

<b>Committee:</b> Strategic Development	<b>Date:</b> 15th March 2007	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Porter		<b>Ref No:</b> PA/06/01439	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** 22-28 Marsh Wall and 2 Cuba Street and 17 to 23 Westferry Road, Marsh Wall, London

**Existing Use:** Vacant

**Proposal:** Construction of one building of 44 storeys (within the existing consented envelope - PA/05/00052), one building of 30 storeys (within the existing consented envelope - PA/05/00052) and two buildings of eight storeys to provide 802 dwellings, and a total of 3,267sq.m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 5833 sq.m plant, public spaces and parking. (The application is accompanied by an Environmental Impact Assessment).

**Drawing Nos:** [15.1]\_P001 (Rev. A), [15.1]\_P002 (Rev. A), [15.1]\_P003 (Rev. A), [15.1]\_P108 (Rev. A), [15.1]\_P109 (Rev. A), [15.1]\_P110 (Rev. A), [15.1]\_P111 (Rev. A), [15.1]\_P112 (Rev. A), [15.1]\_P113 (Rev. A), [15.1]\_P114 (Rev. A), [15.1]\_P115 (Rev. A), [15.1]\_P116 (Rev. A), [15.1]\_P117 (Rev. A), [15.1]\_P118 (Rev. A), [15.1]\_P119 (Rev. A), [15.1]\_P120 (Rev. A), [15.1]\_P121 (Rev. A), [15.1]\_P122 (Rev. A), [15.1]\_P124 (Rev. A), [15.1]\_P129 (Rev. A), [15.1]\_P131 (Rev. A), [15.1]\_P133 (Rev. A), [15.2]\_P001 (Rev. A), [15.2]\_P002 (Rev. A), [15.2]\_P003 (Rev. A), [15.2]\_P010 (Rev. A), [15.2]\_P011 (Rev. A), [15.2]\_P012 (Rev. A), [15.2]\_P013 (Rev. A), [15.2]\_P014 (Rev. A), [15.2]\_P015 (Rev. A), [15.2]\_P016 (Rev. A), [15.2]\_P017 (Rev. A), [15.3]\_P001 (Rev. A), [15.3]\_P002 (Rev. A), [15.3]\_P003 (Rev. A), [15.3]\_P004 (Rev. A), [15.3]\_P005 (Rev. A), [15.3]\_P006 (Rev. A), [15.3]\_P007 (Rev. A), [20.1]\_P001 (Rev. A), [20.1]\_P002 (Rev. A), [62.1]\_P001 (Rev. A), [62.1]\_P002 (Rev. A).

**Applicant:** Chalegrove Properties Ltd C/- GVA Grimley

**Owner:** Celtic House (CM) Limited

**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, associated supplementary planning guidance, the London Plan and Government Planning Policy Statements and Guidance and has found that:

a) In principle, the redevelopment of the site to provide one building of 44 storeys (within

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Tim Porter 020 7364 5291

the existing consented envelope - PA/05/00052), one building of 30 storeys (within the existing consented envelope - PA/05/00052) and two buildings of eight storeys to provide 802 dwellings, and a total of 3,267sq.m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 5833 sq.m plant, public spaces and parking, is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development;

- b) It is considered that the proposed uses would not have an adverse impact on the residential amenity of any nearby properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting and to control noise and hours of construction;
- c) The submitted Environmental Impact Assessment addendum is considered to satisfactorily identify the likely impacts and the necessary mitigation measures;
- d) The proposed development would deliver regeneration benefits comprising: improved townscape; public open space; modern employment facilities; and new residential accommodation;
- e) The proposed development would result in a sustainable, high quality, high density, mixed-use scheme that would contribute to the regeneration of the wider area; and
- f) The proposal includes contributions towards transport, health, education, employment, training and open space.

### 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

- (1) A proportion of 26.67% habitable room basis of the proposed units (i.e. 158 units) to be provided as on site affordable housing with the mix as specified in 8.49 of this report.
- (2) Provide £400,419 towards open space improvements to relieve the pressure that will arise from the new housing on existing overcrowded open space and recreational facilities within the Borough.
- (3) Preparation of a right of way "walking agreement" for crossing through the proposed site across to Marsh Wall.
- (4) Provide £452,649 (being £150,883 per annum for three years) to London Buses towards bus capacity.
- (5) Equipment upgrade to mitigate the adverse effects on DLR radio communications (Such as a booster to offset signal interruption).
- (7) Provide £116,064 towards the upgrade of the section of highway south of Westferry Circus.
- (8) Provide £406,223 for pedestrian and cycle environment improvements (i.e. to make 20m/ph zone or pedestrian friendly) to Cuba Street, Manilla Street, Tobago Street and Byng Street.

- (9) Provide £292,480 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents.
- (10) Provide £583,618 towards education to mitigate the demand of the additional population on education facilities.
- (11) Provide £2,927,377 towards healthcare to mitigate the demand of the additional population on health care services.
- (12) Preparation and implementation of a public art strategy including involvement of local artists.
- (13) TV reception monitoring and mitigation.
- (14) Preparation of a Travel Plan (for both the residential and commercial component).
- (15) Completion of a car free agreement to restrict occupants applying for residential parking permits.

Section 278 agreement to secure the following:

- (1) Off site highway works from Byng Street to the roundabout south of Westferry Circus Roundabout, and along boundary of property on Marsh Wall prior to the commencement of works on site. (This work is currently estimated at £464,255. Should the work not cost this amount the Council will reimburse the difference, should it cost more, the developer will be invoiced direct).

