

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision		
Case Officer: Stephen Irvine	Ref No: PA/04/1038		
	Ward: Limehouse		

1. APPLICATION DETAILS

Location: 82 West India Dock Road & 15 Salter Street, London E14
Existing Use: Warehouse with adjoining B1 use and ancillary yard.
Proposal: Demolition of existing buildings. Redevelopment of the site, including the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units.

The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machines and a glazed canopy overhead.

Drawing Numbers: 561: 109, 110L, 111J, 113J, 119G, 121G, 150N, 151K, 152F, 161H, 171L, 172H and 173G

Applicant: Aitch Group Holdings Plc
Owner: Line Management Group and Docklands Reprographics Services Limited
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 This application is the subject of an appeal to the Planning Inspectorate against the Council's failure to determine the application within the statutory period. The Council is therefore no longer empowered to make decisions on this application. Consequently, this report seeks confirmation of the decision that the Council would have taken, had it been possible to determine the application.

2.2 The summary of the main issues raised by the scheme are as follows:

- The design, height, scale and prominence of the proposal and its impact on the streetscape;
- The proposal's density and its impact on the adjacent area;
- The loss of a potential employment site;
- The use of the site for predominantly residential purposes.

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. Draft LDF and London Plan, Government Guidance		Stephen Irvine 020 7364 5355

3. RECOMMENDATION

3.1 That the Director of Development and Renewal be instructed to inform the Planning Inspectorate that, had the Strategic Development Committee been empowered to make a decision on this application, it would have **refused** planning permission for the following reason:

- (1) The proposal amounts to an undesirable overdevelopment of the site with excessive density, height, mass and bulk resulting in an inappropriate design that is not justified by the surrounding urban context. As such, the proposal is contrary to the following statutory and emerging development plan policies:

The Tower Hamlets Unitary Development Plan 1998:

Policy DEV 1 (General Design and Environmental Requirements)

Policy DEV 3 (Mixed Use Development)

Policy DEV6 (High Buildings outside the Central Area)

Policy DEV8 (Developments which adversely affect significant local views)

The London Plan 2004

Policy 4B.1 Design Principles for a compact city

Policy 4B.3 Maximising the potential of sites and Table 4B.3

POICY 4B.8 Tall buildings – location

Policy 4B.9 Large-scale buildings – design and impact

The Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document November 2006:

Core policy CP4 (Good Design)

Core policy CP 48 (Tall Buildings)

Policy DEV2 (Character and Design)

Policy DEV27 (Tall Buildings Assessment)

Policy HSG 1 (Determining Residential Density) and Planning Standard 4

3.2 That the Planning Inspectorate be advised that any grant of planning permission should be accompanied by an agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £532,977 contribution to the provision of primary health care facilities.
4. A £400,000 contribution towards transport capacity improvements.
5. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
6. The implementation of a Travel Plan.
7. The use of Local Labour in Construction.
8. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

4. PROPOSAL AND LOCATION DETAILS

Original Proposal

4.1 The application was originally submitted in August 2004. It was for the demolition of the existing buildings on site and its redevelopment to provide a mixed use scheme comprising

of 133 residential units and 1442 sqm of commercial floor space with flexible uses ranging from retail, restaurant and light industrial uses.

Revised Proposal

- 4.2 The applicants have appealed to the Planning Inspectorate in respect to the non-determination of this application, which will be the subject of a Public Inquiry on 17th -19th January 2007.
- 4.3 The current proposal is for the demolition of the existing building and the redevelopment of the site with a seven-storey building and a twenty one-storey building to provide 1,442 sqm of commercial floor space for use within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units.

The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machines and a glazed canopy overhead.

- 4.4 The appeal scheme comprises of the following:
- Block T – 1306 sqm of commercial floorspace at ground, first and second floors with 99 self-contained flats above. 87 of these flats are intended for private sale (57 one-bedroom, 16 two-bedroom and 14 three-bedroom). The remaining 12 flats (8 one-bedroom, 2 two-bedroom and 2 three-bedroom) are intended for shared ownership.
 - Block L – 136 sqm of commercial floorspace at ground floor level and 21 flats (6 two-bedroom, 9 three-bedroom and 6 four-bedroom) for affordable rent.
- 4.5 As there are no defined users for the proposed floorspace, the applicant has asked for it to be able to be used for a variety of commercial uses. Consequently, the commercial space is proposed to be used for retail, financial and professional and restaurant usage (Classes A1, A2 and A3) plus as offices (Use Class B1).

