

Committee: Strategic Development	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Ross		Ref No: PA/12/02923	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14

Existing Use: Office (Use Class B1)

Proposal: Mixed-use development comprising demolition of existing buildings and erection of a building of between 7 and 13 storeys providing 321sqm of commercial floorspace (use classes A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping.

Drawing Nos: Submission Documents

Drawings

PL 001 Site location - aerial
 PL 002 Location plan - existing/ boundary
 PL 003 Proposed site plan
 PL 004 Ground floor location plan
 PL 005A Lower ground floor plan
 PL 006 Ground floor plan
 PL 007 1st-3rd floor
 PL 008 4th-6th floor
 PL 009A 7th floor
 PL 010A 8th floor
 PL 011A 9th floor
 PL 012A 10th floor
 PL 013 11th floor
 PL 014 12th floor
 PL 015 roof plan
 PL 016A Tenure diagram
 PL 017 Amenity provision
 PL 018A Schedule of accommodation

Design and Access Statement
 Planning Statement
 Economic and Regeneration Statement
 Daylight, Sunlight and Overshadowing Assessment
 Townscape and Visual Impact
 Archaeological Assessment
 Flood Risk Assessment
 Ecology Assessment
 Tree Survey prepared
 Landscape Statement
 Noise Assessment
 Convergence Statement
 Wind/ Microclimate Statement
 Transport Assessment

Statement of Community Involvement

Applicant: Lanark Square Ltd
Owner: Applicant and A & S Cooper
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications; as well as the London Plan (2011) and the 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 (Submission Version May 2012) with Modifications and objectives for the Central Sub Area of the Isle of Dogs Area Action Plan (IPG 2007).
- 2.3 The loss of the existing office floorspace is acceptable in this instance. The applicant has provided information to demonstrate that the existing floorspace is surplus to requirements. The loss of this floorspace would not undermine the supply of viable office accommodation within the immediate locality and is not contrary to Policy 4.12 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies DEV3 and EMP3 of the Unitary Development Plan and Policy EE2 of the Interim Planning Guidance (2007).
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the scheme is 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 Policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to its context.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of Policy 3.4 of the London Plan (2011), Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance, the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse

impact on neighbouring amenity.

- 2.7 On balance, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 The scheme would deliver improved permeability and accessibility through the scheme and wider area whilst being designed to provide a safe and secure environment for residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Core Strategy (2010), Policies DM23, DM24, DM27 and the site allocation of the Managing Development DPD (Submission Version May 2012) with Modifications and Policy DEV4 of the Council's Interim Planning Guidance (2007) which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 Transport matters, including parking, access, and servicing are acceptable and accord with Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), Policies T16 and T18 of the Council's Unitary Development Plan (1998), Policy SP09 of the Core Strategy (2010), Policies DM20 and DM22 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters including energy, are acceptable and accord with Policies 5.2 and 5.7 of the London Plan (2011), Policy SP11 of the Core Strategy (2010), Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

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

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

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

3.2 Financial contributions

Contribution of £ 636,007 towards:

- Primary education - £155,315
- Secondary education - £98,930
- Employment, training and enterprise - £19,961
- Public Open Space - £121,295

- Smarter Travel - £2,630
- Leisure Facilities - £58,537
- Idea Stores, Libraries and Archives - £19,045
- Primary Health Care - £89,000
- Docklands Light Railway, local bus services and TfL cycle hire scheme - £60,000
- Standard monitoring charge - £11,294

3.3

Non-Financial Obligations

- a) 32.1% affordable housing, as a minimum, by habitable room
 - 68% Affordable rent;
 - 32% Intermediate housing (shared ownership);
- b) Support for existing business relocation;
- c) Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction and 20% target for jobs created within the development);
- d) On street parking permit free development;
- e) Travel plan;
- f) Code of Construction Practice;
- g) Commitment to dockside public realm improvement scheme including 24 hour public access.

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

3.5 That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.

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

CONDITIONS & INFORMATIVES

3.7 Compliance Conditions –

1. Permission valid for 3yrs;
2. Development in accordance with approved plans;
3. Development in accordance with Lifetime Homes Standards;
4. Implementation of proposed disabled car parking;
5. Implementation of electric vehicle charging;
6. Provision of 10% wheelchair accessible homes in accordance with approved plans;
7. Submission of Code for Sustainable Homes Level 4 certification;
8. Submission of BREEAM Excellent certification;
9. Details in accordance with approved Flood Risk Assessment;
10. Control over hours of construction;
11. Limitation of maximum height of cranes during construction;
12. Implementation and compliance with energy efficiency strategy;
13. Opening hours of ground floor commercial units limited to 0700-2300;
14. Maintenance of existing access arrangements to dockside boat moorings.

3.8 Prior to Commencement conditions:

1. Submission of details of all proposed external facing materials;
2. Submission of ground contamination – investigation, remediation and verification;
3. Submission of landscape and public realm details (including boundary treatment, surface treatment, planting scheme, street furniture, external lighting and CCTV);
4. Submission of estate management and maintenance plan;
5. Submission of Construction Environment Management Plan;
6. Submission of Waste Management Plan;
7. Approval and implementation of archaeology investigation, recording and mitigation strategy;
8. Feasibility assessment of water transportation of construction materials and waste;
9. Submission of piling method statement, dock wall survey, risk assessment and repair works;
10. Submission of access arrangements for dockside moorings during construction and post completion;
11. Submission of details of green and brown roofs;
12. Submission of bike storage details;
13. Submission of noise insulation and ventilation measures for residential accommodation to meet “Good” standard of BS8233
14. Submission of details of noise insulation between ground floor commercial and first floor residential flats;
15. Submission of details of extract equipment for ground floor commercial uses;
16. Submission of delivery and servicing plan;

3.9 Prior to Occupation Conditions:

17. Submission of shop front and signage and security details;
18. Confirmation of secure by design accreditation;

3.10 Grampian condition

19. Submission of Lanark Square car park management plan.

3.11 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

3.12 The following informatives be added to assist the applicant when implementing the development

- Thames Water Advice
- London City Airport Advice

3.13 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. APPLICATION SITE AND SURROUNDINGS

4.1 The application site is located on the south side of Pepper Street, adjacent to the east side of Millwall Dock, west of Crossharbour District Centre on the Isle of Dogs. The site comprises existing L-shaped existing part three and part four storey brick faced building comprising retail units at ground floor and self-contained offices above, dating from the 1980s, along with a smaller separate two storey restaurant at 2, Turnberry Quay plus intervening areas of public realm, vehicle circulation space and parking spaces. The total area of the application site is 0.24 ha.

- 4.2 The site forms the dock side element of a wider office and retail development known as Lanark Square, with a series of buildings ranging in height from 3-4 storeys facing Pepper Street to 10 storeys (Aegon House) facing East Ferry Road. The buildings are grouped around a central courtyard used for car parking with access from Selsdown Way to the south. Balmoral House, Aegon House and Marina Place (which are part of Lanark Square Estate) were converted to residential use in 1996 with the ground floor remaining as commercial space.
- 4.3 The former London Arena site lies immediately to the north and was redeveloped recently for a large scale residential and mixed use development, known as Baltimore Wharf. The new buildings facing the north side of Pepper Street are 8 storeys with 10-13 storey buildings fronting Millwall Dock. The nearest residential properties (outside of the Lanark Square Estate) are flats in a three storey development at 2-13 Pepper Street, adjacent to Glengall Bridge.
- 4.4 To the south of the site are larger scale office buildings (Woodchester House and the Northern and Shell Building) which are 7 and 9 storeys tall respectively.
- 4.5 Crossharbour Docklands Light Rail (DLR) station is located 100m to the east, with direct services to Bank, Canary Wharf and Lewisham. The nearest London Underground station is Canary Wharf, providing Jubilee line services, located 1.2km north of the site. Four bus routes operate in close proximity to the site, serving destinations in Central and East London transport hubs in east London. The public transport accessibility level (PTAL) of the site is 4 "Good", out of range of 1 to 6 where 6 is "Excellent".

5 RELEVANT PLANNING HISTORY

Application Site

- 5.1 There are two applications within the development site that are relevant:
- 5.2 22 April 2004 - 2 Lanark Square – permission granted for change of use of the whole building from office use (Class B1) to a computer/IT training centre (Class D1). (Ref PA/04/00268)
- 5.3 30 April 2002 - 2 Turnberry Quay – permission granted for change of use from B1 offices to A2 with internal associated alterations. (Ref: PA/02/00376)

Neighbouring Sites

- 5.4 There are two applications relating to neighbouring sites within the Lanark Square development that are relevant:
- 5.5 1 November 2012 - 9 Lanark Square – Permission granted for change of use of 1st, 2nd and 3rd floor of office accommodation (Class B1) to create 3 x 1 bedroom flats on floors 1-3. Permitted (Ref: PA/12/02339)
- 5.6 23 September 1996 - Permission granted for change of use of upper floor offices to 65 flats and use of ground floors for A1/A2 and A3 uses at Balmoral House, Aegon House and Marina Place (Ref: ID/96/00048)

6 DETAILS OF PROPOSAL

- 6.1 The application proposes to demolish the existing offices and shops at 1-3 Turnberry Quay and to redevelop the site with the erection of a building between 7 and 13 storeys providing 321sqm of commercial floor space (use class A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping.