3.2 That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

### **Conditions**

- (1) Time limit for Full Planning Permission
- (2) Details of the following are required:
  - Samples of materials for external fascia of building
  - Ground floor public realm (including children's play space and pedestrian route)
  - All external landscaping (including lighting and security measures), walkways, screens/ canopies, entrances, seating and litter bins;
  - The design of the lower floor elevations of commercial units including shopfronts;
  - Signage strategy; and
  - Roof treatment (Biodiversity roof for Black Redstarts and amenity space)
- (3) Landscape Management Plan required
- (4) Parking – maximum of 195 cars and a minimum of 813 cycle and 20 motorcycle spaces
- (5) Hours of construction limits (Between the hours of 8am and 6pm Mondays to Fridays and between the hours of 8am and 1pm Saturdays).
- (6) Details of insulation and of the ventilation system and any associated plant required
- (7) Hours of operation limits – hammer driven piling (10am – 4pm)
- (8) Wheel cleaning during construction required
- (9) Details of surface and foul water drainage system required
- (10) Impact study of water supply infrastructure required
- (11) Details required for on site drainage works
- (12) Details of finished floor levels required
- (13) Land contamination study required to be undertaken
- (14) The refuse/ recycling storage strategy to be implemented

- (15) Ground borne vibration limits
- (16) Construction Environmental Management Plan
- (17) Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity
- (18) Details of the proposed D1 use
- (19) The southern elevations of Levels 2 to 7 of the two apartments of block 2 are required to have a visually opaque translucent frit
- (20) All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.

### **Informatives**

- (1) Thames Water advice
- (2) Environment Agency advice
- (3) Entertainment licensing advice
- (4) Site notice specifying the details of the contractor required
- (5) Surface water drainage advice
- (6) Construction Environmental Management Plan Advice
- (7) Highways Department Advice

3.3 That, if by 15<sup>th</sup> September 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

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

### **Proposal**

- 4.1 The application is for the construction of one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys to provide 802 dwellings, and a total of 3,267sq.m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 5833 sq.m plant, public spaces and parking. The application is accompanied by an addendum to the previously submitted Environmental Impact Assessment.
- 4.2 The current planning application is the second planning application for this site. Planning permission for a mixed use scheme on the subject site was granted on the 24<sup>th</sup> of May 2006 (PA/05/00052).
- 4.3 The new landowner has submitted the current planning application to propose the following changes:
  - Reduction in floor to floor height from 3.2m to 2.9m.
  - Reduction of the plant areas within the buildings.
  - Duplex apartments to be sub-divided into single level apartments.
  - Reconfiguration of internal layouts.
  - Increase in number of storeys within Block 1 from 27 to 30 within the existing consented envelope.
  - Increase in number of storeys within Block 2 from 40 to 44 within the existing consented envelope.
  - New roof top terraces to Blocks 3 and 4 (the two 8-storey blocks for affordable housing), accessible by the residents of each block.
  - Additional 111 apartments (an increase from 691 to 802).
  - Increase in height of the roof-top plant level of Block 1 (from 100.6m to a maximum height of 103.85m AOD) and of Block 2 (from 142.2m to a maximum height of 145.25m AOD).

## Site and Surroundings

- 4.4 The site is located on the Isle of Dogs, immediately south-west of the Canary Wharf estate, and is bound by Marsh Wall to the north east, Westferry Road to the west and Cuba Street to the south.
- 4.5 The total site area is 1.03 hectares. The site at the time the application was assessed was removed of the previous vacant industrial buildings (3 – 4 storeys) in accordance with the existing planning approval (PA/05/00052).
- 4.6 The site has a level difference of three metres from the south west corner to the north eastern boundary. The highest part of the site is at the north east portion at Marsh Wall.
- 4.7 Land use surrounding the site is characterised by a mix of uses, including high density office developments to the north and east (as part of Canary Wharf) and residential blocks to the south.
- 4.8 Directly north of and adjacent to the site is the City Pride Public House, which is two stories high. Adjacent to the site on the eastern boundary is No. 30 Marsh Wall, a six storey building. To the west of the site on the other side of Marsh Wall are “Sufferance Wharf” and “Anchorage Point”, residential developments of approximately five and eight stories, respectively. North west of the site is “Cascades”, a 20 storey residential building.
- 4.9 Opposite the site, on the corner of Westferry Road and Cuba Street is the Rogue Trader Public House, which is three stories high. Directly to the east of the site is the International Hotel and an office block. These buildings are approximately 9/5 storeys high. South of the site, the buildings along Westferry Road range in height from 4 – 6 storeys. Further south of the site the land on the southern side of Cuba Street has been cleared to make way for a mixed use development.
- 4.10 North west of the site (approximately 150m away) is Riverside South, a consented office development of two towers of 43 and 27 storeys.

## Planning History

- 4.11 The following planning decisions are relevant to the application:

PA/05/00052 The Council granted consent on 24<sup>th</sup> May 2006 for the construction of one building of 40 storeys, one building of 27 storeys and two buildings of eight storeys to provide 691 dwellings, and a total of 3,107sq.m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 6636 sq.m plant, public spaces and parking. The application was accompanied by an Environmental Impact Assessment.

## 5. POLICY FRAMEWORK

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

### 5.2 Unitary Development Plan

Proposals: Flood Protection Areas

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Development
	DEV4	Planning Obligations
	DEV6	Buildings Outside the Central Area and Business Core

DEV7	Protection of Strategic Views
DEV8	Protection of Local Views
DEV12	Provision of Landscaping in Development
DEV13	Design of Landscaping Schemes
DEV18	Art and Development Proposals
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV67	Recycled Materials
DEV68	Transportation of Materials
EMP1	Encouraging New Employment Uses
EMP6	Employing Local People
EMP10	Development Elsewhere in the Borough
HSG1	Quantity of Housing
HSG2	New Housing Development
HSG3	Affordable Housing
HSG7	Dwelling Mix
HSG8	Access for People with Disabilities
HSG9	Density
HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
T15	Transport and Development
T16	Impact of Traffic
T17	Parking Standards
T19	Pedestrians
T21	Pedestrians
T23	Cyclists
S6	New Retail Development
OS0	Children's Play Space
U2	Tidal and Flood Defences
U3 & U5	Flood Protection
U9	Sewerage Network

### 5.3 Emerging Local Development Framework

Proposals:		Flood Risk Area
	ID25	Residential (C3)
		Employment (B1)
		Retail & Leisure (A2, A3, A4)
		<i>(In accordance with the minor errata for London Borough of Tower Hamlets Local Development Framework Submission Documents)</i>
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation

CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development with Transport
CP42	Streets for People
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings

Policies:

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings Assessment
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Facilities
IOD4	Education Provision
IOD5	Public Open Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD10	Infrastructure and Services
IOD18	Employment Uses
IOD19	Residential Uses
IOD20	Retail and Leisure
IOD21	Design and Built Form

#### 5.4 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

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

3B.4	Mixed Use Development
3D.12	Biodiversity
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.8	Tall buildings, location
4B.9	Large scale buildings, design and impact

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPG24	Noise

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

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

### 6. **CONSULTATION RESPONSE**

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

#### **LBTH Highways**

6.2 Further to the comments made for the consented scheme, in view of there being no change to the transport related issues, Highways have no objection.

