

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 25 <sup>th</sup> September 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Robert Lancaster		<b>Ref No:</b> PA/14/00990	
		<b>Ward:</b> Canary Wharf	

## 1.0 APPLICATION DETAILS

**Location:** Quay House, 2 Admirals Way, London E14

**Existing Use:** B1(a) office use. Vacant 3 storey (1980s) office building (1,821 sq.m (GIA) floor space) and surface car park for 39 spaces.

**Proposal:** Demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys (233 metres AOD) comprising 496 residential units, 315.3 sq.m. (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

**Drawing Numbers:** 2211\_A\_9; 2211\_A\_10; 2211\_A\_11;  
2211\_A\_12; 2211\_A\_13; 2211\_A\_14;  
2211\_A\_15; 2211\_A\_30; 2211\_A\_31;  
2211\_A\_40; 2211\_A\_98; 2211\_A\_99;  
2211\_A\_100; 2211\_A\_101; 2211\_A\_102  
Rev 2; 2211\_A\_103 Rev 2; 2211\_A\_104  
Rev 1; 2211\_A\_105; 2211\_A\_106;  
2211\_A\_107; 2211\_A\_108; 2211\_A\_109;  
2211\_A\_201; 2211\_A\_202; 2211\_A\_203;  
2211\_A\_204; 2211\_A\_205; 2211\_A\_206;  
2211\_A\_210; 2211\_A\_211; 2211\_A\_212;  
2211\_A\_213; 2211\_A\_301; 2211\_A\_501;  
2211\_A\_502; 2211\_A\_510; 2211\_A\_511;  
2211\_A\_512; 2211\_A\_513; 2211\_A\_514;  
2211\_A\_515; 2211\_A\_590.

**Supporting Documents:** Planning Statement  
Design & Access Statement  
Affordable Housing Statement  
Sustainability Statement  
Energy Strategy  
Statement of Community Involvement  
Transport Assessment  
Viability Report  
Environmental Statement, Non-Technical Summary  
Environmental Statement, Volume I (main chapters), Volume II (Heritage, Townscape and Visual Impact Assessment) and Volume III (Technical Appendices).

**Applicant:** Investin Quay House Ltd

## **2.0 Executive Summary**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2 The proposed development would be a clear and demonstrable over-development of the site. This is exhibited by:
- 2.3 The proposed development would have a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height.
- 2.4 The proposed development would overhang and have an insensitive relationship with the South Dock southern quayside which would provide little visual relief, have an overbearing appearance from this important area of public realm and fail to provide a human scale of development at street level.
- 2.5 The proposed development would fail to present an active and engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and associated vehicle waiting area.
- 2.6 The development would fail to provide high quality child play space and, as a consequence would not provide high quality residential accommodation.
- 2.7 The benefits of the scheme, including but not limited to the redevelopment of a vacant building on brownfield land and the

provision of private and affordable housing, do not outweigh the harm identified above and, as a consequence, the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of overdevelopment of the site.

2.8 As such, the scheme is contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2.9 In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy; the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

### 3.0 RECOMMENDATION

3.1 That subject to any direction by the London Mayor, planning permission is **REFUSED** for the following reasons:

1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include:
  - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with a building of such significant height;
  - ii. an insensitive relationship with South Dock southern quayside, which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
  - iii. a failure to provide an active and engaging frontage on its southern façade due to its awkward geometry and design at lower levels;

- iv. a failure to provide high quality child play space which, as a result, would not provide high quality residential accommodation.

As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area.

Accordingly, it would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

- 2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Community facilities, Leisure facilities, Education, Health, Sustainable Transport, Public Realm, Streetscene and Built Environment, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

#### **4.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS**

##### Proposal

- 4.1 The proposal would involve the comprehensive redevelopment of the application site including the demolition of the existing 3 storey 1980's office block and the construction of a residential led mixed use tower rising to 233 metres (AOD) set over 68 storeys (excluding the double basement storeys). It would comprise 496 residential units, 315.3 square metres (GEA) of flexible commercial uses including retail/financial and professional services/café/restaurant uses (Use Classes A1 to A3), a residents' gymnasium and associated residential amenity space, car and cycle parking and landscaping.

- 4.2 The scheme would provide a total of 496 residential units with 25.78% affordable housing by habitable room. In dwelling numbers it would comprise 387 private units (78.02%); 37 Intermediate units (7.46%) and 72 rented units (14.52%). The detailed provision is set out below:

#### Number and Percentage of units and habitable rooms by tenure

	<b>Number of units</b>	<b>%</b>	<b>Habitable Rooms</b>	<b>%</b>
Open Market	387	78.02%	979	74.22%
Affordable rent	72	14.52%	234	17.74%
Intermediate	37	7.46%	106	8.04%
<b>TOTAL</b>	<b>496</b>	<b>100%</b>	<b>1319</b>	<b>100%</b>

#### Dwelling numbers and mix by tenure

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open market	58	128	143	54	4
Affordable Rent	0	18	18	36	0
Intermediate	0	12	18	7	0
<b>TOTAL</b>	<b>58</b>	<b>158</b>	<b>179</b>	<b>97</b>	<b>4</b>
<b>Total as %</b>	<b>11.69</b>	<b>25.81</b>	<b>36.09</b>	<b>19.56</b>	<b>0.81</b>

- 4.3 The scheme would contain a double basement containing an automated stacking system car park with vehicle lifts and space for refuse and plant.
- 4.4 The ground floor would make provision for separate entrance lobbies for the affordable housing and the private housing; commercial space and car park lift access and loading bay/waste storage.
- 4.5 The first floor would comprise more car parking through the automated stacking system with plant and 233 cycle parking spaces.
- 4.6 The second floor would contain cycle parking for 368 bicycles and a pool plant room; the third floor would comprise a residents gym/health spa/therapy rooms/Jacuzzi/swimming pool and residents' meeting room.
- 4.7 The 4<sup>th</sup> floor would comprise children's indoor and outdoor play areas and the 5<sup>th</sup> floor would contain more ancillary residential amenity and child play space.

- 4.8 The 6<sup>th</sup> floor upwards would contain the 496 residential units. The affordable housing units would be located between floors 6 and 12 and 16 and 20 with all the private residential units located between floors 13-15 and floors 21 and upwards. Amenity space is also provided on the 18/19<sup>th</sup> floors and the 66<sup>th</sup> and 67<sup>th</sup> floor.

#### Site and Surroundings

- 4.9 The irregular shaped development site comprises an area of 0.192 hectares and is located on the southern side of West India South Dock (south side) within the Millennium Quarter of the Isle of Dogs.
- 4.10 It is bounded by the South Dock quayside walkway and South Dock to the north; to the west by the vacant Arrowhead Quay site (subject of a live planning application for 2 towers of 50 and 55 storeys: PA/12/03315); and several 1980s docklands commercial buildings up to 6 storeys high to the east; and to the south by Admirals Way (private estate road) and the Docklands Light Railway (DLR) tracks (which also runs through the site at its western side). The Canary Wharf estate is located on the northern side of West India South Dock.
- 4.11 The application site contains a vacant 1980s 3 storey office building (1,871 sq.m) with a 39 space surface car park. The surface car park is accessed from Admirals Way, off Marsh Wall and is crossed overhead by the elevated DLR track.
- 4.12 The site is located approximately 500 metres walk away from South Quay (DLR) Station to the east along Marsh Wall, approximately 380 metres from Canary Wharf London Underground Station via the South Quay footbridge. The nearest bus stop lies 130 metres away from the site. The site has a Public Transport Accessibility Level (PTAL) of 5.
- 4.13 On the other side of South Dock (circa 80m wide) is Canary Wharf Estate, including the iconic 1 Canada Square (245.75m AOD). There is also an emerging context at the western end of the docks, which contains a number of sites with extant or unimplemented consents for significant tower buildings, including the "City Pride" permission for a 75 storey tower (239m AOD), "Riverside South" which contains a tower up to 241m AOD and "Newfoundland" a 60 storey tower (226m AOD).
- 4.14 Along Marsh Wall itself, there is the Pan Peninsula (south-east of the site) with two towers of 48 and 39 storeys and Landmark (to the west of the site) with two towers the tallest being 44 storeys in height and it is noteworthy that 40 Marsh Wall has an approval for a 38 storey hotel (125m AOD).

