 1 and Version 2 mix,



a total contribution of £12.857m has been agreed with the applicant and is considered acceptable. The money will be administered by the Section 106 Planning Contribution Officer of Development Schemes to the Housing Team to spend on delivery of family-sized affordable housing.

- 8.27 In respect of the second requirement of policy HSG3, namely, the delivery of affordable housing on an alternative site, this will be guided by the LBTH 'draft 2009-2012 Housing Strategy'. The strategy was adopted by Cabinet at its December 2008 meeting.
- 8.28 The priorities for the strategy include: increasing family housing particularly in the social rent tenure; and meeting the London Plan target for homes on an annual basis up to 2016-17. The strategy expresses the Council's housing agenda and commitment to delivering housing to meet the needs of residents including social housing for families.
- 8.29 In terms of delivery, a key priority site is the Blackwall Reach Regeneration Project. The Blackwall Reach Development Framework, approved in March 2008 by Cabinet, is intended to supply between 2,500-3,000 homes as well as open space, commercial, community, education and leisure space. The Trafalgar Way commuted sum will contribute additional family sized affordable housing provision at Blackwall Reach.
- 8.30 Tying the commuted sum to the Blackwall Reach Regeneration Project addresses the issues underlying policy HSG3:
- Geographically relevant: Trafalgar Way and Blackwall Reach sites are in very close proximity thereby addressing as much as possible the objective of creating balanced and mixed communities and avoidance. Furthermore, the sites are in the same ward of 'Blackwall and Cubitt Town', meaning that affordable housing and s106 contributions relate to a single area;
  - Demonstrates housing additionality: This will be demonstrable as Blackwall Reach has already established the distribution of unit numbers and tenures across all the phases 1a, 1b, 2, 3 and 4;
  - Timely: The potential commencement dates for construction of the schemes is suitably proximate, with construction of Blackwall Reach estimated to commence by late 2010 [Phases 1a and 1b];
  - Certainty: Since the approval of further funding by Cabinet in its July 09 meeting, there is sufficient certainty of the Blackwall Reach development coming forward and therefore, sufficient certainty that the commuted sum will deliver affordable housing; and
  - Security: There is added security of delivery with the landowner/developer being LBTH in partnership with the Homes and Communities Agency (HCA).
- 8.31 In terms of the quantum of affordable housing nominated in HSG3, LBTH Planning and Housing colleagues are confident that the package of planning contributions has been maximised, having had the economic viability of the Trafalgar Way scheme independently assessed.
- 8.32 In the event that monies are not directed to the Blackwall Reach Regeneration Project, it is recommended that they be direct to other projects in the draft 2009-2012 Housing Strategy including the Local Homes Initiative. This initiative is whereby the Council, in partnership with RSLs and Tower Hamlets Homes, will identify specific sites for the delivery of affordable housing.
- 8.33 Overall, it is considered that the proposal has addressed the requirements of Policy HSG3, that the in-lieu contribution is sufficient and there is certainty of delivery of the off-site affordable housing by the Council. The offsite provision of the family-sized affordable is considered to be a positive and desirable means of addressing Member's concerns about the amenity for future residents, especially families. Following discussions with officers from the GLA, it is understood that they will support this approach, now that they are

clearer about its operation.

#### Affordable Housing and split

- 8.34 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as the individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.
- 8.35 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.36 As discussed above, in response to members concerns, the mix of units has been modified by removing the family-sized affordable housing. Table 1 shows the actual unit mix on site and table 2 is the illustrative mix for the purposes of calculating the financial contribution.
- 8.3 In respect of on-site provision, the scheme would provide 16% affordable housing (69 units, equating to 164 habitable rooms). Although, it should be emphasised that equivalent to 35% affordable housing will be achieved overall, based on the illustrative mix of Table 2. The provision comprises of the in-lieu financial contribution for family sized housing off-site as well as providing 69 non-family units on-site. This is 5% more affordable housing than the 30% provision of the original version of this scheme as well as the earlier application PA/08/274 (committee reports **attached**). Therefore, the revised scheme is a better outcome as the affordable housing offer is considerably larger and policy compliant.
- 8.38 Furthermore, it responds to Member's concerns by removing a significant component of family-sized affordable housing from the Trafalgar Way site in favour of a financial contribution for its off-site delivery by the Council. Therefore, the scheme is in accordance with CP22 which seeks affordable housing to achieve balanced and mixed communities and Policy HSG3 which allows for off-site provision of affordable housing which is more appropriate to need and results in a better outcome.
- 8.39 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent.
- 8.40 Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing.
- 8.41 In further reference to Table 1, the on-site affordable housing provision achieves a 26:84 split in favour of intermediate housing. However, it should be emphasised that planning contributions for off-site provision of family-sized affordable housing achieves equivalent to a 70:30 split in favour of social rent as per Table 2.
- 8.42 It is considered appropriate to give greater emphasis to the overall split given that PPS3 and the London Plan consider affordable housing provision and need at a regional level rather than a site-by-site basis. Furthermore, Policy 3A.10 of the London Plan indicates there is a need to encourage rather than restrain development as well as to have regard for the individual circumstances of the site. It is in direct response to Member's concerns about site circumstances that the applicant has removed family-sized affordable housing thus altering the on-site affordable housing split which was previously policy compliant (70:30).
- 8.43 Overall, the scheme is considered to address policy 3A.9 and 3A.10 of the London Plan as

well as CP22 of the IPG in providing a suitable affordable housing split to address housing need especially in the social rent tenure, whilst responding to the site circumstances.

### Unit mix

- 8.44 Paragraph 20 of Planning Policy Statement 3 states that “*key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people*”.
- 8.45 Pursuant to policy 3A.5 of the London Plan the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.”
- 8.46 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings, as in the case of 2 Trafalgar Way, which is a small and therefore, constrained site.
- 8.47 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing including family housing. The required mix based on units size and tenure is set out within Table 2. A more convenient summary of family sized housing requirements is provided in table 3 below. It includes a comparison to original version of the application as well as the family housing achieved across the entire borough as published in the Annual Monitoring report 2006-7.

**Table 3 – Family housing provision**

| <b>Tenure</b> | <b>% Policy req't</b> | <b>% Original scheme PA/08/1321</b> | <b>% Revised V.1</b> | <b>% Revised V.2</b> | <b>% Annual Monitoring 2006-7</b> |
|---------------|-----------------------|-------------------------------------|----------------------|----------------------|-----------------------------------|
| Social-rented | 45                    | 75                                  | <b>89</b>            | <b>86</b>            | 17.5                              |
| Intermediate  | 25                    | 5                                   | <b>0</b>             | <b>0</b>             | 2.5                               |
| Market        | 25                    | 17                                  | <b>12</b>            | <b>12</b>            | 4.1                               |
| Total         | 30                    | 24                                  | <b>23.5</b>          | <b>20.9</b>          | 7.1                               |

- 8.48 For intermediate housing the policy requires 25% family housing and the scheme provides 0%. For social-rent housing, 45% is required and 86-89% is provided. In the market housing, 25% is required and 12% is provided. The overall family housing provision in the scheme is 20.9%.
- 8.49 Whilst short on of the nominated percentages in the market and shared ownership tenures, this should be considered within the following context:
- The difficult site context which is small and therefore, constrained;
  - The need to balance housing provision with other necessary planning contributions;

- The comparatively high proportion of family housing in the social rent tenure;

8.50 In addition, the scheme exceeds the amount achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets to better cater for housing need. Overall, it is felt that the family housing offer is the best possible compromise.

#### Wheelchair Housing and Lifetime Homes

8.51 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10.1% (42 units) is provided, in compliance with this policy.

#### Floorspace Standards

8.52 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

8.53 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms, complies with the SPG requirements.

#### Amenity Space

8.54 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development "...provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies". Further still, paragraph 17 of PPS3 states that "where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space".

8.55 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site (It being noted that this situation is proposed, involving the upgrade to an open space adjacent to site and Poplar Dock). The amenity space standards of the UDP and IPG are summarised below.

