

Committee: Strategic Development	Date: 21 July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shay Bugler	Ref No: PA/14/0074
	Ward: Blackwall and Cubitt Town

1. APPLICATION DETAILS

Location: Telehouse Far East, Sites 6 & 8, Oregon Drive, E14 2AA

Existing Use: Vacant site (currently has a hoarding around it)

Proposal: Redevelopment of the site for the erection of a 10 storey data centre building of 66m in height comprising approximately 24,370sqm of floor space including provision of roof top plant and satellite dish at site known as Site 6; reconfiguration of loading bay area to North building; new first floor bridge link to existing North building; erection of a 12 storey office development 65m in height comprising approximately 13,283m² of floor space known as Site 8; provision of 29 car and 128 cycle parking; re-routing of existing cycle path on Sorrel Lane.

Drawing and documents: **Drawing numbers:**

0393-00/00_001 Rev P01; 0393-00/00_004 Rev P04;
0393-00/01_101 Rev P02; 0393-00/01_101 Rev T06;
0393-MF/01_102 Rev P02; 0393-MF/01_102 Rev T05;
0393-01/01_103 Rev P02; 0393-01/01_103 Rev T03;
0393-02/01_104 Rev P02; 0393-02/01_202 Rev T04;
0393-04/01_207 Rev T04; 0393-RL/01_105 Rev P02;
0393-RL/01_106 Rev P02; 0393-RL/01_107 Rev P02;
0303-SE/02_108 Rev P02; 0393-SE/02_109 Rev P02;
0393-EL/03_110 Rev P04; 0393-EL/03_111 Rev P05;
0393-EL/03_112 Rev P05; 0393-EL/03_113 Rev P05;
0393-00/01_501 Rev P02; 0393-02/01_502 Rev P02;
0393-04/01_503 Rev P02; 0393-06/01_504 Rev P02;
0393-08/01_505 Rev P02; 0393-10/01_506 Rev P02;
0393-12/01_507 Rev P02; 0393-SE/02_508 Rev
P020393-SE/03_509 Rev P02; 0393-EL/03_510 Rev
P02; 0393-EL/03_511 Rev P02

- Design and Access Statement dated February 2014 by Nicholas Webb Architects (Rev P2)
- Flood Risk Assessment dated December 2013
- Transport Assessment dated December 2013 by

- TTP Consultancy
- Environment report statement by SLR (Section 1: Introduction; Section 2: Report Structure; Section 3: Site description and proposed description; Section 4: Ecology and nature conservation; Section 5 Town and visual impact; Section 6 Archaeology & Cultural heritage; Section 7- Hydrology and flood risk; Section 8 Drainage; Section 9: Air Quality; Section 10: Pedestrian level; Section 11.Telecommunications; Section 12: Aviation; Section 13: Socio Economic Impact; Section 14. Noise; Section 16. Daylight and Sunlight; Section 17: Sustainability and 18. Closure).
- Delivery and servicing management plan dated November 2013 by TTP Consultancy.
- Energy and Sustainability Statement dated January 2014 Rev A
- Explosive ordinance threat assessment dated November 2013 by Nicholas Webb Architects
- Framework Travel Plan dated November 2013 by TTP Consultants

Applicant:	Telehouse International Corporation of Europe Ltd
Ownership:	Telehouse International Corporation of Europe Ltd
Historic Building:	Grade II Listed wall sits to the east of the site
Conservation Area:	The site is not within a Conservation Area, but lies approximately 280 metres to the north-east of the Naval Row Conservation Area.

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the development plan including the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2011) and national and local guidance and has found that:
- 2.2. The proposal would provide an additional data centre to Telehouse Campus and an office building which would provide a supporting role to Blackwall Local Office Location (LOL). The scheme would provide 24,370 sqm of data centre floorspace and 13,283 sqm of Office floorspace. It is envisaged that the proposal would provide approximately 150 full time jobs.
- 2.3. Subject to conditions requiring details of a lighting strategy to the east elevation of the data centre, boundary treatment details for the entire site and materials to be approved in writing by the Local Planning Authority, the overall height, scale and bulk for both buildings is considered acceptable, and would deliver a high quality, architecturally interesting building on the site.

- 2.4. The site lies very near to the A13 (East India Dock Road), Leamouth Roundabout and A1261 (Aspen Way), which are key east/west routes through London and managed by TfL. The impacts of the development upon the safe and freeflow of traffic on these roads have been carefully considered, and the development would not have an adverse impact in this respect.
- 2.5. Cycle Superhighway 1 route currently runs through the site, and would be diverted as part of this application. The final details of this are yet to be finalised with TfL, and TfL have advised that they are content in resolving this by way of a condition preventing commencement of works onsite until such details have been provided and agreed. Furthermore the proposal makes adequate provision for car and cycle parking and the servicing arrangements are considered acceptable.
- 2.6. The nearest residential properties to the site lie to the north, across the A13 at Aberfeldy Estate. Due to the distance between the subject site and these residential properties. The proposal would not result in unduly detrimental loss of daylight and sunlight. In addition, the proposal would not result in unduly detrimental noise disturbance to surrounding properties.
- 2.7. The proposed Energy and Sustainability Strategy would minimise CO2 emissions through energy efficiency, linking to the waste heat network to supply the offices and a PV array to reduce CO2 emissions by 63%. The proposal would have a BREAM excellent rating which means the development would be of a suitable design and be energy efficient.
- 2.8. A Grade II Listed wall sits to the east of the site, on the eastern side of Leamouth Road and the Naval Row Conservation Area sits to the south-west of the site. The proposal would not result in significant harm to this Listed wall or its setting, or the Conservation Area, and a full assessment has been undertaken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the case law in Barnwell Manor.
- 2.9. Appropriate planning obligations have been secured in accordance with the Councils Supplementary Planning Document on Planning Obligations to ensure the proposal is sufficiently mitigated against and that the proposal does not place undue pressure on local and social physical infrastructure.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.4. Financial contributions
 - A financial contribution of £109,319 towards construction phase skills and training
 - A financial contribution of £199,464 towards end user phase skills and training
 - A financial contribution of £30,410 towards Idea Stores

- A financial contribution of £118,868 towards leisure facilities and public realm improvements
- A financial contribution of £193,665 towards public open space
- A financial contribution of £361,620 towards streetscene and the built environment
- A financial contribution of £20,266 towards Section 106 monitoring

Total financial contribution: £1,033,612

Non financial

- Access to employment
- 20% Local Procurement
- 20% Local Labour in Construction
- Travel Plan