The following comments were made for the consented scheme:

- Planning obligations for pedestrian and cycle environment improvements (i.e. to make 20m/ph zone or pedestrian friendly) to Cuba Street, Manilla Street, Tobago Street and Byng Street;
- A right of way “walking agreement” for crossing through the proposed site across to Marsh Wall. The walkway agreement is usually under Section 35 of the Highways Act;
- S278 agreement required to carry out off site highway works from Byng Street to the roundabout south of Westferry Circus Roundabout, and along boundary of property on Marsh Wall prior to the commencement of works on site;
- Satisfied with visibility issues;
- A Travel Plan is required for both the residential and commercial component;
- The transport assessment is satisfactory and includes a cumulative assessment of future traffic conditions; and
- Recommended that a condition to ensure that a Construction Traffic Management Assessment is carried out and approved prior to the commencement of the development. (This must also be a cumulative assessment that considers the exiting construction traffic at the time).



## **LBTH Environmental Health**

### **6.3 Contaminated Land Officer**

Recommended that a condition be imposed requiring an investigation to assess the nature and extent of contamination (or otherwise) and consider the most appropriate mitigation measures (if any).

#### Air Quality

No response. However, the comments made for the consented scheme are considered relevant for this scheme:

- Development should be 'car free';
- Condition and Informative to ensure that the Code of Construction Practise (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works; and
- Condition to protect the amenity of future occupants and/ or neighbours in terms of air quality.

#### Noise and Vibration

The comments made for the consented scheme are considered relevant for the proposed development:

- Night time works are not allowed and will be considered via dispensation process under a Section 61 agreement;
- The LBTH impulsive vibration limits are 1mm/s ppv and 3mm/s ppv at residential and commercial respectively;
- Adequate mitigation measures for the construction noise will be required and should be submitted as part of the Section 61 consent application in order to ensure the Council's 75dB(A) limit is complied with; and
- The mitigation measures suggested for road traffic noise are adequate.

#### Micro-climate (Sunlight/ Daylight and Wind Assessment)

No response. However, given that the development is similar to the consented scheme, the scheme is considered acceptable in accordance with the comments made for the consented scheme.

## **LBTH Housing**

### **6.4 The following comments were made by housing:**

- *The applicant is offering 19% of units as affordable or 26.7% by Habitable room*
- *Only 4% of the units for sale are family units. The target for the scheme is 25%. There needs to be an increase in the number of family units in this segment of the scheme.*
- *Housing Development will accept the revised quantum of affordable housing at 26.67% subject to the GLA approval of the Toolkit assessment.*

## **LBTH Cleansing**

### **6.5 No comment.**

## **LBTH Leisure Services/ Landscape**

### **6.6 No response.**

## **LBTH Corporate Access Officer**

### **6.7 No response, however, the comments made for the previous scheme are considered**

relevant:

*'Satisfied subject to the public realm being usable by all and incorporates the principles of inclusive access, i.e. accessible to people with disabilities, children, the elderly and infirm'.*

### **Crime Prevention Officer**

6.8 No comment:

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

6.9 The GLA considered the proposed scheme on the 10<sup>th</sup> January 2006 at Stage 1 and in summary recommend the following:

*Having considered the report, the Mayor has concluded that the scheme is acceptable in strategic planning terms subject to the clarification of the issues identified in the report. These include:*

- A request for more information to fully assess the scheme in terms of sustainable development.*
- A request for more information on the Section 106 agreement, to ensure that the proposed development can be accommodated within the transport network.*

(OFFICER COMMENT: This issue is addressed at Section 8.70 of this report)

More specifically, the following comments were made:

- The current scheme is close to double the high end of the range of the London Plan density matrix. The site is, however, part of the Canary Wharf area, which is suitable for tall buildings and high density. Providing there is sufficient open space for future residents and that there is an adequate social infrastructure, the very high density is not out of context.*
- Although the open space provision falls well short of space requirements...the proposal maximises the available open space by providing dedicated children's playspace on the ground floor and on the top of the 8-storey blocks for affordable housing. Further communal space is provided at the same locations. Part of the Section 106 agreement should be dedicated for the provision of space for play and sport off-site;*
- More information is required to clarify the validity of the toolkit;*
- The break down of the affordable housing is inline with requirements of the Housing supplementary planning guidance;*
- The urban design and architecture is similar to that of the consented scheme and is therefore of high quality and commensurate with the Canary Wharf context;*
- The public open space on lower ground floor and ground floor is fully accessible and provides an inclusive environment within the topographical constraints of the site;*
- The use of energy efficient design and district heating is welcomed but more information is needed to fully assess the proposal in sustainable development terms.*
- The development is broadly in line with the London Plan policies for improving London's transport infrastructure but further information is needed on the Section 106 agreement for transport infrastructure improvements, to ensure that the proposed development can be accommodated within the transport network.*

(OFFICER COMMENT: The applicant provided further information to the GLA to clarify the validity of the Toolkit assessment and has been addressed under section 8 of this report).

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

6.10 No further comments in addition to those made in their previous letter dated 22<sup>nd</sup> February 2005 regarding the consented scheme. The Agency recommended a number of conditions to

ensure that the development is subject to minimum risk of flooding, to prevent pollution of the water environment and ground water.

**Countryside Agency (Statutory Consultee)**

6.11 No comment

**English Nature (Statutory Consultee)**

6.12 No comment

**Docklands Light Railway (Part of the GLA)**

6.13 DLR recommended a number of items to be included as part of the S106 agreement:

- Equipment upgrade to mitigate the adverse effects on DLR radio communications (such as a booster to offset signal interruption). (OFFICER COMMENT: The developer has agreed that this will be included as an item in the S106 agreement); and
- A contribution will be required towards DLR capacity enhancement scheme, recognising that the proposal's greatest impact is on the non-critical sections of the DLR line. This contribution will also be required to enhance pedestrian links to Heron Quays, South Quay and Canary Wharf stations.