#### **Residential Space SPG 1998 requirement**

| <b>Tenure</b>    | <b>Proposed</b> | <b>SPG Requirement</b>                                | <b>Total (m<sup>2</sup>)</b> |
|------------------|-----------------|---|------------------------------|
| Family Units     | 43              | 50sqm of private space per family unit                | 2,150                        |
| Non-family units | 371             | 50sqm plus an additional 5sqm per 5 non-family units; | 421                          |
| Child Bed spaces | 75              | 3sq.m per child bed space                             | 225                          |

|              |  |  |              |
|--------------|--|--|--------------|
| <b>Total</b> |  |  | <b>2,796</b> |
|--------------|--|--|--------------|

### Interim Planning Guidance

| <b>Units</b>                                   | <b>Total</b> | <b>Minimum Standard (sqm)</b>  | <b>Required Provision (sqm)</b> |
|--|--------------|--|---------------------------------|
| Studio   | 76           | 6  | 456                             |
| 1 Bed  | 110          | 6  | 660                             |
| 2 Bed  | 185          | 10   | 1850                            |
| 3 Bed  | 43           | 10   | 430                             |
| 4 Bed  | -            | 10   | -                               |
| 5 Bed  | -            | 10   | -                               |
| <b>TOTAL</b>                                   | <b>414</b>   |  | <b>3,396</b>                    |
| <b>Communal amenity</b>                        |              |  |                                 |
|  |              | 50sqm for the first 10 units, plus a further 5sqm for every additional 5 units | <b>454</b>                      |
| <b>Total Housing Amenity Space Requirement</b> |              |  | <b>3850</b>                     |

- 8.56 A total provision of approximately **3373sqm** amenity space is achieved on site by the following components:
- 2473sqm is private amenity space for the residential C3 flats in the form of balconies;
  - 420sqm of communal amenity space at podium level (excluding brown/green roofs);
  - 380sqm of children's play area;
  - 100sqm of outdoor space relating to the crèche;
- 8.57 Although there is a shortfall in amenity space based on the requirements of the interim planning guidance, it is considered that this will be off-set by the 2550sqm of open space adjacent to the site at Poplar Dock which will be improved using planning contributions secured as part of this scheme. Importantly, all flats benefit from a private balcony. Furthermore, the shortfall in private amenity space is considered to be outweighed in general by the range and quality of amenity spaces proposed which will be practical and useable, contributing to the amenity of future occupiers. The podium level amenity spaces including children's playspace are considered to be desirable, being readily accessible for users and benefiting from maximum solar access and desirable outlook onto Poplar Dock to the south. Finally, the communal amenity space provision is well above the level sought by Policy HSG7 of the IPG, thereby offsetting the shortfall in private space provision.
- 8.58 It is further noted that 225sqm of child play space is required by the SPG which is exceeded in the scheme which achieves a total of 480sqm in the form of a dedicated play space at podium level as well as 100sqm of outdoor play area associated with the crèche, also at the podium level.

## Design

### Introduction

- 8.59 Guidance in the form of policy, as well as approved schemes nearby, guides the design considerations of this scheme. It should be noted that there are no external changes posed as part of the revision to the application.
- 8.60 As discussed in the previous report to Committee, pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact

City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.

- 8.61 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.62 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment (within the EIA).

### Tall Buildings

- 8.63 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- "Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area"*
- 8.64 Accordingly, local and regional tall buildings policies advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.65 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- "3) All proposals for tall buildings must:*
- a) contribute positively to a high quality, attractive environment;*
  - b) respond sensitively to the surrounding local context;*
  - c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
  - d) contribute to the social and economic vitality of the surrounding area; and*
  - e) not create unacceptable impacts on social and physical infrastructure"*
- 8.66 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the 'Housing' chapter of this report;
  - The scheme provides complimentary facilities to the residential C3 uses, including a gymnasium and crèche which will benefit future residents;
  - The scheme provides for waste, recycling and cycle storage to serve future residents; and
  - The application proposes high quality external finishes, creative architectural treatments, including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban

context.

- 8.67 In respect of 3b the scheme responds sensitively to the context in the following ways:
- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares, whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
  - In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in earlier design options for the site;
  - It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location;
  - Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points;
  - The towers are seen in the context of other taller buildings in this location;
  - Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf; and
  - There is no adverse impact to any views.
- 8.68 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts, which is discussed in detail later in section 8 'Neighbour Impacts'.
- 8.69 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.
- 8.70 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure the impact on local infrastructure is mitigated.
- 8.71 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

*"Applications for all tall buildings must satisfy the criteria listed below:*

*Design and Context*

1. *Demonstrate the design is sensitive to the context of the site.*
2. *Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
3. *Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
4. *Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
5. *Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*

6. *Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
7. *Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
8. *Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
9. *Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
10. *Be visually integrated into the streetscape and the surrounding area.*
11. *Present a human scaled development at the street level.*
12. *Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
13. *Incorporate adaptable design measures.*

#### *Environment*

14. *Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
15. *Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
16. *Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
17. *Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
18. *Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

#### *Socio-Economic Impacts*

19. *Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
20. *Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

#### *Access and Transport*

21. *Incorporate the principles of inclusive design.*
22. *Be located in an area with good public transport access.*
23. *Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
24. *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
25. *Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
26. *Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

#### *Additional Considerations*



- 27. Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. Conform to Civil Aviation requirements.*
- 29. Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

- 8.72 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.
- 8.73 In respect of 3, alternatives have been considered but not deemed suitable in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.
- 8.74 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.
- 8.75 The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:
- Strategic London-wide views,
  - the contribution made to the skyline
  - any listed buildings, conservation areas and world heritage sites and their settings.
- 8.76 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald's restaurant, will ensure surveillance to maintain safety and security and deter crime.
- 8.77 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, as well as the residential foyer which breaks up façade of the building and provides multiple doorways and windows. This prevents continuous or blank frontages.
- 8.78 In respect of 13, adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.79 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.80 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.81 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.82 In respect of 22, the site has good access to public transport with a site specific Public

Transport Accessibility Level (PTAL) of 4 and is within an area considered generally to be PTAL 6a.

- 8.83 In respect of 23, the proposal is considered to be within the capacity of the area.
- 8.84 In respect of 24, the proposal makes a financial contribution to funding works to the Preston's Road roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.85 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.86 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
  - Previously, no objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS). The external design and height is unchanged in this revision;
  - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
  - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.87 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design and Impact are also considered to be addressed by the above comments.
- 8.88 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

#### External Appearance

- 8.89 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

#### Local Context

- 8.90 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had to surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed structure (E.g. West India and Millwall Docks, Blackwell Basin and Poplar Dock which are locally listed) these are not nearer than 260m to the site, nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.

- 8.91 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:
- The design offers something distinctive and different to the townscape;
  - There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
  - That the impact will be lessened as nearby consented schemes are of similar heights;
  - The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
  - The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.
- 8.92 An objection was received from English Heritage in response to the previous version of the scheme. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints Church, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.
- 8.93 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II\* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street, as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this should be considered when evaluating the impact of the proposal of views in and around and out of the All Saints Conservation Area.
- 8.94 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes. Instead, it states that we should consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.
- 8.95 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's Church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.96 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's Church is has been considered. The following has been established:
- That a tall building is acceptable;

- This scheme is considered to be high quality architecture; and
- The EIA concludes that the change in view created by this building has a neutral effect which is acceptable.

8.97 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the proposed design.

8.98 In considering the effect of the materials and specifically the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English Heritage to be consulted on such details, prior to discharging the condition.

### Wider Context

8.99 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. The EIA visually represents and analyses the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site, which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.

8.100 Although Maritime Greenwich has not commented on the subject scheme, they objected previously to the withdrawn application PA/08/274. They raised concern about the enlargement of the cluster of tall buildings to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General Wolfe Statue is therefore a concern.

8.101 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:

- That a tall building is acceptable;
- The proposal's architectural style is not a concern, providing materials and finishes are conditioned.

8.102 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.

8.103 Specific guidance is also offered in respect of London panoramas in paragraph 3.37 which indicates:

- London panoramas are vulnerable to development in the front and middle ground;
- Buildings in these areas should fit within the prevailing pattern of development;
- Proposals should not detract from the panorama as a whole; and
- Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.

8.104 A review of the London View Framework indicates clear priorities in considering the impact

of this view:

- The effect on St Paul's as the strategic Landmark,
- Canary Wharf as another landmark,
- The impact to the backdrop of the World heritage site (Maritime Greenwich); and
- The effect on the panorama overall.

- 8.105 The previous objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.106 The 'Townscape and Visual' assessment provided in the EIA shows before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Paul's;
  - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
  - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
  - This undesignated cluster is within the backdrop of the Greenwich World Heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.107 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.108 The EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster, as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

### **Amenity for Future Occupiers and Users**

- 8.109 Pursuant to national policy, PPS1 'Delivering Sustainable Development' states that, with good planning, we get the right development that makes a positive difference to people's lives (paragraph 1). The core principle underpinning this is a sustainable development approach which has the simple idea of ensuring a better quality of life for everyone, now and in the future (paragraph 3).
- 8.110 PPS3 'Housing' is the framework for delivering the governments housing objectives. In respect of amenity, one of the objectives of this policy is to ensure the delivery of high quality homes and sustainable communities (paragraph 9), planning authorities should have regard to this in deciding applications, as well as taking into account relevant regional and local policies (paragraph 68).
- 8.111 Pursuant to regional policy, The London Plan (Consolidated 2008), Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction', consider the need to ensure amenity for future occupiers and users.
- 8.112 Pursuant to local policy, the adopted UDP 1998, Policy DEV2 states that all development should seek to protect the amenity of residential occupiers.
- 8.113 In respect of the Council's IPG 2008, Policy CP1 requires, amongst other things, that all new development achieves the highest quality of design, the highest level of amenity and

improves liveability. Policy CP3 ‘Sustainable Environment’ indicates, amongst other things that, as part of assessing applications, the Council will take into account potential impacts of development. CP4 ‘Good Design’ and DEV1 ‘Amenity’ seek to improve amenity.