- 6.2 The footprint of the proposed building follows that of the existing building L-shaped building on site and can be described as two blocks. The element running east/west at the southern end of the site would tier from seven storeys facing Millwall Dock to nine storeys where it adjoins the north/south block.
- 6.3 The north/south block would be 11 storeys plus two further storeys (13 in total) set back from the main elevation along most of its length and would also step down to 9 storeys at the northern end where it would adjoin the existing (retained) buildings fronting Pepper Street. Flexible commercial space for retail, café, restaurant, bar, business and/or community use is proposed at ground floor, shown indicatively as three differently sized units. Two communal roof terraces with outdoor amenity space to serve the proposed residential accommodating are proposed on the ninth floor level of both blocks.
- 6.4 The elevations have been designed to emphasise a regular grid pattern with the main building frame elements, faced in brick with deep recessed window modules between and projecting balconies. Two contrasting brick types are proposed, one for each block. The set back storeys of the north-south block would be finished in light-weight materials and mainly glazed. The ground floor commercial units would be fully glazed from floor to ceiling to promote ground floor activity. Frameless glass balustrades are proposed to the balconies and roof terraces.
- 6.5 An existing vehicular and pedestrian route from Lanark Square car park to parking spaces adjacent to Pepper Street would be maintained passing through an under croft (similar to the existing arrangement).
- 6.6 The scheme proposes to re-model and improve the public realm and parking areas between the new building and the dock and dock side walk way and around 2 Pepper Street, by relocating 15 existing parking spaces into the adjacent Lanark Square surface and basement car parks to the rear of the development to make way for two new soft landscaped areas totalling 237 sqm, including children's play space and upgrading the existing public areas with new surface treatment and planting.
- 6.7 Four disabled parking spaces would be provided in Lanark Square and five disabled spaces on land within the site boundary between Turnberry Quay and Woodchester House. A total of 110 secured and covered cycle parking spaces are proposed in two basement cycle storage areas.
- 6.8 Affordable rent housing would be situated in the south eastern part of the development across the first to eighth floors, the intermediate housing would be provided across the first to third floors in the northern part of the building with some intermediate flats also proposed at the south eastern corner at 7th and 8th floor.

Determination” agenda items. The following policies are relevant to the application:

7.2 Unitary Development Plan 1998 (as saved September 2007) (UDP)

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
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	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
	S4	Local Shopping Parades
	S10	Shopfronts
	OSN3	Blue Ribbon Network
	OS9	Children’s Playspace
	SCF8	Encouraging Shared Use of Community Facilities
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

7.3 Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

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
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
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
CON5	Protection and Management of Important Views

7.4 Isle of Dogs AAP Policies:

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
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
IOD22	Site Allocations in the Central Sub-Area

7.5 LDF Core Strategy Development Plan Document 2010 (CS)

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

7.6 **Managing Development Plan Document (Submission Version May 2012) with Modifications**

Proposals:

Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable 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	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

7.7 **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

7.8 **Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.1 London
- 2.9 Inner London
- 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
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 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
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 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
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

7.9 London Plan Supplementary Planning Guidance/Documents

- Housing 2012
- London View Management Framework 2012
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- London World Heritage Sites – Guidance on Settings 2012

7.10 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)

7.11 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community

7.12 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public

which took place between 18th and 21st November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications. The Inspectors Report comments specifically on the Council's emerging affordable housing policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further education infrastructure.

8. CONSULTATION RESPONSE

8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

8.2 The following were consulted and made comments regarding the application:

Internal consultee responses

LBTH Environmental Health

8.3 Contaminated Land: The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Ground works and soft landscaping are proposed and therefore potential pathway for contaminants may exist and will need further assessment to determine associated risks. Conditions relating to site investigation and remediation are required.

8.4 Noise and Vibration: No objection in principle. The impact of proposed ground floor non-residential uses on the occupiers of future dwellings needs to be considered. The "good" design standard set out in BS8233 to be adopted in the design of all residential properties. Opening hours and servicing hours of ground floor non-residential uses to be controlled through conditions. Details of noise insulation between ground floor and upper floor residential to be provided and agreed prior to commencement.

8.5 Smell/Pollution: Details of the design and layout of any kitchen extract system for the proposed A3 uses to meet DEFRA guidance to mitigate odour nuisance on future residents will be required.

8.6 Daylight and sunlight: Confirmation received that some of the effected habitable rooms in properties nearest the site on Pepper Street have dual aspects, with secondary windows facing east, which will increase the daylight/sunlight conditions to these properties. The additional information and clarification provided by the applicant's daylight and sunlight consultant is now acceptable. No objection.

LBTH Communities Leisure and Culture (Strategy)

8.7 There will be an increase in permanent population generated by the development, estimated to be around 175 persons, which will increase demand on community, cultural and leisure facilities. The requests for s106 financial contributions are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.

- A total contribution of £19,045 is required towards Idea Stores, Libraries and Archives.
- A total contribution of £58,537 is required towards Leisure Facilities.
- A total contribution of £121,295 is required towards Public Open Space.
- A total contribution of £2,630 is required towards Smarter Travel.

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

LBTH Employment and Enterprise

- 8.8 The upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
- 8.9 Detailed information on marketing and efforts made to reduce vacancy rates requested. The Planning Statement mentions that 34 jobs are held at the site currently - it would be useful to know whether these are individuals working for one organisation or a number of organisations/businesses. Further information on how these businesses will be supported to relocate requested.
- 8.10 If planning permission is granted, 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.
- 8.11 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place. The Council will seek to secure a financial contribution of £16,083 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase.
- 8.12 The Council will seek a further financial contribution of £3,878 towards the training and development of unemployed residents in Tower Hamlets to access jobs in A1-A3, B1, and D2 uses within the end-user phase of the development or jobs or training within employment sectors related to the final development. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: Further information relating to marketing, occupancy rates and the suitability of the site to provide modern office accommodation has been provided and is addressed in Section 10 of this report.)

LBTH Energy Efficiency Team

- 8.13 No objection. The development is proposing to minimise emissions through the energy hierarchy, with energy efficiency measures (11.5%), combined heat and power (23.3%), renewable energy technologies (13.1%).
- 8.14 The cumulative CO2 emission reductions from the proposed measures are >40% compared to building regulation 2010 requirements. This exceeds the London Plan requirements and also the emerging tower hamlets managing development policy DM29.
- 8.15 The proposals are for Code Level 4 and this is supported by the Sustainable development team.
- 8.16 It is recommended that the energy and sustainability proposals are secured through the following Conditions:
- Delivery of site wide space heating and hot water system incorporating a ~15kWe CHP engine
 - Delivery of a minimum of 145m² (26.1kWe) photovoltaic array
 - Submission of the final Code for sustainable homes certificates within 6 months of occupation of the development.

(OFFICER COMMENT: Conditions have been recommended as requested).

LBTH Housing

- 8.17 Support the application in principle. The applicant proposes to deliver a 32.1% affordable housing on this development. Whilst this falls short of the 35% requirement, the viability of the offer has been independently tested and it has been established that this is the maximum viable amount.
- 8.18 The tenure split within the affordable is 68:32 in favour of rented. This is broadly in line with the Council's 70:30 target and therefore acceptable.
- 8.19 The unit mix within the affordable rented is 13% one bed against a target of 30%, 44% two bed against a target of 25%, and a 44% provision of three beds against a target of 30%. There is an under provision of one bed and an overprovision of two beds, however the applicant has significantly improved their offer of rented family accommodation since the application was submitted (from 30% to 44%), the mix is therefore acceptable.
- 8.20 There is an over provision of intermediate one beds and no provision of intermediate 3 beds or larger. Whilst the intermediate mix does not match the targets, we appreciate the constraints of the site and the switch the applicant has needed to make to increase the level of family units in the rented tenure.
- 8.21 The applicant has not specified whether the rent units would come forward as Social Rent or Affordable Rent. Rental level assumptions are required so that we can establish whether they are in line with Council guidelines as set by the POD research.
- 8.22 The proposal is to deliver 9 wheelchair accessible units; this would meet the 10% requirement for such units. The applicant also proposes to provide 9 disabled parking spaces.
- 8.23 All units will be designed to the space standards set within the Mayor of London's Housing Design Guide. The London Housing Design Guide and Tower Hamlets policy also requires the family sized units to come forward with separate kitchens, the plans for this scheme show open plan kitchen / living rooms. The applicant should separate the kitchens in the larger units so that they comply with the requirement.

(OFFICER COMMENT: The applicant has confirmed that the affordable rented tenure will include rents capped at the Tower Hamlets preferred rents for E14 post code).