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

3.6. That the Corporate Director Development & Renewal is delegated authority to recommend the imposition of conditions, variation and informatives in relation to the following matters:

3.7. **Conditions**

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials, trial panels of brick work
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Hours of construction
6. Hours of hammer driven piling works
7. Archaeology
8. Secure by Design
9. Contamination
10. Construction methodology and Management Plan
11. Car Park Management Plan
12. A Delivery management Plan and Construction Logistics Plan
13. Surface Water Drainage Strategy
14. A verification/remediation strategy for contamination
15. Details of the archaeology works
16. Further accessible details
17. Details of boundary treatment
18. Details of Lighting Strategy
19. Provision of 20% passive electric vehicle charging points with monitoring of their use to indicate when further active provision is required
20. Cycle Superhighway CS3 temporary and permanent diversion routes
21. B8 use restricted to data centre

3.8. **Informatives**

- 1) Planning permission required for any external changes
- 2) Planning permission subject to Section 106 legal agreement

4. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 4.1. The Site is located on two vacant plots, referred to as sites 6 and 8, which are separated by Sorrel Lane. The sites are soft landscaped and currently have a hoarding around them. To the north of Sorrel Lane is Site 6 which is located at the south-western corner of the junction between East India Dock Road and Leamouth Road. To the south of Sorrel Lane is Site 8, which is bounded to the south by Saffron Avenue, with Oregano Drive to the west. Leamouth Road forms its eastern boundary and the existing Telehouse campus is to the west. Site 8 also has the Blackwall Tunnel running underneath it.
- 4.2. To the west of the Site are a number of buildings on the Telehouse campus, the Global Switch Building beyond the Telehouse West Building, and there is a major road network surrounding the campus. A Travel Lodge Hotel is located beyond Telehouse North Building and the former Financial Times printing works (now a part of the Global Switch data centre complex). To the south western perimeter of this group of buildings are the larger scale London Borough of Tower Hamlets administrative offices and Town Hall.
- 4.3. Both plots of land have been undeveloped since the former East India Docks were in-filled in the 1980s.
- 4.4. The Site has a Public Transport Accessibility Level of 3, indicating that the Site has a medium level of accessibility by public transport. It is located approximately 450m from East India Docklands Light Railway (DLR) and approximately 900m from Canning Town DLR station to the east of the site, which also provides access to Jubilee line London Underground (LU) services. There is a bus stop located on East India Dock Road adjacent to the site serving route 115. The 277 route is accessible from stops on Saffron Avenue to the south-west of the site, and the 309 service from stops on Poplar High Street 250m to the west.
- 4.5. The existing Telehouse Campus has two vehicular accesses, via Oregano Drive (goods vehicle access and cars plus delivery vehicle egress) and via Nutmeg Lane / Coriander Avenue (access and egress). The proposals associated with this planning application do not affect the existing access arrangements, with all vehicular access to the new Data Centre taken via Oregano Drive. Site 8 has the East India Dock Road Tunnel running underneath it. Oregano Drive, Saffron Avenue, Sorrel Lane and Leamouth road are private roads and East India Dock Road is TfL managed.
- 4.6. The site is not located within a Conservation Area, although the Naval Row Conservation Area lies to the south west of the site. To east of the site and along Leamouth Road is the former East India Dock Wall, which is a Grade II Listed structure.

Relevant Planning History

- 4.7. PA/07/00391: Former London Thames Gateway Authority resolved to grant planning permission at their planning committee on 12/06/2008 for the

erection of nine new buildings; ranging from 8 to 36 storeys in height to provide 796 residential flats (67 studios, 297 one bedroom, 362 two bedroom, 76 three bedroom and 5 four bedroom units), 975 sqm of commercial floorspace (classes A1/A2/A3/A4/A5/B1a), 368 sqm of community floorspace (class D1/D2), a 373 sqm gymnasium, 760 sqm of internal child play space and 203 sqm of energy centre uses plus 236 car parking spaces in two basement levels and associated communal, private and public realm amenity spaces including landscaping and variety of works. Pedestrianization of Sorrel Lane. The Section 106 Agreement was never signed and planning permission was never issued.

- 4.8. PA/06/348: Planning permission was refused on 26/04/2006 for the erection of 10 internal illuminated advertisement hoarding's consisting of 6 x 48 sheet panels, 3 x 96 sheet panels and 1 golden square size panel at various perimeter locations within the two sites.

Detail of proposal

- 4.9. The proposed development comprises of two buildings which comprise of:
- 1) Data Centre
 - 2) Office Building
- 4.10. The proposed data centre would be approximately 66m in height and is located on the northernmost of the two plots. The Gross Internal Area (GIA) for the data centre would be 24,370sqm.
- 4.11. The data centre is an industrial building (Use Class B8), housing technical processing equipment, along with support functions.
- 4.12. The data centre would form part of the existing Telehouse development. At present, Telehouse provides a data centre facilities for several companies and serve as platform for Information Technology system. The applicant advises that it has over 700 customers.
- 4.13. The proposed Office building would be approximately 59m in height and is located on the southernmost of the two plots. The Gross Internal Area (GIA) for the office building would be 13,283.37sqm.
- 4.14. The proposal would provide 128 cycle spaces and 29 car parking spaces onsite.
- 4.15. There are a number of highway works proposed to accommodate the development which include:
- The permanent closure of the private road Sorrell Lane at its junction with Leamouth Road.
 - The applicant notes that the closure is required to create a secure facility for Telehouse and would include the construction of a secure perimeter fence at the edge of the highway. The existing Cycle Superhighway would not use Sorrel lane and be diverted elsewhere.
 - The Sorrel Lane junction with Leamouth Road is currently signalised and incorporated into the signalised pedestrian crossing on LeamouthRoad. The closure of the road to general traffic, with the road only used for emergency egress along with the fuel deliveries to

the new Data Centre, would enable the signal (across Sorrel Lane) to be removed with vehicles on Sorrel Lane giving way to vehicles on Leamouth Road.