## Designations

- 4.15 The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.16 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.17 The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.18 The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.19 The site is adjacent to a Grade II Site of Borough for Nature Conservation (Millwall and West India Docks), which includes the South Dock. It is principally of importance for the regular presence of breeding and overwintering birds.
- 4.20 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.21 The site is within the London City Airport Safeguarding Zone.
- 4.22 The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.23 South Dock (on the site's northern edge) forms part of the Development Plan's Blue Ribbon Network.
- 4.24 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

## **5. Environmental Impact Assessment**

### EIA Regulations

- 5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 5.3 The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

### EIA Scoping

- 5.4 An EIA Scoping Report was submitted to LBTH in February 2014 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 2<sup>nd</sup> April 2014 and the EIA was informed by this document.

### Environmental Information

- 5.5 The ES was submitted by the applicant with the outline planning application. The ES assessed the effects on the following environmental receptors (in the order they appear in the ES):

- Chapter 5: Demolition and Construction;
  - Chapter 6: Waste and Recycling;
  - Chapter 7: Socio-Economics;
  - Chapter 8: Transportation and Access;
  - Chapter 9: Air Quality;
  - Chapter 10: Noise and Vibration;
  - Chapter 11: Ground Conditions;
  - Chapter 12: Water Resources, Drainage and Flood Risk;
  - Chapter 13: Archaeology;
  - Chapter 14: Wind Microclimate;
  - Chapter 15: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare;
  - Chapter 16: Electronic Interference.
  - Chapter 17: Cumulative Effects
- Appendix A: EIA Scoping Report and Scoping Opinion;

- Appendix B: Aviation;
- Appendix C: Ecology;
- Appendix D: Waste and Recycling;
- Appendix E: Health and Well Being;
- Appendix F: Transportation Assessment;
- Appendix G: Noise and Vibration;
- Appendix H: Drainage and Flood Risk Assessment;
- Appendix I: Archaeology;
- Appendix J: Wind Microclimate; and
- Appendix K: Daylight, Sunlight, Sun On Ground, Overshadowing and Solar Glare.

- 5.6 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 5.7 LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.
- 5.8 In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.
- 5.9 LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 5.10 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.11 The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 5.12 The Quay House application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 4: The Proposed Development of this ES (along with site baseline

surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).

- 5.13 The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 5.14 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

## 6.0 **Relevant Planning History**

- 6.1 The planning history of the site is a matter of public record and generally consists of applications for changes of use (granted and refused) and applications for advertisement consent. Listed below are a number of relevant applications in the surrounding area:

### Built

- 6.2 "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 6.3 "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.

### Consented / Implemented but not built

- 6.4 "Hertsmere House (Columbus Tower)" PA/08/02709 granted 2<sup>nd</sup> December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).
- 6.5 "Riverside South" PA/07/935 granted 22<sup>nd</sup> February 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).

- 6.6 “City Pride” PA/12/03248 granted 10<sup>th</sup> October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 6.7 “Newfoundland” PA/13/01455 granted 10<sup>th</sup> June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 6.8 “40 Marsh Wall” PA/10/1049 granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.

Under consideration

- 6.9 “Arrowhead Quay” PA/12/3315 for erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 6.10 “1-3 South Quay Plaza” PA/14/944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 6.11 “2 Millharbour” PA/14/1246 for erection of seven mixed-use buildings A, B1, B2, B3, C, D and E (a link building situated between block B1 and D)- ranging in height from 8 to 50 storeys.

- 6.12 “30 Marsh Wall” PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

## **7.0 POLICY FRAMEWORK**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 7.3 Core Strategy Development Plan Document 2010 (CS)

Policies:

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

Annexe 9: LAP 7 & 8: Millwall

## 7.4 Managing Development Document (2013) (MDD)

Policies:

- DM0 Delivering Sustainable Development
- DM3 Delivering Homes
- DM4 Housing Standards and amenity space
- DM8 Community Infrastructure

DM9 Improving Air Quality  
 DM10 Delivering Open space  
 DM11 Living Buildings and Biodiversity  
 DM12 Water spaces  
 DM13 Sustainable Drainage  
 DM14 Managing Waste  
 DM15 Local Job Creation and Investment  
 DM20 Supporting a Sustainable Transport Network  
 DM21 Sustainable Transport of Freight  
 DM22 Parking  
 DM23 Streets and Public Realm  
 DM24 Place Sensitive Design  
 DM25 Amenity  
 DM26 Building Heights  
 DM27 Heritage and Historic Environment  
 DM28 World Heritage Sites  
 DM29 Zero-Carbon & Climate Change  
 DM30 Contaminated Land

Site Allocation 17: Millennium Quarter

7.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012  
 Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)  
 Isle of Dogs Area Action Plan October 2007  
 Millennium Quarter Masterplan (2000)

7.6 Spatial Development Strategy for Greater London (London Plan 2011) (including Revised Early Minor Alterations 2013)

1.1 Delivering Strategic vision and objectives London  
 2.1 London  
 2.5 Sub-regions  
 2.9 Inner London  
 2.10 Central Activity Zone  
 2.11 Central Activity Zone - strategic  
 2.12 Central Activities Zone - local  
 2.13 Opportunity Areas and Intensification Areas  
 2.14 Areas for Regeneration  
 2.15 Town Centres  
 2.18 Green infrastructure  
 3.1 Ensuring Equal Life Chances for All  
 3.2 Improving Health and Addressing Health Inequalities  
 3.3 Increasing Housing Supply  
 3.4 Optimising Housing Potential  
 3.5 Quality and Design of Housing Developments

- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London’s visitor infrastructure
- 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
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings

- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

7.7 The 'Draft Further Alterations to the London Plan' were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public has been scheduled for 1 September 2014. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year), creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.

7.8 As the Further Alterations have been subject to public consultation, they are accumulating weight in determining planning applications and are considered to be an emerging material consideration with some weight.

7.9 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- London View Management Framework 2012
- Sustainable Design & Construction 2006
- Draft Sustainable Design and Construction (2013)
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- London World Heritage Sites – Guidance on Settings 2012

7.10 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)

**8.0 CONSULTATION RESPONSES**

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

- 8.2 The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

**Access Officer**

- 8.3 The Access Officer welcomes the detail provided in relation to access and inclusive design within the Design and Access Statement and requests a number of clarifications in relation to specific elements of the scheme.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed to secure any necessary alterations to the layout.)*

**Affordable Housing Team**

- 8.4 The applicant has made an offer of affordable housing equating to 25.78% by habitable rooms. This offer has been subject to viability testing and, whilst it falls below the Council's target of 35% affordable housing by habitable rooms, it is the most the development can viably offer. The level of affordable housing is therefore supported.
- 8.5 The Council targets a tenure split of 70% Affordable Rent and 30% Intermediate product. The development proposes 68.9% affordable rent and 31.1% intermediate (shared ownership). Whilst not precisely in accordance with the target, the deviation is not significant.
- 8.6 The applicant has confirmed that affordable rents will be in line with LBTH Affordable Rent levels for 2014/15, which are as follows: 1 bed, £224 per week; 2 beds, £253 per week; 3 beds, £276 per week, and 4 beds, £292 per week inclusive of service charges. This is supported.
- 8.7 The breakdown of units proposed units within the affordable element of the scheme is in accordance with LBTH policies for affordable rent tenure. For the Intermediate tenure: 30% of one bed units are proposed against our policy target of 25%, 50% of two bed units in accordance with our policy target and 20% of three bed units are proposed against our policy target of 25%. Whilst there is some deviation from the Council's preferred mix, the overall balance contributes to the Borough's affordable housing needs and is not objectionable.
- 8.8 The applicant has confirmed that the affordable units would have access to the play space on levels 4, 5 and 18 comprising 791.5 sqm of internal space and 448.31 sqm of external space (total 1,239.8 sqm). The applicant also confirms that the affordable units would have access to communal amenity space at levels 18 and 19 comprising 98.7 sqm of internal double height space and 69.2 sqm of external

space (total 167.9 sqm). Further details of these spaces should be secured by way of condition.

