

<b>Committee:</b> Strategic Development	<b>Date:</b> 6 <sup>th</sup> March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Elaine Bailey		<b>Ref:</b> 11/01945	
		<b>Ward:</b> Coldharbour	

## 1. APPLICATION DETAILS

- Location:** 1 - 18 Dollar Bay Court, 4 Lawn House Close, London.
- Existing use:** Site is currently occupied by a 4 storey residential building comprising 18 x two bed units (in the applicant's ownership).
- Proposal:** Redevelopment of the site for a residential led mixed use, comprising a 31 storey building to provide 121 residential units, 105sqm A1/A3 at ground floor, 122sqm ancillary gym at basement level, underground parking, plant and ancillary accommodation and hard and soft landscaping providing both public and private open space amenity.

*(This application is linked to a separate planning application ref: PA/11/01944 for the erection of 64 residential units at 18-36 Thomas Road. Both of these applications are linked for reasons relating to the provision of off-site affordable housing).*

Both these applications are accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

- Drawing Nos:** 7229-A-G100-XP-AL-001 - Location Plan - Existing  
7229-A-G100-P-AL-001 A - Location plan - Proposed  
7229-A-G100-XP-AL-002 - Site Plan - Existing  
7229-A-G100-P-AL-002 A - Site plan - Proposed  
7229-A-G100-P-RF-001 A - Site plan - Proposed Roof Plan

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, adopted Core Strategy 2010		Development Control 020 7364 5338

7229-A-G100-XE-S-001 - Existing South Elevation  
 7229-A-G100-E-S-001 A - Proposed South Elevation  
 7229-A-G100-XE-W-001 - Existing West Elevation  
 7229-A-G100-E-W-001 A - Proposed West Elevation  
 7229-A-G100-XE-N-001 - Existing North Elevation  
 7229-A-G100-E-N-001 A - Proposed North Elevation  
 7229-A-G100-XE-E-001 - Existing East Elevation  
 7229-A-G100-E-E-001 A - Proposed East Elevation  
 7229-A-G100-XS-S-001 - Existing South Section  
 7229-A-G100-S-S-001 A - Proposed South section  
 7229-A-G100-XS-E-001 - Existing East Section  
 7229-A-G100-S-E-001 A - Proposed East section  
 7229-A-G200-P-B2-001 A - GA Plan - Basement Level 2  
 7229-A-G200-P-B1-001 A - GA Plan - Basement Level 1  
 7229-A-G200-P-T1-001 A - GA Plan - Grd & Mezz Level  
 7229-A-G200-P-T2-001 A - GA Plan - Level 1-3  
 7229-A-G200-P-T3-001 A - GA Plan - Level 4-21  
 7229-A-G200-P-T4-001 A - GA Plan - Level 22-27  
 7229-A-G200-P-T5-001 A - GA Plan - Level 28-29  
 7229-A-G200-P-T6-001 A - GA Plan - Level 30-31 and Roof  
 7229-A-G200-P-AL-001 A - GA Plan - Unit Matrix  
 7229-A-G200-E-S-001 A - GA elevation - South Elevation  
 7229-A-G200-E-W-001 A - GA elevation - West Elevation  
 7229-A-G200-E-N-001 A - GA elevation - North Elevation  
 7229-A-G200-E-E-001 A - GA elevation - East Elevation  
 7229-A-G200-S-AA-001 A - GA section, section AA  
 7229-A-G200-S-BB-001 A - GA section, section BB  
 7229-A-G200-S-CC-001 A - GA section, CC and DD 1:200  
 7229-A-G200-P-TY-001 - Typical Intermediate Units  
 7229-A-G200-P-TY-002 - Typical Wheelchair Access Units  
 7229-A-G251-D-T1-001 A - Facade Type 1  
 7229-A-G251-D-T2-001 A - Facade Type 2  
 7229-A-G251-D-T3-001 A - Facade Type 3  
 7229-A-G251-D-T4-001 A - Facade Type 4  
 7229-A-G251-D-T5-001 A - Facade Type 5

**Documents:** Planning Application Form,  
 Land Ownership Certificate B and Agricultural Holdings  
 Certificate;  
 Schedule of Drawings;  
 Design and Access Statement and Computer Generated  
 Images (CGI's);  
 Planning Statement;  
 Statement of Community Involvement;

**LOCAL GOVERNMENT ACT 2000 (Section 97)**

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Assessment of economic viability and affordable housing provision;  
PPS5 Historic Environment Report; and  
Code for Sustainable Homes – Pre-Assessment.

Environmental Statement comprising:

- Volume 1: Main Volume Part I and Part II;
- Volume 2: Townscape and Visual Impact Assessment;
- Volume 3: Transport Assessment and Appendices;
- Volume 4: Technical Appendices Part I and Part II;
- Volume 5: Energy Statements; and
- Non-technical Summary.

- Volume 4 of the Environmental Statement comprises:

- Air Quality Assessment;
- Archaeological desk-based assessment;
- Aviation Assessment;
- Daylight and Sunlight Assessment;
- Ecological Assessment;
- Flood Risk Assessment;
- Site Investigation and Environmental Risk Assessment (Ground Contamination);
- Draft Site Waste Management Plan;
- Wind Microclimate Assessment

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**Applicant:** LondonNewcastle Agents for UKI (Dollar Bay) Limited.

**Owners:** Site in applicant's ownership (Cert A signed).

**Historic buildings:** None within application site.

**Conservation areas:** Adjoins the Coldharbour Lane Conservation Area

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. Officers have 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 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:

2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD (Proposed Submission Version 2012) and in accordance with the objectives of the Borough's Site Allocation for Marsh Wall East as outlined in the adopted Managing Development DPD (Proposed Submission Version 2012); and objectives for the Central Sub Area of the Isle of Dogs Action Area Plan (IPG 2007).

2.3 The proposal will not have any significant adverse impacts on the setting of the adjoining Heritage Asset and the proposal is considered to both protect and enhance the setting of the Coldharbour Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (Proposed Submission Version 2012) along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protects London's heritage assets, including their setting.

The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance policies 7.8 of the London Plan (2011), and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views.

2.4 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Managing Development DPD (Proposed Submission Version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.

- 2.5 The urban design, layout, building height, scale and bulk and detailed design of the tower are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.
- 2.6 Considering the demonstrated viability constraints, the proposed affordable housing offer at 46% across the two sites is considered acceptable as this is the maximum reasonable level that can be achieved and is considered to deliver greater benefits than if these two sites were development independently. Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a higher S106 package, are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site. As such, the application is considered to comply with Policies 3.10-3.12 of the London Plan (2011), Policy SP02 of the Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012) which together seek to maximise the delivery of affordable whilst having regards to site constraints and viability.
- 2.7 The development will provide acceptable internal space standards and layout. As such, the scheme is in line with the London Housing Design Guide (2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) and the Council's Residential Standards SPG (1998).
- 2.8 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (Proposed Submission Version 2012) which seek to improve amenity and liveability for residents.
- 2.9 Considering the urban context, it is not considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the of the Core Strategy (2010) and DM25 of the Managing Development DPD (Proposed Submission Version 2012), which seek to protect residential amenity.
- 2.10 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (Proposed Submission Version 2012) which seek to promote energy efficient and sustainable development practices.

- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, employment and enterprise, community and leisure, built environment, public realm in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting infrastructure and services required to facilitate proposed development.

### 3. **RECOMMENDATION**

- 3.1 That Committee resolve to **GRANT** the application for the reasons set out above, subject to:

3.2 **A. Any direction by The Mayor of London**

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

(Financial)

- a) A contribution of £28,092 towards Enterprise & Employment.
- b) A contribution of £74,637 towards leisure and community facilities.
- c) A contribution of £23,058 towards libraries facilities.
- d) A contribution of £81,667 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £140,396 towards Health facilities.
- f) A contribution of £98,368 towards Public Open Space.
- g) A contribution of £2,729 towards Sustainable Transport.
- h) A contribution of £60,000 towards TfL Bus Enhancements.
- i) A contribution of £15,000 towards Wayfinding.
- j) S106 Monitoring fee (3%)

(Non Financial)

- k) To provide a minimum of 46% of the residential accommodation across the Dollar Bay site and Thomas Road site (ref. PA/11/01944 & PA/1101945) as affordable housing measured by habitable rooms comprising 43 social rent units and 26 intermediate units, as specified in the submitted schedule of housing.
- l) 20% skills match and local labour.
- m) The completion of a car-free agreement

- n) Public art/artistic interpretation in the public realm (on site provision)
- o) Private garden access
- p) Walking /Right of Way
- q) Travel Plan in accordance with Framework
- r) Travel Plan Coordinator
- s) Working with Commercial Boat Operators Association (CBOA) and British Waterways to explore the use of the West India Basin for the transportation of construction materials.
- t) Working with British Waterways to upgrade walkway adjoining the site
- u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Lifetime Homes Standards
- Parking
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- In accordance with approved FRA
- Hours of construction
- Cranage height & max building height restriction (City Airport)
- Compliance with energy strategy

'Prior to Construction' Conditions:

- Contamination – investigation and remediation
- Landscape and public realm detail (including boundary treatment, ground surface materials, planting scheme, furniture, water feature, lighting)
- Construction Environment Management Plan
- Waste Management Strategy (detailing storage & collection of waste and recycling).
- Air Quality Management Plan
- Thames water (minimum pressure head and flow rates)
- Thames water (piling method statement)
- Biodiversity mitigation measures
- Details of tree protection and planting scheme
- Shop front and signage detail
- Sample of all external materials

- Cycle storage and parking details
- Noise insulation and ventilation measures
- Detail of plant extract equipment (A3)
- CCTV details
- Delivery and Servicing Plan
- 

'Prior to Occupation' Conditions:

- Hours of Operation for non residential uses.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water advice



## **4 Proposal & Background**

### **Proposal**

- 4.1 The application seeks to demolish the existing 4 storey residential building at 1-18 Dollar Bay Court and erect a 31 storey residential tower.
- 4.2 The tower will comprise 121 residential units, of which 111 will be private and 10 will be for intermediate occupancy. The building will provide 15 x studios, 48 x 1 beds, 40 x 2 beds, 17 x 3 beds and 1 x 4 bed units.
- 4.3 The application proposes to locate all of the social rent and a percentage of the intermediate housing off-site at 18-36 Thomas Road (the development of which is subject to separate planning application). In summary, the two sites when considered together would provide a minimum of 46% of affordable housing (measured by habitable rooms) and comprise 43 social rent units and 26 intermediate units in total.
- 4.4 A small element of retail/restaurant/café use (A1/A3) is proposed at ground floor level (105sqm) fronting on to South Dock.
- 4.5 A private communal garden is proposed to the rear of the site, along the eastern boundary of the site.
- 4.6 An ancillary resident's gym measuring 122sqm is also proposed at basement level.
- 4.7 Underground car parking is proposed in two basement levels. Vehicular access to the basement is via Lawn Close through a low rise building located to the east of the site which will accommodate car lifts. A drop off and service area is also proposed adjacent to the car lifts.

### **Amendments**

- 4.8 Further amendments were made in January 2012 in response to some concerns regarding the public realm, raised by LBTH and GLA. The public route is now proposed to extend right around the building; the proposed café has been moved to the south of the building to activate the external space at this point and finally, the 24/7 concierge has been relocated to the north of the building with reception desk improving surveillance and safety.

### **Background**

- 4.9 In 2008, the applicant London Newcastle engaged with the Borough and the GLA in relation to a 47 storey tower comprising 207 units (and an 11 story block at Thomas Road). Borough officers raised significant concerns with the scale of the tower and the principle of the off site affordable housing offer and requested further information. In Spring 2011, the scheme was revised to provide a 30 storey building containing 144 units (and an 8 storey block at Thomas Rd).
- 4.10 Officers responded to the applicant at various stages between 2010 and 2011 and confirmed in a final response letter dated July 2011 that officers

remained unconvinced to the justification of a 30 storey building on the edge of the Canary Wharf cluster and raised concerns regarding the potential impact on the character and appearance of the adjoining Coldharbour Conservation Area and requested further work and justification for the proposal. In addition, officers also raised concerns regarding the proposal's affordable housing offer, which was to be entirely provided in an off-site location. Concerns relating to the possible exacerbation of existing social and economic problems in the Borough and the need to create mixed and balanced communities were raised with the applicant.

- 4.11 At the pre-app stage, little evidence was provided to justify the height of the tower, in terms of local and strategic views and impact on the setting of the adjoining conservation area. Furthermore, insufficient information was submitted to justify the off-site element of the proposal in light of alternative sites and viability constraints. As such, officers were reluctant to support the scheme at that point in time.
- 4.12 The application was subsequently submitted with further justification and supporting information accompanied the application in the form of a full Townscape and Visual Impact Assessment (TVIA) and a Social Economic Report. Furthermore, discussions with an independent viability assessor informed the Council that if the applications were to be considered as two stand alones schemes, they would not be viable.
- 4.13 The current application has therefore been assessed in light of the additional information submitted and in light of the Borough's Managing Development DPD (Proposed Submission Version 2012).