- 8.114 In consideration of the original version of this scheme at the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member’s expressed concerns in respect potential impacts to future residents, in particular, noise and air quality. Since that time, the applicant has provided further assessment and clarification to the Environmental Statement in order to provide comfort to Members that their concerns have been fully explored. Whilst the final details of noise and air quality mitigation measures would be normally conditioned, the applicant has acknowledged Member’s concerns and has provided details of mitigation.
- 8.115 Concurrently, additional information in respect of the policy background, baseline situation and details of the assessment undertaken in the Environmental Statement (ES) are summarised in this report as further comfort. Whilst a full range of potential impacts to future occupiers and users have been considered, it should be noted that the particular emphasis of this report is in the areas where Members have concerns, namely, noise and air quality.

Noise impact

- 8.116 The noise impact on future residential occupiers was raised previously by Members. It is noted that the Environmental Statement, includes a full PPG24 noise impact assessment along with the consideration of a full range of environmental issues as reported later in section 8.
- 8.117 PPG24 ‘Planning and Noise’ is the overarching guidance for local planning authorities on the use of their planning powers to minimise the adverse impacts of noise. The aim of this guidance is to “...provide advice on how the planning system can be used to minimise the adverse impact of noise without planning unreasonable restrictions on development”.
- 8.118 As a general principle, noise can be a material consideration in the consideration of planning application. Whilst PPG 24 advises that one of the tasks of planning is to guide development to the most appropriate locations, it states that this will be hard to reconcile in some cases.
- 8.119 Although, PPG24 is not intended to preclude development. PPG24 states that local planning authorities “...should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise, through the use of conditions and planning obligations”. The individual circumstances of an application should be considered. As such, PPG24 is not considered to preclude the consideration of residential development on 2 Trafalgar Way in principle. This is further supported by the inference that can be drawn from the ‘Development Control’ section which refers to the use of planning conditions to ensure noise effects are mitigated “where it is proposed to grant permission for noise-sensitive development in areas of high ambient noise”.
- 8.120 PPG24 also introduces a concept of Noise Exposure Categories (NECs) ranging from A, B, C and D. An NEC A represents a situation where noise is unlikely to be a determining factor; categories B and C are situations where mitigation may make development acceptable; and category D indicates the situations in which development should normally be refused. The noise levels in each category are reproduced in table 4 below.

**Table 4: NECs for dwellings – LaeqT dB**

| Noise source |       | A   | B     | C     | D   |
|--------------|-------|-----|-------|-------|-----|
| Road         | 0700- | <55 | 55-63 | 63-72 | >72 |

|             |                |     |       |       |     |
|-------------|----------------|-----|-------|-------|-----|
| traffic     | 2300hrs        |     |       |       |     |
|             | 2300 – 0700hrs | <45 | 45-57 | 57-66 | >66 |
| Air traffic | 0700-2300hrs   | <57 | 57-66 | 66-74 | >74 |
|             | 2300 – 0700hrs | <48 | 48-57 | 57-66 | >66 |
| Rail        | 0700 – 2300hrs | <55 | 55-66 | 66-74 | >74 |
|             | 2300 – 0700hrs | <45 | 45-59 | 59-66 | >66 |
| Mixed       | 0700 – 2300hrs | <55 | 55-63 | 63-72 | >72 |
|             | 2300 – 0700hrs | <45 | 45-57 | 57-66 | >66 |
| All sources |                |     |       |       |     |
|             |                |     |       |       |     |

- 8.121 In addition to PPG24, there is a range of standards and guidance to consider in an assessment of noise impact.
- 8.122 The World Health Organisation (WHO) document 2000 reflects recent international research into the health effects of exposure to noise and subsequently, the guidance is reproduced in Table 5.

**Table 5: WHO precautionary guidelines for noise levels**

| Specific Environment | Critical health effect(s)  | dB LAeq,t | Time base Hours | dB LAmax,f |
|----------------------|--|-----------|-----------------|------------|
| Outdoor Living area  | Serious annoyance, daytime and evening                             | 55        | 16              | -          |
|                      | Moderate annoyance, daytime and evening                            | 50        | 16              | -          |
| Dwelling indoors     | Speech intelligibility and moderate annoyance, daytime and evening | 35        | 16              | -          |
| Inside bedrooms      | Sleep disturbance, night-time                                      | 30        | 8               | 45         |
| Playground           | Annoyance (external source)  | 55        | During play     | -          |

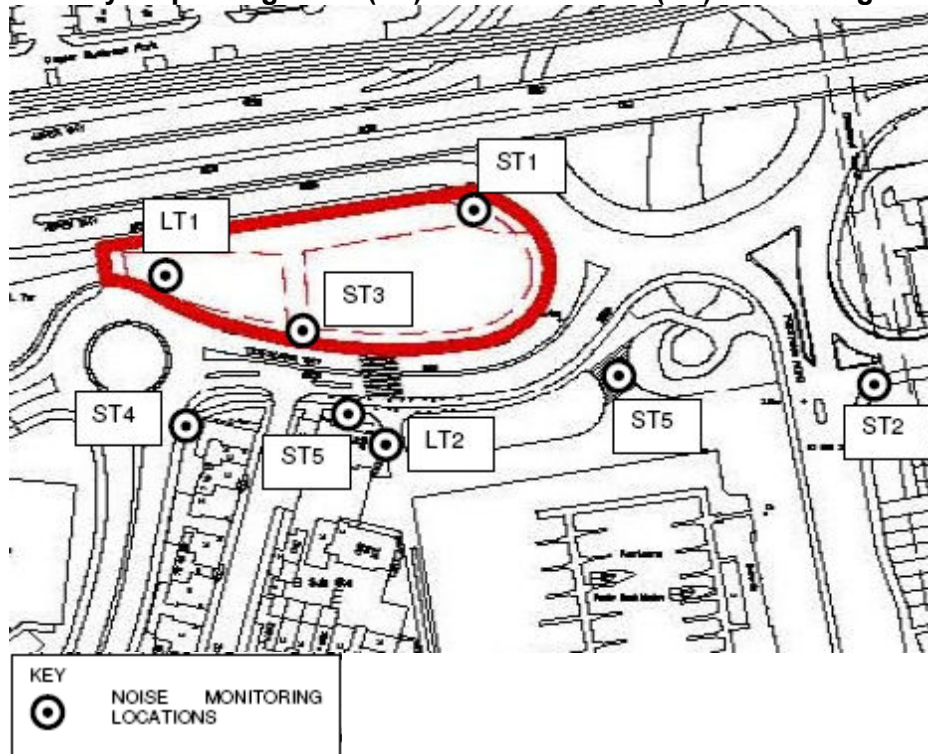
- 8.123 The WHO guidelines are broadly consistent with British Standard (BS) 8233: Sound Insulation and Noise Reduction for Buildings – Code of Practice (1999), in the consideration of indoor noise levels. See Table 6 below. In addition, BS8233 refers to the standards for acceptable noise levels in gardens and balconies. It is desirable not to exceed 50 LAeq,t db with 55LAeq,T db being the upper limit that can be accepted.

**Table 6: BS8233 Indoor criteria**

| Criteria                               | Typical conditions | Design range |                             |
|--|--------------------|--------------|-----------------------------|
|  |                    | Good         | Reasonable                  |
| Reasonable resting/sleeping conditions | Living rooms       | 30 dB LAeq,t | 40 dB LAeq,t                |
|  | Bedrooms           | 30 dB LAeq,t | 35 dB LAeq,t & 45dB LAmax,F |

- 8.124 As part of the assessment of the existing noise levels affecting 2 Trafalgar Way, the Environmental Impact Assessment (EIA) identified the noise sources in the area, namely:
- Traffic noise from Aspen Way and Trafalgar Way;
  - Rail noise from the DLR;
  - Air traffic associated with London City Airport;
  - Traffic and operation noise associated with the MacDonalDs use; and
  - Operation noise and traffic from Billingsgate Market.
- 8.125 To establish the baseline, the EIA included Long Term noise monitoring (between 7 - 14days) as well as short-term (daily) noise monitoring at specific points as shown on the locality map below.

**Locality map: Long Term (LT) and Short Term (ST) monitoring locations**



- 8.126 It should also be noted that the impacts of the scheme on itself during the construction and operational phase (traffic, uses, mechanical ventilation, and mechanical plant) have been considered.
- 8.127 The EIA monitoring results are reported in the ES, which conclude that the site falls within NEC 'C' during the daytime and NEC 'D' during the night time. Consequently, it is necessary to demonstrate that acceptable noise levels can otherwise be achieved through appropriate mitigation in accordance with PPG24.
- 8.128 Following modelling of the impact on the scheme using these results, mitigation measures are recommended for internal and external spaces. By way of a crude summary for the subject scheme, noise mitigation measures will be focussed on the north-facing facades and amenity spaces with the level of mitigation reducing with height. The specific requirements for different parts of the scheme are discussed below.
- 8.129 In respect of the internal spaces of residential flats, the following mitigation is proposed:
- Triple glazed windows to floors 01 - 10 (i.e. thermally insulated Type 3 glazing '16.8/16/16.8', meaning a window comprising 16.8mm-thick pane of glass, then, a 16mm air gap, then, another 16.8mm thick pane of glass); and
  - Fixed un-openable windows and a mechanical ventilation system for the first 5 floors.