5. POLICY FRAMEWORK

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

5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Policy Guidance (NPPG)

5.3. London Plan 2011

4.1 Developing London’s economy

4.2 Offices

4.10 New and emerging economic sectors

4.11 Encouraging a connected economy

4.12 Improving opportunities for all

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.5 Decentralised energy networks

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.10 Urban Greening

5.13 Sustainable drainage

5.17 Waste capacity

5.21 Contaminated land

6.3 – Assessing effects of development on transport capacity

6.4 – Enhancing London’s transport connectivity

6.5 – Funding Crossrail and other strategically important transport infrastructure

6.9 – Cycling

6.11 Walking

6.13 – Parking

7.1 Building London’s neighbourhoods and communities

7.2 An inclusive environment

7.3 – Designing out crime

7.4 Local character

7.5 Public realm

7.6 – Architecture

7.8 Heritage assets and archaeology

7.14 – Air quality

7.15 Reducing noise and enhancing soundscapes

7.19 Biodiversity and access to nature

7.21 Trees and Woodland

8.2 Planning obligations

Draft Further Alterations to the London Plan, 2014 (FALP)

5.4. On 15 January 2014, the London Mayor published the draft GLA *Further Alterations to the London Plan* (FALP) for a 12 week period of public consultation. Examination in public is scheduled for autumn 2014, with adoption anticipated by spring 2015. The main changes material to this scheme are greater densification of the Opportunity Areas to promote greater growth to housing need and jobs with a draft target set to deliver 560,000 additional jobs and 300,000 new homes. The Borough's new minimum housing target, as set by the London May would be 3,931 per year.

5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP03 Address the impact of noise pollution
- SP05 Provide appropriate refuse and recycling facilities
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
- SP12 Delivering Placemaking
- SP13 Planning Obligations

5.6. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 – Delivering sustainable development
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM16 – Office Locations
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and public realm
- DM24 - Place sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero-carbon borough and addressing climate change

5.7. **Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. CONSULTATION RESPONSE

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

Greater London Authority (Stage 1 Response)

- The proposed land use is in accordance with policy and would create employment so is therefore welcomed.
- The proposed height, scale, bulk and massing of the proposal is in keeping with the prevailing character of the area and does not raise any strategic concerns.
- The Eastern elevation is the most prominent elevation and a lighting arrangement for this elevation at night should be submitted and approved in writing by the Local Planning Authority.
- The overall Energy and Sustainability Strategy is considered acceptable. Further information should be provided to demonstrate the extent of the waste heat contribution to the new office building's demands and to clarify how the carbon savings have been calculated.

(Officers comment: The applicant would be required to submit a lighting strategy for the east elevation of the data centre. This would be secured by way of condition. The applicant has submitted further details on the extent of the waste heat contribution to clarify how carbon savings have been calculated. LBTH Energy Officer has reviewed this information and considers it acceptable).

Transport for London

- 6.3. Whilst the proposed buildings would not be constructed immediately over the East India Dock tunnel, site 8 proximity requires TfL to agree a construction methodology prior to works commencing on site, to ensure that the works would not result in an unacceptable impact to TfL structures. As such, a condition preventing commencement of works onsite until such agreement has been reached must be attached to the grant of any planning permission.
- 6.4. A Car Park Management Plan should be secured by condition on any consent for the site, setting out how spaces would be reserved for operational use. Ten percent of spaces should be actively provided with electric vehicle charging points.
- 6.5. A Delivery Management Plan and Construction Logistics Plan (CLP) have been submitted, which is welcomed. These should be secured by condition on any consent and in particular the final CLP would require additional information, particularly around cycle safety given the proximity of CS3.
- 6.6. A framework Travel Plan has been provided in support of the application, and this is welcomed. The applicant would be required to submit a more detailed Travel Plan to be secured in the Section 106 Agreement.
- 6.7. With reference to Cycle Superhighway, Transport for London agree a temporary diversion of the route during construction, which would require a planning obligation or Grampian condition to ensure it would be delivered prior to any development being carried onsite. TfL would also require a similar obligation/condition which would require implementation of a final diversion, to a design agreed in writing by TfL, prior to first occupation of any part of the development.

(Officers comment: The applicant would be required to submit details of the Construction Methodology, a Car Park Management Plan and a Delivery

Management by way of condition. It has been agreed that a Grampian condition is secured to ensure no work commences on site until the Cycle Superhighway re-alignment is agreed).

Environment Agency

- 6.8. The Environment Agency does not object to the proposed development subject to the following conditions:
- A surface water drainage strategy to include details of run-off and surface water storage on site. This is to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.
 - Details of a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. This is to protect the quality of the water environment.

(Officers comment: The above detailed matters would be secured by way of condition).

English Heritage

- 6.9. English Heritage has reviewed the submission and did not raise objection. They noted that *“this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice”*.

Docklands Light Railway

- 6.10. Dockland Light railway has reviewed the submission and note that there would be low risk to the DLR and therefore do not object to the proposed development.

London Fire & Emergency Authority

- 6.11. The proposed vehicle access arrangement appears acceptable. The applicant should confirm that hydrants are available within either 90 or 100 metres of each building's entrance as per paragraph 15.7 of Approved Document B of the Building Regulations.

(Officers comment: The applicant has confirmed that hydrants are available within 90 metres of each building's entrance as per paragraph 15.7 of Approved Document B of the Building Regulations).

Health and Safety Executive

- 6.12. HSE have confirmed they do not advice, on safety grounds, against the granting of planning permission in this case.

Metropolitan Police

- 6.13. The applicant would be required to submit a Secure by Design Statement to ensure the development is designed to maximise safety and security throughout the site.

(Officers comment: The applicant would be required to submit a Secure by Design Statement to be agreed in writing by the Local Planning Authority).

LBTH Access officer

- 6.14. The proposal is acceptable for the following reasons:
- The proposal makes adequate provision for accessible WC's and showers.
 - The proposal makes provision for 4 accessible parking spaces which is welcomed.
 - The proposal makes provision for an inclusive sliding drum door which is supported for the Office building.

- 6.15. It is recommended that the applicant submit the following by way of condition:

- Details of the proposed turnstiles and pass gates
- Details of accessible WC's and shower facilities for both buildings

(Officers comment: The applicant would be required to submit the above details. This would be secured by way of condition).

LBTH Biodiversity

- 6.16. The proposal does not provide significant biodiversity value on the application site, and therefore, there would not be any significant biodiversity impacts. The applicant should be asked to consider installing biodiverse green roofs. This would be a significant benefit for biodiversity.

(Officers comment: The applicant was asked to consider green roofs. However, external plant area is proposed at roof level and the applicant did not consider it appropriate to try and accommodate this plant area elsewhere. The applicant notes that their landscaping strategy would incorporate biodiversity measures by including annual and perennial plants. Details of the landscaping strategy would be required to be approved in writing by the Local Planning Authority. This would be secured by way of condition).

LBTH Environment Health (noise)

- 6.17. The proposed noise levels and mitigation methods for construction noise and vibration are acceptable.