#### **Site & Surrounding Area**

- 4.8 The site is located on the northeast area of the Isle of Dogs, approximately 750m to the south east of Canary Wharf. A public pathway bounds the site to the north alongside some commercial/office buildings related to the dock. A terrace of residential properties known as Glen terrace abuts the site to the east. To the west the site lies West India and Millwall Docks (South Dock). It is separated from the dock to the north by the single storey Sea Scout Building. Jack Dash House (offices within LBTH ownership) sites immediately to the south and it 5 storeys in height, beyond which lies Marsh Wall a predominantly residential area.
- 4.9 The residential flats of the Antilles Bay development (6 storeys), a multi-storey car park and the Innovation Centre are situated approximately 20m, 50m, and 110m to the southwest respectively.
- 4.10 The site comprises a four storey residential building which occupies the eastern part of the site, with associated parking. The building comprises eighteen two-bedroom flats.
- 4.11 In its wider context the site lies to the south-east of the Canary Wharf cluster of tall buildings. It is located approximately 600m from the towers along Heron Quays on the north side of South Dock. Marsh Wall and Manchester Road are the major roads in the area and are located to the south and east of the site respectively.
- 4.12 The Dollar Bay site is not located within a conservation area but lies

adjacent to the Coldharbour Conservation Area which now includes the properties along Glen Terrace.

- 4.13 The site has a Public Transport Accessibility Level (PTAL) rating of 3. Canary Wharf Underground Station is located approximately 1km north-west of the site. Providing links to central London, via Jubilee Line. South Quay DLR station is located approximately 500m away from the site. There are four London buses within a 500-600m of the site (D3, D6, D7 and D8).

## **5 MATERIAL PLANNING HISTORY**

There are no known planning history records on the site. The pre-app proposal is discussed in Section 4 above under Background Information.

## **6 POLICY FRAMEWORK**

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

### **Spatial Development Strategy for Greater London (London Plan)**

Policies:	2.1	London
	2.9	Inner London
	2.10	Central Area Zone
	2.13	Opportunity Areas
	2.14	Areas for Regeneration
	2.15	Town Centres
	3.1	Ensuring Equal Life Chances for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People’s Play and Informal Recreation Facilities
	3.7	Large Residential Developments
	3.8	Housing Choice
	3.9	Mixed and Balanced Communities
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
	3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
	3.13	Affordable Housing Thresholds
	3.14	Existing Housing
	4.12	Improving Opportunities for All
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks
	5.6	Decentralised Energy in Development Proposals
	5.7	Renewable Energy
	5.9	Overheating and Cooling
	5.10	Urban Greening

5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.21	Contamination
6.1	Strategic Approach to Integrating Transport and Development.
6.3	Assessing the Effects of Development on Transport Capacity
6.7	Better Streets and Surface Transport
6.9	Cycling
6.10	Walking
6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.8	Heritage Assets
7.11	London View Management Framework
7.13	Safety, Security, Emergency
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature
7.24	Blue Ribbon Network
7.31	London's Canal's & other Rivers & Waterspaces
8.2	Planning Obligations
8.3	CIL

### **Supplementary Planning Guidance/Documents**

London Housing Design Guide 2010

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

#### Proposals:

Flood Protection Area (Zone 2 & 3)  
 Historical Industrial Land Use  
 Adjoins Coldharbour Conservation Area  
 Adjoins SNCI

#### 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
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV28	Development adjacent to Conservation Area
DEV48	Riverside New Development

DEV50	Noise
DEV51	Contaminated Soil
DEV53	HSE & Hazardous Substances
DEV54	Consultation with HSE
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
CAZ1	Location of London Core Activities
HSG4	Loss of Housing
HSG6	Accommodation over Shops
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Shopfronts
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**

Proposals: Isle of Dogs AAP  
Flood Protection Area (Zone 2 & 3)  
Historical Industrial Land Use  
Adjoins Blue Ribbon Network  
Adjoins Millwall and West India Dock SINC

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
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
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN2	OSN2 Open Space
OSN3	Blue Ribbon Network
CON2	Conservation Areas
CON5	Protection and Management of Important Views

**Local Development Framework: Isle of Dogs Action Area Plan Submission Doc (IPG 2007)**

Site Allocation:		Central Sub Area (no specific development site allocation)
Policies:	IOD1- 10	Isle of Dogs Spatial Strategy & Cross Cutting Themes
	IOD19	Residential Uses in the Central Sub Area
	IOD20	Retail and Leisure Uses in the Central Sub Area
	IOD21	Design and Built Form in the Central Sub Area

**Core Strategy Development Plan Document (Adopted September 2010)**

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking – Tower of London Vision, Priorities and Principles

**Managing Development - Development Plan Document (DPD)  
Draft Proposed Submission Version Jan 2012**

Proposal

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM9	Improving Air Quality

DM10	Delivering Open space
DM11	Living Buildings and Biodiversity
DM12	Water Spaces
DM13	Sustainable Drainage
DM14	Managing Waste
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transport of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM27	Heritage and Historic Environment
DM28	Tall buildings
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

Site Allocation: Marsh Wall East

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

### **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

### **Draft National Planning Policy Framework**

**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

## **7 CONSULTATION RESPONSE**

- 7.1 The following were consulted regarding the application and their comments are summarised below. These should be read in conjunction with the full representations available in the case file. Officer's comments on these representations are in italic below.
- 7.2 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

## **LBTH Transportation & Highways**

7.3 Comments from Transport & Parking can be summarised as follows:

### Parking:

- A total of 36 on-site car parking spaces (including 4 disabled spaces) and 10 motorcycle spaces, equates to a ratio of 0.31 spaces per unit. No justification for the remaining on-site parking spaces.
- Development proposals should have come forward as car-free.

### Cycle Parking:

- 183 resident cycle parking spaces welcomed.
- An additional 12 visitor spaces are to be provided at ground floor level.
- Details of the cycle parking arrangements needed.

### Trip Generation:

- The trip generation assumptions appear to be acceptable overall.

### Servicing Arrangements:

- Highways welcome the Applicant's intention to accommodate all servicing activities from an on-site position.

### Refuse Arrangements:

- Comments to be obtained from the Waste Management Team.
- Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan

### Travel Plan:

- A Framework Travel Plan has been submitted in support of this application.
- The requirement for Travel Plans should be included as part of a Section 106 Agreement to cover the following:

- Implementation of Travel Plans
- Appointment of a Travel Plan Co-ordinator
- A contribution towards monitoring

### Other Comments:

- If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works.
- The Construction Traffic section of the submitted Transport Assessment does not cover everything required of a Construction Management Plan and therefore a full Construction Management Plan will need to be secured via condition.
- S278 condition required - scheme of highway improvements

*[Officer Comment: These issues are discussed in Section 9 of this report].*

## **LBTH Crime Prevention Officer (CPO)**

7.4 CPO has met with the applicant's architects and had detailed discussions. Some of the following points are noted:

- Main focus has been on the security/safety of the gardens adjacent to the



- building, and whether they are secure enough for residents only use, or open enough for public use.
- Gardens should be fully secured for residents only use, with all the boundary heights, planting and overlooking that can be mustered.

### **LBTH Primary Care Trust/Tower Hamlets NHS**

- 7.5 A financial contribution of £140,396 (capital contribution) is requested in line with a HUDU model calculations.

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

- 7.6 Records on the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. Condition recommended seeking contamination report and remediation.

### **LBTH Energy and Sustainability Team**

- 7.09 The Council's Sustainable Development Team's comments can be summarised as follows:

In terms of Energy:

- Anticipated energy and carbon savings at each element of the Energy Hierarchy:  
  
Use less energy (Be Lean) – 3% savings  
Supply energy efficiently (Be Clean) – 16%  
Use renewable energy (Be Green) – 5%
- The principles of the energy strategy and the anticipated CO2 emission reductions are supported. However, further details are considered necessary to demonstrate the savings detailed in the report are deliverable.
- The submitted information does not clearly set out the total carbon emissions of the proposed development (residential and commercial elements). Further information requested.
- The Energy Statement notes that a CHP will be installed, but does not provide the load profile details and evidence to demonstrate the system had been designed to maximise CO2 savings. The plant room should be clearly shown on the submitted drawings and include details of how the design has been future proofed to connect to district heating schemes in the future.
- 140m<sup>2</sup> of PV modules are proposed. The applicant should detail the total roof area available and the maximum usable area for PVs, including details of access and maintenance requirements. This information should be clearly labelled on the roof plan.

In terms of Sustainability:

- The applicant has submitted a Code for Sustainable Homes Pre-assessment which demonstrates that the scheme is designed to

achieve a Level 4 rating (74.82%). This is supported and should be secured through condition.

Further information sought :

- The total carbon emissions of the proposed development (residential and commercial elements) and the overall CO2 emission reductions for each element.
- Details of the specific make up of the 'unregulated' energy demand and how the design has sought to minimise this load.
- CHP analysis and thermal profiling to demonstrate appropriate sizing of system
- Basement plans showing plant location and details of future District System connectivity
- Total roof area available and the useable roof area for PV's taking into account access and maintenance requirements.

*[Officer comment: additional information has now been submitted to Borough's Energy Officer and officers have confirmed that they are content with proposed energy strategy].*

### **LBTH Waste Policy and Development**

- 7.8 Design and Access statement detailing arrangements to transport bins to ground level is acceptable. Ensure that holding area is within 10 metres drag distance to collection vehicle and that pathways are not obstructed. The area should have a dropped kerb and be free of parked vehicles

### **LBTH Education**

- 7.9 No comments received however in line with the adopted SPD on Planning Obligations, officers expect net increase in units arising from this proposal to generate a child yield and as such an appropriate education contribution will be requested towards new primary and secondary school places. This is outlined in section 9 of this report.

### **LBTH Leisure, Parks & Open Spaces**

- 7.10 LBTH Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on the borough's open spaces, leisure facilities and on the Idea stores, libraries and archive facilities. Increase in population will also have an impact on sustainable travel within the borough.

The 121 new homes proposed will result in 182 new residents within the development and approx 6 new employees.

The following S106 financial contributions are requested below and their justification should be read in conjunction with the full consultation responses available on the case file.

- Open Space Contribution £98,368
- Library/Idea Store Facilities Contribution £23,058
- Leisure Contribution £74,637

- Smarter Travel £2,729

*[Officer Comment: see Section 9 of this report for S106 of Heads of Terms discussion].*

#### **LBTH Trees Officer**

7.11 No comments received.

#### **LBTH Landscape**

7.12 No comments received.

#### **LBTH Enterprise & Employment**

7.13 Proposed employment/enterprise contributions at **construction phase**:

- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.
- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. Where the provision of local labour is not possible or appropriate, the Council will seek to secure a financial contribution to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments.
- The financial contribution that would be required is: £28,092

#### **LBTH Housing**

7.14 In light of the proposed off-site affordable housing arrangements, the comments below are made with respect to both sites (Dollar Bay and Thomas Road):

- 93% of the Dollar Bay development is private sale housing, the remaining 7% is affordable housing (shared ownership).
- The applicant proposes to deliver the remainder of the affordable housing requirement "off-site" on Thomas Road,
- Overall, as a percentage of the total development across both sites, the quantum of affordable housing would equate to 46%.
- Where off-site affordable housing is proposed the minimum requirement is for there to be a 50% provision.
- This application falls short of the minimum requirement, however a viability toolkit assessment has been supplied to support this offer.
- The affordable housing split is 70:30 between Social rent and Intermediate.
- As there would be no grant available, the applicant has also stated that all of the affordable rented units will be for social rent at target rents and NOT the new affordable rents that are being proposed by the government and HCA. It would therefore mean that these homes could be truly affordable for residents

- on the Council's housing waiting list.
- The social rented units on Thomas Road are split into 21% one bed units against our target of 20%, 14% two bed units against our target of 35%, 51% three beds against our target of 30%, a 9% four beds against a target of 10% and a 5% provision of five beds against a target of 5%.
- The level of 2 beds falls below the target guidelines, however it would result in a 65% provision of family sized 3, 4 and five beds, the Council has a great need for this type of accommodation, even more so as the units would be let at Social Rent.
- The large family units are designed with separate kitchens, we would welcome this as our lettings department inform us that residents requiring family sized housing have a preference for separate kitchens.
- Across the 2 sites, the intermediate units are split into 69% one beds against our target of 37.5%, 15% two beds against a target of 37.5%, and a 15% provision of three beds. On Thomas Road alone the split in intermediate is 63% one beds, 13% two beds and 25% three beds.
- It is felt that there is an overprovision of intermediate 1 bed units. This overprovision has a negative impact with an under provision of 2 and 3 bed units.
- The applicant states, in the design access statement, that the wheelchair accessible units will be compliant with the "Habinteg Wheelchair Housing Design Guide". We would welcome this.
- The applicant identifies 18 wheelchair accessible units across the 2 sites, this equates to a policy compliant 10% on each site. We would like to see indicative unit type drawings for these units.
- The social rented units at Thomas Road are served by 2 lifts, this would mean that the wheelchair accessible units served by these cores could be classed as fully accessible.
- Two dedicated disabled parking spaces are proposed for Thomas Road and a further four are proposed for Dollar Bay.
- Concern that there is an overprovision of intermediate one bed units. However, this results in a 65% provision of much needed family sized homes for rent, these rented units will all be let at social target rents, in the current climate where the HCA and the Government are pushing for much higher "affordable rents", schemes such as these that deliver social targets rents are much needed. Therefore, subject to the results of the viability assessment, we would be supportive of this application.