- 8.130 The combination of these measures will ensure that internal noise levels achieve equivalent to an NEC 'A' rating. Subsequent upper levels do not require mitigation as exposure to noise sufficiently reduces with height. Therefore, upper levels will have a lesser glazing specification, openable windows and a trickle (natural) ventilation system.
- 8.131 Illustrative information about possible mechanical ventilation and trickle ventilation systems that could be used in this scheme are contained in an appendix to this report.
- 8.132 In respect of private balconies and terraces of residential flats, mitigation will be achieved by enclosing these amenity spaces as winter gardens.
- 8.133 These measures will ensure that the noise levels are reduced below the maximum WHO guideline of 55dB LAeq,t for balconies.
- 8.134 Similarly, for the podium-level children's playspace, the 5.3m high transparent acoustic barrier will ensure noise levels are below the maximum WHO requirement of 55 dB LAeq,t. See Figure 1 below.

**Fig.1: North elevation of podium-level playspace with acoustic barrier**

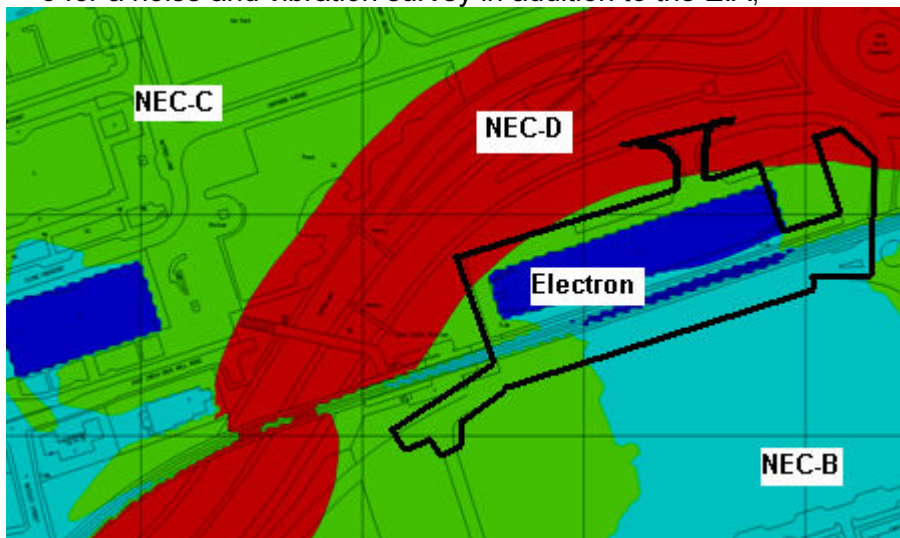


- 8.135 In addition, the mechanical plant within the podium level will be insulated to a level to comply with BS4142 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'.
- 8.136 Notwithstanding the specific mitigation proposed, the site layout has sought to minimise the noise impact from the outset. There is emphasis in the design of orientating as many internal and external spaces as possible, away from noise sources to the north such as Aspen Way and the DLR. The broadest sides of the residential towers are oriented to the east and west whilst the ground and podium levels are oriented to the south. This layout reduces the full exposure to the noise sources to the north. Consequently, the level of mitigation that may have otherwise been needed is minimised. Consequently, the reduced amount of intervention with specific mitigation measures makes for a more desirable and enjoyable development for future residents.
- 8.137 Overall, the EIA demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise. Thus, Member's can be confident that noise impact to future residents has been fully explored and resolved. As such, it is not considered to represent a sustainable reason for

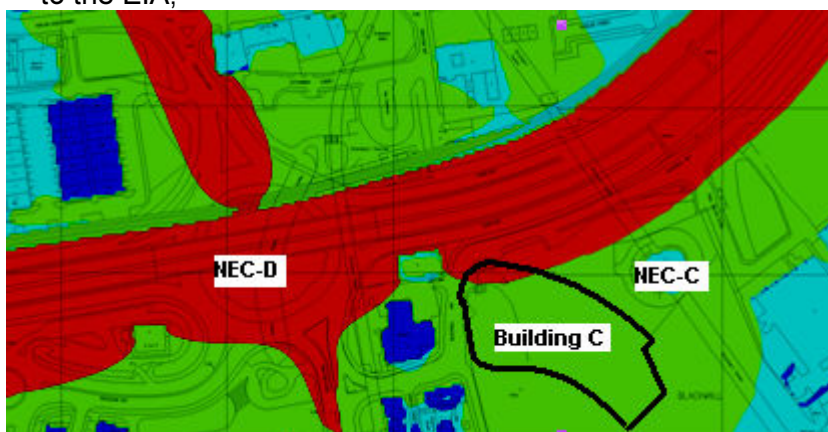
refusal.

8.138 In addition, as referred to in section 4 'Planning History', section 8 'Principle', it should be noted that the Council has already approved significant residential developments in this area. Whilst the individual site circumstances vary, the schemes share a common theme of a high quality design that has sought to maximise the development potential of the site whilst taking into account of the site constraints including a limited site area and the need to mitigating impacts, including noise. This is shown in a review of nearby residential developments in falling within and NEC C-D in the area (see the three noise contour maps below). All these schemes have windows and balconies facing Aspen Way and the DLR; that the noise impact encountered was not so severe as to necessitate a blank façade, or precluded development altogether. These schemes include:

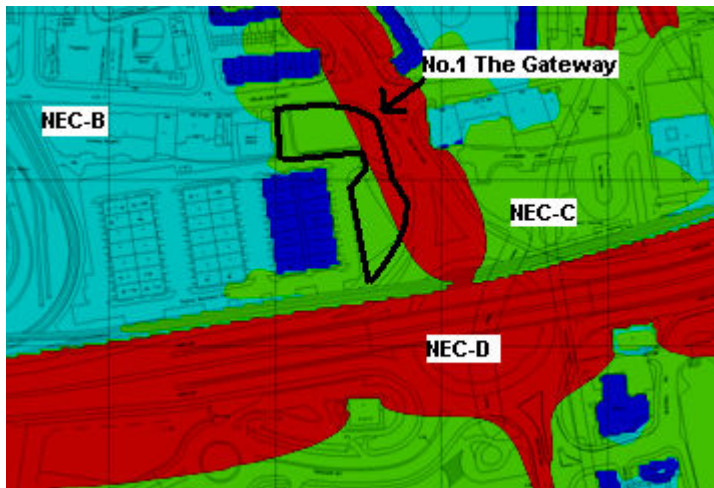
- Phase II Electron Building, Aspen Way (PA/04/973 approved 08 December 05) – the occupied development comprising of 1 x 25 and 2 x 22 storey buildings, containing 437 residential flats and 229sqm commercial floorspace, was required to discharge condition 6 for a noise and vibration survey in addition to the EIA;



- Building C New Providence Wharf (PA/06/2101 approved 31 January 2008) – Although it is yet to be built out, the scheme comprises of a part 12/44 storey building, comprising of 484 residential flats, 323sqm retail, and 948sqm fitness club. The scheme will be required to discharge condition 5 which requires a noise and vibration survey in addition to the EIA;



- 'No.1 The Gateway' being Land bound by Poplar High St, Preston's Road and Poplar Business Park (PA/04/510 granted 13 March 2006) – This scheme is nearing completion and occupation. It comprises of 1 x 13 and 1 x 25 storey buildings, 243 residential units, 1,084sqm retail. Noise impact reports for road and DLR noise were considered at the time of the assessment and no conditions were considered necessary.



8.139 Consequently, not only has the subject application dealt with noise impact and proposed appropriate mitigation measures, there is a consistent approach of the Council for supporting intensive residential development in this area with appropriate mitigation measures rather than an approach precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable noise impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

Air quality impacts

8.140 The air quality impact to future residential occupiers was raised previously by Members. It is noted the ES includes an air quality assessment along with the full range of environmental considerations as reported later in section 8. This section of the report indicates the policy framework for consideration of air quality, the baseline situation at Trafalgar Way and the mitigation measures that will ensure future occupiers have a suitable level of air quality.

8.141 In respect of national policy, the 'Air Quality Strategy for England, Scotland, Wales and Northern Ireland' (AQS 2007) sets the framework to reduce adverse health effects from air pollution along with the Air Quality (England) Regulations 2002. In terms of pollution from road traffic, consideration is given for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>). NO<sub>2</sub> is a gas produced by the reaction between oxygen and nitrogen in combustion engines. PM<sub>10</sub> are small particles suspended in the air as a consequence of road transport. The Strategy and Regulations are summarised below.

| Pollutant        | AQS                   |            | AQS Objective       |             |
|------------------|-----------------------|------------|---------------------|-------------|
|                  | Concentration (ugm-3) | Ave period | Exceedence per year | Target date |
| NO <sub>2</sub>  | 200                   | 1hr        | 18                  | 31/12/2005  |
|                  | 40                    | Annual     | -                   | 31/12/2005  |
| PM <sub>10</sub> | 50                    | 24hr       | 35                  | 31/12/2004  |
|                  | 40                    | Annual     | -                   | 31/12/2004  |

8.142 Planning Policy Statement 23 sits within the pollution control framework of the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control Regulations 2000. In terms of planning, the PPS seeks to determine the appropriate location for development that may give rise to pollution as well as ensuring that proposed development is not affected by existing pollution sources as far as possible.