LBTH Transportation and highways

- 8.24 The application site is located in an area of good public transport accessibility (PTAL4) and in accordance with MANAGING DEVELOPMENT DPD policy DM22 should be subject to a residential on-street car parking permit free agreement. The applicant has indicated in the Transport Statement (TS) that they are willing to enter into such an agreement.
- 8.25 The development proposals would remove existing 15 spaces and provide 9 disabled spaces. This provision is acceptable.
- 8.26 The applicant has suggested in the application documents that residents and occupiers of the commercial space in the proposed development would be entitled to parking spaces (subject to availability) controlled by the freeholder at Lanark Square (adjoining). The current usage of the spaces is moderate and there would be significant capacity to provide parking for demand generated by the Turnberry Quay development significantly in excess of what would be permitted under the Council parking standards. Access to this available

parking could result in the mode share of car trips generated by the development being unacceptably high and would not comply with Core Strategy policies SO19 and SO20 and MANAGING DEVELOPMENT DPDDM20.

- 8.27 A “Grampian condition” is recommended requiring submission of a Car Parking Management Plan prior to occupation of the development. The plan must set out how demand for car parking under the control of the freeholder from occupants of the proposed Turnberry Quay development is restrained to ensure the development complies with LBTH’s sustainable transport policies and objectives.
- 8.28 The quantity, type and location of the proposed cycle parking for both blocks are acceptable. The servicing and waste collections arrangements are acceptable with operations taking place off the public highway.
- 8.29 Conditions for travel plan, Delivery Management Plan, Construction Management Plan are requested.
- 8.30 A financial contribution of £50,000 towards de-cluttering and rationalisation of the footways, improved street lighting and improved footway surfacing to the public highway on Limeharbour is requested.

(OFFICER COMMENTS: Conditions are recommended as requested. There is no designated public highway adjacent to the application site, however the application proposals include extensive public realm improvement works as part of the scheme, hence no financial contribution is proposed).

LBTH Waste Policy and Development

- 8.32 No comments received

External consultee responses

Canal and River Trust (formerly British Waterways)

- 8.33 The Canal & River Trust has no objection to the principle of the development, and is supportive of proposals to provide more activity on the waterside. There are long term moorings adjacent to the site, which we would not wish to see adversely affected by the proposals or works to construct them.
- 8.34 The dockside area (only partly owned by the Trust) should be incorporated into the scheme, to achieve a comprehensive approach to public realm with similar paving and landscaping treatment to ensure the quayside is not left looking tired and unwelcoming compared to the development site to support the increased footfall. If the Council is minded to grant planning permission, it is requested that the landscaping works to the quayside be secured, and the following conditions and informatives be attached to the decision notice.
- Submission of Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water
 - Full details of the proposed landscaping scheme, CCTV and lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust.
 - 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 recyclables).
 - Survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning

Authority, in consultation with the Canal & River Trust.

- 8.35 The applicant/developer should refer to the current Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained. Any over-sail, encroachment or access onto land or water space belonging to the Canal & River Trust will require written consent.

(OFFICER COMMENT: Conditions recommended as requested. Public realm improvement works were proposed as part of the scheme. The Council will engage C&RT when detailed proposals are submitted.)

English Heritage (Archaeology)

- 8.36 The application site lies within an archaeological priority area connected with the deep sequence of alluvial deposits buried under the site that has potential to preserve remains of prehistoric human activity and environmental information. There is also potential for evidence of later activity to be preserved at the site.
- 8.37 The applicant has provided a desk-based archaeological assessment alongside the application. It would be helpful to have included geotechnical information in order to provide a better picture of below ground conditions.
- 8.38 Conditions recommended to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

(OFFICER COMMENT: Conditions attached as requested.)

Environment Agency

- 8.39 The Environment Agency has no objections, subject to the imposition of the following conditions:
- The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2012.
 - Finished Floor Levels on the ground floor, commercial use, to be set no lower than 5.6 metres Above Ordnance Datum (mAOD). All entrances to basement areas (storage and plant) will be located above 5.6mAOD. Future occupants to register with the Environment Agency Floodline Warning Direct service
 - If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with.

8.40 Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. A Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

8.41 (OFFICER COMMENTS: Conditions attached as recommended.)

Greater London Authority (GLA)

8.42 The principle of a mixed use development is acceptable and in accordance with the London Plan

8.43 The application makes a reasonable contribution to affordable housing provision; however, an independent assessment of the applicant's viability assessment will need to be carried out before the scheme can be acceptable and in line with policies 3.11 and 3.12. Further information and revision is also sought with respect to the residential quality (confirmation of single aspect units) before the scheme can be fully compliant with London Plan policies 3.8, 3.5 and 3.4. the residential density, whilst high and in excess of the guidance ratio, is acceptable in this instance given the quality of the development

8.44 The scheme complies with London Plan policy 3.6 with regard to Children's' play space and is acceptable.

8.45 The proposed design is generally supported in line with policies 7.4 and 7.6.

8.46 The approach to inclusive access is supported although further information with regard to the design of the public realm and landscaping will be required to demonstrate compliance with London Plan policies 3.8 and 7.2.

8.47 The proposal includes some sustainable development measures that will need to be secured through conditions.

8.48 The flood risk assessment carried out is in accordance with London Plan policy 5.12.

8.49 Issues relating to parking and contributions to DLR, London Buses, cycle hire along with other obligations need to be addressed before the development complies with the transport policies of the London Plan.

(OFFICER COMMENT: Conditions and obligations are recommended as requested. Issues relating to development viability are addressed in Section 10 of this report.)

London City Airport

8.50 The proposed development does not conflict with safeguarding criteria. No objection to the proposal subject to the following conditions:

- If construction cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. We would advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport by encouraging bird feeding/roosting and thereby presenting a bird strike threat to aircraft operating at the Airport.

(OFFICER COMMENT: Appropriately worded conditions have been included with Section 3 of this report).

London Fire and Emergency Planning Authority

8.51 No comments received

National Air Traffic Services Ltd (NATS)

8.52 The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria. No objection.

Natural England

8.53 Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a **duty** is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

(OFFICER COMMENT These request will be captured through the imposition of suitably worded planning conditions)

Tower Hamlets Primary Care Trust (PCT)

8.54 Financial contributions requested to mitigate the impact of the occupants of the proposed development on primary health care facilities. PCT have confirmed the HUDU model requires a capital Planning Contribution £117,338 and a revenue Planning Contribution £449,201 - Total contribution sought for health £566,538

(OFFICER COMMENT: Planning obligations have been negotiated which partially meet the request for capital contributions)

Transport for London (TfL)

8.55 The proposal involves retaining the current car parking provision at Lanark Square and relocating 15 existing car parking spaces from Pepper Street to Lanark Square and the adjacent basement car park. This considered acceptable by TfL, particularly as it will result in improved amenity space and cycle parking.

8.56 The proposed provision of four disabled bays in Lanark Square is acceptable. TfL recommends that electric vehicle charging points (EVCP) be provided for the nine new spaces proposed in Lanark Square, two of which should allow for passive provision.

8.57 Current private parking permit arrangement in Lanark Square and associated building will continue to operate and supports the proposal to exempt future resident's eligibility from local council CPZ permits.

8.58 The 110 secured and covered cycle parking spaces proposed for the residential aspect of the scheme complies with the London Plan and is welcomed by TfL. However, further visitor spaces should also be provided. Staff shower and changing facilities should be provided for the two spaces which are proposed for commercial occupiers.

8.59 The trip generation methodology is deemed acceptable. TfL welcomes the submission of a pedestrian environment review system audit and recommends that Tower Hamlets Council secures the necessary footway improvements identified by the study.

- 8.60 Whilst the proposed development in itself is unlikely to have a significant impact on the capacity of the bus network, the cumulative impact of residential development on the Isle of Dogs does necessitate additional bus services. TfL requests a contribution of £53,400 to assist in mitigating the cumulative impact of development on the bus network. It is also suggested that the applicant conduct an audit of nearby bus stops to ensure that they meet accessibility standards in line with London Plan policy 6.7.
- 8.61 Cumulative development in the neighbourhood is increasing the patronage of the DLR on the Isle of Dogs. This will be particularly felt at Crossharbour Station due to the redevelopment of Crossharbour District Centre (Asda). That development has committed to enhancements of the station through planning obligations. TfL expects that this scheme would contribute to this pool of funding to enhance the station through the section 106 agreement. Further discussion with the applicant and Tower Hamlets council is welcomed in this respect.
- 8.69 TfL request that the developer is committed to installing real time departure screens in communal entrance ways to the residential units. TfL welcomes the submission of a workplace and residential travel plan. A Delivery & Servicing Plan (DSP) should be submitted for local authority and TfL's approval prior to the occupation of the site.
- 8.62 In accordance with London Plan policy 8.3, the Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that will be paid on commencement of most new development in Greater London. The required CIL should be confirmed by the applicant and Council, once the components of the development have been finalised.

(OFFICER COMMENTS: The applicant has offered a financial contribution of £60,000 towards improvements to DLR, bus services and cycle hire scheme.)

Design Council/CABE

- 8.63 No comments received

British Broadcasting Corporation (BBC)

- 8.64 No comments received.

Greenwich Maritime World Heritage Site

- 8.65 No comments received

Association of Island Communities

- 8.66 No comments received.

London Borough of Greenwich

- 8.67 No objection.

London Wildlife Trust

- 8.68 No comments received.