## **Biodiversity and Ecology**

7.15 The comments from the Borough's Biodiversity Officer can be summarised as follows:

- The application site is not a Site of Important Nature Conservation, but does contain features of local biodiversity value.
- These include a small area of developing woodland in an area where there is very little wildlife habitat, and at least one locally rare plant - ivy broomrape.
- Black redstarts have been recorded singing from the site and have bred in the general area in the past, and bats use the site for commuting, particularly the treeline on the north edge.
- The ES also mentions pepper saxifrage growing in a hedgerow on the site, without any further comment. This is a scarce plant in London, normally associated with old hay meadows in outer London, and is not known elsewhere in the borough. It is an unlikely species to have been planted here, so if the identification is correct, it is perhaps more significant than the ivy

- broomrape. However, suspect that the record is an error.
- Apart from failing to mention the significance of pepper saxifrage, the Ecology chapter of the ES seems fair and accurate in its evaluation of the site and assessment of impacts.
  - There will be adverse impacts on biodiversity, which will require mitigation.
  - The mitigation measures proposed in the Ecology chapter of the ES should be secured by condition.
  - In particular, lighting should not spill onto the treelines on the edges of the site;
  - The trees to be retained along the boundaries of the site should be adequately protected during construction;
  - Ivy should be included in the landscaping and the measures to re-establish the ivy broomrape from seed collected on site should be implemented.
  - Demolition and vegetation clearance should be undertaken during September to February inclusive or, if not possible, surveys for nesting birds (including black redstart if buildings are being demolished during April-July inclusive) should be undertaken immediately before demolition/clearance.
  - The landscaping offers further opportunities to enhance biodiversity.
  - The inclusion of a water feature is noted which has the potential to be particularly valuable for biodiversity, though the illustrative photograph shows a totally hard-edged water feature with no planting.
  - The proposed green walls and boundary planting also have the potential to benefit biodiversity, particularly if native species and/or nectar-rich and berry-producing species are used.
  - A condition should require full details of landscaping, including the species to be planted, and how this will benefit biodiversity.
  - Details of bird nest boxes should also be provided and approved through condition.

*[Officer Comment: the suggested conditions identified above should be imposed and the clarification regarding pepper saxifrage is addressed in Section 9 of this report.*

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

- 7.16 No response received, however condition to secure air quality management plan considered acceptable.

### **EXTERNAL CONSULTEES**

#### **External Daylight & Sunlight Consultant (GVA)**

- 7.17 An independent daylight and sunlight assessment was carried out on behalf of the Council by GVA. The report concludes that the availability of daylight and sunlight to the proposed new dwellings will be acceptable. Furthermore, it is not considered that there will be any significant harm to the existing neighbouring dwellings as a result of the Dollar Bay development.

#### **Greater London Authority (GLA)**

- 7.18 In summary GLA concluded in their Stage 1 response (17 Oct 2011) that whilst the application is generally acceptable in strategic planning terms, it does not comply with the London Plan. Comments can be summarised (however, see full response for further detail):

Principle of Development:

- Site's location within Isle of Dogs Opportunity Area identifies it as being suitable for residential mixed use development, therefore no principle planning concerns.

Affordable Housing:

- Considering both sites, a 38% affordable housing provision by units (and 45% by habitable rooms) complies with local planning policy and is supported in strategic terms.

Off-Site Provision & Viability:

- Mayors Housing SPD seeks affordable housing to be provided on site in the first instance; however SPG also recognises exceptional circumstances.
- GLA accept applicants viability argument that two stand along schemes with more mixed tenures would not be viable and would provide zero affordable housing.
- Confirmation on preferred RSL sought.

Unit Mix:

- High proportion of studio units (12%) and significant proportion of 1 and 2 bed units (40 % and 38%) however, inclusion of 14% 3 and 4 bed units welcomed.

Tenure Split:

- Tenure split for Dollar Bay site is 92%:8% (private to intermediate) however when considered in the context of both sites, the split is 62%:37% which is more in line with Policy 3.12

Density:

- Proposed density of 1,122hrph exceeds recommended threshold of 300-650hrph for a site in PTAL of 3. Other aspects such as high quality design, generous amenity standards, social infrastructure etc are acknowledged which assist in the justification of a higher density however, GLA note discontent with high number of studio units.

Child Play:

- GLA calculations demonstrate a child yield of 24 at Dollar Bay. 120sqm of Playspace is to be provided along side public plaza. Applicant's off site contribution offer towards older child play space supported.

Urban Design – Scale, Height, Massing:

- Tower considered elegant and an appropriate book ending to the docks. Acts as a landmark.

Urban Design – Layout:

- Further consideration needed regarding ground floor layout, relationship with pedestrian public realm and waterfront.
- Location of communal gardens raises concern (no overlooking), weak relationship with tower, lacks any sense of ownership.

Urban Design – Visual Appearance:

- Not as striking as previous proposal, however, crystalline concept is well articulated and creates a distinctive view.

Residential Layout:

- All units in compliance with London Plan space standards supported.
- Small footprint enables most of the units to be dual aspect which is supported.
- Small footprint also enables a layout of no more than 5 units per floor which is supported.
- However, the 15 studios raise concern.

Conservation Area and Impact on Water Spaces:

- Whilst the tower is not in keeping with the character of the Coldharbour Conservation Area, it provides a contrast between the modern buildings of Canary Wharf and the industrial heritage of the conservation area. This is welcomed.
- Discussion with British Waterways recommended regarding any intended pontoon facility on the deck.

Views:

- Falls within the backdrop of the Maritime Greenwich World Heritage Site and Greenwich Park Cons Area therefore consideration has been given to the views of this WHS in light of the London Views Management Framework. GLA conclude that the proposal would result in a minor to moderate change in view.
- Further information requested in relation to the impact on the outstanding Universal Value of the WHS.

Access & Inclusion:

- Commitment to Lifetime Homes supported
- Commitment to 10% wheelchair accessible units supported
- Proposed layout and access to public realm and landscaping supported
- Detailed lighting strategy required.
- Further information requested regarding allocation of parking bays

Transport:

- Parking at 0.3spaces per unit considered acceptable.
- 10% dedication to blue badge holders supported.
- Scheme not likely to have a negative impact on the operation of either TLRN or SRN.
- Financial contribution of £60k for bus enhancements sought.
- Financial contribution of £132k towards cycle hire scheme also sought.
- £15k towards Wayfinding also sought
- S106 should also ensure Travel Plan monitoring, Delivery & Service Plan, and Construction Logistics Plan.

Sustainability:

- Broadly acceptable and in line with London Plan Policies.

*[Officer Comment: The applicant provides the GLA with a response dated 1 December 2011 responding to the issues, clarification and additional information noted above. These are discussed in relevant sections of this report].*

**British Waterways**

7.19

Comments from BW can be summarised as follows:

- No objections to the design or the design or principle of this development;

- BW consider it essential that the development open up the site to improve the general amenity of the area and reduce any potential for anti-social behaviour.
- The proposed ground floor retail (café) unit would also be beneficial in animating this area and providing some passive surveillance.
- Previously discussed the incorporation of BW's dockside land to the west, in front of the Scout building, as additional outdoor seating for the café, which would help this area to be utilised and overlooked, though this does not appear to have been included, and may need to form part of S106 agreement.
- We acknowledge also the presence of a concierge on site who would help to monitor the immediate area.
- The proposed canopy extends across British Waterways' land and will need to be subject of an agreement with their Estates department to ensure maintenance etc.
- BW expect the walkway and land referred to above to be resurfaced in the same material as around the development, to provide continuity and improve the public realm. This should form part of the S106 agreement.
- The development proposal should consider the potential impact on the adjacent dock wall and should not have any adverse impact on its structural integrity.

#### Surface Water Discharges and Use of South Dock

- We understand that the applicant may consider discharging water into the Limehouse Cut. This can be acceptable subject to survey and agreement.
- Having discussed the site with our Utilities Team, the development would not be able to utilise the dock water for heating and cooling.
- There may be opportunities to utilise the dock during the construction cycle – with barges removing demolition waste and delivering materials. A management strategy to protect pedestrians during loading and unloading would be required, but this would be manageable.
- During and after completion of the development there is also an option for mooring boats alongside that could provide site offices, marketing suites, and events. We would be pleased to see activity, making use of the waterspace. This would likely only require simple ducting and services to be installed during the construction works.
- Conditions recommended in relation to: (i) survey of the condition of the dock wall, and a method statement and schedule of the repairs; (ii) feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclates), (iii) full details of the proposed landscaping scheme; (iv) Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.
- Informatives recommended in relation to: (i) current British Waterways' Code of Practice for Works affecting British Waterways 2010; (ii) any discharge of surface water into the waterways; (iii) appropriate commercial agreement with British Waterways.

*[Officer Comment: following amendments to the ground floor layout and relationship of the base of the tower with the proposed public realm, British Waterways were consulted again. BW support the proposed amendments to the public realm however emphasised that the dockside and walkway should benefit from passive surveillance and that the walkway should be included in the landscaping plan.. BW disappointed to see relocation of the proposed café away from the original orientation over BW*



*land. Officer advises that works to the pathway (which fall outside the red line plan) should be captured in the S106].*

## **CABE**

7.20 Comments can be summarised as follows:

- Support height of tower.
- Positive contribution to Canary Wharf.
- Details of materials should be conditioned.
- Public open space supported, however concerns raised regarding relationship of the tower so close to the waterside.
- Garden between Glen Terrace and the proposed tower is considered to be successful
- Concern regarding the 'arrival square' – ancillary buildings do not match the tower.
- Whilst CABE supports proposed tenure mix, they advise that Dollar Bay consider the accommodation of more affordable housing.

*[Officer Comment: Design issues discussed in Section 9 of this report].*

## **Environment Agency**

7.21 Application lies within Flood Zone 3 and has a high probability of flooding. The EA objected to the proposal in the absence of any evidence to demonstrate that the floor risk sequential test has been applied.

*[Officer comment: officers submitted a response to the EA on the 13 February and the EA confirmed in a letter dated 15 February that the submitted evidence and conclusion that both the Sequential Test and Exception Test have been satisfied enabled them to remove their objection to the proposal].*

The EA recommend a condition requiring the development to be carried out in accordance with the approved FRA dated July 2011 and the following mitigation measures:

- Ground floor finished floor levels are set no lower than 5.3 m above Ordnance Datum (AOD);
- Inclusion of a formal evacuation route from basement areas to higher levels;
- Basement threshold levels above 5.3m AOD.

## **English Heritage**

7.22 EH advised that the application should be determined in accordance with national and local guidance, and on the basis of specialist conservation advice.

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

7.23 If the existing water supplies are maintained, the provision of water supplies for use by the Fire Service should be adequate. Moreover, plan A-G200-P-T1-001 (Ground Floor Plan), would indicate that Brigade access should not be problematic.

## **Thames Water Authority**

- 7.24
- No objection to waste however informatives advised recommending non return waste valves and surface water drainage arrangements; and ground water discharge permits.
  - No objection with regard to Water, however informative advised in relation to minimum pressure heads and flow rates.
  - Condition also advised regarding piling method statement.

**Cross Rail**

7.25 No objections to the proposal.

**London City Airport**

7.26 No safeguarding objection subject to the following conditions:

- Maximum building height of 114.505m AOD
- Maximum crane operating height of 155m AOD.

**NATS**

7.27 No safeguarding objections to this proposal.

**8 LOCAL REPRESENTATION**

8.1 A total of 198 properties within the area shown on the map appended to this report have been notified about the application and invited to comment. The application has also been publicised in East End Life and several site notices were erected around the site on 12<sup>th</sup> Sep 2011. Following amendments to the ground floor layout in January 2012, further consultation took place (20<sup>th</sup> January).

A total of 11 representations were received (8 x objections, 2 x support and 1 general representation) following publicity of the application and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
	8	2	1

8.2 2 letters of support received (from an adjoining landowner and local resident) confirming their support for the design quality of the proposal, noting London Newcastle's reputation and their general support to see the area around Dollar Bay evolve.