Site and Surroundings

- 4.6 The application site measures approximately 0.16 hectares and is located on the west side of West India Dock Road, north of Westferry Station.
- 4.7 The site is accessed from Salter Street, which is located on the western edge of the site. It is bounded to the north and east by West India Dock Road and to the south by the entrance of Westferry Station and its railway viaduct.
- 4.8 82 West India Dock Road is a two-storey commercial brick building owned and occupied by Docklands Printers. It has operated as a printers on the ground floor with some ancillary office space on the first floor.
- 15 Salter Street comprises of a two-storey office building dating back to the 1950s. It is owned by Line Management and has been used as office and warehouse accommodation. According to the applicant, they have a full time work force of 27 and as many as 70 staff working on contracts within other external offices throughout London.
- 4.9 To the west of the site are residential blocks at Compass House. Whilst the immediate surrounding area comprises of a mix of uses, including commercial, retail and residential uses, the area (particularly to the south of the site) is predominantly residential in character.
- 4.10 The site is located a short distance from local shops and services. Overall, the site is considered to be accessible, benefiting from its close proximity to the Westferry DLR station and the bus network along Westferry Road.

Planning History

- 4.11 9th May 2002 – Planning permission was granted for the erection of a new warehouse building (Class B8) and the creation of additional car parking spaces in connection with the existing business on site.

It would appear that this permission was never implemented.

5. POLICY FRAMEWORK

- 5.1 The following policies are relevant to the application:

Adopted 1988 Unitary Development Plan (UDP)

Proposals: Flood Protection areas

Policies:

ST20	To ensure developments respect the built environment
ST21	Affordable housing
ST23	High standard of development
ST25	To ensure adequate social and physical infrastructure
DEV 1& 2	General Design and environmental requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV5	High Buildings and Views
DEV8	Views
DEV12	Landscaping
DEV13	Tree Planting
DEV50	Environmental Impact of Major Developments
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
EMP1	Promoting Employment Growth
EMP2	Retaining Existing Employment Uses
EMP 3	Surplus Office Floorspace
EMP6	Access to Employment
HSG2	New Housing Developments
HSG3	Affordable Housing
HSG7	Dwelling mix and type
HSG9	Density
HSG13	Internal residential space standards
HSG16	Amenity space
T9	Strategic traffic management
T15/T16	Transport and development
T17	Parking standards
T21	Protection of pedestrian routes
T24	Cyclists
OS9	Play space
S6	Retail development
U2/U3	Flood protection

Emerging Local Development Framework

The following Core Strategy and Development Control Development Plan Document **policies** are applicable to this application:

Core	CP3	Sustainable environment
Strategies:	CP4	Good design

	CP5	Supporting infrastructure
	CS16	Density
	CP19/21	Dwelling mix and type
	CP22	Affordable Housing
	CP25	Amenity space
	CP46	Accessibility and inclusive environment
	CP48	Tall buildings
Policies	DEV1	Amenity
	DEV3	Accessibility and inclusive design
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air Pollution and air quality
	DEV12	Management, Demolition and Construction
	DEV19	Parking and recycling
	DEV20	Capacity of utility infrastructure
	DEV22	Contaminated land
	UD4	Accessibility and linkages
	HSG1	Housing density
	HSG2	Housing mix
	HSG4	Varying the ration of social housing to intermediate housing
	HSG7	Housing amenity space
	HSG9	Accessibility and adaptable homes
	HSG10	Calculations of affordable housing

Supplementary Planning Guidance/Documents

Residential Space

Business Use

Planning Standard No.4

Spatial Development Strategy for Greater London (London Plan)

Policies	2A.1	Sustainability Criteria
	3A.1	Increasing London's housing supply
	3A.4	Housing choice
	3A.5	Residential developments
	3A.6	Definition of affordable housing
	3A.7	Affordable housing targets
	3A.8	Negotiating affordable housing
	3A.10	Special needs and specialist housing
	3A.25	Social and economic assessment impacts
	3B.4	Mixed use developments
	3C.2	Matching development and transport
	3C.2	Sustainable transport in London
	3D.12	Biodiversity and Nature conservation
	4A.7/4A.8	Energy efficiency and renewable energy
	4A.9 & 4A.10	Renewable energy
	4A.14	Reducing noise
	4A.16	Contaminated land
	4B.1	Design principles
	4B.3	Maximising the potential of the site
	4B.4	Enhancing the public realm
	4B.5	Creating an inclusive environment
	4B.7	Respect local context and communities
	4B.8	Tall buildings
	4B.9	Large scale buildings (design and impact)
	4B.15	London Views Protections Framework

6A.3	Promoting development
6A.4 & 6A.5	Priorities in planning obligations
Annexe 4	Parking Standards
	Interim Guidance on Tall Buildings
	Interim Guidance on affordable housing

Government Planning Policy Guidance/Statements

PPS1: Delivering Sustainable Development
 PPS3: Housing
 PPG4: Small Businesses
 PPG6: Town Centres
 PPG8: Telecommunications
 PPG9: Biodiversity & Geological Conservation
 PPG10: Planning and Waste management
 PPG12: Local Development Frameworks
 PPG 13: Transport
 PPG16: Archaeology
 PPS22: Renewable Energy
 PPG24: Planning and Noise
 PPG25: Development & Flood risk
 English Heritage/CABE Guidance on Tall Buildings 2003

Community Plan: The following Community Plan objectives relate to this application:

A better place for living safely: reduction in crime and improved environment and safety
 A better place for living well: quality affordable housing and decent home standards
 A better place for creating and sharing prosperity: enhanced investment and employment opportunities.