- 8.9 The 10% wheelchair accessible accommodation should be set out across the three tenure types of the scheme.
- 8.10 1:50 scaled drawings should be provided as soon as possible in order for LBTH access team to provide comments on the design layouts for these units along with details of the proposed internal communal space provision for all the affordable units.

*(Officer comment: If the application were to be approved, the affordable housing offer could be secured by way of legal agreement. Conditions could be imposed to secure 10% of homes being wheelchair adaptable / accessible and to provide details of the layouts of wheelchair units and communal space provision.)*

### **Waste Management Team**

- 8.11 No objections subject to the imposition of relevant conditions.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Environmental Health**

- 8.12 **Contaminated Land:** Have no objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.13 **Noise and Vibration:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.
- 8.14 **Air Quality:** No objections subject to the imposition of relevant planning conditions should planning permission be granted.

*(Officer comment: If planning permission were to be granted for the scheme then relevant planning conditions could be imposed.)*

### **Transportation & Highways**

#### Car Parking

- 8.15 The submitted application is for a stacking car parking system which houses 42 spaces, 39 of which are for residents and three for visitors. The transport assessment makes a case that the site is highly accessible in terms of public transport and has included a site specific PTAL assessment which rates the site as having a PTAL of 5, in contrast to TfL's assessment which is 3. This is because, in all likelihood, that TfL has not taken the pedestrian bridge to the north of the site into consideration. A PTAL of 5 is considered very good, in

terms of public transport accessibility and we would be looking for and encouraging a car free development, with provision only for disabled parking spaces. Should permission be granted then a 'Permit Free' agreement which restricts residents from obtaining a permit in the surrounding CPZ will be required, secured via the S106 agreement along with a Car Parking Management Strategy to ensure that disabled residents can secure a parking space.

*(Officer comment: Whilst it is noted that the Highways Department encourage a 'car free' development, the proposal is in accordance with policy and therefore a refusal on this basis would not be considered reasonable.)*

*Were the application to be approved, then the s106 agreement and/or conditions could ensure that the development is "permit free" (other than for those households which benefit from the Permit Transfer Scheme) and a Car Parking Management Strategy to ensure, inter alia, that 10% of the spaces are reserved for Blue Badge holders and these residents can secure the parking spaces at an affordable rate.)*

#### Cycle Parking

- 8.16 Cycle parking is provided on the first and second floor and meets the minimum standards set out in the MDD. It is proposed that these will be a mixture of single and double stackers. It is recommended in the MDD that the 'Sheffield' type stand is LBTH preference and we would be looking for a good percentage of the stands to be of this type. Visitor parking and parking for the commercial units are proposed and this is welcomed. Full detailed drawings of the cycle storage will be required as a condition if permission is granted.

*(Officer comment: The applicant has confirmed that 55 of the residential parking spaces will be Sheffield stands, with the remainder in double stackers. Visitor parking and parking for the commercial units can be secured by way of condition.)*

#### Servicing

- 8.17 Servicing is proposed from a dedicated ground floor bay. The area where service vehicles are expected to turn is a shared area with pedestrians. A safety audit, looking at the interaction between service vehicles and pedestrians should be undertaken to highlight any risk and mitigation that may be required. With such a large scheme in terms of residential units the needs for residents moving in and out also need to be considered and I do not believe this has been taken into account.
- 8.18 The vehicular access for the car park and servicing is off a private road, Admirals Way, and there is currently a manned security gate in the vicinity of the access. No mention has been made of this and

whether the applicant has any agreement to move this to facilitate their vehicle access. Further details are required on how this is proposed to operate.

*(Officer comment: It is agreed that the proposal has the potential to cause conflict between pedestrians and service vehicles. Due to the the likely low speeds along with the potential to secure safety measures by condition, it is not considered to cause a significant risk to pedestrian safety, rather it is considered to be a poor design solution, likely to inconvenience pedestrians and undermine the quality and permeability of the proposed public realm.*

*In relation to the second point, if the application were to be approved a Grampian condition may be required to ensure that the developer has secured the necessary legal rights (prior to starting on site) to develop the site in the manner envisaged in the application.*

#### Planning obligations and conditions

- 8.19 There is likely to be an increase in pedestrian permeability through the site, which is welcomed. The effect however, on the pedestrian bridge as a result in the numbers of new residents has not been taken into account. A financial contribution towards the proposed new bridge (as part of the Millennium Quarter Masterplan) should be considered.
- 8.20 The site has a very small footprint and construction is likely to pose a problem, particularly on other users of Admirals Way. Should permission be granted a Construction Logistics Plan will be required by way of condition.
- 8.21 The applicant will also be required to enter into a Section 278 agreement with the Highways Authority to cover any works or improvements to the local public highway network which may be required.
- 8.22 A financial contribution towards works on Marsh Wall, including pedestrian crossing facilities, will be required.

*(Officer comment: Were the application to be approved a Construction Logistics Plan could be secured by way of condition along with a condition to address a scheme of public highway improvements (s278 works). The applicant has offered £268,043.71 towards highways improvements which may be directed towards pedestrian improvements on Marsh Wall or a second foot bridge over South Quay.*

#### Summary

- 8.23 In summary, the applicant has made a case for the site to be considered as having a PTAL of 5, which is considered to represent an

area of very good public transport accessibility. In areas such as this LBTH would expect a car free development, with the only parking reserved for accessible parking. No specific accessible parking is being proposed at this development. As a result this group cannot support the application.

*(Officer comment: Comments noted and addressed in detail above.)*

### **Biodiversity Officer**

- 8.24 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. The proposed development would increase the shading of part of the SINC but, due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 8.25 The proposed landscaping includes "green mounds" around the trees and linear planters and a brown roof on the 4<sup>th</sup> floor terrace. These offer opportunities for biodiversity enhancements. A condition should require full details of the landscaping, including the species to be planted, to be approved by the Council before work commences. The landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.

*(Officer comment: The matters raised are noted and the biodiversity benefits sought could be addressed by planning condition were planning permission to be granted.)*

### **Employment & Enterprise Team**

- 8.26 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant offer in respect of skills and training along with apprenticeship places in the construction phase.

*(Officer comment: If planning permission were to be granted the Council could secure these obligations through the s106).*

### **Energy Efficiency Unit**

- 8.27 The proposal would incorporate measures that would reduce CO2 emissions by 41% over the Building Regulations baseline. Policy DM29 seeks a 50% reduction. In accordance with the Planning Obligations SPD the applicant has offered a cash-in-lieu payment of

£126,720 to mitigate this shortfall. The approach to CO2 emissions reduction is supported.

- 8.28 In terms of sustainability, residential development is required to achieve a Code for Sustainable Homes Level 4 rating and for the commercial element BREEAM 'excellent'. The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and this should be secured via an appropriately worded Condition
- 8.29 A condition is also recommended to ensure that the development connects to the Barkantine District Energy network should it become available.
- 8.30 *(Officer comment: If planning permission were to be granted relevant planning conditions and obligations can address the items above).*

### **Communities, Localities & Culture (CLC)**

- 8.31 CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea Stores, libraries and archive facilities. CLC, therefore seek that Planning Obligation SPD compliant contributions are secured.
- 8.32 *(Officer comment: If planning permission were to be granted the Council would secure these obligations through the s106.)*

### External Consultees

#### **London Legacy Development Corporation (LLDC)**

- 8.33 The LLDC has written stating that it has no comments to make on the application.

#### **Natural England**

- 8.34 Natural England advises that the scheme is unlikely to affect statutorily protected sites or landscapes. Otherwise they provide generic advice in respect of protected species, local sites, biodiversity and landscaping enhancements.

#### **Canal & River Trust (CRT)**

- 8.35 CRT supports the proposal to unlock the potential of the waterside by animating and opening up the ground level uses within the site as much as possible, and the opening up of the public realm beneath the

DLR. CRT is also pleased to see the proposed active retail frontages around the building and has no objection to the height of the building.