8.3 8 letters of objection were received from a local residents raising issues relating to:

- Too much development in the area in general and not enough public services.
- Excessive height.
- Loss of privacy.
- Unacceptable sense of enclosure.
- Overlooking.
- Adverse impact on Coldharbour Conservation Area

- Existing boundary treatment between Manchester Rd properties and the proposal must be protected, eg. old row of Willow trees
- Need to protect Black Redstart and Daubenton's bat in the vicinity.
- Proposed height would result in loss of light to Glen Terrace.
- Should be scaled down in similar way to wood wharf.
- Out of kilter with surrounding area.
- Restricted access.
- Dissatisfaction with extent of consultation period.
- Impact on the dock, eg sailing and fishing.
- Potential traffic congestion.
- Restricted access to the site.
- Objection to any 'tescos';
- Site should be used for elderly accommodation, youth facilities etc

*[Officer Comment: the above issues are dealt with either through condition or in Section 9 of this report].*

- 8.4 Comments were also received from the Commercial Boat Operators Association (CBOA) commenting that they support British Waterways suggestion that the basin be used for the transportation of construction materials. CBOA note that they can assist with the transportation of goods on the waterway and suggest that the LPA condition the application or tie this into an agreement.

*[Officer comment: Applicant was requested to consider an arrangement with CBOA and BW and it is suggested that this is explored and captured in the S106.*

## **9 MATERIAL PLANNING CONSIDERATIONS**

- 9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development/Land Use Issues
- Density
- Conservation Area Impact
- Transport & Accessibility
- Design
- Housing
- Affordable Housing
- Residential Standards
- Amenity
- Air Quality
- Noise & Vibration
- Energy & Sustainability
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA Issues
- Planning Obligations & S106
- Overall Conclusions

### **Principle of Development / Land Use Issues**

#### Residential

- 9.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.
- 9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Central Activities Zone and the Isle of Dogs Opportunity Area (Policy 2.13) which seek to optimise residential and non residential output and is identified as being capable of delivering 10,000 new homes.
- 9.4 At a local level, the Dollar Bay site falls within the Marsh Wall East site allocation within the Managing Development DPD (Proposed Submission Version 2012). The vision for Marsh Wall East is to deliver comprehensive mixed use development as such the principle for a residential led development of that proposed at 1-18 Dollar Bay Court accords with the site allocation objectives for this area.
- 9.5 The site also falls within LAP 7 & 8 of the Council's adopted Core Strategy (2010), where the wider Canary Wharf area. Along side the overall objective for Canary Wharf to retain and enhance its global role as a competitive financial district, one of the priorities is for the area to enable mixed use and residential development around the fringe of Canary Wharf.
- 9.6 It is also worth noting that the site falls within the Central Sub Area in the Isle of Dogs Action Area Plan (IPG 2007) and Policy IOD19 in particular promotes residential uses throughout the sub area.
- 9.7 The application proposes 121 new residential homes with residential being the predominant land use and in light of the above, the principle of residential use on this site is considered acceptable in land use terms.

#### Non-Residential Uses:

- 9.8 In line with the Mayor of London's objectives for the Isle of Dogs Opportunity Area; along side the vision and priorities of LAP 7 & 8 of the Council's adopted Core Strategy (2010), and the priorities of the Managing Development DPD (Proposed Submission Version 2012) which identifies the site as falling within the Marsh Wall East Site Allocation, the principle of supporting and ancillary uses such as retail and leisure uses are encouraged. In particular, one of the priorities of the wider Canary Wharf area (LAP 7&8) is to encourage buildings to animate water edges at ground floor level.
- 9.9 The application proposes a 122sqm private gym at basement level (for residents) and a 105sqm café use at ground floor level open to the public. The café will face in a westerly direction overlooking the dock and Canary Wharf.
- 9.10 With the above in mind, the proposed development is considered to accord with the above policies which together seek to encourage mixed use development and as such officers have no objections to the proposal in principle land use terms.

#### **Density**

- 9.11 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport

accessibility levels and the wider accessibility of that location.

- 9.12 The site has a public transport accessibility level (PTAL) of 3. For central locations with a PTAL of 3, both London Plan and LBTH Core Strategy advises a density of between 300-650hrph.
- 9.13 The proposal results in a density of 1,122hrph. Whilst this density threshold exceeds the recommended guidance at a strategic and local level, the site is considered capable of achieving a very high density. This is partly as a result of the design quality of the tower, generous internal layouts, and minimum number of units per core. The small footprint also enables the provision of a reasonable level of public realm, space, amenity and play space. It must also be noted that the predominance of smaller units in the scheme has also raised the density of this site. This is as a result of the applicant's strategy to include a large proportion of family accommodation on the Thomas Rd site.
- 9.14 Furthermore, it should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such a density which exceeds the recommended guidance is considered acceptable in this location. This is further supported by the site's designation within the Central Activities Zone, the Isle of Dogs Opportunity Area, the Marsh Wall East Site Allocation and the Isle of Dogs Action Area Plan, all of which encourage high density development in central locations.
- 9.15 The proposal is therefore considered to maximise the intensity of use on this site and is justified at a national, regional and local planning policy level.

### **Transport and Accessibility**

- 9.16 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 9.17 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD (Proposed Submission Version 2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.18 The existing site at Dollar Bay, is currently occupied by 18 residential units with associated parking facilities. The Public Transport Accessibility Level (PTAL) of Phase 3 and is located close to Canary Wharf London Underground Station, and South Quay DLR. The planned Crossrail station at Canary Wharf is also scheduled to be delivered planned for 2018 which will further assist the accessibility of the site.
- 9.19 In terms of trip generation and impact on the adjoining road network, the application is supported by a Transport Assessment. This demonstrates that the scheme is not likely to have a negative impact on the adjoining network. TfL have confirmed that they have no concerns regarding traffic or access impacts on the

TLFN or SRN. The Borough's Highways Officer has confirmed that the trip generation assumptions appear acceptable.

- 9.20 It is recommended that specific controls over construction vehicle need to be secured by the submission of a Construction Method Statement (to be conditioned).

#### Servicing and Deliveries

- 9.21 The site will be serviced on site and the Borough's Highways Officer supports this. Officer recommend however that servicing and deliveries be managed and co-ordinated through a Servicing and Delivery Plan (SDP) to be prepared and submitted prior to occupation.

#### Waste/Refuse

- 9.22 The Design and Access Statement sets out the waste and refuse arrangements to transport bins to ground level. This is considered acceptable.

#### Car Parking

- 9.23 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD (Proposed Submission Version 2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

- 9.24 There are 12 existing parking spaces on the site and the application proposes a total of 36 on-site spaces (including 4 disabled parking spaces). Parking will be provided at two basement levels and will be accessible through two car lifts located at the southeast corner of the site. (One lift will be for vehicles entering the car parking and one for those exiting). The proposed 36 spaces equates to 0.3 spaces per unit which is above the Council's parking standards for sites with a PTAL of 3 (ratio of 0.2 recommended) and more specifically for sites which fall within the Isle of Dogs, a zero tolerance is now required (Parking Standards, Appendix 2 of the Managing Development DPD 2012).

- 9.25 TfL have confirmed that they have no objections to the proposed level of parking, considering the sites location and proximity to public transport and its compliance with London Plan parking standards; however the Borough's Highways Officer has raised concern with the level of parking and has recommended that this site should not provide any on site parking.

- 9.26 Considering there are 12 existing spaces, the proposed increase is 24 spaces for the 103 additional units that will be created on this site (121 minus 18) which provide a ratio closer to 0.2. On balance, it is the view of officers that the level of parking is not particularly excessive in this location.

#### Travel Plan

- 9.27 A residential Travel Plan has been submitted in support of the application to promote alternative means of travel other than private car. It is recommended that this will be secured through the S106.

#### Provision for Cyclists

- 9.28 Cycle parking is to exceed LBTH and London Plan standards with one space per unit and one visitor space per 10 units. 183 resident spaces are proposed and 12 visitor spaces. The Boroughs Highways officer has requested the details of the bicycle storage and stands to be submitted however this has not been provided. It is recommended that this detail is conditioned.

#### Accessibility & Inclusive Environments

- 9.29 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.30 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.
- 9.31 The site's location within a good PTAL area, alongside the provision of step free access routes across the site where possible indicates that the site will be accessible, usable and permeable for all. The proposed public realm strategy for the site, including the private and communal gardens appear accessible to all. There appears to be no major variations in gradient or access. The application should be conditioned to ensure all pedestrian access points are level or gently ramped. A number of principles have also been adopted by the applicant to ensure inclusive access and this will be discussed in later sections of this report. (e.g. commitment to Lifetime Homes standards; commitment towards provision of 10% wheelchair accessible homes; non segregated entrance points; compliance with Part M Building Regs to ensure level/ramped access).

#### **Urban Design**

##### Layout, Mass, Scale & Bulk

- 9.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.
- 9.33 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.34 The proposal comprises a 31 storey tower with a base footprint of approximately 30m x 30m fronting West India Quay with a communal garden located to the rear. A pedestrian route links the dockside walk to the development site and on to Glen Terrace. Whilst the tower will be predominantly residential in nature, there will be a café and concierge reception area proposed at ground floor level

in order to provide a more active frontage at this level and ensure that the development responds positively to the water edge and dock location.

- 9.35 Concerns were raised by officers in both the Council and the GLA regarding the ground floor layout and public realm of the proposal initially. Amendments were made in January 2012 to swap the café and reception area around so that the café was to be located in the south west corner of the tower with a continuous frontage to the south and the east of the ground floor. The proposed reception was then amended to ensure continuous ground floor activity along the northern elevation. This is considered to greatly improve the ground floor layout, and improve surveillance and safety.
- 9.36 The tower's location has the potential to provide a marker on the dock edge, defining the eastern edge of the existing and emerging Canary Wharf and Isle of Dogs buildings cluster. The proposal is considered to provide a successful solution to a site with such a constrained footprint. A small slender building minimises the scale, bulk and mass of this building. This results in a building with a strong building edge at ground floor level which is critical to the success of this site. Its location on the dock edge and the circulation space around the base is considered to comfortably accommodate this type and form of development. The orientation of the tower provides a narrow form with principle elevations looking east and west. This minimises the number of north facing units and ensure the provision of dual aspects units which assists in the provision of quality outlooks and maximises daylight and sunlight levels for future occupiers.
- 9.37 The proposed ancillary structures (car lift enclosures) are also considered to be at a scale appropriate for the site. The proposed green roofs help minimise the visual impact of these structures.
- 9.38 In terms of visual appearance and detailed design, a crystalline design concept is proposed, which includes a double skinned façade which gives the tower a distinctive view. The plans indicate that a high standard of architecture will be achieved on this site. However, securing high quality materials is imperative to the success of this building and a condition is proposed securing the submission of full details including samples of materials.
- 9.39 In line with strategic and local policies objectives, the overall design strategy for Dollar Bay is considered to respect the existing constraints and opportunities on the site. The proposal is considered to provide a high standard of urban design. The general bulk, scale and mass and detailed design of the proposal is considered to maximise the dock side location and proximity to canary wharf and balancing this against the low rise character of adjoining residential properties.
- 9.40 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (Proposed Submission Version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Height /Tall Building Aspect

- 9.41 With regards to appropriateness of the development for tall buildings, this has been considered in the context of strategic and local planning policies, where a tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the



London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

- 9.42 SP10 of the Core Strategy (2010) and Policy DM26 of the Managing Development DPD (Proposed Submission Version 2012) also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy SP10 also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.
- 9.43 The Marsh Wall East Site Allocation as set out in the Managing Development DPD (Proposed Submission Version 2012) sets out some design principles for new development in the site. These include respecting the existing form and character of the area particularly stepping development down from Canary Wharf to low rise buildings of Cubbitt Town.
- 9.44 Whilst the site is not strictly located within an area designated for a tall building, the site does fall within the edge of Canary Wharf and the site will sit opposite side of the dock to the approved Wood Wharf scheme. Officers have confirmed the principle of a tall building in this location previously; however concerns were raised regarding the extent of the building and its height up to 31 storeys and whether this site should provide an appropriate transition between the taller buildings in the main Canary Wharf cluster and the lower rise residential character to the edge and the south.
- 9.45 The application was accompanied by a Townscape and Visual Impact Assessment which looked at a range of views. This assessment reinforced how the dock side location of this development site requires a strong architectural statement to enable this dock edge to be addressed successfully. As such, the assessment suggests that a tall building of this scale is considered to sit comfortably on this site, particularly when viewed looking east from the western edge of the dock and would make a positive contribution to the streetscape and locality.
- 9.46 The Council's Design Officer has noted that the scale of the dock will not be diminished by the proximity of the proposed tall building. The dock is over 1km in length and the new building will form an important termination to long views down the dock and provides a clear punctuation or marker at the eastern entrance. Overall this can be seen to have beneficial impacts on townscape and place making adjacent to such a large body of water.
- 9.47 Officers are of the view that the design of the proposed tall building, its architectural quality, and its proportionate scale and location will provide a positive contribution to the sky line. Furthermore, and as will be discussed in later sections of this report, the building will not have any adverse impacts on issues such as biodiversity, microclimate, and heritage assets. The impact on the setting of the Coldharbour Conservation Area is discussed in greater detail in subsequent paragraphs.