6. CONSULTATION RESPONSES

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following statutory bodies, interested parties were consulted:

Cleansing

6.2 No objection.

Education

6.3 Advises of the need for £197,472 contribution towards education provision for the additional child population arising from the scheme.

Environmental Health

6.4 Requests that any permission be conditioned to secure an investigation to identify any site contamination and any necessary mitigation, including from noise and air quality.

Additionally, acoustic glazing of RW42 is recommended on all sensitive facades, due to high-expected road and rail noise.

Appropriate mitigation is also required in respect of the mechanical ventilation to kitchens.

- 6.5 Daylight and sunlight reports were assessed and marginal failures were reported, on some of the facades to Compass House. However, these infringements were considered to be acceptable and given the urban context of the site.

Housing Strategy Group

- 6.6 Housing commented that they were satisfied with the level of affordable housing, which equated to 34% of the proposed habitable floor space. Its tenure mix, which provided for 74% of the flats to be used for social-rent purposes and 26% for shared ownership usage was also considered acceptable.

They noted that the market housing only provides 16% of family units (3 bedroom or larger), which falls short of the emerging policy requirements. However, on balance, they considered that the overall dwelling mix, including the family sized units for social rent, met the Council's housing needs. They consequently raised no objection to the proposal.

Traffic and Transportation

- 6.7 No objection, subject to the commercial floorspace and residential accommodation being 'car free'.

They also recommended that a Travel Plan for the commercial use should form part of a legal obligation, plus a Section 278 agreement should be sought to secure the funding of highway and footway repairs.

Finally, a condition to secure adequate bicycle provision for the residential development should be imposed.

BBC – Reception Advice

- 6.8 No objection.

Commission for Architecture and the Built Environment (CABE)

- 6.9 The following comments were made:

“No objection to the principle of a tall building in this location and welcomed the non residential elements at ground floor level. However, overall, it is considered that the tall element requires a lot more work before it reaches the level of elegance we would expect on this prominent site. In our view the design needs more to be simpler and more refined; as currently, proposed we feel that the elevations are over complicated. It seems to us that the architectural language of ‘docklands’ vernacular has simply been reproduced in this case, without acknowledging the fact that it is being applied to a tower instead of lower rise development. In our view there should be stronger rationale to the design of the elevations”

Docklands Light Railway (DLR)

- 6.10 They advised that:

- No structure should be within 5m of any rail infrastructure;
- They required a safety statement;
- Details of the facing materials, opening and maintenance regime for the southern elevation was required;
- A transport assessment was required in respect of the impact on the existing infrastructure;
- The applicant should undertake a study to assess the radio communication network.

English Heritage (Archaeology)

- 6.11 Advised that any development of the site may pose a significant threat to the archaeological heritage of the area. Consequently, they recommended that a condition should be imposed ensuring a site investigation is undertaken and records of any remains are made prior to the development starting.

Environment Agency

- 6.12 No objection. However, they recommended conditions regarding land contamination, the construction of site foundations, plus the construction of the surface and foul drainage systems. They also requested to be consulted on any further details.

Greater London Authority (GLA)

- 6.13 The Mayor concluded that the principle of a high-density, predominantly residential development is broadly supported.

However, they required further details in relation to:

- Biodiversity opportunities (Black Redstarts) and sustainability concerns;
- Energy measures;
- Lifetime Homes;
- Transport improvements;
- Green Travel Plan;
- Community facilities;
- Drainage measures.

Officer Note:

In this regard, the applicant submitted a revised design statement that confirmed that the dwelling would be built to lifetime home standards and at least 10% would be accessible by wheelchair users. An appropriate condition will be recommended to secure this.

It will also be recommended that noise insulation, cycle provision, a biodiversity and sustainability statement and the details of a ground source heat pump system should be secured by condition.

London City Airport

- 6.14 No safeguarding objections to the proposed development.

Primary Health Care Trust

- 6.15 No objection, subject to the need for £532,997 as contribution to mitigate the healthcare related impacts arising from the scheme.

Transport for London – Street Management

- 6.16 No objection.

Thames Water Authority

- 6.17 No objection.

7. LOCAL REPRESENTATION

7.1 A total of 194 neighbouring properties were notified about the proposal and invited to comment. The proposal was publicised in East End Life and by site notices adjacent to the site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	30	Objecting:	26	Supporting:	2
No of petitions received:					

- 2
- The 'Splash' petition contained 27 objections to the proposal.
- Another 14 signature petition was also received from residents of Compass Point, an adjacent residential block.