Metropolitan Police

- 8.69 Initial comments raised concern about dual access to lower ground cycle storage, dual entrances to one of the ground floor commercial units. Monitored CCTV will need to cover every part of the external aspect of the ground floor area. Detailed design, including public

realm must ensure that there are clear lines of site towards all aspects of the ground floor area. This includes using low growing shrubs. The design of the building should take into account the need to prevent features which aid scaling, or climbing, including boundary treatment and the design of balconies.

8.70 Public access to the residential entrances should, therefore, be restricted through use of either a managed concierge system, a Proximity Access Control (PAC) system and door entry phone system, or a combination of both. Details of external lighting, landscaping and CCTV required.

8.71 If permission is granted a condition should be attached requiring the proposed development has a planning condition to achieve full Secured By Design certification.

(OFFICER COMMENT: The applicant has submitted amended plans dividing the cycle storage area into two separate areas each with a dedicated entrance. Following submission of further information the Crime Prevention Officer has confirmed that remaining issues can be dealt with through the submission of details controlled by planning conditions.)

National Grid

8.72 No comments received

EDF Energy

8.73 No comments received.

Thames Water

8.74 It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or a suitable sewer. The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

8.75 No objection with regard to sewerage infrastructure. If the developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.

8.76 No objection with regard to water infrastructure. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

8.77 There is a Thames Water main crossing the development site which may have to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained.

8.78 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

(OFFICER COMMENT: Following further discussion concerning the details of the application and existing below ground infrastructure, Thames Water have confirmed that the use of conditions and informatives to control the implementation of the development, particularly any piling works, will be acceptable.)

9. LOCAL REPRESENTATION

9.1 A total of 1,096 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

9.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 3
Objecting: 3
Supporting: 0
Neither: 0
No of petitions received: None

9.3 Occupiers of house boats moored in Millwall Dock

- Formal notification has not been sent to occupiers of adjacent house boats moored in Millwall Dock;
- No invitations were sent to any of the boats when the applicant carried out their own consultation exercise;
- The proposal does not indicate how our safe access to house boats is to be preserved. A condition is requested;
- Please impose a restriction in working hours of 8am to 5:30pm Monday to Friday and 8am to 1pm Saturday with no Sunday working;
- Conditions requested that there be no radios or other musical equipment on site, the workforce is properly clothed at all times and that a barrier be erected to protect the boats and their occupiers from falling debris, dust and dirt;
- Condition requested that the existing means of safe access to and from house boats is preserved and a restriction on heavy plant using the quayside;
- The quayside is also a public right of way and no application has yet been made to the owner of the quayside to allow it to be used in the construction.

9.4 Local residents and property owner:

- Oppose the principle of further residential development;
- There is massive overdevelopment on the Isle of Dogs and in the Crossharbour area;
- The population of the Isle of Dogs has increased in the past ten years but there have been no increase in health services or school provision;
- A large number of new flats at Turnberry Quay and Lanark Square will lead to considerable reductions in property prices in the Crossharbour area as supply exceeds demand;
- There is no economic justification in terms of demand for further flats;
- Proposed development will place pressure on local transport service, DLR, buses and the local road network;
- Consultation is inadequate as it does not include landlords of rented properties in the vicinity;
- Too many large scale, tall buildings are being permitted on the Isle of Dogs;
- Permissions have been granted with affordable housing provided on sites outside the Isle of Dogs which is not in the interests of mixed communities;
- No justification for demolition of existing building;
- Proposed development would be too tall and out of character with its surroundings;
- The proposed commercial space would be insufficient to accommodate existing traders if they wish to return to the development;
- Proposed construction will cause noise, disturbance and pollution affecting nearby residents.

9.5 Planning issues raised through neighbour consultation are addressed in Section 10 of the report.

- 9.6 With regard to points raised on statutory consultation processes, neighbour notification letters were sent to all adjoining occupiers, based on the Council's Land and Property Gazetteer (LPG) records. There is no statutory obligation to record moored houseboats as permanent addresses, although occupiers can apply to the Council to have their addresses added to the LPG, although in this case there have been no such applications. The Committee may wish to note that the Council has recently commenced an exercise to capture all residential moorings throughout the borough within the LPG.
- 9.7 It is clear that the occupiers were aware of the proposed development through statutory publicity (e.g. site notice), have made comments and these are included in this report. Furthermore, the applicant confirms that at least one occupier of an adjacent houseboat attended the pre-application exhibition.

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by this application that the Committee are requested to consider are:
- Land use
 - Design
 - Housing
 - Open Space
 - Transport, connectivity and access
 - Amenity
 - Energy climate change and sustainability
 - Air Quality
 - Contamination
 - Flood Risk
 - Health considerations
 - Planning Obligations

Land Use

- 10.2 At National level, the National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets
- 10.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes.
- 10.4 The Council's Core Strategy 2010, identifies Cubitt Town as an area where there will be residential led growth as part of mixed use development. CS policy SP12 and Annexe 9 "Delivering Placemaking" sets out the vision for Cubitt Town as "a residential waterside place set around a thriving mixed use town centre at Crossharbour. Cubitt Town will continue to be a residential area, experiencing housing growth in the north. This growth will be supported by a revitalised and expanded Crossharbour town centre, which will see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area..."
- 10.5 The site is not the subject of any specific site allocations and hence the development should be considered on its merits, having regard to the main land use consideration of loss of existing floorspace and the suitability of the site for housing led mixed use development.

Loss of employment floor space

- 10.6 The Core Strategy states that employment floor space needs to be managed in accordance with Spatial Policy 06 which seeks to ensure job opportunities are provided and maintained. Any loss/reduction of employment for space outside of specific employment designations, needs to be justified in accordance with saved UDP (1998) policy EMP3 and emerging policy DM15.1 of the Managing Development DPD (Submission version, May 2012) with Modifications.
- 10.7 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications seeks to ensure that development should not result in the loss of active and viable employment uses. The policy (as amended by the EIP Inspector) requires evidence to be provided to demonstrate that where proposals seek to reduce the amount of existing employment floor space, the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, accessibility, viability, size and condition.
- 10.8 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floor space. The following factors are taken into account by the Council:
- The length of time that surplus office floor space has been vacant; and
 - The level of vacant floor space and unimplemented planning permissions for office floor space in the surrounding area.
- 10.9 The site is in a peripheral area of the overall Docklands office market where there is limited demand for commercial floor space. The site is typical of first generation Docklands office developments dating from the 1980s, which contain outdated accommodation by modern standards. Based on site inspections, the existing accommodation appears to have come to the end of its useable life and does not meet modern accessibility standards or energy/sustainability requirements.
- 10.10 Units 1-3 Turnberry Quay and 1-5 Lanark Square also suffer from limited footfall due to their secondary location away from the main pedestrian route along Pepper Street and across Glengall Bridge. This has affected the marketability of both the ground floor retail units and the upper floor offices at the site.
- 10.11 The applicant has submitted detailed information setting out difficulties in letting the office space and the need to provide substantial market incentives, e.g. reduction in rental levels of up to 50% of typical market rates and offering short term lets in order to attract tenants. The applicant has also provided detailed information with regard to current occupation and the number of employee at the application site, estimated to be 34 people across the 2,103sqm of office space.
- 10.12 The five ground floor units are occupied by three tenants (one has two units) and one is vacant. Two existing tenants are seeking to relocate elsewhere on the Isle of Dogs either to consolidate their existing business operations into one premises or in the case of a betting shop, to premises in a more central location. The remaining ground floor tenants are reported to have rent arrears but the applicant is willing to assist in their relocation to more suitable premises.
- 10.13 The upper floor offices are occupied by two firms, one of which is the applicant and the other is being offered assistance to find alternative accommodation locally. Finally, 2 Turnberry Quay is the stand alone restaurant premises which will be unaffected by the proposals.
- 10.14 Within the wider Lanark Square Estate, planning permission was granted in April 2012 to convert vacant office units at 9 Lanark Square to residential dwellings (reference

PA/12/2339). Planning consent for conversion of the more prominent large scale office blocks Balmoral House, Aegon House and Marina Place, which front East Ferry Road but are part of Lanark Square Estate, was granted for a change of use from office (B1) to residential (C3) in September 1996 (Ref: ID/96/48).