### Views

- 9.48 In terms of views, Policy 7.11 of the London Plan sets out the approach to view management and assessment on designated views with an aim to project aspects of views which contribute to designated views including World Heritage Sites and their Outstanding Universal Value. The site falls within the viewing corridor of the Maritime Greenwich World Heritage Site, and consideration has been given to the potential impacts of the development on this site. However the submitted Townscape and Visual Impact Assessment confirms that the proposal will only result in a minor to moderate change to this view, while the effect is considered to be beneficial.
- 9.49 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis which following consideration indicates that the proposal will relate positively to the surrounding site context. Some concerns were raised by officers at the pre-application stage with regards to the impact of the development on views into and out of the adjoining conservation area, however, following receipt of the formal application and the accompanying TVIA, the development is considered to form a positive addition to London's skyline, without causing detriment to local or long distance views.

#### Public Realm, Landscaping and Open Space

- 9.50 Policies 5.10 and 7.5 of the London Plan (2011), Saved Policies DEV12 and HSG16 of the UDP (1998), Policies SP02, SP04 and SP12 of the Core Strategy (2010) and DM10 and DM23 of the Managing Development DPD (Proposed Submission Version 2012) seek high quality urban and landscape design; promote the good design of public spaces and the provision of green spaces and tree planting.
- 9.51 The plans and design and access statement confirm that the application will provide over 700sqm of open space, in the form of public realm. Whilst this is not sufficient to mitigate against the proposed development, the applicant also proposed a financial contribution towards public open space, streetscene and built environment. Of the 700sqm of public realm proposed, a high quality finished is indicated. It is considered appropriate to condition the submission of further detail in order to secure this. The January 2012 amendments which the applicant made to the ground floor layout, also included changes to the public realm, whereby a greater distance was given around the footprint of the building to provide a more spacious and attractive public realm and to enable the area in front of the east elevation to provide a more inviting through route for pedestrians. These changes are considered to greatly improve the open space and public realm quality of this proposal.
- 9.52 The Design and Access Statement also indicates a high quality finish with sandstone and york stone paving, flamed granite, decking, a water feature, timer bench seating and planter. It is proposed that this detail is conditioned through the submission of a final landscape plan.
- 9.53 In terms of landscaping details and trees, it is recommended that a detailed landscaping scheme be submitted and a tree protection and planting scheme.

#### **Conservation Area Impacts**

- 9.54 PPS5 provides detailed guidance on the conservation of the historic environment and historic assets. Policy HE7 in particular sets out a number of principles

guiding the determination of applications relating to heritage assets and in the consideration of the impact of a proposal, requires local planning authorities to take account of the significance of the heritage asset and the value that it holds. PPS 5 also sets out a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 9.55 Policy 7.8 of the London Plan (2011) along side and Policy SP10 of the Council's Core Strategy (2010) and Policy DM27 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect and enhance heritage assets and ensure development affecting heritage assets and their settings will conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.56 Policy DM26 (Part 2e) of the Managing Development DPD (Proposed Submission Version 2012) also seeks to ensure that tall buildings do not adversely impact on heritage assets, including their setting and backdrops.
- 9.57 The application is not located within a conservation area, however it adjoins the Coldharbour Conservation Area, immediately to the east, where a row of residential terraced properties known as Glen Terrace are situated. The Conservation Area was designated in December 1975 and amended to include Glen Terrace in October 2008. The terrace comprises mainly two and three storey properties, comprising of London stock brick, with their gardens forming the edge of the Conservation Area.
- 9.58 The Coldharbour Conservation Area Audit notes how Glen Terrace dates from the 1880s was named after the Glen Shipping Line which occupied the site for a short time prior to its development. The terrace is considered to offer a positive contribution to the Conservation Area and as such consideration has been given to the impact of the development on the setting of this terrace and the wider Coldharbour Conservation Area.
- 9.59 Concerns were raised at the pre-app stages regarding this particularly in relation to the scale of the development so close to the existing low rise terraced properties. Further information was provided in the submitted application in the form of a Heritage Assessment and a Townscape and Visual Impact Assessment which includes CGI's (computer generated images) of the proposed development in the context with Glen Terrace.
- 9.60 In respect of the setting of the Coldharbour Conservation Area, the Council's published Conservation Area Appraisal states that the setting of the Conservation Area *'... has been altered by the high-rise development surrounding it, making this surviving pocket all the more valuable and remarkable...'* and that *'... the Canary Wharf development forms a dramatic backdrop to the small stretch of buildings along the historic riverfront'*.
- 9.61 Officers have considered the applicants TVIA and discussed with the Council's Design Officer and come to the view that the proposal will not have a significant impact on the setting the Coldharbour Conservation Area and more specifically Glen Terrace and around the Blue Bridge.
- 9.62 When the proposal is viewed from Manchester Road and Glen Terrace, the impact is clearly greater, creating a much greater change of scale. However, here the current intervisibility between the terrace and recent high-rise

development already in the area is now considered to be part of the existing setting of the Conservation Area. Whilst this proposal will bring development at a large scale in greater proximity to the terrace, this is not seen in itself as being harmful to the setting of the Conservation Area at this point. The quality of the public realm around the Dollar Bay proposal, the revised ground floor layout and the introduction of an intermediate green space between the boundary of Glen Terrace and the application site is considered to contribute to making an effective transition between this Victorian housing and the new development, particularly at pedestrian level.

- 9.63 The submitted TVIA shows that the proposed building would form a high quality, vertically emphasised addition in views where it is seen with Glen Terrace. The juxtaposition of the two is considered to provide dramatic visual evidence of the significance of Glen Terrace as a historic fragment surrounded by striking modern development, and thereby seen to protect and enhance the setting of the conservation area.
- 9.64 It is also worth noting that English Heritage raise no objections to the proposal.
- 9.65 The proposal will not have any significant adverse impacts on the setting of the adjoining Heritage Asset and the proposal is considered to both protect and enhance the setting of the Coldharbour Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (Proposed Submission Version 2012) along side the advice set out in Planning Policy Statement 5: Planning for the Historic Environment which seek to protect London's heritage assets, including their setting.

### **Housing**

- 9.66 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 9.67 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and the '*Canary Wharf*' area is identified as one of such places.
- 9.68 Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) also seeks to ensure that development doesn't result in the net loss of residential floorspace, units or family units.
- 9.69 The application proposes 121 new residential units on the Dollar Bay site, following the demolition of 18 existing units. This is considered to contribute towards Tower Hamlets annual target of 2,885 per year.

### **Affordable Housing**

- 9.70 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective

use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

- 9.71 Policies 3.10 - 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 9.72 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.
- 9.73 Paragraph 4.4 (subtext to Policy SP02) recognises that in some instances, exceptional circumstances may arise where the affordable housing requirements need to be varied. In such circumstances, detailed and robust financial statements must be provided. Even then, it is acknowledged that there is no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of the site to contribute towards affordable housing provision.
- 9.74 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing. These are defined as follows:
- 9.75 Social rented housing is defined as:
- Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 9.76 Affordable rented housing is defined as:
- Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
- 9.77 Intermediate affordable housing is defined as:
- Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.
- 9.78 Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) further supports the Core Strategy by requiring that developments seek to maximise the delivery of affordable housing *on-site*. Part 3a of Policy DM4 in particular goes on to state that any off site provision will only be considered in circumstances where it can be demonstrated that:

- (i) it is not practical to provide it on site;

- (ii) to ensure mixed and balanced communities;
- (iii) it can provide a minimum of 50% affordable housing;
- (iv) it can provide a better outcome including higher level of social rented family homes; and
- (v) future residents living on both sites use and benefit from the same level and quality of services.

### The Affordable Housing Proposal

- 9.79 As highlighted in previous sections of this report, the proposed application for 1-18 Dollar Bay is linked to the proposed redevelopment of 18-36 Thomas Rd for reasons relating to affordable housing. For the purposes of affordable housing, both sites are considered together. However for clarification purposes, the individual mix for both sites will be outlined separately.
- 9.80 This Dollar Bay site seeks to deliver 10 affordable units (all intermediate), together with 111 private market units. This equates to an on-site affordable housing provision of 8%. However, the Thomas Road site proposes to provide 59 affordable units (43 social rent and 16 intermediate) together with 5 private market units. As a stand alone scheme, the Thomas Road, site would provide 92% on-site affordable housing. When considered together the affordable housing provision across both sites equates to 46%

### Off Site Affordable Housing & Viability

- 9.81 The principle of the off-site offer must be considered in the context of the applicant's viability argument and against the Council's policy position regarding exceptional circumstances.
- 9.82 Firstly, the application is supported by a Viability Assessment which seeks to justify the applicant's affordable housing offer and justify why the alternative site at Thomas Road will deliver a better affordable housing arrangement over the Dollar Bay site.
- 9.83 The toolkit assesses the residual land value of the proposed development and using the outputs of the financial model, considers the economic viability of the proposed level of affordable housing provision and the level of Section 106 contributions that can viably be provided. The assessment also assumes that no grant funding is available.
- 9.84 The assessment demonstrates that if the two schemes were to be developed out separately, the affordable housing provision would be zero. On this basis there would be no reasonable prospect achieving two policy compliant schemes on either site in the foreseeable future. As outlined above, the Council's Core Strategy notes that exceptional circumstances may arise where the affordable housing requirements need to be varied as such, this is considered once such circumstance. However the Core Strategy also notes that even when the financial viability assessment found to be sound, *'there should no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of the site to provide affordable housing'*. (Paragraph 4.4)
- 9.85 These concerns were raised with the applicant at the pre-application stage and further justification was requested to justify the suitability of the off-site location and a justification as to why the alternative affordable housing arrangement provides a better outcome. These issues are discussed in more detail below.

9.86 In terms of the suitability of Thomas Road, the applicant was requested to explore the option of a site closer to the principle Dollar Bay site and preferably within the Isle of Dogs ward, as officers had concern at the pre-app stage about the geographical distance between Dollar Bay and the proposed donor site. As such, an assessment of alternative sites within the Blackwall and Cubit Town Ward, which Dollar bay is situated, and the neighbouring Millwall Ward has been submitted in support of the applicants proposal. This assessment presents a number of difficulties the applicant had in finding a suitable donor site within Isle of Dogs. It identifies 17 alternative sites within the Blackwall and Cubit Town and Millwall Wards and concludes that these sites either unavailable or unviable to accommodate the off-site affordable housing. Officers have considered this assessment and note that many of the sites identified already have planning permissions and are committed to, however, officers are not aware of any other suitable alternatives sites at this point in time.

#### Principle of Off Site Affordable Housing & Suitability of Thomas Road

9.87 Since the submission of the formal application, the Council's Managing Development DPD (Proposed Submission Version 2012) has been produced. Part 3a of Policy DM4 confirms that any off site affordable housing provision will only be considered in specific circumstances. These are outlined and assessed in more detail below. The policy states that any off-site affordable housing will only be considered in circumstances where it can be demonstrated that:

(i) *It is not practical to provide affordable housing on site;*

9.88 In response to this, the principle Dollar Bay site has relatively small site area and the site constraints make it more suitable for a slender form of development in order to maximise the density and make the scheme commercially viable. As such, development in vertical direction is inevitable if this site is to come forward. This type of design naturally has a smaller footprint and can only accommodate a single core. In order to ensure the effective management of tenures within a development, private market housing an affordable housing ideally require separate core access. This is not feasible on the Dollar Bay site as the building can only accommodate a single core. As such it is not practical to provide affordable housing on this site.

9.89 Furthermore, the site constraints for Dollar Bay would limit the number of family units capable of being provided at lower levels with very few units having direct private access to ground floor amenity space. As such, the arrangement at Thomas Road is considered a more suitable location for family living and affordable housing. The Thomas Road site is larger and enables the delivery of a better quality layout, and better levels of amenity space, particularly families.

9.90 Finally, by developing the affordable housing on an alternative site, the development offers the opportunity for early delivery, whereas the private housing proposal on Dollar Bay would materialise at a more suitable point when market conditions improve. It is also considered by the developer that the Thomas Road Scheme would be more attractive to an RSL as a site they would have complete control over its entirety.