LBTH Environment Health (air quality)

- 6.18. The Air Quality plan has been assessed and the Environment Health team do not raise any formal objections. It is noted that the applicant would need Clean Air Act approval from Environment Health.

LBTH Energy and Sustainability

- 6.19. The proposed Energy and Sustainability is acceptable and accords with policies which require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

LBTH Highways

- 6.20. The servicing arrangements are considered acceptable.
- 6.21. The proposal makes provision for 29 car parking spaces which is the maximum amount Council policy could support onsite.
- 6.22. The proposal should make provision for 110 cycle spaces in accordance with policy for B1 Office use and 97 cycle spaces in accordance with policy for B8 uses.

(Officers comment: With reference to cycle parking; the proposal makes provision for 110 cycle spaces for the office use and 18 cycle spaces for the data centre use. On balance, Officers consider that is not necessary to provide 97 spaces for the Data Centre. At present, there are approximately 100 staff at Telehouse (which encompasses circa 45,000sqm of floorspace) excluding the contractors the majority of which work in the administration building and very few working in the actual data centres themselves. The number of cycle spaces proposed is considered reasonable for the data centre use. The applicant would not be permitted to change the data centre to another B8 use which could lead to the requirement for additional cycle parking spaces. This would be secured by way of condition).

LBTH Waste Management

- 6.23. The proposed waste management arrangement is considered acceptable.

LBTH Environment Impact Assessment (EIA)

- 6.24. The development was screened to determine whether the planning application would require an EIA. The Councils Environment Impact Assessment Officer notes that no significant effects were anticipated and therefore the proposed development was not considered to require an EIA.

LBTH Policy

- 6.25. The proposed land uses are supported by the Councils Planning policy teams as they accord with the LBTH Local Plan.

LBTH Directorate of Communities, Localities and Culture (CLC)

- 6.26. The increase in population as a result of the proposed development would increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.

(Officers comment: Contributions have been secured towards Idea store, libraries and archives and open space in accordance with the Councils SPD on planning obligations).

LBTH Employment & Enterprise

- 6.27. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development, with 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.28. A financial contribution of £109,318 should be secured to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of and a contribution of £119,464 should be secured towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the development or jobs or training within employment sectors relating to the final development should be secured.

(Officers comment: The above contributions would be secured by the Section 106 Agreement).

7. LOCAL REPRESENTATION

- 7.1. A total of 605 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 on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

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

- 7.2. Officers have not received any representations from members of the public.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are
- Land use
 - Design
 - Environmental considerations (daylight and sunlight; noise and air quality)
 - Transport and access
 - Sustainability and Energy efficiency
 - Planning Obligations
 - Local finance considerations
 - Equalities considerations

Land Use

- 8.2. The NPPF (2012) states that there is a “*presumption in favour of sustainable development*” which should be the golden thread running through all plan making
- 8.3. Policy 2.13 “Opportunity Areas and Intensification Areas” of the London Plan states that development proposals within opportunity areas should contribute towards meeting and where appropriate exceeding the minimum guidelines for indicative estimates for employment capacity. The London Plan Annex 1 identifies an indicative employment capacity of 50,000 jobs in the Lower Lea Valley Opportunity Area.
- 8.4. Policy 4.1 of the London Plan promotes and enables the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers. Policy 4.2 of the London Plan notes that Local Development Frameworks should enhance the environment and offer of London’s office locations in terms of physical attractiveness, amenities, ancillary and supporting activities as well as services, accessibility, safety and security
- 8.5. The Council’s Core Strategy sets out the strategic objective to support growth of existing and future businesses in accessible and appropriate locations. Spatial policy SPO5 seeks to support, maximise and promote the competitiveness of the economy and promote the creation of a sustainable, diversified and balanced economy by ensuring a sufficient range, mix and quality of employment uses and spaces.
- 8.6. As identified in the Core Strategy, the site falls within the place of Blackwall, which provides spatial guidance to facilitate and guide place making. The vision for Blackwall is to deliver a “*mix use area with a new town centre and the Town Hall as its commercial and civic hearts*”. The proposed land use accords with Blackwall’s vision for ‘civic and commercial’ uses.
- 8.7. Employment is managed in accordance with SP06 of the Core Strategy, which seeks to maximise and deliver investment and job creation in the borough. This is further reiterated in the Managing Development Document (MDD), policy DM15 which sets out how new development would contribute to delivering growth in locations outside designated employment areas. Policy DM16 of the MDD stipulates that there are four Local Office Locations (LOL) within the borough located at Whitechapel , Mile End, Wapping and Blackwall.
- 8.8. The site is adjacent to the Blackwall LOL and the surrounding uses are commercial in nature which aligns with the proposal. Although the site lies outside of the LOL, the redevelopment of the site for employment uses outside of the spatial policy area would provide a welcomed supporting role to the Local Office Location.
- 8.9. The applicants operation as a data centre (Telehouse International Corporation of Europe) has been established at the East India Dock since the late 1980’s and expanded operations over time as a result of growth in Information Technology and has a strategic data centre build programme which aims to deliver incremental space to meets its business needs. The applicant has stated that proposed development for an office building and

data centre would be an addition to the applicant's existing campus to the west and will enable Telehouse to expand and provide significant benefits to the UK digital economy by maintaining the competitiveness of London and the UK as a whole. LBTH Policy team note that there is a justified demand for an additional data centre in Telehouse Campus.

- 8.10. The proposal would promote economic activity in Tower Hamlets. The scheme would provide a total of 37,653 sqm of commercial floorspace of which 24,370 sqm would be for the data centre and 13,283 sqm would be for offices. Collectively, it is envisaged that the proposed would provide approximately 150 full time jobs.
- 8.11. As such, the proposal accords with policies 2.13, 4.1 and 4.2 of the London Plan (2011), policy SP06 of the Core Strategy (2010) and DM15 and DM16 of the Managing Development Document (2013) which seek to ensure commercial development promotes job opportunities and the creation of a sustainable economy.