- 10.15 The submitted Economic and Regeneration Statement demonstrates that there are several available office units locally and there is a significant amount of office accommodation in the planning pipeline in the area. Furthermore it is estimated that the employment densities of the proposed commercial space could exceed the relatively low densities of the existing occupation.
- 10.16 The scheme could also create an estimated 60 jobs during the two year construction programme. The applicant has committed to using reasonable endeavours to secure 20% of construction employment for local residents and 20% local procurement. The contractor would also offer notification of new jobs during construction to the LBTH employment and enterprise team.
- 10.17 A financial contribution is proposed towards on-going employment and skills training initiatives. This could be targeted towards the existing Skillsmatch Centre within the Canary Wharf Recruitment and Training Centre nearby to ensure the contribution is used most effectively and yields direct local employment benefits.
- 10.18 In this instance, it is considered that the loss of the existing floor space has been justified in terms of the relevant tests in policy DM15, in that it would not result in the loss of a viable employment use and that the current premises are not suited to continued employment use given their location, size and quality. The applicant is willing to assist in the relocation of those tenants who are not already in the process of securing alternative locations. The development includes three new ground floor commercial spaces which could be used flexibly for retail, other Class A uses or offices or community space. The three units proposed would be between 61 and 147 sq.m. in size, which would meet the guidance in policy DM15.3 to provide flexible units.
- 10.19 In conclusion, officers are satisfied that the loss of the existing employment floor space would not compromise the supply of employment floor space across the borough as a whole and the existing provision is unlikely to be a viable proposition in this location over the long term. Sufficient information has been submitted to justify the loss with respect to the detailed requirements of policy DM15. Hence the redevelopment of the site would accord in principle with policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies EMP3 and EMP8 of the Unitary Development Plan and Policy EE2 of the Interim Planning Guidance (2007).
- 10.20 The Managing Development DPD (Submission Version May 2012) with Modifications Policy DM8.3 states that the loss of a community facility will only be considered if it can be demonstrated that there is no longer a need for the facility and the building is no longer suitable. Planning permission was granted in 2004 (PA/04/00268) to convert 299sqm of office space, at 2 Lanark Square, to a computer/ IT training centre (use class D1). The existing building at 2 Lanark Square accommodates an International College; however following a site visit there is evidence to suggest this has operated significantly below capacity for some time. As such the loss of this floorspace is considered acceptable in accordance with DM8 as there is no longer a local need for an International College in this location and the existing building is not suitable due to the condition and outdated accommodation, by modern standards which does not meet disabled access standards and is inefficient when considered against current carbon reduction/sustainability requirements. The proposed development provides flexible retail, office and community uses allowing up to 321sqm of floorspace for future community uses which could accommodate an alternative community facility for the local community if required.

Appropriateness of residential led mixed use

- 10.21 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 to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period
- 10.22 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 completions per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.
- 10.23 The site is located adjacent to Crossharbour town centre (as defined in the Managing Development DPD proposals map) and benefits from good transport accessibility. Significant residential development has taken place to the north on the former London Arena site and on the west side of Millwall Dock in the Millennium Quarter. Permission has also been granted for residential development a part of a wider comprehensive development.
- 10.24 In conclusion, the redevelopment of this site for residential development with ground floor commercial/community uses is considered appropriate in principle and in line with national, London wide and local policy objectives and furthermore would contribute towards Core Strategy housing delivery targets within the Cubitt Town area.

Design

- 10.25 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 10.26 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 10.27 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 10.28 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 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.

Height and Massing

- 10.29 The general bulk, scale and mass of the proposed blocks are considered acceptable.

There is an overall reduction of massing and height from the taller buildings to the north at Canary Wharf, following an established pattern for new buildings set by developments such as Baltimore Wharf. The proposal would be thirteen storeys in height which would represent an increase in height compared to the existing buildings but would be similar in height to the neighbouring Baltimore Wharf block and the residential conversion of Balmoral House, Aegon House and Marina Place, which were granted planning permission for a change of use from office (B1) to residential (C3) in 1996 (Ref: ID/96/48). Currently building heights, in the immediate local context, range from 11-17 storeys to the north, along Pepper Street, and 4-10 storeys in Lanark Square.

- 10.30 The footprint of the proposed scheme closely replicates the existing building which is being demolished. The scheme acts as a transition between the scale of Baltimore Wharf and Woodchester House. As noted previously, it also anticipates the future development of parts of the Lanark Square Estate, notably that element fronting Pepper Street. The scheme would step down to the north and west, fronting the dock. The proposed development's height, scale and massing are considered to be appropriate to the scale of the dock and adjoining buildings.

Strategic Views

- 10.31 The development proposal falls within the strategic viewpoints 5A.1 and 5A.2, views from the General Wolfe statue in Greenwich Park as set out in the Mayor of London's 'London View Management Framework (LVMF) SPG. The applicant has submitted a townscape and visual impact assessment which demonstrates that the proposal should have no detrimental impact on the strategic viewpoints and there should be no detrimental impact on the character and setting of the Greenwich Maritime World Heritage Site or its outstanding universal value. The applicant has also demonstrated that although the proposed development will be seen from Mudchute Park (designated as Metropolitan Open Land) it will not detrimentally impact on its open character.

Layout and Disposition of Uses

- 10.32 The overall improvement to the site's permeability is welcomed, as this would greatly enhance connectivity and permeability through the site, providing step-free access through the site. The location of pedestrian routes, open spaces and play space is considered to be acceptable, with the proposed building layout and use allocation ensuring that they are legible and have good surveillance.
- 10.33 The site currently integrates poorly with surrounding buildings including neighbouring residential units to the north. It is inward-looking, focusing on its internal courtyard, which is dominated by car-parking. It relates poorly to the waterfront, which is similarly focused on the provision of car-parking. As a result, the public realm is weak and there is a limited sense of legibility, permeability and cohesion.
- 10.34 The proposed development seeks to create a coherent, legible, secure and permeable form of mixed-use development which reintegrates the site with its surroundings, particularly with the dockside. It incorporates active uses at ground level and commercial units have floor to ceiling glass frontages. The building addresses all surrounding spaces, having no 'back', in order to maximise security and legibility. The building should respect and incorporate its waterside location, with the amenity space and the westerly aspect taking full advantage of the dockside in line with the place making objectives for Cubitt Town in the Core Strategy, which seeks a strong relationship between development and the waterways.
- 10.35 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the area. The proposal appears sensitive to the character of its surroundings in terms of overall layout, bulk, scale

and use of materials.

Detailed Design

- 10.36 The detailed design of the scheme and materials is well considered and appropriate to its surroundings. The development displays a commitment to high standards of design and is underpinned by high quality materials. The materials palette has been chosen to reflect the docklands vernacular of robust brick and a strong, simple form. It consists of contrasting brick and metal balconies with diagonal support bracing. This approach responds to Core Strategy Policy SP10 which seeks the enhancement of the historic environment in order to strengthen local distinctiveness. There is extensive use of glazing. The use of similar materials at the Baltimore Wharf development should create a strong sense of unity and identity. The public realm will be landscaped with high quality material and lighting to create an attractive environment and is considered to make a positive contribution to the area.
- 10.37 To conclude this section of the report, your officers are satisfied that 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, DM24 and DM26 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

Housing

Residential Density

- 10.38 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.39 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885. Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character.
- 10.40 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location, as well as design and amenity considerations.
- 10.41 The site has a "Good" public transport accessibility level (PTAL 4). For urban locations with a PTAL 4, both London Plan (Policy 3.4, Table 3A.2) and LBTH Core Strategy indicate that a density of up to 700 habitable rooms per hectare is appropriate. The Mayor's Housing SPG makes it clear that the density matrix should be used as a guide rather than an absolute rule, and other policy objectives such as dwelling mix, environmental and social infrastructure as well as local circumstances, should be taken into account of when considering residential density. The proposed density is 1015 habitable rooms per hectare (or approximately 370 units per hectare). However, the intent of the London Plan and Council's Managing Development DPD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

- 10.42 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 serious concerns in respect of overdevelopment or harm to residential amenity. The proposals would deliver high standards of residential quality, design and place making. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above.
- 10.43 On balance the high residential density is considered to be acceptable in this instance. This is because the scheme is located within an Opportunity Area, directly adjacent to Crossharbour District Centre and close to Canary Wharf major town centre. Furthermore the design is high quality and a good residential quality will be delivered. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Affordable Housing

- 10.44 Policy SP02 of Tower Hamlets Core Strategy (2010) and DM3 of the Managing Development DPD(2012) confirms the Council's approach to seek 35% to 50% affordable homes through a variety of sources, subject to viability, with a 70:30 split between social / affordable rent and intermediate tenures.
- 10.45 The proposed development would provide 26 affordable homes, equivalent to 32.1% affordable housing provision by habitable room. The tenure split between affordable rent and intermediate housing (shared ownership) would be 68% to 32% respectively. The proposed affordable housing component of the scheme is marginally below the 35% minimum target set out in the Core Strategy and Managing Development DPD although the split between affordable and intermediate tenures is very close to the policy requirement. Table 1 below sets out the proposed affordable housing offer and tenure mix in more detail.

	Units	% of units	Habitable rooms	% Habitable rooms
Affordable rent	16	17.98%	53	21.81%
Intermediate	10	11.24%	25	10.29%
Total affordable housing	26	29.2%	78	32.1%
Market Sale	63	70.8%	165	67.9%
Total	89	100%	243	100%

Table 1 – proposed affordable housing

- 10.46 The applicant has confirmed that the proposed rents would be significantly less than the national policy position of up to 80% of market rents and would not exceed Tower Hamlets preferred POD rents for the E14 post code (including service charges) as set out below:

1bed £210.35 (p/wk)
 2bed £235.25 (p/wk)
 3bed £249.00 (p/wk)

- 10.47 The current offer has been increased from 29% affordable housing (by habitable room) with a 62:38 tenure split when the application was submitted. The applicant has submitted a revised viability assessment that demonstrates that the amended affordable housing offer is the maximum amount that the scheme could sustain in terms of development viability.