(ii) *where the proposal will to ensure mixed and balanced communities;*

9.91 This issue was raised by officers at the pre-application stage regarding the

potential concentration of new social rented accommodation in an already saturated social rented area, which can result in the exacerbation of existing social and economic polarisation within the Borough. Following the submission of the application, the application was supported with a 'Socio-Economic and Housing Market Analysis' which seeks to demonstrate that proposed development will not result in a polarised or imbalanced community. Reference is made to a number of recent developments between 2005 and 2011 near Thomas Road and whilst all are not yet developed, the, a significantly large proportion of the units in the schemes assessed, were for private sale (over 60%). This is considered to contribute towards redressing the tenure balance within the area.

9.92 However, it is acknowledged that the pre-app scheme did evolve to provide some level of affordable housing on the Dollar Bay site compared to the original 100% private scheme proposed. Whilst a proportion of 8% affordable housing against 92% private is not considered a dramatically balance the tenures on this site, it is an improvement. On balance, officers acknowledge that considering the site constraints and the viability issues, the proposed off site provision will provide a better outcome for both these sites.

*(iii) where the proposal can provide a minimum of 50% affordable housing;*

9.93 The total aggregate level of affordable housing across the two sites will be 46%. Whilst this technically falls below the recommended minimum of 50%, the application is supported by a viability toolkit which demonstrates that this is the maximum level of affordable housing which can be achieved. In addition, the scheme will not benefit from any grant funding. The offer of 46% across the two sites is considered to be substantial in the current climate and it must be acknowledged that whilst it is not at 50%, it is at the upper end and in light of the viability constraints, officers consider this together to be acceptable in this particular instance.

*(iv) where the proposal can provide a better outcome including higher level of social rented family homes;*

9.94 The Thomas Road scheme will deliver a much higher level of social rented family accommodation than would be delivered if developed on its own. Of the 43 social rented units proposed, 28 units (65%) will be in the form of 3, 4 and 5 bed family homes. As such, officers consider this aspect of the proposal to significantly contribute to the case that the off site arrangement provides a better outcome.

*(v) where future residents living on both sites use and benefit from the same level and quality of services.*

9.95 The two sites are not geographically linked, and as such future residents may not necessarily use and benefit from the same services (being in two separate wards and 1.9km apart). However, both developments will benefit equally by receiving a full S106 package of £1.47million which will ensure that future residents will use and benefit from the same level and quality of services. Dollar Bay will benefit from a financial contribution of £526k and the Thomas Road site will benefit from a financial package of £901k (discussed in further detail in the Planning Obligations section of this report).



- 9.96 The Thomas Road site will place a greater pressure on local social and physical infrastructure due to the higher population and higher child yield by virtue of the exceptionally high level of family sized affordable housing on this site. As such, the applicant has committed to providing a full contribution in response to all of the Borough's priorities, which includes education, health, employment, enterprise, sustainable travel, public realm and the built environment. Officers consider that this commitment will ensure that quality infrastructure and support services can be secured for the future residents of both sites, despite the fact that the residents may not necessarily use the same services such as schools and GPs.
- 9.97 As such, in terms of the quality of affordable homes proposed together with the package of obligations proposed, officers consider that on balance the proposed off-site affordable housing offer will provide a better outcome than if the sites were to be developed separately.
- 9.98 It is also worth noting that the GLA have confirmed their acceptance of the applicant's justification for exceptional circumstances.

#### Affordable Housing Conclusion

- 9.99 In light of the demonstrated viability constraints and the exceptional circumstances demonstrated above, the proposed affordable housing offer of 46% across the two sites is considered to be the maximum level of affordable housing that can be achieved. Furthermore, whilst the location of the proposed donor site at Thomas Road is located a considerable distance from the principle site and future residents may not necessarily benefit from the same facilities and services, officers are content that both schemes will deliver a better regenerative benefits than would have been provided if these two sites were development independently from each other. Therefore, on balance, the benefits which include (i) a better form and layout, (ii) better amenity and open space conditions, (iii) greater provision of social rent and family accommodation and (iv) a better S106 package are considered sufficient reasons to outweigh the failure of the proposal to provide affordable housing on site.
- 9.100 As such, the application is considered to comply with Policies 3.10-3.12 of the London Plan (2011), Policy SP02 of the Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012) Proposed Submission Version.

#### Housing Type and Tenure Mix

- 9.101 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 9.102 Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 9.103 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.
- 9.104 Policy DM3 (part 7) of the Managing Development DPD (Proposed Submission

Version 2012) requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.105 A summary of the proposed mix of dwelling types for Dollar Bay is set out in the table below in the context of LBTH targets and current housing needs assessment:

9.106

<b>DOLLAR BAY HOUSING MIX</b>										
		Affordable Housing						Private Housing		
		Social Rent			Intermediate			Market Sale		
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Units	%	LBTH Target %
Studio	15	0	0%	0	0	0	0	15	13%	0
1 bed	48	0	0%	30%	8	80%	25%	40	36%	50%
2 bed	40	0	0%	25%	2	20%	50%	38	34%	30%
3 bed	17	0	0%	30%	0	0%	25%	17	16%	20%
4+ bed	1	0	0%	15%	0	0%	0%	1		
<b>TOTAL</b>	<b>121</b>		<b>100</b>	<b>100</b>	<b>10</b>	<b>100</b>		<b>111</b>	<b>100</b>	<b>100</b>

9.107 As the above table demonstrates, the proposal as a stand alone scheme is not policy compliant in terms of its housing mix due to the predominance of private units and smaller units in the form of studio and one bed units. As a stand alone scheme, the proposal would fails to provide a balanced provision of family accommodation (15%) against the Borough's target of 30% as prescribed by Policy SP02 of the Core Strategy. Furthermore, there are no family type units proposed within the 10 intermediate units. However, within the private mix alone, the scheme does attempt to provide a reasonable level of family units with 16% against a target of 20%. The predominance of studio and 1 bed units is a concern however the applicant has demonstrated that these are needed to make the scheme viable and meet local demand for this form of accommodation in Canary Wharf.

9.108 However, considering this is a linked application involving a donor site, and officers have had regard to the aggregate level of affordable housing across the two sites, a similar approach must be given to the combined housing mix. As such, a summary of the proposed mix of dwelling types for Dollar Bay & Thomas Road together are set out in the table below in the context of LBTH targets and current housing needs assessment:

9.109

<b>COMBINED HOUSING MIX ACROSS DOLLAR BAY &amp; THOMAS ROAD</b>			
		Affordable Housing	Private Housing

		Social Rent			Intermediate			Market Sale		
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Units	%	LBTH Target %
Studio	15	0	0%	0	0	0	0	15	13%	0
1 bed	67	9	21%	30%	18	69%	25%	40	36%	50%
2 bed	49	6	14%	25%	4	20%	50%	39	35%	30%
3 bed	47	22	51%	30%	4	15%	25%	21	19%	20%
4 bed	4	4	14%	15%	0	0%	0%	1		
5 bed	2	2			0		0%	0		
<b>TOTAL</b>	<b>185</b>	<b>43</b>	<b>100</b>	<b>100</b>	<b>26</b>	<b>100</b>		<b>116</b>	<b>100</b>	<b>100</b>

- 9.110 In terms of the overall mix of housing across the two site, a reasonable mix will be achieved. 29% of the combined scheme will be for family accommodation against our target of 30%. Further more, 65% of the scheme will social rented accommodation will be for family units, comprising 22 x 3beds, 4 x 4beds and 1 x family. As is outlined in the accompanying Thomas Road report, all of the proposed social rented accommodation is to be provided on the donor site.
- 9.111 Whilst the level of smaller units in the social rented sector is low, and the mix in the intermediate sector is considered too focused towards smaller units, however, the overall balance is considered acceptable in light of the efforts made to maximise family accommodation in the social rented sector.
- 9.112 In terms of the overall mix, the GLA and Council's housing officer have also raised concern regarding the relatively high proportion of studios and small intermediate units. However, on balance they are supportive of the proposal considering the commitment towards the delivery of a high proportion of family social rented unit.

#### Tenure Ratio & Housing Mix

- 9.113 No affordable rent product is proposed in this scheme (or the Thomas Road scheme). All affordable housing will comprise social rent and intermediate tenures. With regard to the mix of social rent to intermediate, the application proposes a mix of 62:37 across the two sites, in favour of the social rented tenure, which is broadly compliant with strategic guidance, with the London Plan (60:40). Whilst this does not accord with the Borough's target of 70:30 as prescribed by Policy SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2010). It must be acknowledged that the true tenure split is skewed due to the off-site affordable arrangement. Regardless, the 62:37 split assists in the delivery of a more balanced mix when both sites are considered together.
- 9.114 Overall, the emphasis on the provision of large family housing within the social rented sector is supported. Therefore considering the site constraints and the associated viability constraints, the application is considered on balance to

provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012).

### **Residential Standards**

#### 9.115 Internal Space Standards

9.116 Policy 3.5 of the London Plan (2011) seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide. In addition, the Mayor of London's Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.

9.117 Saved Policy HSG13 of the UDP, Policy SP02 of the Core Strategy (2011) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.

9.118 All of the units in the Dollar Bay scheme accord with the Mayor of London's and the Borough's minimum standards for unit sizes.

9.119 As such the proposed internal layout is considered acceptable and will accord with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) and the Council's Residential Standards SPG (1998).

#### Private and Communal Amenity Space

9.120 Saved Policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.

9.121 Specific amenity space standards are guided by Policy DM4 of the Council's Managing Development DPD (Proposed Submission Version 2012) will follow the Mayor of London's Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.

#### Private Open Space:

9.122 As outlined in the table below, the Dollar Bay proposes over 2,000 sqm of private amenity space. Based on the requirements of draft Policy DM4, this provision would exceed our minimum requirement of approx 731sqm of private amenity space for 121 units on this mix on this site.

Private Amenity Space			
No. of Units	Required Amount (Draft MD DPD 2011)	Required Amount (sqm)	Dollar Bay Provision
15 Studios	15 x 5sqm	75	151sqm
48 x 1 Beds	48 x 5sqm	240	622sqm
40 x 2 Beds	40 x 6sqm	240	739sqm
17 x 3 beds	17 x 8sqm	136	449sqm
1 x 4 beds	4 x 10sqm	40	47sqm
Total:		731sqm	2008sqm

- 9.123 This level of private amenity spaces is supported by officers. The plans confirm that all of the units in the tower will benefit from generous private space in the form of terraces and private winter gardens. Some of the smallest winter gardens range from 10-13sqm and some of the larger apartments will have terraces and winter gardens ranging from between 15-19sqm. This ensures that all of the areas will have a minimum width of 1.5m as required by Policy DM4. Furthermore, the double skinned façade to the east and west of the tower act as an insulating barrier during the winter and a natural ventilator during the summer months which reduced the requirement for heating and additional cooling. As such, the proposed level of private amenity space and the standard and form of proposed is welcomed.

#### Communal Open Space:

In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

- 9.91 A total of 161sqm of communal amenity space would be required for a 121 unit scheme; however the application provides a communal space at ground floor level measuring over 600sqm, which considerably exceeds the Council's requirement. This has been provided in the form of a privately accessed garden area to the east of the tower. This is considered to greatly benefit the quality of the residential environment for this development.

#### Child Play Space

- 9.92 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.
- 9.93 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).
- 9.94 Using LBTH child yield calculations, the proposed development is anticipated to deliver 12 children and accordingly the development should provide a minimum of 122sqm of play space. The development proposes to deliver 120sqm of play space for 0-5 age group. It is proposed that some elements of the proposed public plaza will also comprise an element of play space. Whilst there is no

specific play space for older children, officers have negotiated a full S106 package which includes £98k towards the creation of open space and open space enhancements in the area. On balance, officers consider the overall contributions towards child play space on site to be sufficient.

- 9.96 As such, officers support the quantity and location of the proposed play space, as set out in Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the Managing Development DPD (Proposed Submission Version 2012).

#### Wheelchair Housing and Lifetime Homes Standards

- 9.97 Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.
- 9.98 The applicants access strategy confirms that all new will be built to Lifetime Homes standards and that the unit mix comprises 10% wheelchair accessible homes.
- 9.99 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011) and Policy SP02 of the Core Strategy (2010).

#### **Amenity**

##### Daylight, Sunlight and Overshadowing

- 9.100 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> Edition 2011).
- 9.101 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.102 The submitted Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

##### Daylight

- 9.103 Daylight is normally calculated by three methods - the Vertical Sky Component (VSC), Daylight Distribution (NSL) and the Average Daylight Factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

- 9.104 British Standard 8206 recommends ADF values for residential accommodation as:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.

- 9.105 Chapter 15 of the accompanying Environmental Statement assesses the daylight and sunlight conditions for the development at Dollar Bay.

The assessment notes that one factor which must be taken into consideration in the assessment of the daylight and sunlight conditions for the properties to the east of the Dollar Bay site is the existing tree line along the boundary with Glen Terrace properties. The existing tree density has an influence on the baseline daylight and sunlight conditions for these properties. The Environmental Statement notes that two assessments were taken – the effect of the development when trees are in leaf ('summer trees') and the effect of the development in winter when the trees are not in leaf ('winter trees'). This will be referred to below.