Design and heritage

- 8.12. The NPPF attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and be visually attractive as a result of good architecture and appropriate landscaping.
 - preserve heritage assets- any harm or loss to a heritage asset requires clear and convincing justification.
- 8.13. Chapter 7 of the London Plan places an emphasis on robust and place sensitive design in new development.
- 8.14. The Council's policy SP10 of the Core Strategy (2010) sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. The policy also seeks to protect and enhance the Conservation Areas; Locally Listed Buildings and Archaeological remains.
- 8.15. Further design guidance is provided in policy DM24 of the Managing Development Document (MDD). Policy DM26 of the MDD gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 of the Core Strategy (2010) and DM23 of the MDD seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Layout

- 8.16. The site comprises two vacant plots located to the west of Leamouth Road and south of East India Dock Road. The proposed office building would be located on the southern site adjacent to the roundabout at the junction of Leamouth Road, the Lower Lea Crossing and Aspen Way. It would be positioned to the north west of the site, with car parking and landscaping situated to the south east and security fencing surrounding the perimeter. The applicants have explained that the presence of the Blackwalltunnel running underneath the southern part of the site is a significant constraint, limiting the position of the building to the north west of the site.
- 8.17. Vehicle access to the site would be from the Telehouse campus, using the existing access from Coriander Avenue that currently serves Telehouse North building. The existing delivery area would be extended to provide delivery access to the loading bay of the new building which would have a delivery dock of 800mm above road level. Ramps, together with steps, would be provided at this change in level. Within the existing Telehouse North building delivery area is a ramp down to the basement car park. This would be removed and the area levelled to provide the extended delivery area for the new development. A secondary delivery access would be provided from Saffon Avenue, using Oregano Drive. There would be no exit from the site via Sorrel Lane, a vehicle gate would be provided at the junction with Leamouth Road but would be kept closed.
- 8.18. Pedestrians would access the data centre from the west elevation via the existing Telehouse North building from the proposed new bridge at mezzanine floor level (first floor existing building). This would retain the current security strategy as all visitors entering the site from Coriander Avenue, entering the building from the administration building. The floor layouts of the data centre would be broadly similar to the existing layouts as the existing layouts of Telehouse buildings.
- 8.19. The siting of the office building, to the south of the site is considered to be acceptable, subject to suitable hard and soft landscaping arrangements, which would be secured by way of condition.
- 8.20. The proposed data centre would be located on the northern site, at the junction of East India Dock Road and Leamouth Road. Its rectangular plan form would be aligned north to south, following the building line of the existing campus buildings along East India Dock Road. It would be connected to the existing campus by a first floor level walkway and would have similar floor plan arrangement. It's principal façade faces east toward Leamouth Road. Again the siting is considered acceptable subject to suitable hard and soft landscaping arrangements.
- 8.21. A higher quality boundary treatment is sought for the entire development, preferably an innovative or bespoke system incorporating public art. The applicant would be required to submit further of the boundary treatment, secured by way of condition.

Scale, bulk and mass

- 8.22. Both buildings accord with the context of other large footprint buildings found on the campus and elsewhere in the East India Dock complex in terms of their overall height, scale and massing.
- 8.23. The applicant has submitted a series of views and has undertaken a views analysis from key areas including the northern side of East India Dock Road, adjacent to Abbot Road, Southern side of Barking Road and Canning Town Docklands Light Railway platform.
- 8.24. The proposal would have an effect on the townscape character both within and around the site, however in this respect, the proposal would not have an adverse impact on the existing townscape as it does not obstruct any protected views and follows a similar pattern of development within this area.
- 8.25. To the north of the site is a residential development at Aberfeldy Estate, which is partially under construction. Existing new build development at Aberfeldy estate to the north east extends to 10 storey's in height. To the far south west is an 11 storey development (Switch House) and outside East India DLR station is a residential development which extends to 22storeys in height.
- 8.26. The heights of the Telehouse buildings to the west of the site range from 30metres to 62 metres in height. The proposed data centre would be 66 metres and the office centre would be 65 metres in height. As such, it is considered that the proposed heights of the buildings sit comfortably within the existing context.
- 8.27. The overall scale of the development is similar to the scale of developments at Telehouse campus and would not present symptoms of overdevelopment such as excessive loss of daylight and sunlight. Accordingly, the development is in character with the established pattern of development in the area. The overall scale of development proposed is substantially less than the scale of residential development which London Thames Gateway Authority were resolved to grant at their committee in June 2008.
- 8.28. The design approach to the office is unique and of high design quality. It is clearly defined as an office use and provides visual interest. The bulk of the office building would be alleviated by the extensive use of glazed curtain walling. The data centre has been broken down into a number of different elements expressing the different functional parts of the building, which assists with articulating the mass of this building. Both buildings also benefit from a spacious setting in terms of the wide roads adjacent to them. As such, the scale and massing of the proposal can be considered acceptable as agreed by the GLA who note in their Stage 1 report that: *"The proposed height and massing of the proposal is broadly in keeping with the prevailing character of the area and does not raise any strategic concerns"*.

Elevation treatment and materials

- 8.29. With reference to the elevational treatment for the office building, extensive areas of glazed curtain walling would feature to include an exposed internal structure. In addition, there would be large areas of grey steel cladding framing the building. These elevational treatments and materials are typical of Office buildings of this nature and are generally in context with the many of the other buildings found on the campus and elsewhere in the East India

Dock complex. The slanted south-east façade would give the building a distinctive profile. The elevational aspect of this part of the scheme is considered to be acceptable subject to the precise nature of the material finishes. This would be secured by way of condition.

- 8.30. The data centre is a more complex structure featuring a number of different elements, the elevational treatment of which seeks to express the different functional parts of the building. Of particular importance is the east elevation, which would be highly visible in a range of shorter and longer views. This façade has been the subject of extensive pre-application discussions with both the GLA and the Council. The applicant proposes the use of low-level up-lighting to illuminate the façade at night, however this is not supported by officers as it is not considered that this approach would achieve the high standard of design required for such a prominent and important part of the building. As an agreed approach moving forward, the applicant would be required to submit a lighting strategy for the development prior to the commencement of works onsite to be agreed by the Local Planning Authority, in consultation with the GLA, to ensure that the development has a high standard of architecture on this important façade.
- 8.31. The remaining elements of the data centre would be clad in a variety of materials including black glass rainscreen, aluminium mesh, powder coated aluminium louvres and blue engineering brick. Prominent exhaust flues in the north-east corner of the building would be finished in stainless steel. The proposed material palette would provide a degree of variety and interest to a large utilitarian structure and can, on balance, be considered acceptable subject to a suitably worded condition requiring prior approval of the precise material finishes, including the submission of samples.