8.143 The abovementioned national policies are material considerations in the determination of planning applications. They also accord with EU air quality directives. It should be noted that

there are a raft of other complimentary guidance for air quality from different national and European bodies.

- 8.144 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4A.19 'Improving Air Quality' states that, amongst other things, boroughs should consider air quality including its formal assessment, especially in air quality management Areas.
- 8.145 Pursuant to local policy, the UDP 1998 does not have any policies specifically deal with air quality. However, within the IPG 2008, Policy CP3 'Sustainable Development' seeks to improve the quality of the environment by, amongst other things, ensuring that developments minimise air quality impacts. It should be noted that the whole borough is declared an Air Quality Management Area (AQMA). An Air Quality Action Plan has been prepared and seeks to ensure development in the borough addresses the National Air Quality Strategy referred to above.
- 8.146 The assessment of the air quality for the subject application has used baseline-line 2007 data for Trafalgar Way in an empirical (mathematical) model. The model makes assumptions about factors like forecast traffic volumes, meteorological (weather) influences and the effect of the development upon itself E.g. traffic generation. The model is used to establish the level of air quality at different points (receptors) around the development as selected by the Council's Environmental Health Team. The locations of the chosen receptors are as follows:
- Podium level children's playspace;
  - Balconies with line-of-site to Aspen Way in Tower B, commencing at level 01;
  - North-facing terraces between the towers, commencing level 04; and
  - Internal rooms on the northern side commencing at level 01.
- 8.147 The assessment considered the AQS that needs to be achieved, as well as the air quality experienced at 2 Trafalgar Way. In addition, the results for air quality when mitigation measures are implemented.
- 8.148 Crudely, air quality improves with height and as such, mitigation measures are normally required at lower levels of the development. The assessment indicates that at above the first five residential floors the air quality at 2 Trafalgar Way meets the standard required. The specific requirements for mitigation at different parts of the development are discussed below.
- 8.149 The mitigation needed for internal rooms is a combination of fixed/unopenable windows and mechanical ventilation system for the first 5 residential floors. The remaining upper floors will have openable windows and a trickle (natural) ventilation system.
- 8.150 In respect of private balconies and terraces of residential flats, fixed unopenable glazing to create winter gardens on floors 01 – 05. For the first three residential floors, windows will be fixed, necessitating mechanical ventilation for those levels.
- 8.151 Balconies at higher levels do not require any form of enclosure for air quality mitigation purposes. Although, they will nevertheless be enclosed to mitigate noise impact as was discussed earlier.
- 8.152 The transparent acoustic barrier surrounding the children's play area will also serve to mitigate air quality impacts on this space.
- 8.153 As discussed previously under 'Noise impact' the building layout assists in minimising the impacts on future occupiers to some degree in the first instance, thereby minimising the mitigation that may have otherwise been required. Consequently, the reduced amount of intervention by the specific mitigation measures mentioned above makes for a more desirable and enjoyable development for future residents.

- 8.154 Therefore, the EIA demonstrates that air quality has been given comprehensive consideration to the satisfaction the Council's Environmental Health Team, Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas as well as outdoor amenity spaces from unacceptable levels of air quality, also agreed by the Environmental Health Team. Therefore the scheme addresses the abovementioned national, regional and local policies which seek to ensure development minimises air quality impacts. Thus members can be confident that achieving suitable air quality for future residents has been fully explored and resolved. As such, it is not considered to represent a reason for refusal.
- 8.155 Furthermore, as discussed previously under 'Noise Impact', there is a history of approvals in this area for significant residential development. As previously pointed out, whilst, the individual circumstances vary, each scheme shares a common theme of being a high quality design that has sought to maximise the development potential of its site, whilst taking into account the constraints including a limited site area and the need to mitigate impacts, including air pollution.
- 8.156 Consequently, not only has the subject application dealt with air quality and proposed appropriate mitigation, there is a consistent approach of the Council supporting intensive residential development in this area that has appropriate mitigation, rather than the approach of precluding development. This is all presented to offer further comfort to Member's that their concerns have been fully explored, that there are no unacceptable air quality impacts posed to future residents to the satisfaction of the Environmental Health Team. Furthermore, that a recommendation for approval is consistent with previous decisions in this part of the borough.

#### Other amenity considerations

- 8.157 In addition to Member's concerns, and as reported previously reported to Committee, the scheme also addresses the following amenity consideration, thereby delivering a high quality environment for future occupiers:
- Waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
  - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
  - The provision of car parking, including spaces for people with a disability, in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
  - Renewable energy and sustainability in the design.
  - The provision of open space is in accords with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard as discussed previously under 'Housing';
  - Although some window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. No significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset windows, rather than being single aspect buildings which directly face each other.
- 8.158 No other potential amenity impacts have been identified. Overall, taking into account all matters in an on-balance assessment, the amenity of future occupiers and users of the scheme is satisfactorily achieved and appropriate mitigation proposed to a suitable level of noise attenuation and air quality. The scheme accords with policies stated in this section which seek to protect the amenity of future occupiers. Therefore, there are no sustainable reasons for refusal in this regard.

## Neighbour Impacts

- 8.159 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning consideration. Nevertheless it is noted that these will be mitigated through a construction management plan and any unreasonable or excessive impacts will be subject to investigation and enforcement action.
- 8.160 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

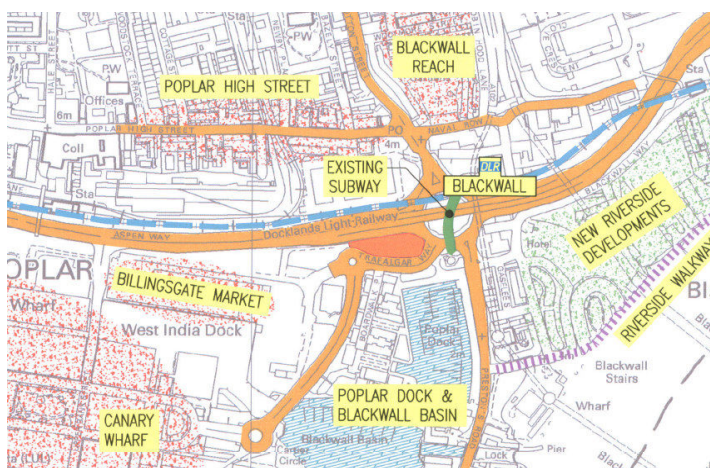
## Transport

- 8.161 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.162 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses', the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.
- 8.163 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.164 Having regard for the IPG 2008, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

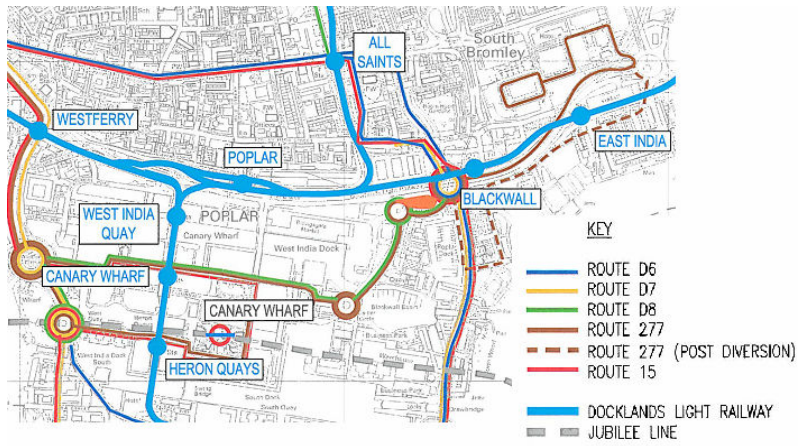
- 8.165 A Transport Assessment and Travel Plan document, produced by WSP Development and Transportation (Oct 07) was submitted in support of the scheme. It considers the accessibility of the site having regard to all available modes of transport in the surrounding area; it predicts the level of trip generation of the development in terms of different modes of transport, such as trips by car, DLR and walking; it assesses the effects of the scheme on the transport capacity of different modes in the area; it presents the sustainability strategy adopted for the scheme; and it also considers the servicing and refuse for the site. Of particular note is the Connectivity Report which considers the sites integration into the area.
- 8.166 In addition, a financial contribution of **£1,563,264** has been agreed for connectivity improvements to Trafalgar Way and Preston's Road roundabout. This will enhance the integration of this island site with the local area and its range of transport, facilities, and services. This responds to the concerns expressed by Members about the perceived isolation of this island site currently, notwithstanding the audit of pedestrian and cycling connections as part of the connectivity report.
- 8.167 Key aspects of the scheme are discussed below including the improvements in site connectivity.