- 9.106 The daylight assessment concludes that some windows with existing VSC values below 27% are located at ground floor level, particularly the properties along Glen Terrace and as highlighted above, the existing belt of trees on the boundary is one of the reasons why many of these windows fail.

- 9.107 Of the 203 rooms assessed in the adjoining properties, less than 0.5% (1 room with summer trees) and 3% (6 rooms, winter trees) will not pass VSC, NSL or ADF. 13 rooms fail VSC and NSL (summer trees) or 25 rooms (winter trees) however the number of non compliance is minor and is considered to have only a negligible impact.

- 9.108 The properties most affected would be No's 601 - 615 Glen Terrace, where some of these properties will have rooms which will not retain at least 27% VSC or at least 80% of their baseline NSL value. However, the results indicate that all of these properties have other rooms which will receive sufficient daylight, except for No. 611, 613 & 615 Glen Terrace.

- 9.109 However, for the properties along Glen Terrace, the design of these properties (projecting rear extensions) already limits the daylight availability to many of those windows set back within the recesses between each extension and in any event, whilst a number of these rooms will experience losses of VSC and losses of Internal Daylight Distribution, the number of rooms that will be affected are relatively small.

- 9.110 The failures at 1-52 Antilles Bay are limited to VSC and are a result of the canopy affect of some projecting balconies. So whilst these flats do not meet VSC values, when they are considered in conjunction with Daylight Distribution, the quality of daylight will remain more than adequate.

- 9.111 In terms of the impact of the development on the conditions of the proposed new dwellings, the assessment demonstrates that the new units will achieve good

levels of daylight. This has been verified by GVA's independent assessment on behalf of the Council.

### Sunlight

- 9.112 Sunlight is assessed through the calculation of what is known as Annual Probable Sunlight Hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.
- 9.113 An analysis of the levels of APSH on the facades of the residential buildings was undertaken to assess the potential levels of sunlight amenity. BRE guidelines suggest that in order to meet APSH criteria, that once the proposed development has been constructed, any window (within 90 degrees of due south) should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.
- 9.114 In terms of conditions of the proposed new dwellings, the assessment demonstrates that the new units will achieve good levels of sunlight. This has been verified by GVA's independent assessment on behalf of the Council.
- 9.115 In terms of the impact of the proposal on the adjoining properties, 168 windows serving 20 adjoining properties (with windows within 90 degrees of due south) were assessed. It is worth noting that the rear of Glen Terrace is due west and only a handful of windows fall within BRE sunlight criteria. Of the 168 windows which do fall within the criteria, the results show that over 90% (summer trees) and 86% (winter trees) of windows assessed would receive sufficient APSH therefore a majority meet the BRE guidance. The properties most affected would be No's 603 - 615 Glen Terrace and 416 Preston's Road, where some of these properties' windows would fall below the recommended 25% APSH. However, the results indicate that all of these properties have other windows which will receive sufficient sunlight, except for No. 613 & 615 Glen Terrace. With regards to Nos 613 and 615, the ES concludes that the level of adverse impact in these situations will be minor.
- 9.116 Whilst the loss of sunlight to these properties is regrettable, it is not considered a strong enough reason to refuse this application, as the majority of the adjoining properties will maintain sufficient levels of sunlight and this is not uncommon for the development of this scale and density in such an urban environment. In any event, the benefits of the proposed development and the linked benefits proposed in Thomas Road application are considered to outweigh the loss of sunlight to one or two properties at Glen Terrace.
- 9.117 The Council's independent assessment also concludes that there are already a number of windows which have poor levels of existing APSH as a result of the design of the buildings, over sailing structures, balconies, extensions.

### Overshadowing

- 9.118 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21<sup>st</sup> March"*. The permanent overshadowing results reveal that there will be virtually no impact to the existing gardens located to the rear of Glen Terrace. Only 6 gardens (603-615) would



experience a small loss of light as a result of the new development. Only 1.24% of the proposed amenity area at the base of the tower will experience permanent overshadowing on 21<sup>st</sup> March.

- 9.119 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) with regards to sunlight, daylight, and overshadowing and accordingly the proposals are likely to result in a reasonably acceptable standard of living and amenity areas in this regard considering the site constraints and urban environment.

#### Sense of Enclosure and Outlook

- 9.120 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 9.121 The nearest buildings to consider in this regard, are the properties to the east (Glen Terrace) and to the south (Achilles Bay).
- 9.122 The design of the proposed building at Dollar Bay enables dual aspect units which greatly improve the quality of living and outlook for occupiers.
- 9.123 The proposal has been positioned towards the edge of the dock away from the properties along Glen Terrace in order to allow sufficient separation distance and thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure between 34-40m between the eastern elevation of the proposal and the rear of Glen Terrace and between 20-22m between the southern elevation of the proposal and the Achilles' Bay which is considered acceptable given that a distance of approximately 18m is usually considered a reasonable guideline to ensure sufficient levels of privacy.
- 9.124 The proposal is therefore in keeping with Policy SP10 of the Core Strategy (2010) and draft Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) with respect to matters concerning amenity, sense of enclosure and outlook.

#### Micro-Climate

- 9.125 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence.."* Policy DM26 of the MD DPD (2012) supports this position. Wind microclimate is therefore an important factor in achieving the desired planning policy objective.
- 9.126 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian use and the impact

relative to that use.

- 9.127 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 9.128 Overall, the residual effect of the proposed development is expected to be negligible. The wind microclimate around the site would be relatively calm, and suitable for the intended use of the site, with amenity areas and terraces suitable for either sitting or standing. No mitigation measures are proposed, as they are not considered necessary.
- 9.129 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on or around the site.

### **Air Quality**

- 9.130 PPS23 and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.131 The development is located within the Tower Hamlets Air Quality Management Area. The two main impacts on air quality arising from the proposal will be from (i) the construction phase (dust emissions and vehicle emissions) and (ii) end use development (traffic generation and impact of the proposed CHP energy system).
- 9.132 The application proposes to control dust generation through the use of vehicle washing, screens, water spraying and monitoring which would be implemented through the submission of a Construction Environmental Management Plan.
- 9.134 The Borough's EHO has not commented on this application proposal, however, the case officer recommends that the submission of a CEMP be conditioned prior to commencement.
- 9.135 In terms of the development proposal, small changes to air quality are expected once the development is built due to the additional level of traffic and the two CHP plants. However the ES concludes that the impact will be of negligible significance.
- 9.136 Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the regeneration benefits that the development will bring to the area.
- 9.137 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the Managing Development DPD (Proposed Submission Version 2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

## **Noise and Vibration**

- 9.138 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 9.139 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 9.140 The proposal is residential in character and as such the most likely noise generation activity is expected to be limited to noise activities relating to demolition and construction, excavation of the basement. With respect to the end development, the main noise activities are expected to be those relating to traffic and those related any plant and mechanical equipment.
- 9.141 The ES indicates that for the main construction stages, target noise levels would be met for all adjoining properties and will be controlled within residential operation hours in any case. All mitigation measures would be secured through the CEMP. Noise controls are also proposed to mitigate against the impact of any mechanical equipment.
- 9.142 In terms of traffic noise, the number of car trips are expected to be minimal with only 24 additional parking spaces proposed. The impact is considered to be minor.
- 9.143 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 9.144 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (Proposed Submission Version 2012).

## **Energy and Sustainability**

- 9.145 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011) and Policies SO24 and SP11 of Tower Hamlets Core Strategy (2010) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.146 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 9.147 The London Plan includes the target to achieve a minimum 25% reduction in

CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 9.148 Policy DM29 of the Council's Managing Development DPD (Proposed Submission Version 2012) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4.
- 9.149 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.150 The application is supported by an Energy Statement (Environmental Statement Volume 5: Part 2 - dated July 2011), and follows the Mayor's energy hierarchy as outlined above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 9.151 The proposal to deliver the space heating and hotwater are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP (65kWe) following completion and prior to occupation.
- 9.152 Photovoltaic cells are also proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 6% carbon savings over the regulated energy baseline. Through the maximisation of the communal system and commitment to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (140m2 PV array with peak output of 17kWp) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.153 The total anticipated CO2 savings from the development are 29%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy falls short of the requirements of Draft Policy DM29 which seeks a 35% reduction in CO2 emissions, however the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and is supported by the GLA. The

applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy. Therefore the CO2 savings proposed for this development are considered acceptable in this specific instance and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.

9.154 In terms of sustainability, the Council requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.

9.155 The submitted Sustainability Statement and Code for Sustainable Homes Pre-assessment demonstrates how the development will achieve a Code for Sustainable Homes Level 4. It is recommended that the achievement of a Code Level 4 rating for all units is secured through an appropriately worded Condition with the Code for Sustainable Homes Certificates submitted to the Council prior to occupation.

### **Contamination**

9.156 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD (Proposed Submission Version 2012), the application has been accompanied by an Environmental Statement which assesses the potential for past contamination and concludes that it is present. The Council's EHO notes that records indicate that site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed, there is a potential pathway for contaminants. Officers recommend that further intrusive investigations are required and any necessary mitigation and it is suggested that an appropriate condition be imposed.

### **Flood Risk**

9.157 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.

9.158 The development falls within Flood Zone 3 and the application is supported by a flood risk assessment and describes various flood mitigation options.

9.159 Application lies within Flood Zone 3 and has a high probability of flooding. The EA objected to the proposal in the absence of any evidence to demonstrate that the floor risk sequential test has been applied. Following the Council's justification which was submitted on 13<sup>th</sup> February, the EA confirmed the Sequential Test and Exception Test had been satisfied enabled them to remove their objection.

9.160 The EA have no objections to the scheme. However they recommend a condition requiring the development to be carried out in accordance with the approved FRA dated July 2011 and some mitigation measures to be conditioned such as floor levels, evacuation routes, and basement levels.

9.161 The completed development would be provided with a segregated drainage system. The SUDS system would include direct discharge of run-off to the dock

which is the EA's preferred approach.

- 9.162 As such, it is considered that the proposed development by virtue of proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

### **Biodiversity and Ecology**

- 9.163 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the Managing Development DPD (Proposed Submission Version 2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD (Proposed Submission Version 2012) also requires elements of living buildings.

- 9.164 The application site is not a Site of Importance Nature Conservation, but does contain features of local biodiversity value. These include a small area of developing woodland in an area where there is very little wildlife habitat, and at least one locally rare plant - ivy broomrape. Black redstarts have been recorded singing from the site and have bred in the general area in the past, and bats use the site for commuting.

- 9.165 The application is supported by an ES and the Ecology section was reviewed by the Council's Ecology Officer and found to be fair and accurate in its evaluation of the site and assessment of impacts.

- 9.166 Whilst the proposed landscaping proposals, green walls and boundary planting will provide opportunities to enhance biodiversity, the development will also have adverse impacts on biodiversity, and these will require mitigation. This is outlined in the ES and it is recommended that all mitigation measures proposed in the Ecology chapter of the ES be secured by condition such as:

- Ensuring lighting does not spill onto the tree lines;
- Trees being retained along the boundaries of the site;
- Ivy being included in the landscaping and the measures to re-establish the ivy broomrape from seed collected on site;
- Timing of demolition and vegetation clearance;
- Surveys for nesting birds;
- Full details of landscaping, including the species to be planted;
- Details of bird nest boxes should also be provided and approved through condition.

- 9.167 The proposed development is not therefore considered to have any adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

### **Health Considerations**

- 9.168 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the

borough.

- 9.169 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance peoples wider health and well-being.
- 9.170 The application does not comprise any specific health or community facilities however, the proposed public realm around the site will contribute to walking and cycling routes within the Isle of Dogs. The application also proposed to contribute towards open space deficiency as well as a health contribution of 140k (which is discussed in more detail in later sections of this report). The on site public realm and off site contributions are considered sufficient measures to encourage and facilitate healthy and active lifestyles.
- 9.171 The application proposes 1 small café use and no A5 teak away uses are proposed.
- 9.172 It is therefore considered that the proposal will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Environmental Impact Assessment**

- 9.173 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 9.174 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 9.175 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These relate to matters concerning aviation, parking, noise, flood risk, microclimate, daylight and sunlight, ecology and townscape. The Council's EIA Planner has liaised directly with the applicant's consultants in attempt to seek response to these clarifications.
- 9.176 LUC now conclude that the application is considered to meet the EIA Regulations and provides a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 9.177 The ES addresses the following areas of impact (in the order they appear in the ES):

- Socio-Economic Impact
- Aviation
- Transport
- Noise and Vibration
- Air Quality and Dust
- Water Resources and Flooding
- Contamination
- Wind and Microclimate
- Daylight, Sunlight,
- Archaeology
- Ecology
- Radio & TV Interference
- Waste
- Energy
- Cumulative Impacts

9.178 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.