(OFFICER COMMENT: Under the previous scheme, the DLR advised that as the development is located at the end of Marsh Wall towards Westferry Road, the impact on the DLR is minimal. South Quay station is moving further away from the site and the Jubilee Line/Canary Wharf is a similar walking distance as Heron Quays station which is already built to 3-car standard. Based on this, TfL did not seek a sum of money towards DLR improvements. This position is maintained for the proposed development).

**Transport for London (Part of the GLA)**

6.14 TfL recommended a number of items to be included as part of the S106 agreement for the consented scheme:

- London Buses contribution towards bus capacity enhancements and increased frequencies within the Isle of Dogs on the D7 and D3 routes and towards the new D5 service resulting from the proposed development. The developer agreed to pay a sum of £130,000 per annum for three years.

Under the new proposal, the following was proposed:

- Additional bus capacity needs to be provided, either by an extension to route 330, providing new links to areas in East London that currently do not have direct links to the Isle of Dogs, or a new route between Canary Wharf and the City. TfL seeks a contribution of £150,000 each year for three years (total contribution of £450,000). (OFFICER COMMENT: This has been included in the Section 106 contribution)

**London Fire and Emergency Planning Authority**

6.15 No comment

**London Borough of Southwark, Planning & Regeneration**

6.16 No comment.

## **London City Airport**

6.17 No safeguarding objection

## **BBC - Reception Advice**

6.18 TV reception mitigation measures required as with the consented scheme.

## **British Waterways**

6.19 Not consulted as they had no objection with the consented scheme. In this correspondence British Waterways requested Council to consider the potential shadowing of Harbour Quay Hotel when deciding this application.

## **Thames Water Authority**

6.20 Recommended a number of conditions to ensure that foul and/ or surface water discharge from the site does not prejudice the existing sewerage system and to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

## **7. LOCAL REPRESENTATION**

7.1 A total of 176 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	0				

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:

- The scale and height of development is out of character with the local area
- The local area cannot cope with the increase in new dwellings.
- The development will have a negative impact upon parking and local services
- Impact upon views and natural light.

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

- The development will have a negative impact on property prices

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Height, Density and Scale
- Privacy and Overlooking
- Amenity
- Open Space
- Housing
- Access and Transport
- Servicing and Refuse Provisions

- Access and Inclusive Design
- Sustainable Development/ Renewable Energy
- Biodiversity
- Planning Obligations

## **Land Use**

8.2 The site has been removed of the vacant industrial buildings that previously existed on the site. The site is outside of the “Central Area Zone” designation of the UDP and the Millennium Quarter Master Plan area. However, the high rise Canary Wharf Estate is located to the immediate north and north east of the site, whilst east of the site are the high rise buildings of the Millennium Quarter area. Lower residential scale buildings are located to the west and south of the site. The following land uses were considered acceptable by the Council in accordance with the consented scheme (PA/05/52).

### Residential Component

8.3 The proposal would provide 802 residential units, and is therefore consistent with the requirements of Policy HSG1 and Draft Core Strategy CS6 of the LDF which seeks to ensure that the Borough’s housing targets are met. The London Plan housing targets (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes.

### Commercial Component

8.4 A total of 2,260sq.m of Retail (A1, A2, and A3) and Office (B1) and 1,007sq.m of Community Uses (D1) at lower ground, ground and level 1 are proposed.

8.5 The proposed commercial component is slightly larger than the approved scheme which was considered to comply with Policy S6 of the UDP and Policy RT4 of the emerging LDF Core Strategy document. The proposal accords with Policy EMP1 and in particular Policy EMP2(1) of the UDP. The previous use employed approximately 30 people, though this has already been removed from the site. The proposed commercial component would generate employment for a total of 153 people.

8.6 Similarly, the proposal is considered to satisfy Policy EE2 of the emerging LDF Core Strategy document. The applicant provided a Re-location Strategy in accordance with the requirements of the London Development Agency (LDA) for the consented scheme. The strategy ensures that the current leaseholders identify suitable premises. The LDA confirmed that they were satisfied with the consented scheme, which the proposed development generally conforms to.

8.7 The preferred use for the site in accordance with the Draft IOD AAP minor errata is “Mixed Use Residential (C3), Employment (B1) and Retail & Leisure (A2, A3, A4)”. The proposal is thus considered to satisfy the mixed uses specified by this allocation.

### Flood Protection Area

8.8 Both the UDP and the emerging LDF Proposals Map designate the site within a “Flood Protection Area”. Council has consulted with the Environment Agency in relation to tidal and flood defences, in accordance with Policy U2 of the UDP. In accordance with Policies U3 and U5, appropriate mitigation measures to protect against flooding, have been recommended by the Environment Agency. These will be enforced via planning conditions.

## **Height, Density and Scale**

### Height

8.9 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to

considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.

8.10 Influencing the assessment of this scheme is the previously approved development. In respect of height and scale the differences between the two schemes are as follows:

- Height of Block 1 is slightly higher than the approved tower: 103.85m compared to 100.6m (approved).
- Height of Block 2 is also slightly higher than the approved tower: 145.25m compared to 142.2m (approved).
- Height of Blocks 3 and 4 remain consistent with the approved scheme.

8.11 The proposed increase in the size of the roof top plant level for the two towers is the reason for the increase in the overall height by approximately 3m. It is considered that the proposed increase in height is de minimis.

8.12 The GLA considered the proposed scheme on the 10<sup>th</sup> January 2006 and recommended that:

*“The urban design and architecture is similar to that of the consented scheme and is therefore of high quality and commensurate with the Canary Wharf context”.*

8.13 Policy CP 48 of the LDF Core Strategy and Development Control Development Plan Document supports the development of tall buildings in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at Canary Wharf. The site is identified just outside of the cluster however the policy goes on to say the Council may consider proposals for tall buildings outside the cluster if adequate justification is made. All proposals for tall buildings must:

- Contribute positively to a high quality, attractive environment;
- Respond sensitively to the surrounding local context;
- Not create unacceptable impacts on the surrounding environment;
- Contribute to the social and economic vitality of the surrounding area; and
- Not create unacceptable impacts on social and physical infrastructure.