- 8.36 CRT would like to see an enhancement of the dockside walkway including soft and hard landscaping, paving, dock edge treatment and street furniture as part of a Section 106 agreement. CRT would also suggest that services for moorings be provided to the dock edge.
- 8.37 CRT has also requested that should the Council grant planning permission then a number of planning conditions could be imposed to a risk assessment and method statement outlining all works carried out adjacent to the dock; a lighting and CCTV scheme; a landscaping scheme; survey of the condition of the dock wall and a method statement and schedule of repairs identified; surface water run-off and ground water that may drain into the waterway; and, a feasibility study to be carried out to assess the potential for moving freight by water during construction (waste and bulk materials) and following occupation (waste and recyclables).

*(Officer comment: If planning permission was granted the requested planning conditions and informatives would be imposed and the sought public realm enhancements to include dockside paving, seats and bins could be dealt with in the s106.)*

#### **English Heritage (EH)**

- 8.38 EH has advised that this development would not warrant significant concerns in relation to the level of impact on designated heritage assets as the development forms part of a larger cluster of tall buildings. They advise that the Council should consider the potential for the site to draw attention to the "Grand Axis" (the view from General Wolfe Statue (LVMF View 5A). They recommend that the application be determined in accordance with national and local guidance.

*(Officer comment: This issue is dealt with in the main body of the report.)*

#### **English Heritage Archaeology (Greater London Archaeology Advisory Service: GLAAS)**

- 8.39 GLAAS considers that the archaeological interest of the site can be adequately conserved by attaching a suitably worded planning condition.

*(Officer comment: If planning permission were to be granted, an appropriate condition would be imposed.)*

#### **Environment Agency (EA)**

- 8.40 The EA advises that the proposal will result in a more vulnerable use within Flood Zone 3. This use is appropriate within Flood Zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test the LPA must be satisfied that there are no alternative sites available for the development at a lower risk of flooding.
- 8.50 Providing the site passes the Sequential Test, a Flood Risk Assessment should be undertaken which demonstrates that the development will not be at an unacceptable risk of flooding and will not increase flood risk elsewhere. Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The LPA's Strategic Flood Risk Assessment shows that parts of the site will be at risk of flooding if there was to be a breach in the tidal defences but EA's most recent study shows that the site is unlikely to flood during a breach event. The EA consider the development to be at a low risk of flooding.
- 8.51 EA would recommend that a planning condition be imposed to control the finished floor levels for the proposed development

*(Officer comment: The Council's Core Strategy and Managing Development Document DPDs were each subject to a Strategic Flood Risk Assessment. The site is identified as being located within Millwall (a regeneration area where there will be a focus area for the majority of housing) and also being a part of the Millennium Quarter site allocation, it has also been subject to a sequential test. The application was accompanied by a Flood Risk Assessment that was submitted as part of the environmental statement and the Council's external and independent consultants have assessed and found acceptable. If planning permission were to be granted it is recommended that the requested condition is imposed).*

#### **London Fire and Emergency Planning Authority (LFEPA)**

- 8.52 LFEPA considers that the water supply proposed is satisfactory with reference to the design and access statement. There was however, no information directly related to Fire Service Access provided. Therefore meaningful observations cannot be made on Fire Service Access at this stage.

*(Officer comment: The Council's Building Control team has assessed the proposal and advises that there is sufficient space within the building core for a separate wet rising mains to be provided to ensure fire safety. In addition, the existing road network at Admirals Way provides sufficient space for a fire vehicle to stop within the required distance (18 metres maximum) to deal with a fire emergency. The applicant has submitted drawings to demonstrate that the above design details meet the LFEPA concerns. As such, if planning*

*permission were to be granted then a suitable planning condition could be imposed to seek and secure details relating to the matter.)*

### **Thames Water (TW)**

- 8.53 TW states that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW therefore recommends that a suitably worded condition be imposed to ensure that Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. TW also recommend that a condition be imposed to control the piling methods for the building. It also requests that a condition be imposed to allow a review of the development's drainage plan.

*(Officer Comments: Were planning permission to be granted the above conditions could be imposed.)*

### **London City Airport (LCY)**

- 8.54 LCY has no safeguarding objection. LCY has requested that planning conditions be imposed on any planning permission to cover the details of cranes and scaffolding during construction; that any change to the building height or its location be re-submitted to LCY for reassessment; and that all landscaping plans and plantations be considered with a view to making them unattractive to birds.

*(Officer comment: Were planning permission to be granted then the above matters could be dealt with by way of suitable planning conditions.)*

### **Metropolitan Police Crime Prevention Design Advisor**

- 8.55 The Met Police have no objections subject to the imposition of a suitable planning condition to ensure that the scheme meets Secured by Design section 2 Certification.

*(Officer comment: Were planning permission to be granted a condition could be imposed to ensure the development achieved Secure by Design accreditation.)*

### **London Underground Infrastructure**

- 8.56 No comments. However, this site appears to be in close proximity to the Docklands Light Railway. Therefore we advise you to contact the Property Department of the DLR to determine what impact, if any, there may be to their infrastructure.

*(Officer Comment: DLR were consulted on the application.)*

### **Docklands Light Railway**

- 8.57 DLR comment that their views are provided as part of Transport for London's response.

### **Port of London Authority (PLA)**

- 8.58 The PLA has no objection in principle to the proposed development. The PLA requests a condition to maximise the movement of construction material and waste by river. They also request that river bus use is maximised.

*(Officer comment: if planning permission were to be granted for the development a suitable planning condition could be imposed to investigate the feasibility of moving construction material and waste by river. The residential travel plans would be designed in such a way as to encourage the use of river buses).*

### **Maritime Greenwich World Heritage Site Executive (Greenwich Foundation for the Old Royal Naval College)**

- 8.59 Maritime Greenwich objects to the application on the grounds that: (1) it would have a significant impact on an important strategic view from the Maritime Greenwich World Heritage Site; (2) the continuing expansion of development to the West of the Grand Axis, which if unchecked would destroy an important part of London's skyline, creating a disconnect between the two banks of the River Thames and undermining the importance of the Grand Axis as a key attribute of the Outstanding Universal Value of the World Heritage Site; and (3) there are a number of consented but unbuilt buildings behind and to the North of the proposed Quay House development and indeed a number of planning applications in the pipeline in front of and to the South of it. These have the potential to compound a negative impact of the skyline.

- 8.60 MGWHSE consider that the determination of this application ahead of the emergence of the London Borough of Tower Hamlet's Masterplan for the South Quay area is premature.

*(Officer comment: these issues are addressed within the design section of this report).*

### **London Borough of Southwark**

- 8.61 No comments.

### **London Borough of Greenwich**

- 8.62 Greenwich Council objects to the proposal to construct a tower of up to 68 storeys. The Council expresses concern on the excessive height of

a development that would be located significantly to the south of the existing Canary Wharf cluster of tall buildings. The proposed development will bring new tall buildings even closer to the northern edge of the Maritime Greenwich World Heritage Site, and as a result, would have detrimental impact on the setting of the World Heritage Site and the panoramic views from General Wolfe Monument in Greenwich Park, contrary to Greenwich's policies and the London View Management Framework Supplementary Planning Guidance, March 2012.

*(Officer comment: These issues are addressed within the main body of the report).*

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

- 8.63 London Plan policies on housing, affordable housing, strategic views, World Heritage Sites, historic environment, urban design, tall buildings, Blue Ribbon Network, inclusive design, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Housing:** Further detail should be provided on the residential quality of the proposals, particularly in relation to the standards contained in the Housing SPG. In the context of the emerging Supplementary Planning Document for the South Quay area, further discussions are required concerning the capacity of existing local amenities, infrastructure and services to support the development, before the proposal can be considered acceptable with regards to density.

*(Officer comment: The applicant has provided further clarification regarding housing quality. If the application were to be approved, a condition could address the remaining matters.)*

*In relation to the impact on amenities, infrastructure and services these are addressed in chapter 9 of this report.)*

**Affordable housing:** The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12. Further information should be provided on the feasibility of social/affordable rent units, and evidence of discussions with potential providers.