Impact on the significance of nearby heritage assets

- 8.32. Paragraphs 132 & 134 of the NPPF emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner.
- 8.33. Policy 7.8 of the London Plan (2011) specifies that developments affecting heritage assets and their setting should conserve the assets significance by being sympathetic to their form, scale, materials and architectural detail.
- 8.34. The Council's Core Strategy Strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance the Borough's heritage assets to enable creation of locally distinctive neighbourhoods with individual character and context. Further policy guidance is also provided by policy DM27 of the Managing Development Document.
- 8.35. Further to the aforementioned policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. It is acknowledged that Section 66 also concerns a listed building itself but as

this application is not an application to develop a listed building only the setting of the listed building is considered to be relevant.

Impact on setting of East India wall

- 8.36. East India Dock wall and gateway is located immediately to the east of the proposed development within the central reservation of the adjacent Leamouth Road dual carriageway. The wall consists of the early 19th century, stock brick built 15ft high boundary wall with interval chamfered buttresses. A gateway is situated centrally within the wall area.
- 8.37. The wall is considered to be a designated heritage asset as it is a Grade II Listed structure.
- 8.38. The applicants submitted statement concluded that the proposal would result in 'very slight' impact to the Listed Wall. Harm to the setting of a Listed Building requires the local planning authority to give considerable importance and weight to the desirability of preserving the setting of the listed building when carrying out the balancing exercise in Section 66 of the planning (Listed Buildings and Conservation Area) Act 1990 in accordance with Barnes Manor Court of Appeal judgement. In carrying out this balancing exercise, Officers examined the historic and present day context of the wall.
- 8.39. The site lies on the eastern side of the East India 'Import' Docks. The current development is situated on an area which historic mapping indicates was partially occupied by the dock, but also warehouses. Many of the warehouses around East India Docks were demolished in the early 1990s. The area has significantly changed over the past 30 years. Large scale commercial and residential development together with a dual carriageway road form its present day context.
- 8.40. The data centre is located approximately 30 metres from East India Dock Wall. The distance between the closest point of the office building and the listed building would be approximately 33 metres. Given the already less than favourable location of the East India Dock wall on a busy road and opposite Telehouse Campus, any development on the site is likely to have some impact, and the proposal put forward has been developed in such a way to provide adequate separation distance whilst meeting the commercial needs of the applicant.
- 8.41. The proximity of the development to the listed wall has been assessed by both English Heritage and the Councils Design and Conservation team and no objections are raised to the proposal with relation to the preservation of the heritage asset. The proposal would have less than substantial harm to the listed wall having given appropriate weight to the statutory duty under Section 66 of the Planning Act 1990.
- 8.42. The proposal is therefore considered acceptable in respect of the impact on the setting of the Listed Wall.

Impact on the setting of Naval Row Conservation Area

- 8.43. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.44. The site is not located within a Conservation Area, however Naval Row Conservation Area is located approximately 280 metres to the southwest of the site. The character of the Naval Row Conservation Area and therefore the proposal would not result in harm to the characterised by the surviving structures associated with the historic port and shipbuilding activities of the 19th Century.
- 8.45. The conservation area is defined to the north by the perimeter wall of the East India Docks. Officers consider that the development would potentially introduce a degree of change to the setting of the conservation area, as it would be partially visible along the eastern view, at the eastern end of the site. Moreover, the development would also further reduce the links between the south-western and eastern sections of the docks perimeter wall. However, given the changing character of the area in general which is increasingly characterised by large scale commercial and residential developments, it is not considered that the proposal would not have an adverse impact on the setting of Naval Row Conservation Area, and therefore the proposal would not result in harm to the Conservation Area. Unless harm has been identified, there is no apparent need to apply the Barnwell Manor case.

Area of Archaeological Importance

- 8.46. The site is located within an Area of Archaeological Importance. As such, it is recommended that a detailed archaeological investigation be undertaken prior to the commencement of works onsite. This would be secured by way of condition.

Conclusion on design and heritage matters

- 8.47. The overall design, height, scale and bulk of the development is considered acceptable subject to the following:
- A suitably worded condition requiring prior approval of hard and soft landscaping, to ensure that the development has a high standard of landscape design.
 - Amendment of the plans and supporting information to indicate the use of a higher quality boundary treatment, as opposed to the continuation of the wall and fencing used for the rest of the campus, to ensure that the development has a high standard of landscape design and makes a positive contribution to the public realm. The precise nature of the boundary treatment could be controlled by a suitably worded condition.
 - A suitably worded condition requiring prior approval of the lighting strategy for the development, to ensure that the development has a high standard of architecture.
 - A suitably worded condition requiring prior approval of materials (including the submission of samples), to ensure that the development has a high standard of architecture.
 - The proposal would cause 'very slight' harm upon the Grade II East India Dock Wall, and considerable importance and weight has been given to the desirability of avoiding that harm. The proposal is considered acceptable in this respect.

- The proposal would cause no harm to the Naval Road Conservation Area.

Amenity (daylight and sunlight)

- 8.48. Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document (2013) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 8.49. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting.
- 8.50. The applicant submitted a Daylight and Sunlight report to determine the impact the proposed development on future residents directly facing the development at Aberfeldy Estate. The assessment concluded that all windows tested on the Aberfeldy development would receive VSC values exceeding 27% and would not be less than 0.8 times their former value, which is in accordance with the BRE guidelines. Therefore, no further assessment/evidence is required as the proposals accord with the BRE Guidelines.
- 8.51. It is therefore considered that the future occupiers and surrounding properties would not suffer from undue loss of daylight and sunlight in accordance with policies SP10 of the Core Strategy and DM25 of the Managing Development Document (2013) which seeks to protect amenity of future and existing residents.

Noise

- 8.52. Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 8.53. The applicant has submitted a noise report which was reviewed by the Councils Environmental Health Officer who confirmed that the noise levels would not have a detrimental impact on amenity in accordance with the abovementioned policies.

Air Quality

- 8.54. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Policy SP02 and SP10 of the Core Strategy and Policy DM9 of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.55. The submitted air quality plan was reviewed by the Council's Environmental Health Officer who did not raise any objections. The proposal would therefore comply with the above mentioned policies.

Transport, access and highways

- 8.56. The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.57. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.58. Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.59. As noted in paragraph 4.4 of this report, the site has a Public Transport Accessibility Level of 3 which means the site has a medium level of accessibility by public transport. It is located within close proximity to both East India and Blackwall DLR stations, bus routes 15, 115, D6, 309 and D8 are located within close proximity.
- 8.60. The existing Telehouse Campus has two vehicular accesses, via Nutmeg Lane/Coriander Avenue (access and egress) and via Oregano Drive (goods vehicle access and cars plus delivery vehicle egress). The proposals associated with this planning application do not affect the existing vehicular access arrangements, with all vehicular access to the new data Centre taken via Oregano Drive/Sorrel Lane which officers welcome.