8.14 Policy DEV1 of the emerging LDF Core Strategy requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development.

8.15 Policy DEV27 of the emerging LDF Core Strategy provides a suite of criteria that applications for tall buildings must satisfy. In line with comments made with the previous scheme, the proposal satisfies the relevant criteria of Policy DEV27 as follows:

- the architectural quality of the building is considered to be of a high design quality;
- it contributes to an interesting skyline, and contributes to the general graduation of maximum building heights from north to south as set out in the adopted Millennium Quarter Masterplan and the Isle of Dogs Area Action Plan;
- it meets the standards of sustainable construction and resource management;
- it meets the Council's requirements in terms of micro-climate;
- it enhances the movement of people, in particular the pedestrian movement from the southern portion of the site to Marsh Wall;
- appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
- the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
- the London City Airport has assessed the proposal in terms of conformity with the Civil Aviation Requirements and concluded that they have no safeguarding objection. For the

consented scheme, the BBC considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;

- the transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. The Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements;
- the scheme provides a total of 7,596sq.m of amenity space. The proposal also includes two separate child play spaces and an appropriate S106 contribution to improve existing open spaces. The amenity space arrangements are considered to satisfy the Council's requirements;
- the mix of uses proposed are considered appropriate.
- the overall sustainability of the project is considered satisfactory.

### Density

- 8.16 The scheme would result in a residential density of 779 units per hectare (802 units/ 1.03 hectares) or 2002 habitable rooms per hectare (2062 habitable rooms/ 1.03 hectares). This substantially exceeds the guidance of 247 hrph provided by Policy HSG9 of the UDP 1998.
- 8.17 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Core Strategy. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high). Policy HSG1 of the LDF Core Strategy requires the local context and character to be taken into account.
- 8.18 The site is excellently served by public transport with a PTAL of 5. For 'central site's with a PTAL range of 4 to 6, the recommended density of 650-1100 hrph. The proposed density is thus some 50% greater than the advised range in the London Plan 'Density Location and Parking Matrix'. Notwithstanding this, Policy 4B.3 of the London Plan seeks to encourage the highest possible intensity of use compatible with the local context.
- 8.19 As mentioned above, influencing the assessment of this scheme is the previously approved scheme. The approved scheme had a density of 671 units per hectare (691 units/ 1.03 hectares) or 1705 habitable rooms per hectare (1756 habitable rooms/ 1.03 hectares), which was considered acceptable in accordance with Policy 4B.3 of the London Plan.
- 8.20 The GLA assessed the proposed scheme in terms of density and determined that:

*"The current scheme is close to double the high end of the range of the London Plan density matrix. The site is, however, part of the Canary Wharf area, which is suitable for tall buildings and high density. Providing there is sufficient open space for future residents and that there is an adequate social infrastructure, the very high density is not out of context."*

- 8.21 In consideration of the above, the height, density and scale of the development is appropriate subject to the delivery of sufficient open space and social infrastructure, which the developer has agreed to.

### Views

- 8.22 The site does not lie within the foreground or background of any of the safeguarded strategic views listed in the Regional Planning Guidance (RPG) 3 Annex A: Supplementary Guidance for London on the Protection of Strategic Views, nor in the foreground or background of any new views that are introduced in the Draft SPG London View Management Framework (GLA, April 2005).

## Design and External Appearance

8.23 The Council's urban design officer previously considered the elevational design and materials proposed and concluded that the scheme has the potential to be developed into high quality architecture, subject to detailed design and development. The GLA considered the proposed scheme and advised that the *urban design and architecture is similar to that of the consented scheme and is therefore of high quality and commensurate with the Canary Wharf context*. As such it is recommended that an appropriate condition be included to ensure that the samples of the materials to be used on the external face of the building(s) are submitted for approval prior to the commencement of the development to ensure that the external appearance of the development is satisfactory. Such condition is considered appropriate for the proposed scheme.

## **Privacy and Overlooking**

8.24 Blocks 2 and 4 are located within 18m of each other at a distance of 8m. As such, the south elevations of Levels 2 to 7 of the two apartments at the south end of block 2 will have a visually opaque translucent frit. The living rooms will each retain clear unobstructed views east and west, providing both views and light. The south wall of the living room will provide additional light, while preventing views south toward block 4.

8.25 Apart from this, the configuration of the internal layout of the buildings ensures that there are no opposing habitable room windows less than 18m apart. Consequently, it is considered that the proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings are not adversely affected by loss of privacy.

## **Amenity**

### EIA

8.26 The Environmental Statement (ES) for this application is submitted by means of addenda to the 2004 ES and 2005 Regulation 19 Response Report (PA/05/00052). The addendum report provides additional environmental information to supplement the Environmental Statement (ES). The addendum report reviews the minor changes to impacts previously identified as part of the 2004 ES. A number of issues previously covered in the ES remain unchanged and require no further additional changes to the conclusions.

8.27 The Council's contracted consultants; Bureau Veritas, undertook a review of the Environmental Statement addendum. The ES was found to be appropriate for the development and is considered to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

## **Open Space**

8.28 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided.

### 8.29 SPG Requirement

- 50sqm of private space per family unit
- 50sqm plus an additional 5sqm per 5 non-family units;

### 8.30 Proposal Would Generate:

- 120 family units (120 x 50) = 6000sqm



- 682 non-family units (682 + 50) = 732sqm
- This equates to a total requirement for 6732sqm in accordance with the SPG (an increase of 1434sq.m from the requirements for the approved scheme).

8.31 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

Units	Total	Minimum Standard per Unit (sq.m)	Required Provision (sq.m)
Studio	22	6	132
1 Bed	460	6	2760
2 Bed	200	10	2000
3 Bed	80	10	800
4 Bed	40	10	400
<b>TOTAL</b>	<b>802</b>		<b>6092 sqm</b>
<b>Communal amenity</b>			
		50sqm for the first 10 units, plus a further 1sqm for every additional unit	<b>842sq.m</b> (50sq.m plus 792sqm).
<b>Total Housing Amenity Space Requirement</b>			
			<b>6934sqm</b>

8.33 The proposal provides the following housing and communal amenity space:

- 3,154sqm balcony space (the applicant has advised that all units have access to private balcony space)
- 852sqm of dedicated child play space
- 3,328sq.m communal space at ground level (North East Square, Central Square and Community Garden) plus 262sq.m of landscaped roof terrace
- 7,596sqm total amenity space provided on site (an increase of 1499sqm from the approved scheme provision)

8.34 The GLA has indicated that the scheme will generate 336 children. Council's SPG and emerging LDF policy require the provision of 3sqm of child play space per child. Therefore a requirement of 1008sqm of child play space is generated. A total of 852sqm of dedicated child play space is provided (in two sections for two age groups on the ground floor and on the top two 8-storey buildings).