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Design

- The scale, bulk and height of the proposal is inappropriate and out of character with the surrounding area.
- The design of the proposed building is unacceptable.
- The proposal is over dense and is overdevelopment.
- The principle of a tall building sets an unwelcome precedent in the area.
- The tall building will block long views in and around the site and result in potential accident black spots.
- The development will detrimentally affect the character of the street.

Amenity

- The scale of development will increase crime.
- The scale of development will increase noise.
- There are insufficient local services to support the scale of development.
- The proposal will result in an unacceptable reduction in daylight / sunlight to adjacent residents.
- The proposal will result in unacceptable overshadowing to adjacent residents.
- The proposal will result in an unacceptable increased sense of enclosure to adjacent residents.
- The proposal will result in an unacceptable loss of privacy and increased overlooking for adjacent residents.

Highways

- Insufficient parking provided.
- The development will increase traffic.

Other

- Adverse impact of the proposal on radio communication for the adjacent Police Station and Docklands Light Railway.
- Adverse impact of the proposal on television reception.
- The proposal will not offer any benefits to the community.
- There is insufficient infrastructure in place to support the development.

7.3 The two letters of support commented about the positive regenerative benefits arising from the proposal.

7.4 The following issues were raised in representations, but are not material to the determination of the application:

- Duration of construction works.
- Increased noise and disturbance during construction works.
- Loss of residents views to Canary Wharf.
- Adverse impact of the proposal on the values of neighbouring properties.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The key planning considerations raised by the application that the Committee are considered to be the following:

- The loss of a potential employment site;
- The use of the site for predominantly residential purposes;
- The design, height, scale and prominence of the proposal and its impact on the streetscape;
- The proposal's density and its impact on the adjacent area;
- Amenity issues;
- Highways issues.

Principle of the proposed land uses

8.2 The application site has a long history of commercial use and is currently in active employment use. Within the Proposals Maps of both the 1998 UDP and the emerging Local Development Framework, the site has not been designated for a specific use.

8.3 The applicant submitted an 'Employment Uses Report' in November 2005 commenting on the existing and proposed commercial floorspace at the site.

The report states that 82 West India Dock Road was formerly occupied by Dockland Printers as a printers and ancillary offices. The site is vacant at present.

Line Management occupy the warehouse and office at 15 Salter Street. They are still operating with the benefit of 27 full time staff on site and 70 other contract staff employed elsewhere.

8.4 The applicant's 'Employment Use Report' states that the commercial floorspace in both buildings is inflexible and has a layout which does not meet modern office needs. Moreover, they consider that the current servicing facilities are outmoded. On this basis, they consider that the buildings would be difficult to let.

8.5 The report concludes that the construction of a new, stand-alone employment building would not be viable in this location, due to the secondary / tertiary nature of the site for commercial use.

8.6 Whilst the Council note these views, it does not accept that the redevelopment of this site for office purposes is not possible. Its location:

- next door to Canary Wharf,
- close to the City and the West End,
- within the immediate vicinity of south London via the Rotherhithe and Blackwall Tunnels,
- North East London and Essex via the A13 and A12

makes it difficult to argue that this site's location is 'secondary / tertiary' and that a business concern servicing businesses in Canary Wharf and City is not possible or viable. Indeed, the success of the Canary Wharf Estate and nearby industrial estates such a Poplar Business Park would appear to indicate the contrary.

8.7 More relevantly, the scheme proposes 1442 sqm of commercial floorspace to be used for a combination of A1, A2 and A3 uses, a 188 sqm increase when compared to the existing employment floor space of 1254 sqm. Furthermore, the Employment Report's contention that the proposal will result in:

- Modern, up to date employment accommodation and;
- An additional 101 jobs, compared to the existing site usage.

clearly are positives of this scheme.

8.8 Overall, the proposal replaces the existing amount of employment floorspace with a slightly larger amount. It is therefore not possible to sustain an argument that this proposal would result in the loss of an employment generating site. Additionally, the proposed uses are likely to create more jobs than the existing printers, warehouse and ancillary office accommodation. Furthermore, these uses create a smaller amount of jobs per square metre than the proposal does. Additionally, the proposed residential accommodation will help the Council reach its 2016 housing target and provide much needed affordable housing.

8.9 In view of the above, it is not considered that there are any land use reasons that would sustain a reason for refusal in this instance. Consequently, the proposed uses are acceptable in principle.

Design considerations and suitability of the location for a tall building

8.11 Policy DEV1 of the 1988 UDP seeks to ensure that developments take into account and are sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. Policies CP4 and DEV2 of the draft LDF are in line with DEV1. Policy 4B.1 of the London Plan requires Boroughs to ensure that developments respect the local context.

8.12 UDP Policy DEV6 states that outside of the Central Area Zones, proposals for high buildings (defined as one which exceeds 20m) are only appropriate where it can be demonstrated that the proposal would not be adversely detrimental to the visual amenity of the locality. In addition, other considerations include the need to ensure that the proposal will not have a detrimental effect in terms of overshadowing, wind turbulence or have detrimental effect, such as creating radio and television interference.