9.179 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

**Planning obligations/S106**

9.180 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:

- (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.

9.181 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are

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

9.182 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.183 The Council's Supplementary Planning Document on Planning Obligations was



adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.184 The application is accompanied by a viability assessment which has been independently assessed by DVS and concludes that 46% affordable housing across both sites is viable and a S106 contribution of approximately £5,000 per unit is also viable. This would equate to a total financial contribution of £925,000 and the viability toolkit takes account of this.

9.185 However, in light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated an additional £500,000 on top of the initial £925,000 offered in order to meet almost all of the Borough's obligation priorities. This provides a total financial contribution of **£1.4m** (across both sites). The requested contribution for each of the area is outlined table below and the subsequent paragraphs outline the justification for each of these.

9.186 This £1.4million request is based on the Council's adopted SPD, and equates to £899k for Dollar Bay and £449k for Thomas Rd. In light of the links between both sites through affordable housing, this section of the report deals with the total S106 obligation proposal across Dollar Bay & Thomas Road.

9.187

	<b>Dollar Bay</b> Request:	<b>Thomas Road</b> Request:	Total Request	Applicant's Combined Offer
<b><u>FINANCIAL OBLIGATIONS</u></b>				
<b>Key Priorities</b>				
Education:	£81,667	£557,043	<b>£638,710</b>	<b>£638,710</b>
Employment & Enterprise: (+loss of employment on Thomas Rd)	£28,092	£16,867	<b>£75,300</b>	<b>£44,959</b>
Community	£23,058	£17,263	<b>£40,321</b>	<b>£40,321</b>

Facilities: (Libraries)				
Community Facilities: (Leisure)	£74,637	£68,519	<b>£143,156</b>	<b>£143,156</b>
<b>Other Priorities</b>				
Public Realm: (Sust Transport)	£2,729	£2,515	<b>£5,244</b>	<b>£5,244</b>
Public Realm: (Streetscene)	£0	£21,400	<b>£21,400</b>	<b>£21,400</b>
Public Realm: (Open Space)	£98,368	£109,941	<b>£208,309</b>	<b>£208,309</b>
Health:	£140,396	£105,371	<b>£245,767</b>	<b>£245,767</b>
<b>GLA Bus Enhancements:</b>			<b>£60k</b>	<b>£60k</b>
<b>GLA Way Finding:</b>			<b>£15k</b>	<b>£15k</b>
Sub Total	<b>£448,947</b>	<b>£898,919</b>	<b>£1,347,866</b>	<b>£1,347,866</b>
Monitoring fee (3% on the Council's contribution)	£14,965	£32,997		
<b>TOTAL</b>				<b>£1,395,828</b> <b>(equivalent to</b> <b>£7-8k per unit)</b>
<b><u>NON- FINANCIAL OBLIGATIONS</u></b>				
Public Art/Artistic Intervention in the Public Realm	√			√
46% affordable housing (67:32 social rent: intermediate)				√
Employment and Enterprise  - 20% local procurement during construction; - 20% of construction force to be local residents	√	√	√	√
Travel Plan:	√	√	√	√
Travel Plan Coordinator:	√	√	√	√
Walking/Right of Access:	√		√	√
Private Garden	√		√	√

Access:				
Permit Free Agreement:	√	√	√	√
<b>Total Financial Contribution</b>				<b>£1,395,828</b>

### Affordable Housing

- 9.188 The application proposes to locate the majority of the affordable housing off-site at 18-36 Thomas Road, where together the two sites would provide a minimum of 46% of affordable housing (measured by habitable rooms) comprising 43 social rent units and 26 intermediate units in total. As outlined previously, the application is accompanied by a viability toolkit which demonstrates that this is the maximum reasonable level of affordable housing which can be achieved.
- 9.189 The applicant has agreed not to occupy more than 50% of the Private Market Units on the Dollar Bay site until 60% of the Off Site Affordable Housing has been completed on Thomas Road, and not to occupy more than 80% of the Private Market Units on Dollar Bay until 100% of the Off Site Affordable Housing on Thomas Road has been provided.

### Education

- 9.190 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. Based on the adopted Planning Obligations SPD, the net increase in units for Dollar Bay results in the need for 4 x primary school places and 1 x secondary place. This amounts to a requested contribution of £81,667 based on a cost of £14,830 per primary place and £22,347 per secondary place
- 9.191 With respect to Thomas Road, the increase in units generates the need for 24 x primary places and 9 x secondary place. This amounts to a total requested contribution of £557,043 is sought.
- 9.192 Across both sites, a contribution of £638,710 is sought and the applicant proposed to meet this contribution in full.

### Enterprise and Employment

- 9.193 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets
- 9.194 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.

- 9.195 Based on the SPD, Enterprise and Employment seek a financial contribution of £28,092 for the construction phase. No employment/enterprise contributions are sought for the end-use phase of the Dollar Bay development. A financial contribution of £16,867 for the construction phase.

#### Community Facilities

- 9.196 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 9.197 With respect to the Idea Stores/Archives and Libraries – a contribution of £23,058 is sought for Dollar Bay and £17,263 is sought on Thomas Road, based on the SPD. Together a total contribution of £40,321 is sought and the applicant proposes to meet this contribution in full.
- 9.198 With respect to the Leisure – a contribution of £74,637 is sought for Dollar Bay and £68,519 is sought on Thomas Road, based on the SPD. Together a total contribution of £143,156 is sought and the applicant proposes to meet this contribution in full.

#### Other Priorities:

- 9.199 In light of the proposed off site affordable housing arrangement and the associated impact on social and physical infrastructure (particularly on the Thomas Road site, where the child yield will be greater and the demand for education, community, open space and play facilities will be higher); officers have negotiated additional contributions in order to meet almost all of the Borough's obligation priorities as set out in the adopted SPD.

#### Health

- 9.200 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility.
- 9.201 The PCT seek a capital planning contribution of £140,396 for the Dollar Bay site and a capital planning contribution of £105,371 for the Thomas Road site. Together a total health contribution of £245,767 is sought and the applicant proposes to meet this contribution in full.

#### Sustainable Transport

- 9.202 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £2,729 is sought on the Dollar Bay site (towards Smarter Travel and to encourage walking and cycling within the borough). A contribution of £2,515 is sought on the Thomas Road site.
- 9.203 Together a total contribution of £5,244 is sought and the applicant proposes to meet this contribution in full.

#### Environmental Sustainability

- 9.204 Through the SPD, mitigation is required to address renewable and sustainable

forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a CO2 savings of 29%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. Officers are content with the overall energy strategy and no further contributions are requested.

- 9.205 With regards to biodiversity, the applicant has proposed several measures to support existing ecology and biodiversity value and proposed additional measures to enhance landscape, trees, planting and nesting. As such no contributions are being sought towards environmental sustainability.

### Public Realm

#### *Public Open Space*

- 9.206 Through applying the SPD, a contribution of £98,368 is sought to mitigate against the shortfall of open space provided on Dollar Bay. £109,941 is sought for that at Thomas Road. Together a total contribution of £208,309 is sought and the applicant proposes to meet this contribution in full.

#### *Streetscene and Built Environment Improvements*

- 9.207 Based on the SPD, an obligation of approximately £21,400 is sought towards Streetscene and Built Environment Improvements along Thomas Road, based on extent of footways and carriageways to the north of the site. No contribution is sought on Dollar Bay as the area of footpath around the development is not the Council's ownership falls within the control of British Waterways. Discussions with BW have however confirmed a desire to have the pathway to the north of the Dollar Bay development landscaped and paved at the applicant's expense. It is suggested that this is tied into the S106 with an appropriately worded clause. The applicant proposes to meet the requested contribution for Thomas Rd and the commitment towards the pathway in BW ownership through reasonable endeavours.

#### *Public Art/Artistic Intervention in the Public Realm*

- 9.208 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic intervention in the public realm as an integral part of the development proposal. In response, the applicant has committed the provision of public art on site and this obligation will be captured in the S106 agreement. It is considered more appropriate for this to be provided on the Dollar Bay site, considering the arrangement of the public realm and the benefits to the public which will be much more accessible than that at Thomas Rd.

### TfL Transport and Wayfinding

- 9.209 TfL have noted that the development is likely to generate demand for additional bus capacity to improve residents' access to public transport. Following negotiations with TfL and contribution of £65,000 has been agreed.
- 9.210 TfL is also seeking a contribution towards the introduction of Legible London

boards within the scheme. A contribution of £15,000 has been agreed.

#### Monitoring & Implementation

- 9.211 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Dollar Bay and Thomas Road will require a lengthy agreement with complex clauses in order to ensure the off site affordable housing. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate. The applicant has agreed to this.

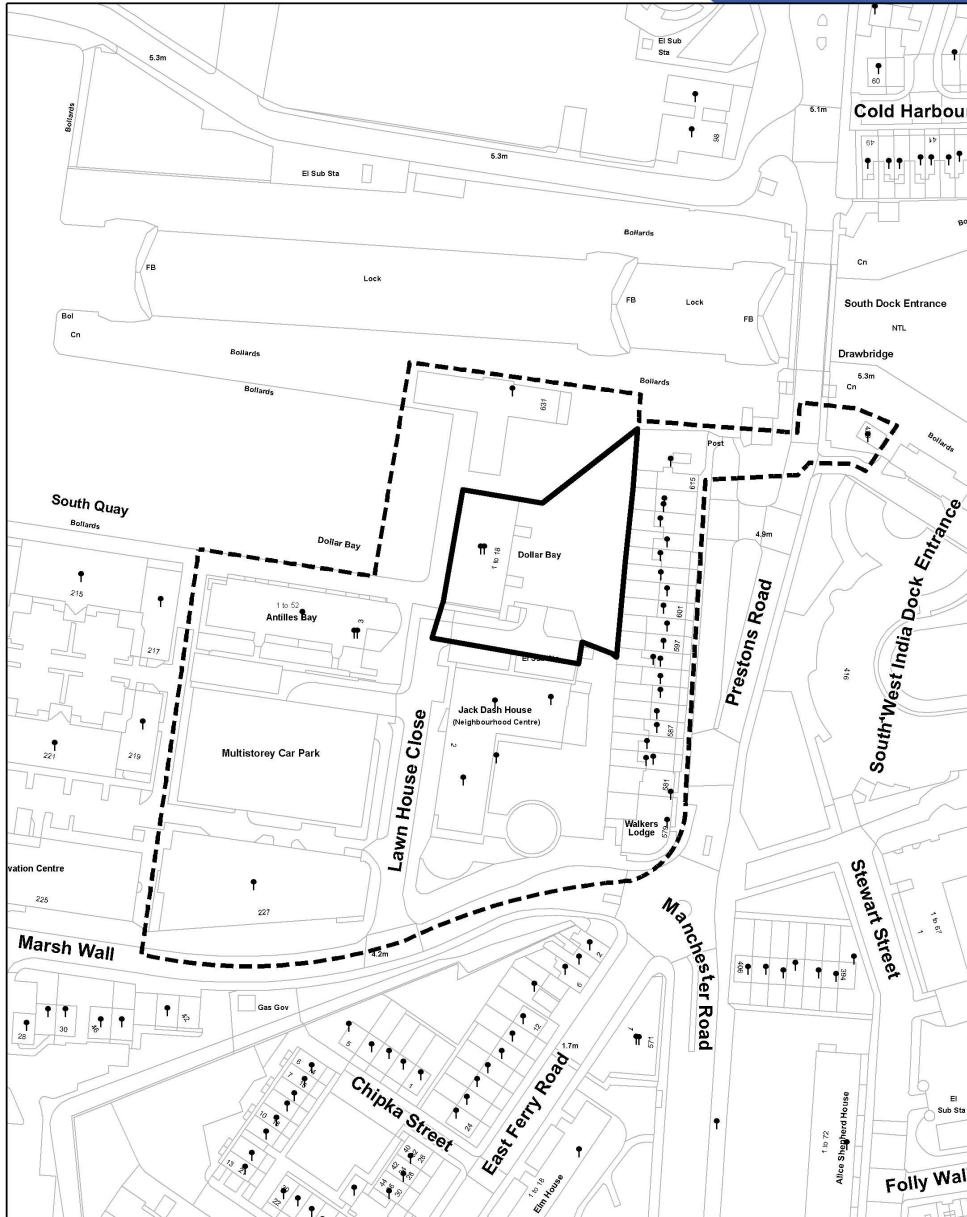
#### Planning Obligations Conclusion

- 9.212 The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, community, employment and enterprise, community and leisure, built environment, public realm to sufficiently mitigate against the impact of the proposed development. As such, the application accords with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward supporting infrastructure and services required to facilitate proposed development.

### **10 CONCLUSION**

- 10.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

# Planning Application Site Map



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

0      30 m  
1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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