*(Officer comment: Affordable Housing is addressed in chapter 9 of this report.)*

**Strategic views, World Heritage Sites and historic environment:**

The proposed building will have a negligible impact on LVMF strategic views 11B.1 and 11B.2 and the Tower of London World Heritage Site. It will have a greater impact on LVMF strategic view 5A.1 and the Maritime Greenwich World Heritage Site, marking the historic axis; however, as part of the developing cluster, it will not detract from the integrity and importance of the World Heritage Site.

*(Officer comment: The impacts on heritage assets are addressed in chapter 9 of this report.)*

**Urban design and tall buildings:** The applicant should reconsider the layout of the ground floor, clarify issues relating to the extent of glazing in the facades, and address concerns about the impact of the building of the proposed building on the Arrowhead Quay site.

*(Officer Response: The applicant has clarified issues regarding the extent of glazing. The impacts of the proposed building on the Arrowhead Quay site are addressed in Chapter 9 of this report. GLA are now satisfied with the layout of ground floor due to the active frontage provided by retail uses.)*

**Blue Ribbon Network:** The improvement to the dock edge is strongly supported.

*(Officer comment: Were the application to be approved, improvements in the dock edge (including paving, street furniture and dockside fencing & chains could be secured via the s106 agreement.)*

**Inclusive design:** Further information is required on the segregation of road and pedestrian routes; access to the car lift; Lifetimes Homes standards; the design of Blue Badge parking bays; a car parking management strategy; and mobility scooter storage and charging.

*(Officer comment: The applicant has provided clarification in respect of the car lifts, lifetime homes standards, parking bay design and mobility scooter storage and charging. If the application were to be approved, a condition / legal agreement could address the requirement for a car parking management strategy. Officers consider that the proposal, due to its location of its servicing bay would lead to conflict between pedestrians and servicing vehicles further undermining the quality and permeability of the limited and constrained public realm.)*

**Climate change:** Further information is required on overheating; DER and TER sheets; connection to the Barkantine district heating network; the number, location and floor space of the energy centres; CHP and system carbon saving calculations and running times.

*(Officer comment: The applicant has provided clarification in respect of the potential for overheating, emissions rates, energy centres and carbon saving calculations and running times. Were the application to be approved, a condition could ensure that the development could connect to the Barkantine DHN if it became available.)*

**Transport:** TfL is concerned that the changes and iterations to the plans since pre-application discussions are not in line with aims to promote pedestrian safety and disabled parking accessibility. Further discussions are required concerning the impact on DLR infrastructure. PCL and PERS audits are required before the application is referred back to the Mayor.

*(Officer comment: See TfL comments in section 8.64-8.79.)*

## **Transport for London**

### Site, Location and access

- 8.64 TfL highlight their disappointment with the number of parking spaces increasing since their pre-application discussions with the applicant. TfL highlight the site's location would support a low level of car parking.

*(Officer comment: The level of parking proposed is compliant with Policy.)*

### Car Parking & Access

- 8.65 TfL raise concerns with the ability of disabled users to use the car stacking system. TfL are also concerned that there is insufficient space for car to queue to use the single lift to the basement and the back end of a waiting car would overhang the public highway, compromising pedestrian safety and amenity.

*(Officer comment: The applicant has since provided clarification in respect of the car stacking system as well as 'reservoir' space for queuing vehicles.)*

### Cycle Parking

- 8.66 TfL confirms that the quantity of residential parking spaces is acceptable. However, the documentation does not describe the type of parking.
- 8.67 TfL confirm the number of visitor cycle parking spaces is acceptable, however they note that their proposed location under the DLR is unlikely to be acceptable due to operational access requirements for repair and emergency purposes.

*(Officer comment: The applicant has confirmed that the majority of the cycle parking will be on double stackers whilst 55 spaces will be provided by Sheffield stands.*

*The applicant has proposed an alternative location for visitor cycle parking, which could be secured by condition if the application were approved.)*

#### Trip Rate & Modal split (assessment of impacts)

##### Vehicular

- 8.68 TfL confirms that the vehicular trip rate is likely to be slightly less than for the current land use. However, due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.

*(Officer comment: It is inconceivable that the use of the proposed 42 parking spaces could have a material impact on junction capacity (particularly given the likely vehicular trip generation of the existing use). In any case, TfL are now satisfied with the applicant's clarifications in respect of the extent of the submitted Transport Assessment.)*

##### Public Transport - DLR

- 8.69 TfL confirm that much of the site is within the DLR Protection Zone and a property agreement with DLR will therefore be required.
- 8.70 TfL considers there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London way-finding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development.
- 8.71 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

*(Officer comment: Were the application to be approved, a way-finding strategy could be secured by condition.)*

##### Public Transport - Buses

8.72 TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.

8.73 TfL requests that the applicant clarifies whether the kerb heights meet the minimum height thresholds for bus stops. If not, TfL may seek a Section 106 contribution towards remedial works.

*(Officer comment: Were the application to be approved, a contribution towards bus capacity could be secured by way of the s106 agreement. The applicant has provided further information in respect of kerb heights for bus stands).*

#### Public Transport - walking & cycling

8.74 TfL strongly supports the provision of a second footbridge across South Dock and will support the seeking of pooled funding for this bridge.

*(Officer comment: The applicant has offered £268,043.71 towards highways improvements which may be directed towards a second footbridge).*

#### Public Transport - cycle hire

8.75 TfL is seeking pooled contributions from sites within the emerging South Quay Masterplan area towards the provision of additional cycle hire capacity. Therefore, in accordance with London Plan policy 6.9 'cycling', TfL requests that the Council secures a contribution of £70,000 within the section 106 agreement towards the provision of additional cycle hire capacity within the site's locality.

*(Officer comment: Were the application to be approved, a contribution towards cycle hire could be secured by way of the s106 agreement.)*

#### Servicing

8.76 TfL is concerned that the arrangement is very tight for turning on the site as it appears the larger vehicles, especially the 10m length, will encroach onto public open space and could come into conflict with pedestrians whose movement towards the South Quay Bridge may be impeded.

8.77 TfL also raise concern that the proposed arrangements for refuse (storing the bins in the loading bay on collection day) could take the loading bay out of use for half an hour, several times a week as recycling and general waste is collected separately.

- 8.78 TfL also requires protections in place for the DLR elevated rail supports from servicing lorries and cars accidentally hitting these supports.

*(Officer comment: Officers agree that the servicing strategy would result in conflict between pedestrians and servicing vehicles. Protection for DLR supports could be secured by condition if the application were to be approved.)*

#### Other measures

- 8.79 TfL will require the provision of a Construction Logistics Plan, Car Parking Management Plan, Travel Plan and Servicing Plan as conditions on any grant of planning permission.

*(Officer comment: These matters could be secured by condition were the application to be approved.)*

### **8.0 LOCAL REPRESENTATION**

- 8.1 In excess of 6,000 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.

- 8.2 The number of representations received from neighbours in response to notification and publicity of the application were as follows:

**No of individual responses: 47    Object: 22    Support: 25**  
**No petitions received. 0**

- 8.3 The full responses are on public file. Some of the key issues in letters of support and objection may be summarised as follows:

#### In support

- The development would boost the local economy;
- The development would provide much needed additional housing and particularly affordable housing;
- The development would see the redevelopment of a disused site;
- The proposal would provide public realm, improve the area under the DLR and deter anti-social behaviour;
- The proposal includes high quality homes;
- The scheme would provide play, leisure and other facilities for young and old people as well as families;
- The aesthetic and environmental elements of the building are commendable.