8.13 The scheme proposes two elements, an affordable housing block (Block L) which will be of a modern design with an overall height of 26.5m. The overall height of the Block T is approximately 74m.

In terms of other buildings nearby, both Compass Point and the residential blocks in Grenade Street are 4-5 storeys high. An eight storey residential block is located further east of the site. Overall, Block T will be substantially taller than the buildings immediately adjoining the site. Given its height, scale and prominence, it is considered that outstanding architectural quality would be required if a building of this height were to be considered acceptable.

8.14 The applicant has sought to provide a rationale for the height of the tower block (T) on the basis of its siting, design and good connectivity. The planning / design statements submitted by the applicant refer to the character of the site as lending itself to the development of a scheme with a high site coverage and density. However, the Council's Urban Design Team contends that Block T in particular does not meet the broader aims of the Council's UDP or emerging policies.

Specifically:

- The design is not considered to demonstrate sufficient sensitivity to the context of the

site.

- The application scheme is not considered of sufficiently high architectural quality. Indeed, in this regard, it is fair to say that it appears all parties agree that an evolved scheme submitted informally on 7th September 2006 amounts to a significant improvement.
- The site is not within an identified tall building cluster and there is no evidence that consideration of any type of built form other than a tall building has been considered.
- The development would impact on the important local views of 1 Canada Square and the Canary Wharf cluster.
- It is considered that the development would not make a positive contribution to the skyline. It would certainly not consolidate a cluster of buildings.
- The development would not satisfactorily integrate with either the streetscape or the surrounding area.
- It is arguable that the development would not present a human scaled development at street level.
- There is no local precedent for a tower of this magnitude and the development would fail to respect local character. The design makes no attempt to incorporate or reflect elements of local distinctiveness other than to emulate buildings within the Canary Wharf cluster of which it does not form a part.
- Whilst BRE sunlight and daylight guidelines may be met, for residents in the southern part of Compass Point, the development, particularly the affordable block, would result in an oppressive sense of enclosure.
- The appellant's submitted wind assessment study has been independently examined. The conclusion is that conditions to the north of the development would be unpleasant and mitigation in the form of landscaping on Council owned land outside the application site is required.
- The scheme ignores the density requirements of LDF policy HSG1, instead proposing development over three times the upper end of the residential density range advocated by both the London Plan and the emerging LDF.
- It has not been adequately demonstrated that the scheme would not interfere to an unacceptable degree with telecommunication and radio transmission network. In particular both the Metropolitan Police and the DLR have raised concern on this matter.

8.15 The concerns about the quality of the architectural detailing are also supported by CABE: Specifically, they state:

“that the taller element requires a lot more work before it reaches the level of elegance required on this prominent site”.

8.16 Overall, the height, scale and dominance of the 21 storey tower in particular, would have a detrimental visual impact on the streetscape and local context. Given the height and scale and prominence of the proposed buildings, it is considered that the resulting design would not achieve the standard of design required. This opinion has been endorsed by CABE that is not convinced that the scheme would deliver the exceptional quality required for a

building of this scale and magnitude in this location.

Density

8.17 Both the London Plan 2004 and the Council's emerging LDF include policies that seek to ensure an appropriate density of development is provided on individual sites. These policies seek to take into consideration:

- the local context,
- the site's accessibility,
- its housing mix and type,
- its design,
- its environmental impact,
- the capacity of the existing infrastructure,
- open space provision.

In simple terms, it links an appropriate density of development to the location and context of a site and the public transport availability in the area, defined by a PTAL score.

8.18 The site has a high level of accessibility: PTAL 6 on a scale of 1-6.

For:

- an 'urban' site,
- with low parking provision,
- with a PTAL score of 6,
- within 10 minutes walking distance of a town centre (Canary Wharf),

both plans say that an appropriate density should be within the 450 – 700 habitable rooms per hectare range (hrh). However, the residential accommodation proposed by the appeal scheme would result in a density of 2121 hrh, over three times that envisaged by both the London Plan and the emerging LDF.

8.19 The applicant has attempted to justify the density proposed via a 'density statement'. The statement argues that the proposal achieves the following goals:

- a vertical mix of uses,
- substantial contribution to the local housing provision, and
- the provision of new publicly accessible open space.

The density statement concludes with the following:

- That the proposal is coherent with the planning policy context of the Council and GLA;
- That the design maximises the potential of the site, whilst respecting the local character and strengthening an emerging landscape;
- The proposal promotes high quality design, much needed housing as well as secure publicly accessible open space;
- That the scheme is highly accessible to public transport;
- That the scheme delivers substantial benefits to the wider area, many improvements to the public realm, security, accessibility, housing stock, local retail and services.