- 10.48 The Council has appointed independent consultants to robustly test the scheme viability. Consultant advice has helped support officers negotiations to improve the level of affordable housing beyond that originally proposed by the applicant.
- 10.49 The Council's independent review of the viability assessment concludes that the applicant's affordable housing offer and other financial contributions are the optimum that this development could deliver (at the time of the assessment). The independent viability assessment review concludes that the provision of 32.1% affordable housing (based on affordable rent at Tower Hamlets preferred POD rent levels as set out in the Managing Development DPD (Submission Version) is the maximum that the scheme can achieve.
- 10.50 The Council's affordable housing team support the proposed offer as does the GLA's Stage 1 response (set out above) subject to confirmation of the viability position. In conclusion, the proposed affordable housing offer has been maximised in line with National, London Plan and Tower Hamlets policies.

Housing type

- 10.51 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. Further to this, Saved Policy HSG7 of the UDP 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.
- 10.52 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 10.53 Policy DM3 (part 7) of the Managing Development DPD 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).
- 10.54 The application proposes a mix of one, two and three bed flats spread across the private sale and affordable tenures. Table 2 below outlines the proposed housing mix in the context of the Borough's preferred dwelling mix:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	10	0	0%	0%	0	0%	0%	10	15.9%	0%
1 bedroom	26	2	12.5%	30%	5	50%	25.0%	19	30.2%	50.0%
2 bedroom	32	7	43.75%	25%	5	50%	50.0%	20	31.7%	30.0%
3 bedroom	21	7	43.75%	30%	0	0%	25%	14	22.2%	20%
4 bedroom	0	0	0%	15%	0	0%		0	0%	
5 bedroom	0	0	0%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
TOTAL	89	16	100%	100%	10	100%	100%	63	100%	100%

Table 2: overall unit and tenure mix

- 10.55 The housing mix is considered to be in line with the Council's policies and includes the provision of much needed larger family accommodation. The proposal delivers 44% family accommodation in affordable rent tenure which, as set out above, is at Tower Hamlets preferred rent levels for the E14 post code (including service charges). There is also an acceptable level of family housing in the private tenure but a shortfall in the intermediate tenure. This equates to 23.6% family housing (3 bedroom and above) across all tenures which helps the borough meet its Core Strategy (Policy SP02) strategic target of 30% of all new housing across the borough to be of a size suitable for families.
- 10.56 The proposal would provide a broadly acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the affordable rented tenure is welcomed.
- 10.57 In conclusion the development would provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the Managing Development DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Residential quality

- 10.58 The submitted plans demonstrate that the applicant has met the internal space standards set out within both the Housing Design Guide and London Plan. The applicant has submitted further information to show that all proposed affordable family homes are capable of including a separate kitchen and dining room, although the recently published Inspector's Report following the Examination In Public into the Managing Development DPD states that separate kitchens should not be insisted upon and should be deleted from emerging policy (DM4.1b).
- 10.59 The London Plan Housing SPG notes that a home with opening windows on at least two sides has many inherent benefits such as better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, and greater flexibility in the use of rooms including future adaptability. Where possible the provision of dual aspect dwellings should be maximised in a development proposal. The SPG states in its policy that north facing single aspect homes or three or more bedroom single aspect homes should be avoided.
- 10.60 The proposed floor plans show that 45 (or 52%) of the proposed flats would be dual aspect with 4 of these benefiting from aspects to three directions. Of the remainder, the single aspect flats have views to the east or west. There would be no north facing flats or single aspect family dwellings.
- 10.61 The east and west facing single aspect units mostly comprise the smaller units within the scheme and those facing west would benefit from a good outlook across the Millwall Dock. The proposals would be in line with the London Housing SPG guidance and policies.
- 10.62 In terms of daylight and sunlight received by occupiers of the proposed dwellings, the results of the Average Daylight Factor (ADF) calculations show that 226 of the 241 main rooms and bedrooms within the development's 89 units will achieve the respective BS/BRE guide levels (93.78%). The levels of internal daylight that will be experienced across the proposed residential accommodation in the development are considered to be high, particularly for a development within a relatively built up, high density urban location.
- 10.63 Overall officers are satisfied that the proposed development would offer a high quality of residential accommodation, in line with the NPPF, London Plan and Tower Hamlets LDF policies.

Wheelchair accessible housing and lifetime homes

- 10.64 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.65 All of the dwellings would be designed to lifetime homes standards. A total of nine of the residential units have been identified as being suitable for conversion to provide wheelchair accessible accommodation. The dwellings would be located on the lower floors (first, second and third) and would meet the standards set out in the technical appendix to the London Housing SPG, including wheelchair turning spaces in main bedrooms, living rooms and dining rooms, kitchens and bathrooms; space for storage and charging for wheelchairs and provision for both a shower and bath in the bathrooms, with the shower to be wheelchair accessible.
- 10.66 The supporting text to Managing Development DPD Policy DM3 sets out that wheelchair accessible housing may be calculated as a proportion of habitable rooms in order to provide a mix of units more appropriate to local housing need. The scheme offers 2 and three bedroom wheelchair accessible housing across the private and affordable tenures, equivalent to 10% by units or 12% by habitable room.
- 10.67 Overall officers conclude that there is a satisfactory provision of wheelchair accessible housing which meets and exceeds London Plan and Tower Hamlets Core Strategy and Managing Development DPD policies. Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Open space

Private and Communal Amenity Space

- 10.68 Policy DM4 of the Managing Development DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010) recommending that a minimum of 5 sqm of private outdoor space is provided for 1-2 person dwellings and an extra 1 sqm is provided for each additional occupant.
- 10.69 The proposals would provide private amenity space in the form of balconies and roof terraces. All balconies would meet the minimum space standards as set out in Managing Development DPD and London Housing Design Guide. Some 824.5sqm of private space in the form of balconies and terraces is proposed, which is an overprovision when measured against the policy requirement of 567sqm. In addition 67.5sqm of communal terrace space and a shared playspace catering to children under the age of 12yrs, measuring 272sqm is provided. The communal terraces are provided on the 9th floor; one overlooks the dockside in Turnberry Quay and can be accessed by private sale properties; the other terrace fronts Pepper Street and is accessible to both affordable and private sale residents.
- 10.70 The aggregate provision of private and communal amenity space the amenity space of different types compared to the standards detailed in the London Plan and the Managing Development DPD is set out in Table 3 below.

	Scheme proposals	LBTH and London Plan minimum requirement	Variance (+ or -)
Private Amenity Space	824.5sqm	567sqm	+257.5sqm
Communal Amenity Space (LBTH policy)	67.5sqm	129sqm	-61.5sqm
TOTAL	892sqm	696sqm	+196sqm

Table 3: Private and communal amenity Space Provision

10.71 The table shows that the provision of private spaces significantly exceeds the minimum requirements by 257sqm, whilst the communal space would be below the minimum requirements. However in aggregate future residents would benefit from 892sqm of private and communal amenity space exceeding the London Housing SPG and Managing Development DPD minimum requirements by 196 sqm, excluding children's play space described below.

Child Play Space

10.72 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 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.

10.73 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 26 children and accordingly the development should provide a minimum of 260sq.m of play space in accordance with the London Plan and the emerging Managing Development DPD's standard of 10 sqm per child. Children's play space is provided for both 0-3 and 4-10 age groups on site at ground level, which results in the development delivering 243sq.m of dedicated child play space, resulting in under provision of 18sqm when the required 44sqm for 11-15 is taken into account as set out in table 4 below.

	Child Yield	Provided on site (sqm)	Policy requirement (sqm)	plus or minus
Under 3's provision	11.2	125	112	+13
4-10 years provision	10.5	118	105	+13
11-15 years provision	4.4	0	44	-44
TOTAL	26	243	261	-18

Table 4 – Proposed child play space on site

10.74 The proposed child playspace for under 10 year olds is considered to be high quality benefiting from outlook onto the waterside and the raised platform design resolve potential conflicts with vehicle, cycle and pedestrian movements. A range of play equipment is proposed including rubber stepping stones, a wobble dish, dance chimes, and a small spinner amongst others.

10.75 The general approach, in terms of the provision of play and informal recreation facilitated by new development, is informed by the London Plan Supplementary Planning Guidance entitled "Shaping Neighbourhoods: Play and Informal Recreation" (September 2012). In

this document it states that in cases where child yield exceeds 80 children, facilities for the over 10 years of age should be provided on site but the proposed development child yield is below this threshold.

- 10.76 Significantly, it states that possible variations could apply to reflect existing provision and it states that if the site is within 800 metres of existing facilities for the 11-15 year group, an off-site contribution may be considered if in accordance with a play strategy. The site is within 800 metres of St John's Park and Mudchute/Millwall Park, which both have facilities available for the 11-15 age group. The applicant has committed to a financial contribution of £121,295 towards public open space improvements in the local area.
- 10.77 As such, given the on-site provision of children's play space and adjacent playable soft landscaped area and availability of public play space within 800m of the site (i.e. Millwall Park, Sir John McDougal Park and St John's Park) your officers are satisfied that the proposed development will have a beneficial impact on play space in the local area.
- 10.78 A condition has been suggested requiring the submission of details of accessible play equipment. Maintenance of the child play space will be required through imposition of an Estate Management Plan which it is recommended to be secured by condition.