8.35 The GLA made the following comments:

*The proposal maximises the space available to provide dedicated playspace and other communal open space. Since the site is only 1.03 hectares in size any additional playspace would be at the cost of one of the buildings. The local area provides a number of additional play spaces, either formal or informal. There is a neighbourhood park circa 500 metres away to the south along Westferry Road and there are traffic free pavements along the river Thames and the various docks. Mudchute Park is circa one and a half kilometre to the southeast.*

*Part of the Section 106 agreement should be dedicated for the provision of space for play and sport off-site.*

8.36 The emerging LDF Isle of Dogs Area Action Plan recognises that there is the relative lack of opportunity to increase the amount of open space within the Island, together with poor access to some of the existing open spaces and the general need to improve the environmental quality in key areas.

8.37 In the previous scheme which also had a shortfall, the Council's Landscape Development

Team advised that an appropriate solution is to make a Section 106 contribution towards improving open space in the area, which the applicant is providing.

- 8.38 The proposed development generally accords with the amenity space provisions of the Residential Space – SPG. In considering the emerging LDF, there is a deficiency in the provision of private amenity space and child play space, however, given the substantial provision of communal amenity space and further contribution towards the provision of open space in the local area, the proposed amenity space provision is considered to be satisfactory.

## **Housing**

### Affordable Housing

- 8.39 Policy HSG3 of the UDP states that the Council will seek a reasonable provision of affordable housing consistent with the merits of each case and with the strategic target of 25%.
- 8.40 Policy CP22 of the emerging LDF Core Strategy document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision.
- 8.41 The London Plan set out a strategic target that 50% of the new housing provision should be affordable.
- 8.42 The proposal provides 158 affordable housing units, which equates to the following:
- 26.67% on habitable room basis
  - 19.7% on unit basis
- 8.43 The approved scheme provided 125 affordable housing units, which equated to the following:
- 25.25% on habitable room basis
  - 18.09% on unit basis
- 8.44 The applicant submitted an “Affordable Housing Development Control Toolkit” as an assessment of viability of the scheme. An assessment of the appropriate level of affordable housing should involve undertaking a full financial assessment of the proposal, which evaluates a range of variables, in addition to the availability of public subsidy. Other factors include the individual site costs, economic viability, and the cumulative package of the Section 106 benefits. The toolkit allows users to test the economic implications of different types and amounts of planning obligations, including the amount and mix of affordable housing.
- 8.45 For the consented scheme, the GLA determined:

*“... it would not be financially viable to increase the proportion of affordable housing in this scheme. GLA officers have verified the appraisal and it is clear that the absence of social housing grant and the very high build costs for this scheme are significant factors contributing to the low level of affordable housing proposed. This is also in line with Policy 3A.4 of the London Plan”.*

- 8.46 The GLA has made the following response to the proposed scheme:

*“The proposed 20% affordable housing (or 158 flats) is considerably less than the 50% London Plan target. It is, however, more than the 18% of the consented scheme. The applicant has submitted a financial appraisal, highlighting various exceptional costs that, as with the consented scheme, sought to justify the low provision of affordable housing. More information is needed to clarify the validity of some of the inputs of the toolkit. Even with an affordable housing percentage of 20, the toolkit still shows a deficit of £28 million for the project”.*

8.47 The applicant provided the GLA with further information to justify the deficit. Whilst the provision of the land acquisition cost assumption value is still outstanding, the GLA's Senior Strategic Officer (Housing), has advised that this is unlikely to have a significant impact upon the current viability of the Toolkit assessment.

8.48 The Council's Housing Officer concluded that "*Housing Development will accept the revised quantum of affordable housing at 26.67% on production of the GLA sign off*" of the toolkit inputs.

#### Social Rented/ Intermediate Ratio

8.49 Policy CP22 of the emerging LDF Core Strategy document states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.

8.50 The affordable housing provision includes 104 socially rented units and 54 intermediate rented units. The housing ratio split is represented as 66% (social rented) to 34% (intermediate housing). The applicant's Toolkit assessment is prepared on the basis of the above tenure mix. According to the Toolkit, additional social rented accommodation would have a negative impact upon the overall value of the scheme, which the scheme is not able to afford. The consented scheme contains a total of 125 units (33 less than the new application), with 102 (82%) of these being in the social rented tenures, and 23 being for shared ownership (18%).

8.51 The socially rented element continues to be provided in the two lower rise buildings where service charges can be efficiently managed. Given townscape constraints these buildings have a finite capacity. Where the applicant is providing additional affordable housing over and above that which the toolkit justifies this is provided in the taller buildings as intermediate housing.

8.52 The GLA have raised no objection to the proposed housing split.

#### Housing Mix

8.53 The scheme provides a total of 802 residential units. The table below summarises the overall mix of units by type:

<b>Units</b>	<b>Total</b>	<b>% of Total</b>
Studio	22	2.7%
1 Bed	460	57.4%
2 Bed	200	24.9%
3 Bed	80	10%
4 Bed	40	5%
<b>TOTAL</b>	<b>802</b>	<b>100</b>

8.54 The consented scheme provided a total of 691 residential units. The table below summarises the overall approved mix of units by type:

<b>Units</b>	<b>Total</b>	<b>% of Total</b>
Studio	30	4%
1 Bed	374	54%
2 Bed	194	28%
3 Bed	69	10%
4 Bed	24	3%
<b>TOTAL</b>	<b>691</b>	<b>100</b>

8.55 The overall mix proposed is relatively similar to the consented scheme, with a slight increase in family housing.

8.56 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

8.57 The table below summarises the proposed housing mix in comparison to the Council's Core Strategy document:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	target %	units	%	target %	units	%	target %
Studio	22	0						22	3.4	
1 bed	460	16	15	20	36	67	37.5	408	63.4	37.5
2 bed	200	0	0	35	18	33	37.5	182	28.3	37.5
3 bed	80	48	46	30	0	0	25	32	4.9	25
4 bed	40	40	39	10	0			0		
5 Bed	0	0	0	5	0			0		
<b>TOTAL</b>	<b>802</b>	<b>104</b>	<b>100</b>	<b>100</b>	<b>54</b>	<b>100</b>	<b>100</b>	<b>644</b>	<b>100</b>	<b>100</b>

8.58 The social rented component of the affordable housing provides a total of 85% of units as family housing. The GLA concluded that the affordable housing dwelling mix is in line with the Housing Supplementary Planning Guidance (November 2006).