8.20 The Council accepts that density guidelines are intended to provide a relative rather than an absolute indicator of a site's capacity. Furthermore, Policy 4B.3 of the London Plan says that Boroughs should ensure that development proposals achieve the highest possible intensity of development compatible with local context. Whilst it is accepted that this site may be suitable for a building taller than its surroundings, the issue in this case is whether a scheme

of such magnitude and design is justified by the local context.

8.21 It is considered that the appeal scheme fails in this regard. Officers consider that this scheme is a significant overdevelopment of the site and fails to pay proper regard to its context. As such, a refusal of this scheme on this point is recommended.

Housing

8.22 UDP Policy HSG2 supports residential use of non-residential buildings and sites subject to:

- site characteristics,
- local circumstances,
- where there is no serious adverse impact on the local environment or traffic conditions.

Core policy CP19 of the emerging LDF says that the Council will seek to direct new housing to brownfield sites, where this is appropriate. Similarly, the London Plan promotes the re-use of previously developed sites for residential use. Moreover, PPS3 seeks greater intensity of development on residential sites with good public transport accessibility.

Overall Dwelling Mix

8.23 In respect of new housing developments, UDP Policy HSG7 seeks to promote a mix of unit sizes and requires a “substantial proportion” of family dwellings on appropriate sites. This is to help in the provision of sustainable communities, the objectives of which are set out in Policies CP21 and HSG2 of the emerging LDF.

8.24 The scheme proposes 120 residential flats with an overall dwelling mix as follows:

	Total Number of Units	% Of Total Units
1 bed	65	54%
2 bed	24	20%
3 bed	25	21%
4 bed	6	5%
Total	120	100%

Affordable Housing

8.25 UDP 1998 Policy HSG3 requires 25% affordable housing to be provided in developments with 15 or more dwellings. Policies CP22 and HSG3 of the emerging LDF seek 50% affordable housing units to be provided in schemes with a minimum of 35% affordable units.

8.26 The scheme proposes 33 affordable housing units or 34% of the total number of habitable rooms. The mix of the affordable housing is as follows:

	Total Number of affordable units	% Of unit mix
1 bed	8	24.5%
2 bed	8	24.5%
3 bed	11	33%
4 bed	6	18%
Total	33	100%

73% of the affordable housing is proposed to be used for social rented purposes, whilst 27% will be used for intermediate use.

8.27 The proposed amount of affordable housing is supported by a financial appraisal ('toolkit') which illustrates that this amount of affordable housing is the maximum that can be achieved

without compromising the viability of the scheme. The Council do not consider that this point is a matter for dispute.

- 8.28 Overall, officers are satisfied with the level of affordable housing provided, which equates to 34% of the proposed habitable floor space. Its mix, which provides for 73% of the flats to be used for social-rent purposes and 27% for shared ownership usage is also considered acceptable.

Market Housing

- 8.29 The proposal comprises 87 flats for private sale, the mix of which are noted below:

	Market units	% Unit mix
1 bed	57	66%
2 bed	16	18%
3 bed	14	16%
Total	87	100%

- 8.30 The market housing only provides 16% of family-sized units (3 bedroom or larger), which falls short of the emerging policy requirements. However, on balance, the Housing Department consider that the overall dwelling mix, including the family sized units for social rent, meet the Council's housing needs. They consequently raised no objection to this aspect of the proposal.

Amenity Space

- 8.31 The room sizes proposed are of an acceptable standard.

The amount of amenity space made up of:

- 228sqm on top of Block L (affordable housing)
- 155sqm on top of Block T (private and intermediate housing),
- along with small individual balconies fronting many of the flats

is, on balance, acceptable.

Amenity

Daylight / sunlight / overshadowing

- 8.32 In support of the planning application, GL Hearn undertook an assessment of the potential impact on light to surrounding properties and resultant conditions within the development. A shadow path analysis was also undertaken.

The Environmental Health Department have concluded that the potential effects on the surrounding environment would be limited in nature and duration. Any daylight / sunlight infringements would be within the limits set out in BRE guidance. As such, they raise no objection to this scheme on these grounds.

Overlooking

- 8.33 Many objections have been received in respect of the impact of the scheme and privacy. However, Officers consider that the overall fenestration arrangement on both blocks will respect privacy and that the distance between windows and different properties is not exceptional for an urban environment. Therefore, a reason for refusal on this point cannot be sustained.

Microclimate

- 8.34 As part of the application, the applicant undertook a Wind Impact Assessment to assess the impact of the proposal on the microclimate. The Council's consultant, Casella Stanger, and Environmental Health reviewed the findings and advised that a tree planting scheme should be implemented in the northwest corner of the site, adjacent to Block T, to ameliorate microclimate problems.
- 8.35 However, it was found that this area is outside the site boundary. The land belongs to the Council and is used for parking purposes by Metropolitan Police who have a station on the other side of West India Dock Road.