### Connectivity

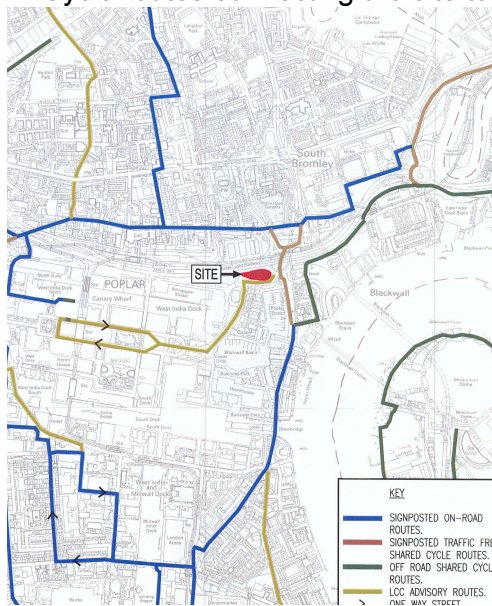
- 8.168 In the course of considering of the original version of this scheme in the October 2008 Strategic Development Committee meeting, as well as the previous case PA/08/274 in the May 2008 meeting, Member's expressed concern for the site's level of connectivity with the surrounding area, especially in light of the considerable amount of development proposed.
- 8.169 This section seeks to offer comfort to Member's that their concerns have been fully explored. A Connectivity Report was included in the Transport Assessment submitted in support of the application. It has examined the area context, the destinations of travel, the linkages between, and the potential improvements to them.
- 8.170 In respect of the area context, the illustrative plan below shows the significant barrier to north-south movement posed by Aspen Way.



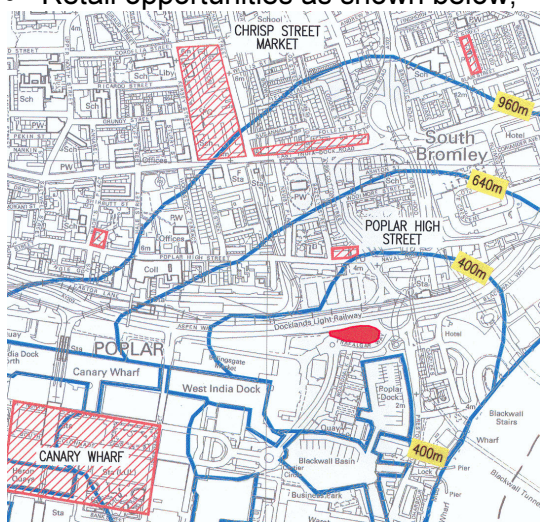
- 8.171 The Connectivity Report identifies the following destinations in the area that could be accessed by future residents of the scheme:
- Public transport services provided by DLR, London Underground and bus routes D6, D7, D8, 15 and 277 which are available in the area as shown below;



- Cycle routes connecting the site to greater London shown below;

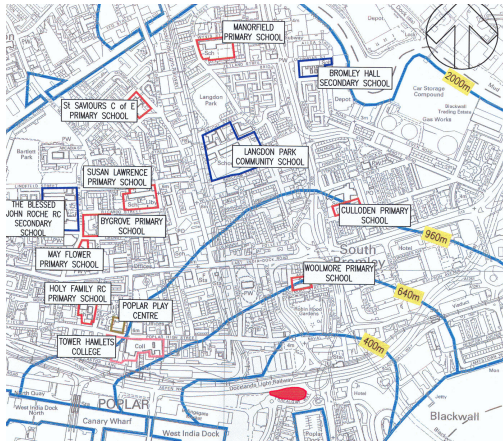


- A future Crossrail station which could be within 0.5km of the site;
- Retail opportunities as shown below;



- Education locations as shown below;

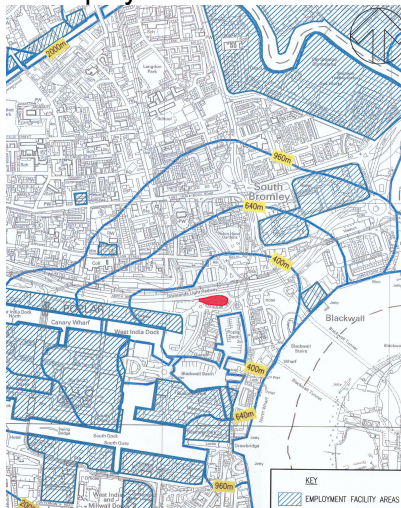




- Healthcare locations as shown below;



- Employment locations as shown below;



- Recreation opportunities in locations shown below;



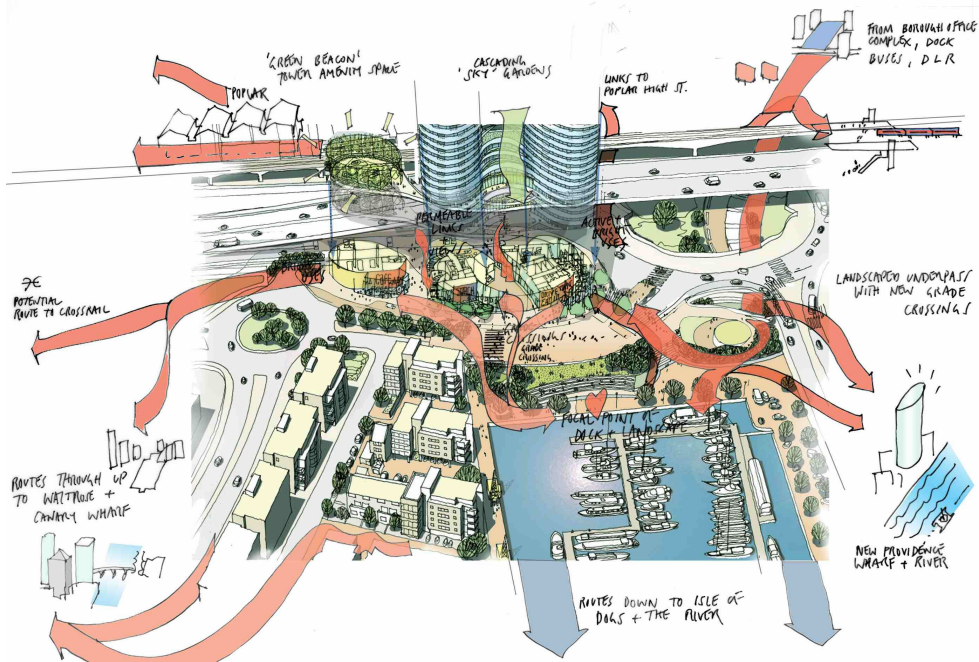
- 8.172 The above analysis indicates that a large number destinations are within walking distance of the application site:
- Public transport (Bus 0.3-0.4km; Underground 0.4-1km; DLR <0.4km)
  - Schools (Primary 0.4-0.6km; Secondary 1-1.5km)
  - Playground (0.4-0.6km)
  - Playing fields/Park (0.8-1km)
  - Shops (Local 0.4-0.8km; District centre 1.5-2km)
  - Healthcare (Centres 0.8km & 1km; Hospital 5km)
- 8.173 Given that a majority of destinations are to the north, improving north-south connectivity is a priority
- 8.174 The Connectivity Report includes a comprehensive audit of pedestrian and cycle connectivity in all directions has been undertaken. In summary:
- The report considers the site has excellent connectivity to the south towards the Isle of Dogs as well as to Poplar Dock, Blackwall Basin and South Dock;
  - In terms of northbound routes: the key destination is Polar High Street which can be reached in four to five minutes on foot by a route that is assessed as having good quality; London Cycle Network routes provide links to City of London, Hackney and Royal Docks; although, pedestrian links could be enhanced by at-grade crossing on Preston's Road roundabout;
  - For eastbound routes: there is good connectivity to Blackwall DLR and Mulberry Place; the subway system is well maintained although there are obvious benefits if an at-grade crossing was created; although, it is suggested that this would only result in minimal reduction in travel times to destinations in comparison the existing subway system nevertheless, the benefits are more to do with personal security particularly for night time usage; and
  - For westbound routes: there is generally good connectivity to the Canary Wharf Estate which has numerous pedestrian points and excellent security; pedestrian and cycle connections could be significantly enhanced by measures along Trafalgar Way,

immediately adjacent the application site; cycling opportunities to the west along Trafalgar Way and Poplar High Street are available.