8.59 Further, the GLA also state:

*“Chapter 3A of the London Plan stipulates a range of housing types and sizes in order to create mixed and balanced communities. There is concern that the 802 dwellings are skewed towards the smaller type dwellings and that this exacerbates the situation of the consented scheme which was already skewed towards smaller units. The current scheme has 60% studios and 1-bed flats (up from 58% from the consented scheme). While this percentage does not represent a significant increase, it does emphasise the necessity to have an adequate social infrastructure in place to accommodate the 111 extra dwellings”.*

8.60 The intermediate and market housing components of the scheme do not comply with the housing mix targets of the emerging LDF. However the housing mix of the proposed scheme is relatively consistent with the approved scheme, and results in a 2% increase of family housing. Further, the applicant is providing 85% family housing in the affordable component, exceeding the Council's target of 45%.

8.61 The applicant has provided the Council with alternative toolkit assessments testing the following scenarios:

- Toolkit assessment for a 35% affordable housing scheme that is compliant with the LDF housing mix target.
- Toolkit assessment for the proposed 26.67% affordable housing scheme that is compliant with the LDF housing mix target.

- 8.62 On balance, of the three toolkit assessment scenarios, the proposed scheme is considered to be the most appropriate scenario in consideration of the site constraints. The additional appraisals would provide higher negative residual values which may result in the further reduction of affordable housing on-site if implemented.
- 8.63 In view of the comments made above, the affordable housing provision and housing mix is considered to be appropriate where the proposed contributions towards social infrastructure are secured to accommodate the 111 extra dwellings.

## **Access and Transport**

### Access

- 8.64 Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from Cuba Street. Secondary access to the plaza area is provided from Marsh Wall in two locations for servicing the small retail and office units and to provide private drop off. The use of these secondary accesses will be restricted and controlled. A third access is to be provided on Westferry Road for limited access to the Plaza.
- 8.65 The pedestrian environment will be improved through the opening up of the site and the creation of new routes and vistas. This will be enhanced by the ground floor retail uses and open spaces, providing a connection between Marsh Wall and Westferry Road. Appropriate conditions will be included for lighting, signage and the inclusion of quality materials along the pedestrian route.
- 8.66 The applicant has advised that the development footprint, envelope, access arrangements and servicing arrangements remain unchanged from the consented scheme. The Council's Highways officer has confirmed that in view of there being no change to the transport related issues, the development is considered acceptable.

### Parking

- 8.67 The 802 residential units will be provided with 195 carparking spaces at basement level. This equates to approximately 0.24 spaces per unit, or 22% of the Council's adopted maximum standard of 1.1 spaces per unit (the approved scheme equated to 0.28 spaces per unit, or 25% of the Council's adopted maximum standard). It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residents of the development and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means.
- 8.68 The following are also proposed in the basement:
- 19 disabled carparking spaces;
  - 20 motorcycle spaces; and
  - 813 secure cycle spaces (of which a total of 11 spaces will be provided at grade and will be integrated into the landscaping within the public spaces for non-residents).
- 8.69 Transport for London support the number of cycle and car parking spaces proposed. An appropriate condition is recommended to ensure that the cycle spaces are satisfactory.

### Public Transport

- 8.70 The site is well served by public transport and has a public transport accessibility level (PTAL) of 5. The GLA note that the high density proposed is above those set out in Table 4B.1 of the

London Plan. TfL will seek contributions towards transport improvements to compensate for this. TfL have determined that contributions for transport infrastructure improvements are required via the S106 agreement to ensure that the development can be accommodated within the transport network.

### **Servicing and Refuse Provisions**

- 8.71 Servicing for each of the residential buildings would be minimal. The retail and office units will be serviced using light goods vehicles at the entry/ exit provided from the controlled access on Westferry Road.
- 8.72 The waste strategy is the same as with the consented scheme, which is acceptable to the Cleansing Department. There will be a proportional increase in the number of bins, all of which will be stored in the basement. The proposal will provide 68 non-recyclable waste bins and 35 recyclable waste bins. All types of recyclable waste will be collected in the 35 bins and sorted off site by the Council. The development allows space for 12 extra bins in case more provision is needed. Commercial waste will be stored separately.
- 8.73 It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities.

### **Access and Inclusive Design**

- 8.74 As with the consented scheme, the proposal complies with the London Plan, Policy HSG8 of the UDP and Policy HSG9 of the emerging LDF in terms of inclusive design. The central plaza overcomes the 3-metres height difference of the site with sloping surfaces at a gradient shallower than 1:20. Stairs within the central space have been limited to one flight. All dwellings are designed to 'Lifetime Homes' standards and 10% of the dwellings are wheelchair accessible. The development includes 19 disabled car parking spaces.

### **Sustainable Development/ Renewable Energy**

- 8.75 Policy DEV6 of the emerging LDF Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal includes a number of renewable energy mechanisms, including biomass heating plant and CHP which will result in approximately 14% reduction in energy consumptions and 28% reduction in CO<sup>2</sup> emissions.
- 8.76 The GLA make the following comments:

*The application contains measures to reduce carbon dioxide emissions beyond 2006 Building Regulations requirements, which includes energy efficient design reductions of 8% and further reductions through a district heating system led by a combined heat and power system. This will incorporate biomass boilers to reduce emissions by 12% once energy efficiency measures have been accounted for.*

*Nevertheless, the applicant has been asked by GLA officers to address outstanding issues in relation to the size of the combined heat and power and the use of mechanical cooling, given the proposed uses.*

*The applicant has undertaken to investigate if the Barkantine energy center can be used or upgraded to serve the energy demands of 22 Marsh Wall. The Barkantine plant contains a CHP engine, two gas fired boilers and two thermal stores and already serves several developments in the area.*

- 8.77 The GLA have indicated that this issue has not been solved and discussions with the applicant are being undertaken. Whilst agreed measures should be secured by the Council as part of any planning permission, the GLA have advised that it would be acceptable for the Council to

present the application before the Strategic Planning Committee, as long as the energy strategy is agreed before the Stage II referral expires.