The applicant states that the Council's Highways Officer has asked the applicant to provide landscaping for this area. Notwithstanding this, the mitigation required to reduce the adverse wind effects of this development will need to be fully resolved to satisfactorily address any localised wind effects at ground floor level. In this regard it is recommended that, if the Inspectorate were minded to approve the scheme in its current form, the issues between the applicant and the Council will need to be addressed.

Noise and Vibration

- 8.36 A noise impact assessment report was submitted with the application to assess the impact of nearby train activity on prospective residents. The Council's Environmental Health Team has assessed this report and advised that a condition should be imposed to ensure double high performance acoustic glazing (RW42) is installed on all sensitive facades. This is to ensure traffic and rail noise is kept to acceptable levels. Subject to such a condition, the scheme is considered acceptable in these terms.

Ecological Effects

- 8.37 The GLA have considered the ecological implications of the proposal.

If the Inspectorate is minded to grant planning permission for the proposal, they have asked that a condition be imposed to ensure that a survey is undertaken for nesting black redstarts prior to the commencements of any works on site. This is to ensure that this rare bird's natural habitat is preserved. In the event that black redstarts are found nesting on the site, they have asked that the nest should be left undisturbed. Additional monitoring is requested throughout the breeding season.

Finally in this regard, the applicant should also be required to submit details of landscaping, which should include a suitable habitat for the black redstarts.

Telecommunications

- 8.38 The applicant has submitted a study on TV and radio reception to assess the impact of the proposal on reception of terrestrial, satellite television and radio services in the surrounding area. The report concludes the following:
- The proposal would be unlikely to have a significant impact on the reception of radio services;
 - That the proposal would have a minor impact on satellite TV services;
 - That the proposal would be likely to have an adverse impact, due to shadowing effects, on terrestrial TV services within a 230 metres immediately north west of the site;
 - Is likely to have a negligible impact elsewhere on terrestrial TV services, due to reflections of terrestrial TV signals.
- 8.39 The report raises concerns about the impacts on shadowing with a 230m impact immediately

northwest of the site. The Metropolitan Police and Docklands Light Railway have raised concerns that the report does not take account of any possible impacts on the mobile operations of the Metropolitan Police and Dockland Light Railway. In these circumstances, further studies and mitigation may be required if this scheme is considered acceptable by the Planning Inspectorate.

Highways

- 8.40 The proposal has direct links to Westferry DLR station and also proposes the inclusion of DLR ticket machines (including a glazed canopy).

The DLR currently operates a two-car service, but this will be upgraded in 2009 to a three-car service. The increased service will result in significant transport improvements, which the proposal will benefit from. In these circumstances, the GLA has advised that the scheme will generate a requirement of £400,000 from the developer towards these transport capacity improvements.

- 8.41 A 'car free' agreement is proposed, which will mean that no car parking permits will be issued to residents of this development. Since the area surrounding the site is a controlled parking zone, this will ensure that the scheme will generate little traffic and not exacerbate any parking problems in the adjacent area as residents will not practically be able to park.
- 8.42 Secure storage for bicycles will also be provided at ground floor level. The proposed cycle provision is considered satisfactory.

S106 agreement issues

- 8.43 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

If the Inspector is minded to allow this appeal, planning permission should not be granted unless there is in place an agreement or unilateral undertaking under section 106 of the Act to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £ 532,977 contribution to the provision of primary health care facilities.
4. A £400,000 contribution towards transport capacity improvements.
5. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
6. The implementation of a Travel Plan.
7. The use of Local Labour in Construction.
8. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

It is considered that the planning obligations requested are appropriate in this case and accord with the Secretary of State's policy set out in Circular 5/2005 and published, local and metropolitan planning policies.

- 8.44 The requirement for affordable housing would accord with Policy 3A.7 of the London Plan that sets out the Mayor's strategic target that 50% of housing provision should be affordable and Core Policy CP22 of the emerging LDF. LDF Core Policy CP22 2. goes on to stipulate that:

"the Council will seek a minimum of 35% affordable housing on developments

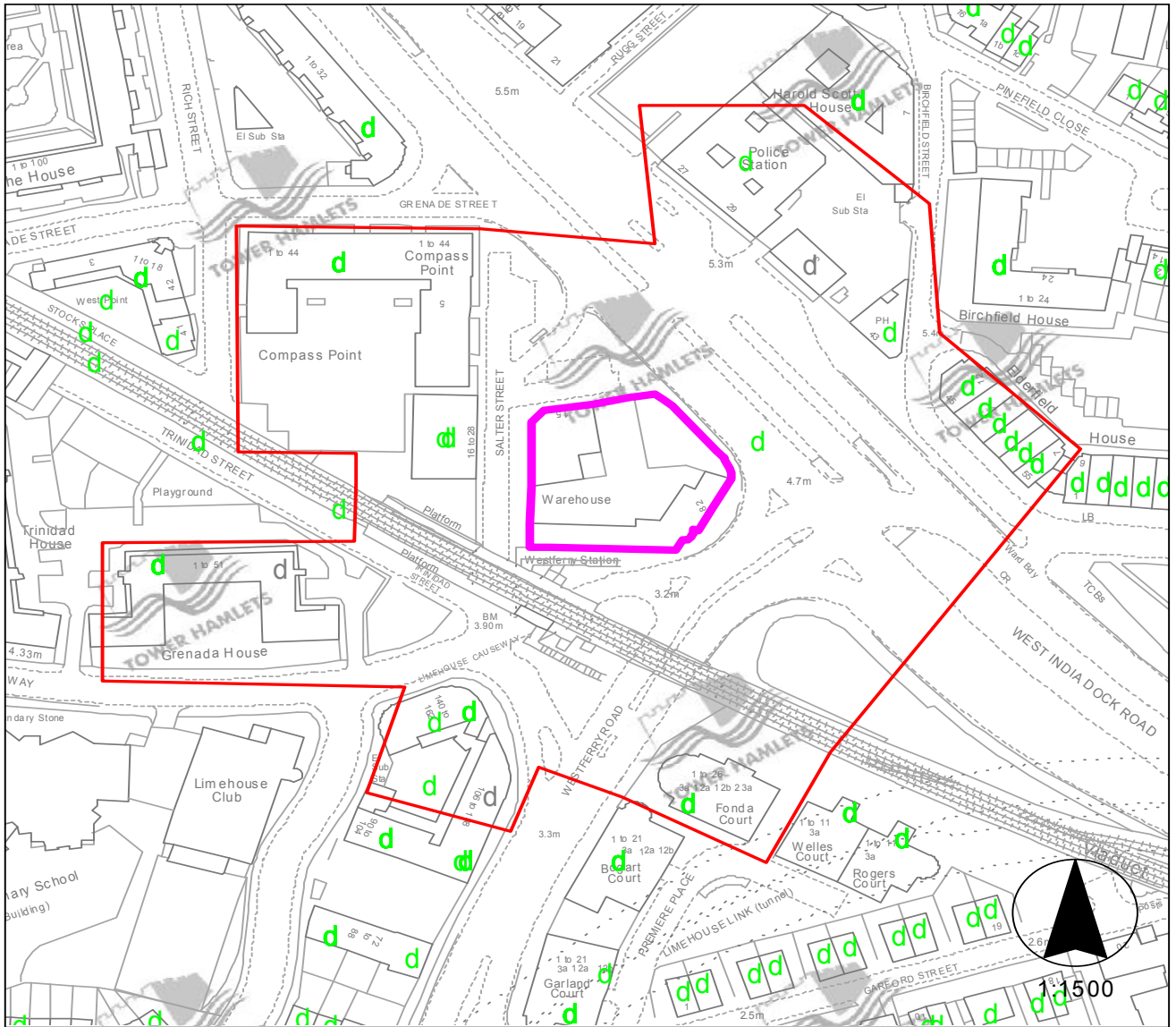
proposing 10 new dwellings or more.”

- 8.45 The 80:20 ratio between rental and intermediate housing is set out at LDF Core Policy CP22.3. This differs from the 70:30 ratio advocated by the London Plan due to local circumstances as explained at paragraph 5.19 of the LDF.
- 8.46 The contribution to education provision is based on an estimated child yield figure of 16 children for the development made by the Council's Head of Education Development who also advises that there is an identified need for additional primary school / nursery school provision in the area.
- 8.47 The contribution to the provision of primary health care facilities arises from modelling and advice given by the Tower Hamlets Primary Care Trust.
- 8.48 The contribution towards transport capacity improvements arise from requests from the Docklands Light Railway and the Greater London Authority to assist in the programme to upgrade the railway to a three car system.
- 8.49 The prohibition of residents from applying for a parking permit from the Council is due to the fact that the site lies within a controlled parking zone where available on-street parking is already saturated.
- 8.50 The requirement for a Travel Plan arises from a request from Transport for London (part of the Greater London Authority).
- 8.51 The Council operates a Local Labour in Construction programme and it is considered reasonable that the developer should participate in this in order to assist in the provision of employment locally.
- 8.52 The requirement for the mitigation of the impact of the development on telecommunication and radio transmissions arises from the appellant's Study on TV and Radio Reception that identifies a likely adverse impact on reception in an area north of the development and concerns raised by the Metropolitan Police and the DLR, neither of which are addressed in the appellant's document.

Conclusions

- 8.53 It is acknowledged that the site is well served by public transport and appropriate for a high density mixed use redevelopment. However, a major overdevelopment is proposed and the height, scale and dominance of the 21 storey tower in particular, would have a detrimental visual impact on the streetscape and local context. Given the height and scale and prominence of the proposed buildings, it is considered that the resulting design would not achieve the standard of design required. This opinion has been endorsed by CABE that is not convinced that the scheme would deliver the exceptional quality required for a building of this scale and magnitude in this location.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568