*(Officer comment: The need for additional housing, including affordable housing is recognised as a significant benefit to the*

*scheme. Nonetheless, the overall quality of the scheme is such that the benefits of the scheme do not outweigh the identified harm.)*

### **In objection**

- Overdevelopment of a restricted site;
- The height, scale mass and density of the proposal are unacceptable;
- The proposal does not integrate into the townscape;
- The development would infill the “Grand Axis” and would detract from views from General Wolfe Statue and Queen’s House;
- The development exceeds London Plan density standards and does not demonstrate the exceptional circumstances needed to justify such density;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- There are unresolved legal issue which may affect the deliverability of the site;
- The Waterside / Thames Haven estate should be subject to a Masterplan and redeveloped comprehensively;
- The proposal would increase noise and vibration to surrounding properties;
- Admiral’s Way is too small to serve a large development;
- The proposal would create noise, disturbance and dust during construction;
- The construction process would hamper the operation of other businesses on Admiral’s Way;
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Prejudice the redevelopment of sites to the east.

*(Officer comment: The proposed density, scale, massing and height are addressed in Chapter 9 of this Report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

*In relation to the “unresolved legal issues” these relate to rights of way, oversailing rights, rights to light and various other leaseholder/freeholder consents and land ownership matters. These are essentially private matters. If the application were to be approved, it may be appropriate that a Grampian condition be imposed to ensure that the developer secures all necessary rights prior to implementing the permission.*

*Loss of value to neighbouring properties is not a material planning consideration.*

*The Council is pursuing a South Quay Masterplan SPD to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. Given its early stages of development it has little weight as a planning consideration.*

*In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved through conditions such as a construction management plan.)*

## 9.0 **ASSESSMENT OF APPLICATIONS**

9.1 The main planning issues that the committee raised by the scheme are:

### 10: Land-use

- Principles

### 11: Density / Quantum of Development

### 12: Housing

- Principles
- Affordable Housing
- Housing Mix
- Quality of Accommodation
- Daylight and Sunlight
- Amenity Space and Public Open Space
  - o Private Amenity Space
  - o Communal Amenity Space
  - o Public Open Space
  - o Child Play Space

### 13: Design

- Policies
- Context
- Assessment
  - o Heights
  - o Setting and Local Views
  - o Architecture
  - o Grand Axis
  - o Impact on neighbouring sites
  - o Microclimate
  - o Secure by Design
  - o Inclusive design
  - o Conclusion

### 14: Neighbouring Amenity

- Privacy
- Outlook / Sense of Enclosure
- Daylight and Sunlight
  - o Permanent and Transient Overshadowing

- o Solar Glare

15: Heritage

- Heritage Policies and Guidance
- Strategic Views
- Archaeology
- Surrounding Conservation Areas, Listed Buildings

16: Transport

- Trip Rates
- Vehicular Access
- Car Parking
- Cycling and Walking
- Public Transport
  - o Buses
  - o DLR
  - o Crossrail
  - o Jubilee Line
- Demolition and Construction Traffic
- Servicing and Deliveries

17: Waste

18: Energy and Sustainability

19: Environmental Considerations

- Air Quality
- Noise, Vibration and Odour
- Contaminated Land

20: Flood Risk and Water Resources

21: Biodiversity

22: Television and Radio Reception

23: London City Airport Safeguarding Zone

24: Health

25: Impact on Local infrastructure and facilities

26: Other financial considerations

27: Human Rights considerations

28: Equalities Act considerations

29: Conclusion

**Land Use**

- 10.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 10.2 At a national level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and

applications should be considered in the context of the presumption in favour of sustainable development.

- 10.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 10.4 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 10.5 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 10.6 The scheme proposes the demolition of a vacant office building (circa 1800sqm) and the construction of a mixed use residential-led development, including retail uses at ground floor. This would not be inconsistent with London Plan Isle of Dogs Opportunity Area policies (which include Central Activity Zone policies pertaining to offices) which seek housing as well as employment growth. Moreover, the London Plan recognises there is significant potential to accommodate new homes and scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of uses. The active (retail) uses at ground floor with residential above is also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 10.7 Having regard to the policies applicable to this site, it is considered that the harm associated with the loss of the (vacant) office accommodation is outweighed by the potential benefits associated with a residential-led re-development on this site. Accordingly, the principle of the proposed land uses is supported.

### **Density/Quantum of Development**

- 11.1 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

- 11.2 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 11.3 The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is very good and is PTAL 5
- 11.4 The site area is 0.192ha (including the DLR tracks which cross the site and the exclusion zone) and contains 496 units (1319 habitable rooms). Therefore, the proposed density is 6,869 habitable rooms per hectare (2,583 units per hectare). However, the site includes the DLR tracks which are 9.5m wide and 50m long (475sqm) which is a very significant constraint and detracts from the ability of the site to mitigate its own impacts. It may be more appropriate, therefore, to consider the density measurement excluding this area. In this case, the density would increase to 9,128 habitable rooms per hectare (3432 units per hectare).
- 11.5 The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 11.6 Advice on the interpretation of density can be found in the SPG which reads as follows:
- "...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."
- 11.7 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide

range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

11.8 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would be an over-development of the site, in particular:

- it would provide a limited and compromised public realm and not have a setting commensurate with a building of such significant height;
- it would overhang South Dock southern quayside providing little visual relief for people using this public realm and be overbearing and fail to provide a human scale of development at street level;
- it would not present an active and engaging frontage on its southern façade due to its awkward geometry, obscure glazing at lower levels and prominent car stacker entrance and vehicle waiting area;
- it would fail to provide high quality child play space which, as a result, would not provide high quality residential accommodation;
- the proposed servicing arrangements would bring servicing vehicles into conflict with pedestrians, further compromising the quality of the proposed public realm and would be uncomfortable for pedestrians undermining the permeability benefits of opening up this area for public use;
- There is a potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these

sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.

- 11.9 As a result, it is considered that the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of over-development.

## **Housing**

### Principles

- 12.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 12.2 The application proposes between 496 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan.
- 12.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

- 12.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 12.5 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual

sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

- 12.6 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 12.7 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 12.8 The affordable housing offer is 25% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved.
- 12.9 The affordable housing is being offered at a 69:31 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy is minor and the tenure split is supported.
- 12.10 The affordable rented units are offered at the LBTH affordable rent levels for this postcode. The 1-bed flats would be £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

## Housing Mix

12.11 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

12.12 The table below compares the proposed target mix against policy requirements:

<b>Ownership</b>	<b>Type</b>	<b>Policy requirement (%)</b>	<b>Proposed mix</b>
<b>Private</b>	Studio	0	20
	1 bed	50	40
	2 bed	30	25
	3 bed	20	12
	4+ bed	0	3
<b>Affordable Rented</b>	1 bed	30	30
	2 bed	25	25
	3 bed	30	30
	4+ bed	15	15
<b>Intermediate</b>	Studio	0	0
	1 bed	25	30
	2 bed	50	50
	3 bed	25	20
	4+ bed	0	0

12.13 The affordable-rented units are in accordance with policy. The proposed intermediate mix is 5 percentage points more than the policy for the 1-beds and 5 percentage points lower in the 3-beds. This is not a significant deviation from policy in this instance, due to the challenges around affordability for 3-bed intermediate units in high value areas.

12.14 The private mix is focussed towards studios and 1-and 2 -beds, albeit a proportion of 3+beds are proposed. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG

argues that it is inappropriate to crudely apply “*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*”. The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

- 12.15 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council’s Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

#### Quality of residential accommodation

- 12.16 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 12.17 All of the proposed flats meet or exceed the London Plan minimum internal space standards. There are no single aspect north facing flats. There are no more than 8 flats per core for the affordable rented flats and 9 flats per core between levels 14-58 (private and intermediate tenures), this is considered to accord with objectives of the Housing SPG. As currently proposed some of the proposed flats would not have sufficient storage space, however this can be addressed by condition. There is no natural light to the corridors, however given the staggered nature of these corridors, natural light would only have a limited benefit in any case. The flats can be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable (for the private and intermediate tenures) and wheelchair accessible (for the affordable rented tenures) – conditions could secure the above. The 3-bed affordable rented properties, as currently proposed, do not have separate kitchens. However, again this could be addressed by condition. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height is 2.5m in accordance with relevant policy and guidance.