## **Biodiversity**

8.78 The application site is within the core range of the black redstart which is a bird specially protected under Schedule 1 of the Wildlife & Countryside Act 1981 (as amended) and is a priority species in the London Biodiversity Action Plan. The applicant has carried out a survey for black redstarts, which indicated that the site is not used by nesting black redstarts. However, there is an opportunity for biodiversity enhancements aimed at black redstarts, ensuring suitable foraging habitat is present on the site after the development is completed.

8.79 The GLA made the following comments:

*“The consented development contained biodiversity-enhancing brown roofs on the top of blocks 3 and 4 (the two eight-storey blocks). The current application reduces these brown roofs by half to provide communal open space. The two types of spaces can coexist provided the human activity is directed away from the brown roofs. This can be done by using the lift core (as proposed) and other elements (for example dense shrubbery) to separate the spaces. The proposed brick wall separation might not be necessary, as it would prevent some visual amenity for the communal outdoor space*

8.80 It is recommended that an appropriate condition be included to ensure that biodiversity roofs on Blocks 3 and 4 (eight storeys each) are provided to enhance opportunities for the nesting and foraging of black redstarts.

## **Planning Obligations**

8.81 An analysis of the impacts of the development on the locality has been undertaken. In keeping with the ODPM Circular 05/2005, a number of requirements for planning obligations have been identified to either:

- Prescribe the nature of the development (e.g. by requiring that a given proportion of the housing is affordable);
- Compensate for loss or damage caused by the development (e.g. loss of open space); or
- Mitigate the development’s impact (e.g. through increased public transport provision).

8.82 The identified planning obligations meet all of the following tests:

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

8.83 Refer to section 3.1 of the report for a summary of the Section 106 Heads of Term, which are generally provided proportionally to the increase of units to the approved scheme.

8.84 The above contributions are considered reasonable in order to address the impacts of the scheme and to address the GLA’s concern that *“providing there is sufficient open space for future residents and that there is an adequate social infrastructure, the very high density is not out of context”*.

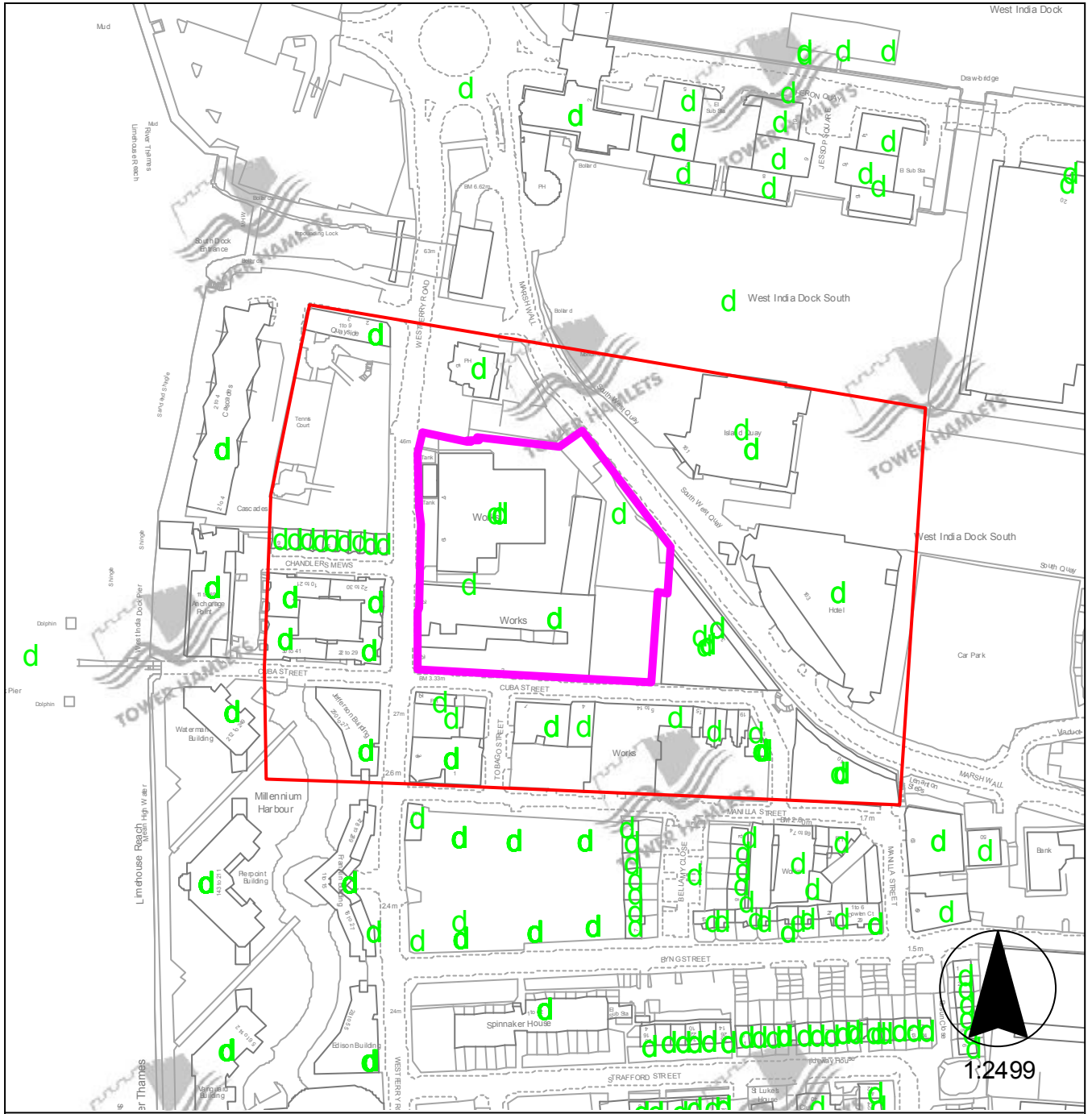
## **9. Conclusions**

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

RECOMMENDATION at the beginning of this report.



# 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