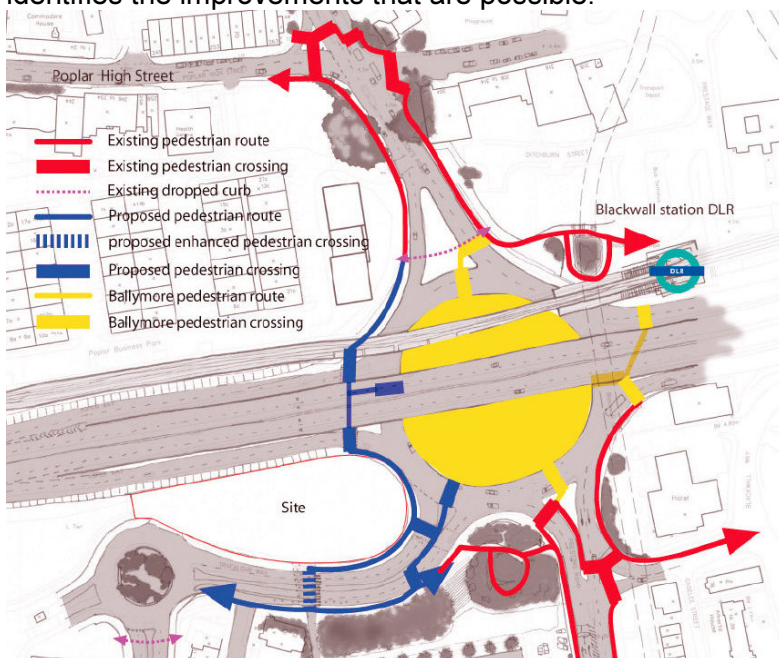
8.175 The connectivity improvements recommended by the report relate to pedestrian connections across Trafalgar Way and Preston's Road roundabout. To this end, the applicant has agreed to a planning contribution of **£1,563,264** to fund these works.

- 8.176 In terms of the upgrade to Trafalgar Way, this involves:
- Construction of a raised table for virtually the length of the site;
  - Construction of a landscaped median strip with mature tree planting; and
  - Reinstating the pedestrian crossing.

8.177 The diagram below illustrates the connections that would be achieved.



8.178 In terms of the future upgrade to Preston's Road roundabout, the illustrative plan below identifies the improvements that are possible.



8.179 At the time of the development of New Providence Wharf to the east of the subject site,

there was concern about the suitability of the Preston's Road subway system to accommodate the increasing population expected in this area. At that time, the Council's Highways Team recommended that pedestrian connectivity improvements be explored given their survey of pedestrian using the subway.

- 8.180 As part of the Building C New Providence Wharf application PA/06/2101 (approved 24 April 2008), the s106 planning agreement included an obligation for the applicant to establish a legal framework for a working group (consisting of Council, developers, statutory stakeholders and other parties) to deliver pedestrian connectivity improvements to Preston's Road roundabout. This, along with the s106 planning contribution will facilitate the creation of a scheme and the financial means to implement it. In addition, sites such as 2 Trafalgar Way would contribute as they came forward for development.
- 8.181 The delivery of the roundabout improvements is split in two phases. Phase 1 involves the modelling/justification to finalise the design. Aspects of this design to be implementation in phase 1 including:
- Provision of 4 x signalised pedestrian crossings across the roundabout (Aspen Way eastbound slip road, eastern arm of the roundabout, southern arm of the roundabout, northern arm of the roundabout);
  - Alterations to boundary walls to create a more direct access between Aspen Way eastern slip road and the East India DLR station;
  - Infill of the subway system if necessary; and
  - Reinstatement of highway (E.g. curbs, pavements, signs, street lighting, and road marking) and utilities infrastructure (e.g. surface water drainage).
- 8.182 It was intended that the framework and costs of phase 1 would be largely borne by the New Providence Wharf application. Later schemes such as 2 Trafalgar Way would contribute to the remaining elements, particularly phase 2.
- 8.183 Phase 2 of the roundabout improvement involves:
- Construction of a pedestrian bridge across the Preston's Road roundabout;
  - Roundabout to provide direct, at-grade north-south connection; and
  - Finalisation of the scheme (e.g. landscaping).
- 8.184 In summary, there is a comprehensive approach underway to improve connectivity particularly for the pedestrian environment as guided by national, regional and local policy. This will enhance the ability for future residents to access the public transport options, as well as the employment, educational, and medical services and recreational opportunities of the surrounding area. Therefore, this outcome should provide comfort to Members that their concerns regarding connectivity have been fully explored and resolved. Future residents will not be isolated; rather, this scheme will integrate them into the area and all the opportunities it has to offer. Consequently, this issue is not considered a sustainable reason for refusal.

#### Existing MacDonald's car parking and Drive-thru

- 8.185 In respect of the provision of the MacDonald's and associated facilities, including parking and drive-thru, this is an existing aspect of the operation of the MacDonalds which will be retained.

#### Residential car parking design and numbers

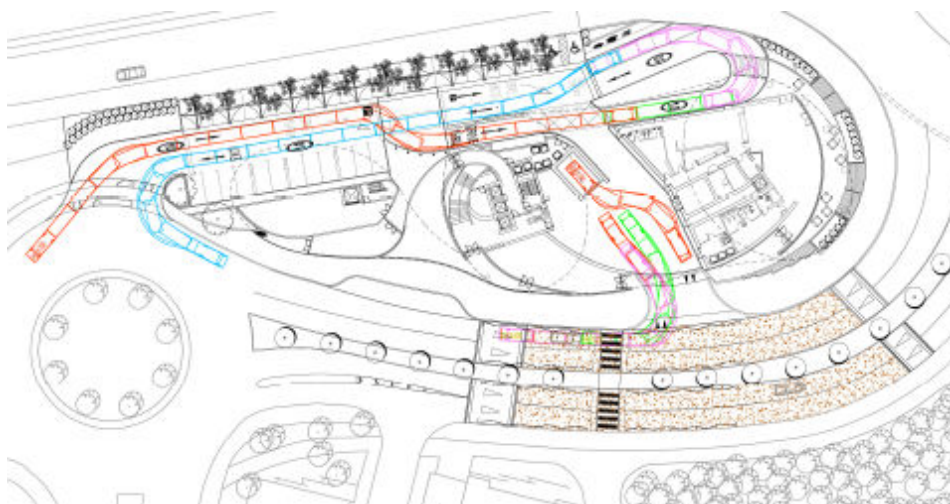
- 8.186 The residential car storage facility has been considered by the Highways Team in their discussions with the applicant's consultant. The mechanised car parking system is considered to be acceptable and especially beneficial for users with a disability whom may otherwise have difficulty in using a basement parking area. Sufficient car queuing area for the basement access point is available on site to deal with peak demand. Therefore there

is no significant impact to warrant refusal.

- 8.187 In respect of provision, a total of 97 car spaces are proposed. This represents 0.23 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is not sustainable.

#### Vehicle/pedestrian conflicts and safety

- 8.188 The ground floor plan below shows an elliptical ('8'-shaped) circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from the western end of the site, it being noted that this is an existing parking access and egress point for MacDonalds. The access to the residential car lift is via a separate access from the south, which also provides an egress for the restaurant parking and loading.



- 8.189 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the tower and ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas, not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction, it is in the area to the rear of site in the Macdonald's parking area and drive-thru loop. In considering the potential conflict, it should be noted that the Macdonald's parking and drive-thru is existing. Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing, thereby alerting drivers and giving priority to pedestrians. Therefore, the ground floor layout is considered acceptable, having addressed pedestrian access and safety which such that it has priority.

#### Road capacity

- 8.190 In respect of transport capacity, the Highways Team has considered this issue and raised no objection. The scheme is within the capacity of the local road network based on detailed analysis and 24hr traffic surveys and is therefore acceptable in this regard.
- 8.191 It should be noted that the Strategic Transport Team suggest that the highway network is reaching capacity in this area. Therefore, future applications that further intensify activity in this area will need to clearly demonstrate that their cumulative impact upon the network is not significantly adverse.

#### Planning contributions

- 8.192 The s106 agreement includes the requirement for a car-free development to prevent future

occupiers from applying for parking permits in the area. Also, planning contributions have been secured for connectivity improvements as discussed previously.

### Concluding remarks

- 8.193 In summary, the provision of parking for both the commercial and residential components of the scheme is acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also within the capacity of the local road network based on detailed analysis and 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Preston's Road roundabout and Trafalgar Way, thereby achieving significant improvements in north-south connectivity. Therefore, the development is considered acceptable and is recommended for approval.

### **Environmental Impact Assessment (EIA)**

- 8.194 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:
- Socio-economics;
  - Transport and access;
  - Noise and vibration;
  - Air quality;
  - Land quality;
  - Water resources;
  - Townscape and visual amenity;
  - Microclimate (wind);
  - Daylight and Sunlight;
  - Aviation safety;
  - Television and radio interference;
  - Waste resources;
  - Sustainability; and
  - Mitigation and residual effects
- 8.195 At the time of lodgement of the current application, the Environmental Statement (ES) was updated to reflect the variations as compared with the previous scheme PA/08/274. The following points are noted:
- Additional information was provided in respect of chapters 5 'socio-economics' and 10 'water resources' and placed re-notified. No objection was received.
  - It was considered that there was sufficient information in chapter 11 'townscape and visual' along with the plans, and other documents to fully assess the impact of the proposal. It is noted that there is no change in the appearance from the previous application which was considered to be acceptable.
  - It is considered that archaeology has been adequately addressed in a separate report and no further information needed. Whilst the site does not fall within an archaeological priority area, a stand-alone archaeological assessment was nevertheless provided. English Heritage (Archaeology) considered the application and recommended an appropriately worded condition and informative for investigation/recording. It is noted in the archaeology report that there is only potential for pre-historic peat deposits, there was not evidence of any significant Roman, Saxon medieval or early post medieval occupation, and that the site was part of the London docks in the 19<sup>th</sup> century.