### Internal Daylight and Sunlight

- 12.18 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.
- 12.19 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

### Daylight

- 12.20 The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development in both the existing situation and when considering all the cumulative surrounding development. The Council's consultants, Delva Patman Redler (DPR) have provided as with their interpretation of the results.
- 12.21 DPR advise that, for the existing scenario, the levels of light to the proposed flats would be very good with only minor exceptions. Only 2% of rooms do not meet the necessary standard. These being some bedrooms, where small windows lead on to a balcony and it is that balcony that limits available sky visibility.
- 12.22 In the cumulative scenario, there are additional reductions in light, 11% of rooms do not meet the ADF standard. In this scenario there are also living rooms which do not meet the ADF standard. These are primarily located on the centre of the east and west elevations where other proposed tall buildings will be under a light of sight. In the worst cases, the ADF is 1.1 (as opposed to a standard of 1.5), but these are rooms which have large balconies which limit sky visibility and are larger than normal rooms. The levels of light the proposed flats would receive are generally good given the context of high rise towers in the cumulative scenario. It is worth noting, however that were the remainder of the Admiral's Way estate was to be redeveloped in line with the Site Allocation, the daylight levels to eastern façade would inevitably be impacted.

### Sunlight

- 12.23 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the

window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

- 12.24 The internal sunlight potential has been tested for applicable rooms. In the baseline scenario all of the relevant rooms enjoy levels at or in excess of the standards advised by BRE. In the cumulative scenario, the south-east facing flats continue to benefit from good light whilst to the west, there are more significant reductions. This is due to the shadow caused by proposed neighbouring dwellings. Overall, however the levels of sunlight in the cumulative scenario would be commensurate with residents' expectations in this area.

#### Amenity space and Public Open Space

- 12.25 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provide guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

#### *Private Amenity Space*

- 12.26 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 12.27 The proposal provides private amenity space to all of the flats in compliance with the above quantitative standard in the form of winter gardens. It is likely, however, that for the lower level west facing flats, the impact of the DLR line would result in uncomfortable levels of noise when the winter garden is used as a balcony and these balconies would generally have a poorer outlook.
- 12.28 It is noteworthy that, without mitigation, the balconies are mostly inappropriate for their intended use in relation to microclimate (wind levels). The balconies that require mitigation (substantial parapets and 50% overhead canopies) would inevitably have a reduced perception of openness that one might otherwise enjoy from these amenity areas.

#### *Communal Amenity Space*

12.29 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 536sqm. The proposal would provide 617.1m sqm of communal amenity space (187.3sqm of which is internal and 486.8sqm of which is on a terrace.) The internal and external spaces are located on levels 18-19 for the affordable residents and on levels 66-67 for the private flats.

*Child play space*

12.30 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 127.6 children (0-15 years of age) and therefore 1,276sqm of play space is required. A breakdown by age bracket is provided below:

- 53.7 children who are between 0-3 requiring 537sqm of space;
- 50.5 children who are between 4-10 requiring 505sqm; and,
- 23.4 children who are between 11-15 requiring 234sqm.

12.31 In relation to child play space, 555sqm of child play space is provided for very young children (416.5 internally and 139sqm externally). For children aged 4-10 506.4sqm of child play space is provided (218.18sqm is internal and 288.2sqm external). For older children 236.9sqm of space is provided (167.9sqm internally and 52sqm externally). Overall, 802.6sqm of the child play space is internal and 479.2sqm external – total 1281.8sqm. The internal and external spaces are located at levels 4-5 and 18-19.

12.32 Therefore, the proposed quantitative spaces standards are met. However, alongside quantitative standards a qualitative assessment is required. Consideration can be given to such matters as the amount of sun these spaces would enjoy, wind levels, noise levels and layout.

13.33 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21<sup>st</sup>) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.

12.34 The applicant has provided an assessment for the terraced areas within the proposed building. This shows that the areas on the southern side (levels 4/5 and 18/19) are generally in compliance with the standards whilst two terraces on the 4/5 floor on the eastern and

north-western side would not. The north-western terrace would receive no sunlight in either the existing or cumulative scenario.

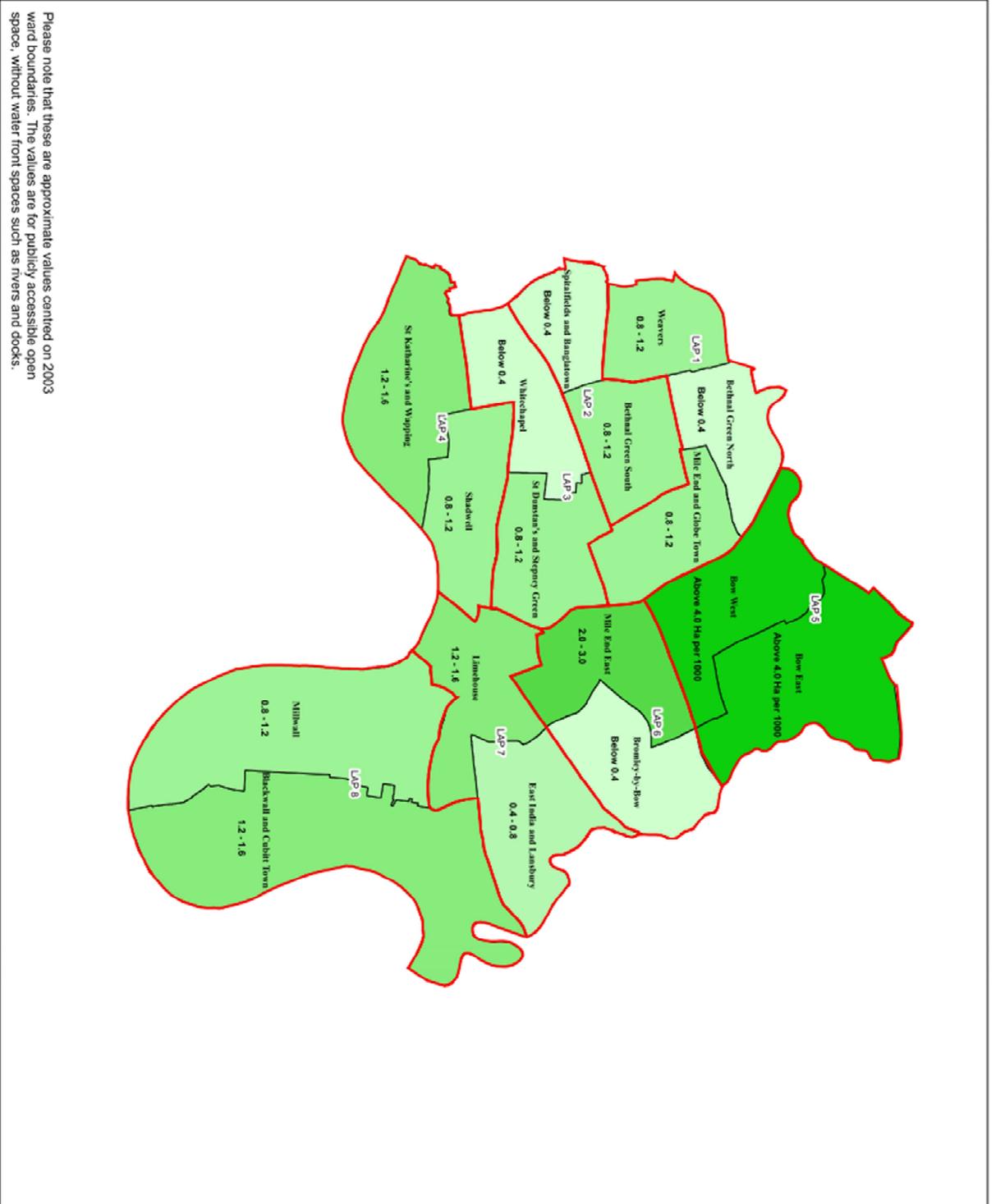
- 12.35 Both the north-western and south-western terraced areas at Levels 4/5 are proposed for 4-10 year olds. Both of these terraces require substantial wind mitigation. This mitigation would be in the form of a 2.8m parapet along the entire western side along with 50% canopy over the majority of the terraces on this level. These mitigation measures would reduce the perception openness from these spaces, harming their ability to provide high quality outdoor space.
- 12.36 The predicted noise level for these western terraces (at the terrace edges) during the daytime is 76dB. British Standard 8233 (2014) advises that levels of 55dB Laeq.T are appropriate for outdoor amenity areas. Whilst this significant deviation from the benchmark is somewhat inevitable given the proximity of the DLR, the amenity space would, nonetheless, suffer from unpleasantly high levels of noise.
- 12.37 In terms of the layout, it is noteworthy that the 52sqm of outdoor play space for the 23/24 older children (11-15 years old) is spread across three separate terraces approximately, two at level 4/5 and one at level 18/19. It is difficult to see how these small (two approximately 16sqm and one 20sqm), fragmented spaces could be considered to provide play space suitable for this age group. Consequently, it is considered the development provides a sub-standard quality of external play space for older children.
- 12.38 In summary, it is considered that child play space (of which none is at grade and all within the building) is not of sufficient quality having regard in particular to the levels of light and openness, levels of noise pollution and the fragmented and limited nature of the older children's outdoor play space. This harm is exacerbated by the limited and compromised public realm that would accompany the development, which is addressed in the following paragraphs.