Biodiversity

- 10.79 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, Core Strategy Policy SP04 and Policy DM11 of the Managing Development DPD 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 also requires elements of living buildings.
- 10.80 Through the provision of a landscaping scheme that includes planting at ground level such as trees, scrubs and ornamental planting, the proposed development would provide an ecological enhancement to the local area.
- 10.81 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development should ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Transport, Connectivity and Accessibility

- 10.82 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 10.83 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 10.84 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent).

Highways

- 10.85 A TRAVL trip generation assessment has been carried out to assess the change in trip

attraction of the site under the development proposals. The traffic impact of the development is expected to be minimal and insignificant on the adjoining highway.

Servicing and Refuse

- 10.86 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. The servicing and waste collections arrangements are acceptable with operations taking place off the public highway within the existing Lanark Square courtyard ensuring compliance with London Plan Policy 6.13 and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

Car Parking

- 10.87 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 10.88 Managing Development DPD Parking Standards sets specific parking levels for the Isle of Dogs. Following the Inspectors Report these levels are 0.1 parking for units of less than 3 bedrooms, and 0.2 for 3 bedrooms plus.
- 10.89 The development proposals would remove existing 15 spaces and provide 9 disabled spaces including one Electric Vehicle Charging Points. However, the applicant has suggested that residents and occupiers of the commercial space in the proposed development would be entitled to parking spaces (subject to availability) on the adjoining developments also controlled by the freeholder (Lanark Square). The submitted Transport Statement shows that the current usage of the spaces is moderate and there would be capacity to provide parking for demand generated by the Turnberry Quay development in excess of what would be permitted under the Council parking standards.
- 10.90 Whilst removing the existing 15 spaces and providing 9 disabled spaces is acceptable, the Council's Transportation and Highways department is concerned the available parking in an adjoining development which could serve the proposed development would result in the mode share of car trips generated by the development being unacceptably high and would not comply Core Strategy policies SO19 and SO20 and Managing Development DPD DM20.
- 10.91 Therefore, it is suggested that a Grampian condition is attached to any permission requiring submission of a Car Parking Management Plan prior to occupation of the development. The plan should set out how demand for car parking under the control of the freeholder from occupants of the proposed Turnberry Quay development is restrained to ensure the development complies with LBTH's sustainable transport policies and objectives. In addition new residents would not be eligible for on-street parking permits which will be secured through planning obligations.
- 10.92 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed development, whilst not causing detriment to the free flow of traffic on the surrounding highway network and accordingly complies with Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision

Provision for Cyclists

- 10.93 The proposal includes improvements to the local cycle network through improved cycle routes through the development. In addition, a total of 115 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan Policy 6.13.

Public Transport Improvements

Crossrail

- 10.94 The development is required to make a contribution of around £156,590 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London.

Docklands Light Railway

- 10.95 Whilst TfL has requested a 'pooled' financial contribution towards improvements at Crossharbour DLR, specific improvement works have not been identified the applicant is therefore offering a financial contribution of £60,000 towards local buses, the DLR and a cycle hire docking station at Crossharbour.
- 10.96 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.

Buses

- 10.97 Four bus routes operate in close proximity to the site, serving transport hubs in east London including Old Street, Hackney Central and Stratford. One night bus, N550, serves Canning Town and Trafalgar Square. The public transport accessibility level (PTAL) of the site is 4 (good), out of range of 1 to 6 where 6 is excellent
- 10.98 Whilst the proposed development in itself is unlikely to have a significant impact on the capacity of the bus network, the cumulative impact of residential development on the Isle of Dogs does necessitate additional bus service. For example, buses are at capacity on nearby Westferry Road and trips generated from this development which pass through Westferry Road will exacerbate this issue. Contributions have been sought from most developments within the Isle of Dogs (for example the Innovation Centre, Crossharbour District Centre and developments along Marsh Wall) for enhancements to bus services. Comparable to these, TfL have requested a contribution of £53,400 to assist in mitigating the cumulative impact of development on the bus network towards London Buses. This request has not been met in full by the applicant who is offering £60,000 to TfL a combined contribution for the DLR, local buses and cycle hire docking station.

Cycle Hire Docking Station at Crossharbour

- 10.99 TfL have also requested a contribution of £30,000 towards a cycle hire docking station at Crossharbour which is considered to directly benefit the proposed development and meet anticipated future demand.
- 10.100 As mentioned above the applicant is offering a combined contribution of £60,000 towards local buses, the DLR and cycle hire docking station at Crossharbour to be secured via the S106 Agreement

Pedestrian Environment

- 10.101 The development occupies an important walking route along the dockside which will be

significantly enhanced as a part of this proposal. Such enhancements are in line with those sought by the Canal and Rivers Trust in their representation.

- 10.102 Conditions are recommended seeking full details of the improvement works to be delivered in addition to financial planning obligations towards public realm improvements.

Inclusive Access

- 10.103 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the Core Strategy and Policy DM23 of the Managing Development DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.104 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 which is also the position of the GLA.
- 10.105 With high PTAL levels and the provision of step free access routes, the proposed development would be accessible, usable and permeable for all.

Amenity

- 10.106 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy and a lack of disturbance through noise and vibration.

Daylight and Sunlight

- 10.107 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 10.108 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications 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.
- 10.109 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 10.110 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.

- 10.111 The submitted daylight and sunlight report assesses the impact of the proposed

development upon neighbouring properties and the proposed development.

- 10.112 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:

“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”

- 10.113 The Council’s Environmental Health Officer was specifically requested to carry out a detailed review of any daylight and sunlight impacts on neighbouring properties who has confirmed that the results of the daylight analyses show that the majority of windows assessed within the Alexia Square/Baltimore Wharf development, Aegon House and Nos. 2, 4, 6, 13 and 17 Pepper Street would comply with the BRE guide levels.
- 10.114 Whilst certain windows within these buildings and windows serving Balmoral House and Marina Point will experience VSC levels below the guide levels, these impacts are mostly marginal and are typical of higher density urban environments. Importantly, of the 62 windows receiving VSC levels below the guide levels, 57 of the windows will experience only marginal effects (i.e. 92% of the 62 windows in breach of the guide levels will experience VSC levels within 20% of the guidance. Only five of the 415 windows assessed would experience greater losses of daylight and all of these windows would retain more than 56% of their existing VSC levels.
- 10.115 The proportion of properties affected and the level of any losses in excess of BRE guidelines is considered to be relatively low particularly in an urban context, therefore the proposed development is considered to comply with saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications 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.

Microclimate - wind

- 10.116 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 10.117 The submitted Microclimate – Wind assessment found that the Proposed Development improves the wind condition on site and causes no adverse effects when compared to the baseline condition. The results show that the wind conditions on site, with the Proposed Development in place correspond to the intended use of all spaces tested. Planting incorporated around the child playspace would help improve wind conditions and ensure there are spaces suitable for seating. No other mitigation measures will be required.

Sense of enclosure, outlook and privacy

- 10.118 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the Managing Development DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

10.119 In terms of impacts upon neighbouring properties, the residential properties in Pepper Street and Lanark Square are well beyond the acceptable separation distance of 18 metres between directly facing habitable rooms windows required to ensure privacy is maintained in accordance with Policy DM25 of the MANAGING DEVELOPMENT DPD.

Noise and Vibration

10.120 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

10.121 Environmental Health have raised concerns regarding the quality of residential accommodation proposed due to noise from ground floor commercial uses and the relatively close proximity of the DLR. The applicant has confirmed that the building is able to meet the requirements of BS8233 "Good Internal Noise Design Standard". Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.

10.122 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, and requiring the submission for approval of hours of operation for any A1-A5 uses.

10.123 Therefore subject to conditions it is considered that that proposed development would comply with Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the CS and Policy DM25 of the Managing Development DPD 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, and the NPPF.

Energy, sustainability and climate change

10.124 At a National level, the NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.

10.125 The London Plan sets out the Mayor of London's energy hierarchy which is to:

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

10.126 The London Plan 2011 also 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).

10.127 The information provided in the submitted energy strategy is principally in accordance with adopted climate change policies. 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 Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

- 10.128 The emerging Managing Development DPD, Policy DM29 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. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential development to achieve a minimum of BREEAM Excellent.
- 10.129 The sustainable development team have no objections to the proposed energy strategy. The development is proposing to minimise emissions through the energy hierarchy:
- Energy efficiency 11.5%
 - CHP 23.3% (15kWe engine)
 - Renewable energy technologies 13.1% (145m2 (26.1kWp) PV)
- 10.130 The cumulative CO2 emission reductions from the proposed measures are >40% compared to building regulation 2010 requirements. This exceeds the London Plan requirements and also policy DM29 of the Managing Development DPD (Submission version May 2012) with Modifications.
- 10.131 The proposals are for Code Level 4 and this is supported by the Council's Sustainable Development team. It is recommended that the energy and sustainability proposals are secured through the following Conditions:
- Delivery of site wide space heating and hotwater system incorporating a ~15kWe CHP engine
 - Delivery of a minimum of 145m2 (26.1kWe) photovoltaic array
 - Submission of the final Code for sustainable homes certificates within 6 months of occupation of the development.