- Notwithstanding comments by Natural England, LBTH ecology officer considers that ecology has been adequately addressed and no further information is needed. The Council's ES Scoping Report indicated that there were no negative effects expected and that the site has very few ecological features. It was suggested that this situation could be significantly improved by providing brown roofs. As part of the application, brown roofs are proposed. Also, the site survey by Thomson Ecology concluded that there was limited potential for nesting birds and negligible ecological value in general. Therefore, no further surveying was recommended. The Council's Ecology Officer, Parks and Open Spaces, has assessed the scheme and raises no objection.

8.196 In concert with the latest amendments to the scheme, a further report was prepared. It confirms that the issues and final conclusions as to the acceptability of the scheme are unchanged from the point of view of the environmental assessment. Consultee responses to the ES are provided in section 6. Detailed consideration of issues is provided throughout section 8. It is considered that all relevant issues have been taken into account and no significant impacts will result for existing and future residents as well as the surrounding environment.

## **S106 Planning Contributions**

### Introduction

8.197 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are '*intended to make acceptable development which would otherwise be unacceptable in planning terms*'.

8.198 Planning obligations can be used in the following three ways:

- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.199 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development;  
and
- (v) reasonable in all other respects.

8.200 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, '*where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be*'.

- 8.201 Similarly the circular states that decisions on the amount of contributions *'should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place'*.
- 8.202 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

#### Overview of s106 offer

- 8.203 The current version of the application secures 35% affordable housing, £8k per unit as well as a contribution in-lieu of providing family sized affordable housing off-site. The **£16.169m** package of contributions is considered acceptable and discussed in more detail below. It should be noted also that the toolkit was independently assess with the resulting advice concluding that the s106 offer was the maximum possible.

#### Affordable housing

- 8.204 In respect of affordable housing, the **35%** affordable housing offer comprises a proportion of units on site (**69 units**) plus an off-site contribution (**£12.857m**) in-lieu of affordable family housing.
- 8.205 In terms of delivery of housing via in-lieu contributions, the Planning Contributions Overview Panel (PCOP) manages these funds and allocates it for projects.
- 8.206 Contributions would put towards Council-lead and preferred partner RSL programs for affordable family housing in the borough on both council and RSL land. Projects can be to build new family housing, or purchasing family housing on existing estates (ex-right to buy dwellings for example) which will then be brought up to Decent Homes standard.
- 8.207 The advantages of taking a commuted sum in-lieu of onsite provision, or requiring the developer to secure an alternative site to deliver of family housing, are as follows:
- Family housing at lower density;
  - Family housing with lower service charges;
  - Units where there is established services and infrastructure;
  - Units bought or development on existing estates benefit from established management operations and caretaking; and
  - Potential scope to provide family housing borough wide in more than one location.

#### Health

- 8.208 The Primary Care Trust (PCT) requested the developer contribute £2,202,419 health (£505,379 Capital + £1,697,040 Revenue) towards primary care needs of future residents. Given the range of contributions being sought for this site, the five tests of the Circular 05/2005 as well as a pro-rata rate of what was agreed for PA/08/274, it is considered that seeking only the capital component could be readily justified. The full justification for not seeking a revenue contribution is provided in the previous reports for the subject scheme and PA/08/274 is attached. A pro-rata contribution which covers the capital contribution for 414 units (**£569,664**) however, is considered to be satisfactory.

#### Education

- 8.209 In respect of an education contribution, the Council's Education department have requested a contribution of £419,628 towards the provision of school places. The s106 package will contribute **£632,592** towards the education needs which represents a pro-rata contribution of what was previously secured in negotiations as part of PA/08/274.



## Transport

- 8.210 In respect of transport, the Traffic and Transportation Team verbally confirmed the acceptability of a pro-rata contribution of **£1,563,264** for improvements to the Preston's Road roundabout and pedestrian linkages across Trafalgar Way.
- 8.211 In addition, there will be standard S278 highway improvements/ modifications, including:
- new access points,
  - Modification of existing access points and general repaving as required.

No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 2 comments from the GLA.

- 8.212 A 'Car Free' agreement is recommended to restrict the occupants from applying for residents parking permits in the area.

## Amenity space

- 8.213 In respect of other heads of terms, British Waterways (BW) previously requested a contribution for upgrade and improvement of BW land adjacent Poplar Dock which will serve as amenity space. The agent indicates an initial independent estimate of £560,000.00 for such works as part of the previous application PA/08/274. However, given the available monies potentially secured and the current estimate for the transport contributions, a contribution of £522,989.00 was realistic and considered acceptable. A pro-rata **£546,480** is secured as part of this application.

## Other heads

- 8.214 Other heads of terms include Transport Assessment, TV/radio reception monitoring and impact mitigation, employment/training initiatives and public art opportunity.
- 8.215 Overall, the revised planning contributions negotiated by LBTH with the developer are considered to be acceptable, in line with the guidance of the Circular, and will mitigate the impacts of the development.

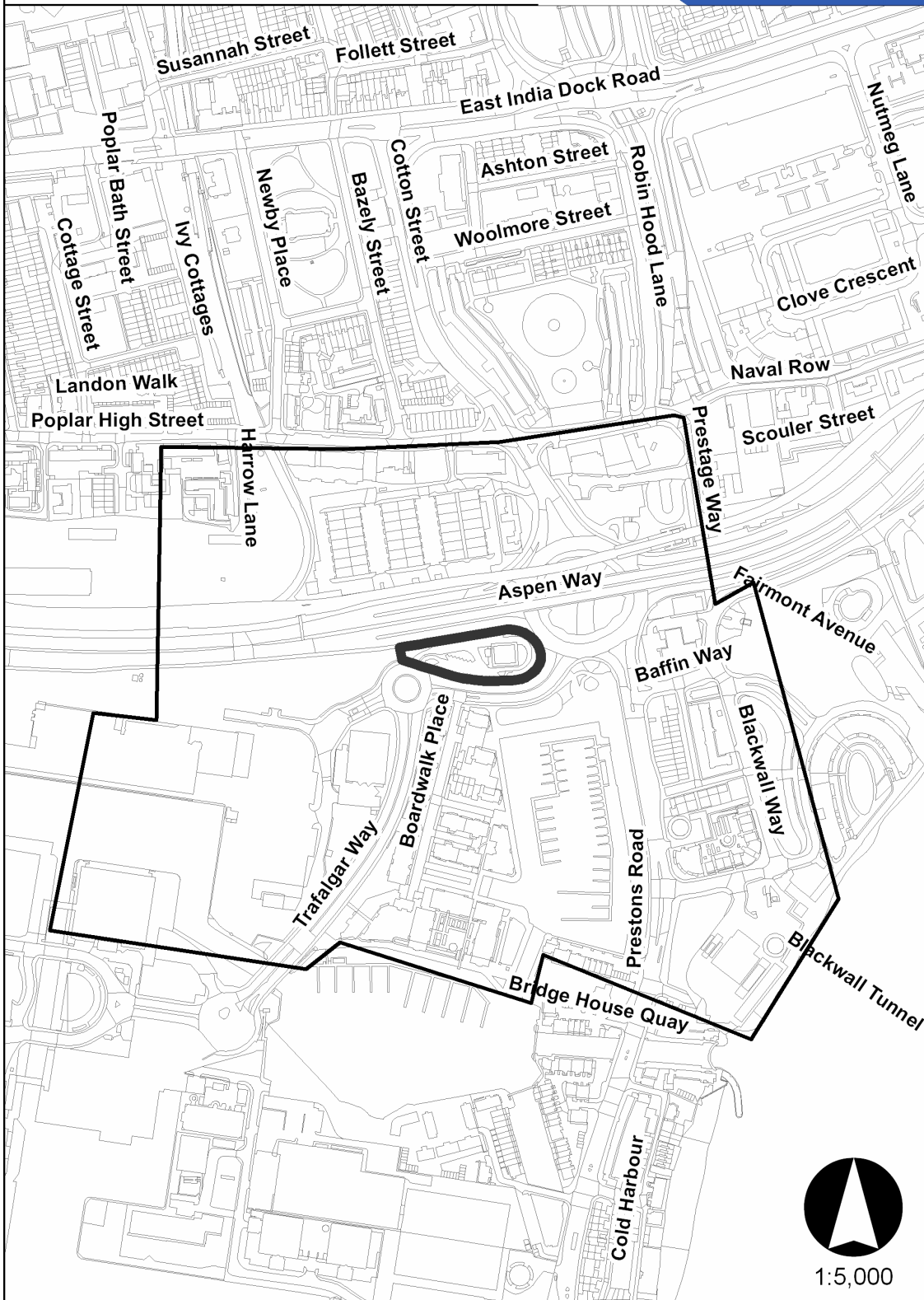
## **9.0 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## **List of Appendices**

- **Site Plan**
- **9<sup>th</sup> Oct 2008 report for PA/08/01321**
- **29<sup>th</sup> May 2008 report for PA/08/00274**

Planning Application  
Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288