Trip generation

- 8.61. The applicant has submitted details of the number of assumed trips for both buildings by foot, cycle, rail, DLR/Underground and car. It is assumed that the majority of people would travel to the site via DLR/Underground or rail. Whilst the minority of workers will travel by car.
- 8.62. Currently, there are three data centres in Telehouse East, Telehouse North and Telehouse West with approximately 100 car parking spaces. Although the proposed new Data would be relatively large when compared to the existing facilities, it is not anticipated that there would be a pro-rata increase in trips primarily on the grounds that some of the maintenance functions and security functions would be shared with the existing facilities. As such, it has been assumed that the trip rates for the new facility would be approximately half of that associated within the existing 3 Telehouse buildings. Furthermore, it is anticipated that car travel would be constrained due to the proposed level of car parking which is approximately 1/3 of the existing.
- 8.63. LBTH Highways have not raised concerns on this matter. Furthermore, TfL note in their Stage 1 report that “the trip generation methodology is considered appropriate, and it is considered that the trips associated with the new development would not result in an unacceptable transport impact”.

Car parking

- 8.64. Policy DM22 of the Managing Development Document (2013) sets out a maximum provision for car parking for both B1 and B8 uses of 1 space per 1250 sqm for commercial vehicles only.
- 8.65. In accordance with policy, the maximum provision for a B8 and B1 uses would be 19 and 10 car parking spaces accordingly. As such, policy would not permit more than 29 car parking spaces onsite. The proposal makes provision for 29 car parking spaces; 4 of these units would be accessible spaces which are supported. All of the car parking spaces are located on the grounds of site 8.
- 8.66. In accordance with London Plan and the Council's parking standards, the development makes provision for 20% electric vehicle charging points.

Cycle parking

- 8.67. The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development.
- 8.68. With regards to cycle parking the MDD policy requirements are:
- B8 use: 1 space per 250 sqm which equates to a minimum of 97 spaces and;
 - B1 use: 1 space per 120 sqm, which equates to a minimum of 110 spaces.
- 8.69. The main area of cycle parking provided is on the centre of a roundabout, surrounded by car parking in site 8. The proposal makes provision for all 110 cycle spaces in the form of Sheffield stands for the Office Building which are all located within site 8.
- 8.70. As noted in paragraph 6.22, it is not considered necessary to provide 97 spaces for the data centre as this applies to general B8 uses. The applicant

has advised that there is approximately 100 existing staff at Telehouse (which encompasses circa 45,000sqm of floorspace) excluding the contractors the majority of which work in the administration building and very few working in the actual data centres themselves. The proposal makes provision for 18 cycle spaces in the form of Sheffield stands, located within site 6, at the junction of Sorrel Lane and Oregano Drive. It is considered that 18 cycle spaces is reasonable given the applicant's experience of the campus and the nature of the proposed use. Given the unique design and demand for the data centre, it is unlikely that the data centre would be converted to another B8 use where more cycle spaces may be sought. Notwithstanding, a condition would be attached to the approved application which would restrict the B8 use to a data centre only.

Cycle Super Highway (CS3)

- 8.71. At present there is an established through route for pedestrians and cyclists down Sorrel Lane although this is a private road.
- 8.72. Due to the need for security for the proposed new data centre, it is proposed to close Sorrel Lane at its junction with Leamouth Road. This would necessitate alterations to this junction and the permanent diversion of CS3. The applicant proposes a 'red' route via Leamouth Road and Saffron Avenue.
- 8.73. The applicant is currently negotiating with the applicant to agree a temporary diversion during construction and a permanent diversion post construction. It is likely that temporary diversion south onto Leamouth Road.
- 8.74. Officers have been advised that the permanent diversion is likely to be to the north of the site onto the A13. This has not been confirmed as yet. It is recommended that the temporary diversion is agreed prior to construction and permanent diversion is agreed prior to occupation of the development. This would be secured by way of condition in consultation with TfL.

Servicing arrangements

- 8.75. At present, the proposed servicing takes place from a dedicated area accessed at the corner of Coriander Avenue and Oregano Drive adjacent to the Telehouse North building. The servicing area includes turning space to wait away from the highway and is the main store of waste collection containers.
- 8.76. Servicing of the existing buildings at Telehouse takes place over a 24 hour period. Figures provided by Telehouse show that weekdays 08:00 to 10:00 and 16:00 to 18:00 are the busiest periods. It is proposed to have the site serviced at all times.
- 8.77. Delivery vehicles would approach the Campus via Leamouth road, Saffron Avenue and then into Oregano Drive. Drivers would be instructed that vehicle engines must be switched off whilst goods are being loaded/unloaded. LBTH Highways and TfL have confirmed that the servicing arrangements are acceptable.

Refuse and recycling

- 8.78. Deliveries for the new data centre would take place from the existing service area/loading bay at the northern end of Oregon Drive. Vehicles would approach drive via Saffron Avenue, pass through the various security gates then depart via the same route. LBTH waste management team do not object to the proposed refuse and recycling arrangements.

Conclusion on highway matters

- 8.79. Subject to conditions and appropriate S106 contributions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 and 6.3 of the London Plan (2011), SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Energy and Sustainability

- 8.80. At a national level, the NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.81. The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to; Use Less Energy (Be Lean); Supply Energy Efficiency (Be Clean) and Use Renewable Energy (Be Green).
- 8.82. The proposals for Development at Sites 6 and 8 have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency, linking to the waste/excess heat network to supply the offices, and a PV array to reduce CO2 emissions by 63% from a building regulation baseline. Some of these measures include the following:

8.83. Data centre

- The data centre cooling system would use an indirect air optimisation system with evaporative cooling which uses the same energy sources as a heat pump (ie ambient air);
- There would be a Variable Refrigerant Flow system servicing the office spaces and other occupied areas of the data centre

8.84. Office Building

- The office buildings envelope would be designed to perform significantly better than the minimum Building Regulations standards with low U values and design air permeability.
- Natural daylighting to the building would improve occupants comfort and reduce the requirement for artificial lighting.