Air Quality

- 10.132 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the Managing Development DPD seek to protect the Borough from the effects of air pollution.
- 10.133 The statutory review and assessment of local air quality within the LBTH resulted in the entire Borough being declared an Air Quality Management Area (AQMA).
- 10.134 The submitted air quality assessment demonstrates that air quality impacts arising from demolition and construction dust are predicted to be minor, lasting only for the duration of the demolition and construction phase. An Environmental Management Plan will be prepared for the site prior to the commencement of any onsite works and will be agreed with the Council, which will include a whole suite of measures to reduce dust emissions.
- 10.135 It is considered that the impacts on air quality are minor and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 10.136 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy DEV2 of the UDP, Core Strategy Policy SP02, Policy DM9 of the Managing Development DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Ground Contamination

- 10.137 In accordance with the requirements of the NPPF, saved UDP Policy DEV51 and Policy DM30 of the Managing Development DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 10.138 The Council's Environmental Health Officer has reviewed the documentation and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.
- 10.139 Council records show that 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.

Flood Risk

- 10.140 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 10.141 The application site lies within Flood Risk Zone 3, which is means land in "areas at risk of flooding" as stated within the Technical Guidance to the National Planning Policy Framework. With reference to Table 2 of the Technical Guidance to the National Planning Policy Framework an office use is classified as a 'less vulnerable' use whilst a residential use would be 'more vulnerable' use. However, it is noted that the residential users would be located above ground floor level. As such, it is considered that the proposal would not result in any significant increase in the incidence of flooding for occupiers, in accordance with policy SP04(5) of the Core Strategy(2010), saved Policy U2 in the Unitary Development Plan(1998) and policy DEV21 in the Interim Planning Guidance (2007). The above policies seek to minimise the impact of flooding.

Health Considerations

- 10.142 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the Borough.
- 10.143 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being.
- 10.144 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 10.145 The applicant has agreed to a financial contribution of £89,000 to be pooled to allow for expenditure on health care provision within the Borough.

10.146

The application will also propose public open spaces within the site. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and potential route through to existing open space.

- 10.147 It is therefore considered that the financial contribution towards healthcare and new open space 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.

Planning Obligations

- 10.148 Planning Obligations Section 106 Head of Terms for the proposed development at the Turnberry Quay site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

- 10.149 The NPPF requires that planning obligations must be:

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

- 10.150 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 10.151 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 10.152 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:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 10.153 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations the proportion of affordable housing has been secured at 32.1% affordable housing based on an affordable rent at Tower Hamlets preferred target rent levels (as set out in the Managing Development DPD (Submission Version)) to intermediate split of 61.5% and 38.4% respectively. In addition since the application was submitted the applicant has agreed to increase the contributions towards the priorities set out in the Tower Hamlets Planning Obligations SPD (2012) and TfL requests from £355,980 to £636,007. The independent advice agrees with the applicant's

viability assessment which has demonstrated that the scheme can provide 32.1% affordable housing with a 68:32 split between the affordable rented and intermediate accommodation through introducing minor adjustments to the internal layout. This is the maximum level of affordable rented accommodation the scheme can accommodate without a more significant overhaul of the internal layout.

10.154 If the priorities and standard calculations set out in the Planning Obligations SPD are applied to the proposed development the following contributions should be sought to mitigate the impact of the proposals. Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications and Planning Obligations SPD (2012).

Tower Hamlets SPD priority and TfL requests	Standard SPD contribution and TfL request	Applicants Offer
Primary education	£155,315	£155,315
Secondary education	£98,930	£98,930
Employment, training and enterprise	£19,961	£19,961
Public Open Space	£121,295	£121,295
Smarter Travel	£2,630	£2,630
Leisure Facilities	£58,537	£58,537
Idea Stores, Libraries and Archives	£19,045	£19,045
Primary Health Care	£117,338	£89,000
Standard monitoring charge	£11,861	£11,294
TfL local bus services	£53,400	£60,000
Tfl Cycle Hire Docking Station	£30,000	
DLR Contribution	Proportionate contribution requested	
TOTAL	£688,312	£636,007

Table 5 – Proposed planning obligations

10.155 Also factored into this is financial contribution secured through planning obligations (s106) of £637,207 and in addition to this the proposed development would be liable for the Mayor of London's CIL charge of approximately £156,590.

10.156 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

Non-Financial Obligations

- a) 32.1% affordable housing, as a minimum, by habitable room

- 68% Affordable rent;
- 32% Intermediate housing (shared ownership);
- b) Support for existing business relocation;
- c) Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction and 20% target for jobs created within the development);
- d) On street parking permit free development;
- e) Travel plan;
- f) Code of Construction Practice;
- g) Commitment to dockside public realm improvement scheme including 24 hour public access.

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

10.157 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

10.158 In dealing with such an application the authority shall have regard to:

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

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

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

10.160 In this context “grants” might include:

- a) New Homes Bonus;

10.161 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

10.162 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

10.163 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £156,590

10.164 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual Council Tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council Tax that each unit would generate over a rolling six year period.

10.165 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is

implemented/occupied without any variations or amendments, this development is likely to generate approximately £135,000 in the first year and a total payment £811,000 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 10.166 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.167 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.168 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.169 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 10.170 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.171 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.172 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.173 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures

governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

10.174 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

10.175 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

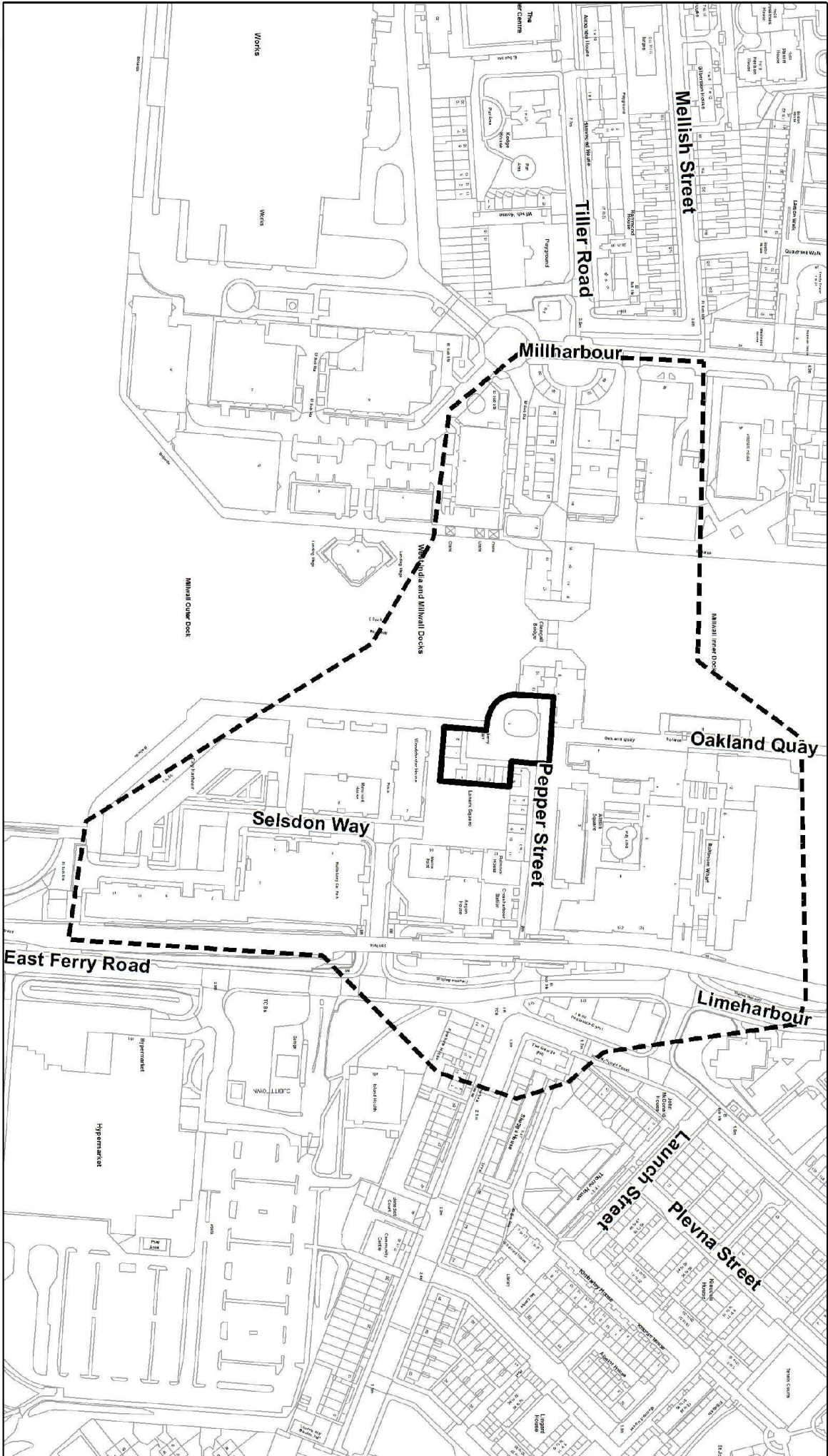
10.176 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.177 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

10.178 The contributions to affordable housing support community wellbeing and social cohesion.


11 CONCLUSIONS

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



 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