- Good solar control would be provided by the selection of glazing/shading so as to avoid overheating in summer and increase passive gains in winter.
- 8.85. The submitted energy strategy identifies that a Combined Heat and Power (CHP) was given due consideration through the design of the energy strategy, however it was discounted due to the limited residual base heat load. This is accepted, as in order for a CHP to be viable a scheme requires a significant base heat load (space heating and hot water) to allow sufficient run hours for the CHP. The data centre would have a very low requirements for heat, therefore without the run hours the CHP would be too inefficient to operate.
- 8.86. The proposal would have a BREAAAM excellent rating which means the development would be of a sustainable design and be energy efficient. Overall, the proposed energy and sustainable strategy is acceptable subject to conditions.
- 8.87. Subject to conditions, the proposal complies with chapter 5 of the London Plan (2011); policy SP11 of the Councils Core Strategy (2010) and DM29 of the Managing Development Document (2013) which seeks to mitigate against climate change and to minimise carbon dioxide emissions.

Planning Obligations

- 8.88. Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. The NPPF requires that planning obligations must be: (a) Necessary to make the development acceptable in planning terms; (b) Directly related to the development; and (c) Fairly and reasonably related in scale and kind to the development.
- 8.89. Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.90. Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.
- 8.91. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13. The SPG also sets out the Borough's key priorities which include:
- Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
 - Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability

8.92. In order to ensure that the impacts of the proposed development is sufficiently mitigated, the following contributions would be sought if permission was granted:

- A financial contribution towards of £109, 318 construction phase skills and training £109,319
- A financial contribution of £199,464 towards end user phase skills and training
- A financial contribution of £30,410 towards Idea Stores
- A financial contribution of £118,868 towards Leisure facilities Public realm improvements
- A financial contribution of £193,665 towards public open space
- A financial contribution of £361,620 towards Streetscene and the Built Environment
- A financial contribution of £17,889 towards monitoring of the Section 106 Agreement
- A financial contribution of £20,266 towards Section 106 monitoring

Total financial contribution: £1,033,612

Conclusion on Section 106 matters

8.93. The proposal makes provision for the full amount of contributions sought to mitigate against the development in accordance with policies 8.2 of the London Plan (2011) and SP13 in the Core Strategy (2010) and the Councils SPD on seeking to negotiate planning obligations through their deliverance in kind or through financial contributions

Local Finance considerations

8.94. Section 70(1) of the Town and Country Planning Act 1990 (as amended) and Provides:

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

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

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

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

8.96. Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. The estimated Community Infrastructure Levy for this development would be £1, 468,775.

Human Rights Considerations

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

Equalities Act Considerations

- 8.103. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and

sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

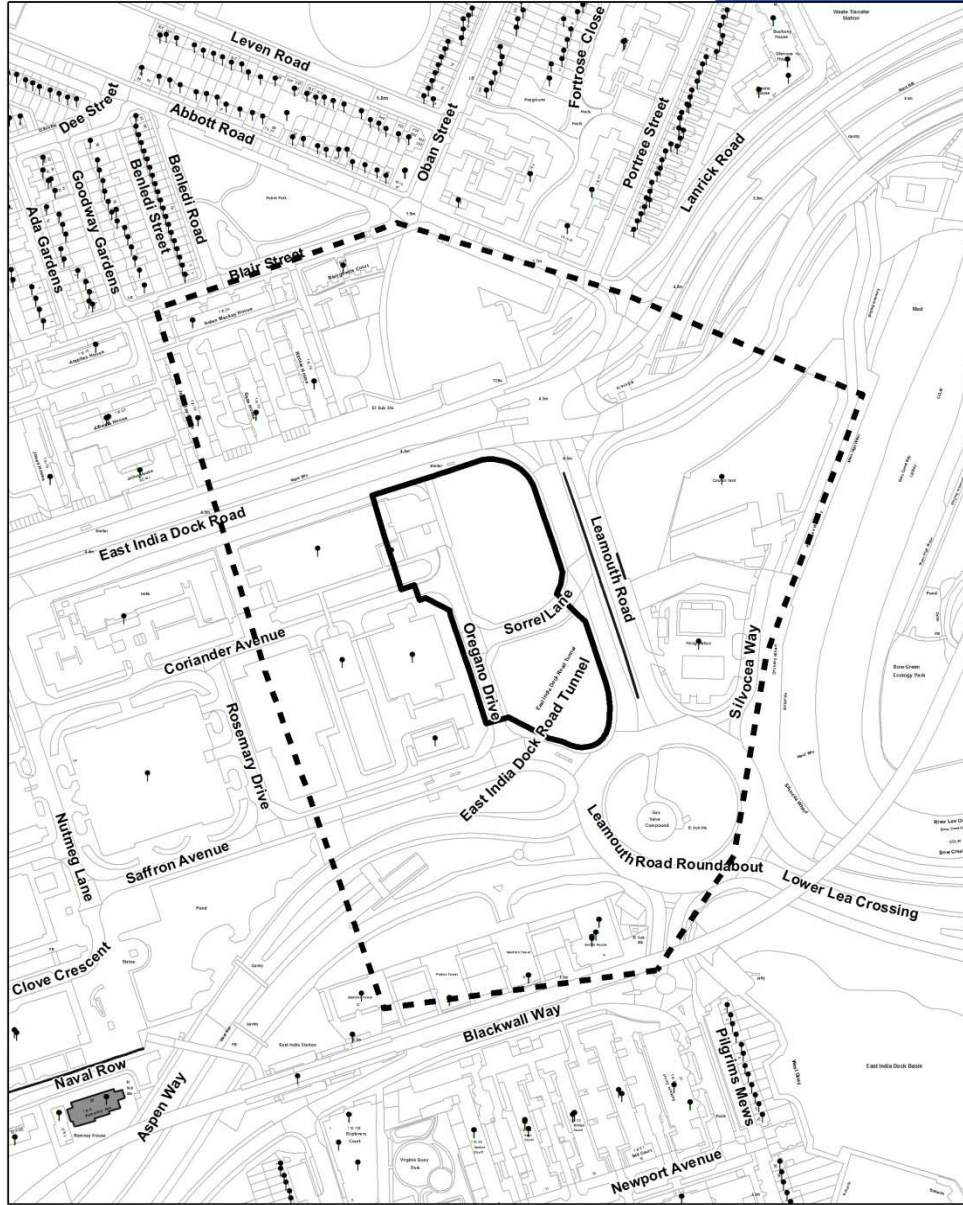
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

8.104. The contributions towards leisure and library facilities, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support the local community, the wellbeing of future employees of this development and promote social cohesion.

9. CONCLUSION

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

Planning Application Site Map
PA/14/00074



- | | | | |
|------------------------------------|----------------------------|---------------------|------------|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address | 0 20 m
 |
| Consultation Area | Statutory Listed Buildings | OSLine | |

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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1:3,000