#### *Public Open Space*

- 12.39 Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 12.40 The site area minus the footprint of the building, leaves 1,091sqm of space. 925sqm of this is on the western side of the building mostly under the DLR tracks and within the exclusion zone. This is the proposed public realm for the development.

- 12.41 The applicant has, surprisingly, not provided a Sun Hours on the Ground assessment for this area. Therefore, it is not possible to quantitatively assess the level of sunlight this area would enjoy. It is obvious, however, that sited under the DLR line, the space would not be perceived as receiving good levels of light. Moreover, the DLR tracks above also would harm any perception of openness that might otherwise be expected from an area of public realm.
- 12.42 The submitted Noise Assessment for the closest ground floor façade to this public realm predicts noise levels between 62dB to 66dB LAeq,16hr. This is well above the advised level of 55dB Laeq.T. The predicted levels of noise would be uncomfortable and further reduce any sense of pleasantness one may derive from this space.
- 12.43 The development is proposed to be serviced from a dedicated ground floor bay on the eastern side of the development which would be accessed across a front portion of the proposed public realm. This would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance lobby. Service vehicles would also reverse out of the bay across this area.
- 12.44 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and constrained proposed public realm.
- 12.45 Whilst mitigation measures (such as white lines, warning signs and audible warnings) may mitigate the pedestrian safety risks, these measures in themselves would further compromise any pleasantness one may derive from this area.
- 12.46 In summary, the quality of this public realm is compromised by the DLR line and, whilst opening up this area improves the permeability for the public, the benefit of this area for the proposed residents is limited particularly when considered alongside the Council's concerns regarding the other forms of amenity space proposed.
- 12.47 It is worth consideration of whether other publicly accessible open space in the wider Millwall area can wholly or partially mitigate the compromised provision of the child play and open space within the scheme itself. The GLA 'Play and Informal Recreation' SPG advises that spaces should be within a 100m for 0-4 year olds, within 400m for 5-11 and within 800m for older children. There are no spaces within a 100m or 400m for younger and the middle age groups. The closest spaces are a 176sqm facility at Stafford Street which is more than 400m away and Sir John Mcdougal Park is approximately 670m away, which is within the 800m maximum distance for older children.

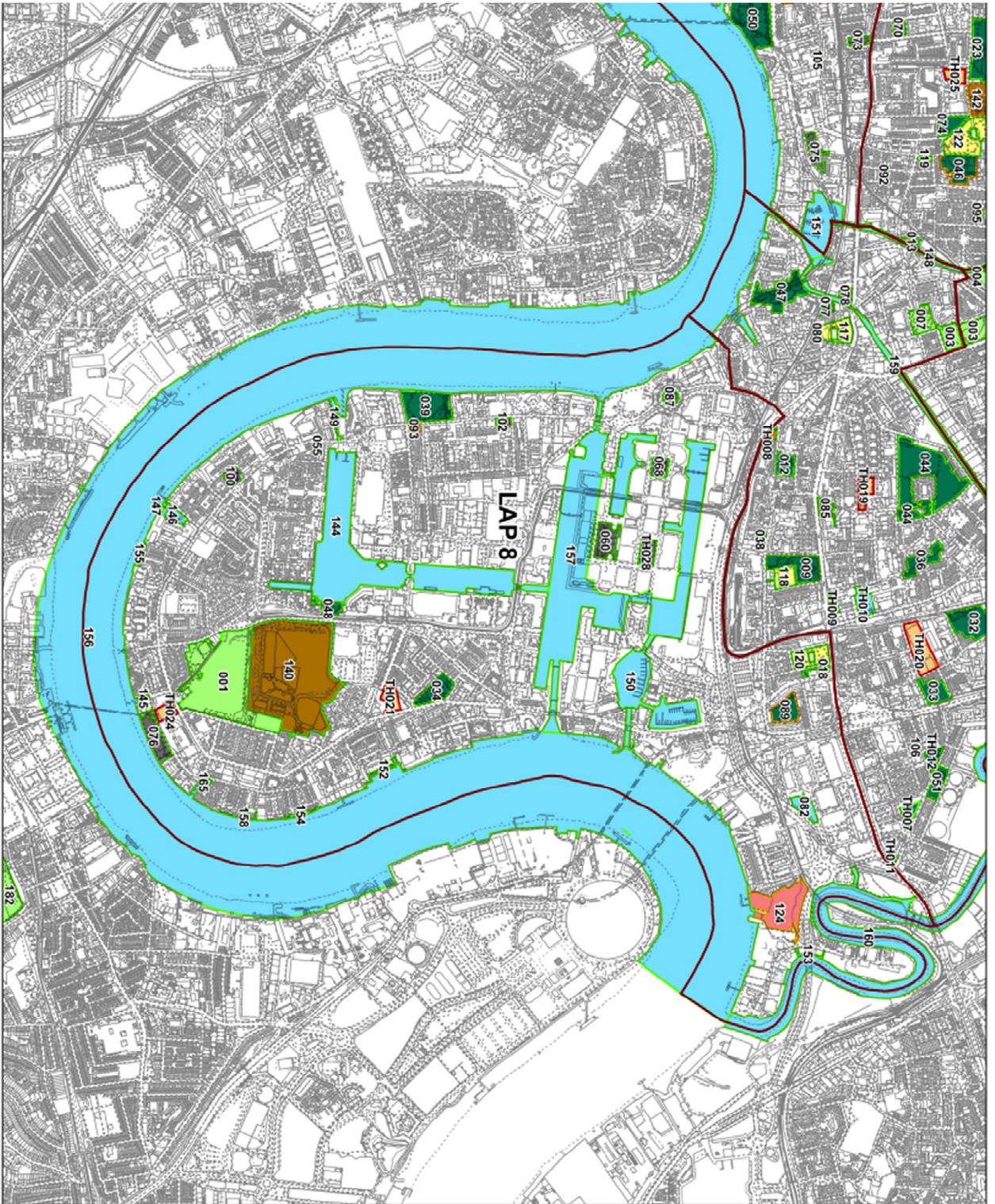
- 12.48 As can be seen from the extracts below from the Council Open Space Strategy, the site (within Millwall) is in an area with one of the lower proportions of open space per 1000 population in the Borough. The Borough seeks 1.2Ha per 1000 population (see LBTH Open Space Strategy and derived from the National Playing Fields Association benchmark standards). Millwall is given a 0.8-1.2Ha rating. The second map shows the relative dearth of open space on the western side of the Isle of Dogs and the heavy reliance on Sir John McDougal Park. The third map shows the area is given a negative rating in terms of open space quality.
- 12.49 As a result of the above analysis, it is considered inappropriate to rely on other publicly accessible open space in the area to overcome the shortcomings in the quality of the provision of child play and open space within the proposed scheme.



<p><b>Tower Hamlets</b> Open Spaces Strategy</p>													
<p>Open Spaces per 1000 Population by Ward</p> <p>Map No: 17</p>													
<p><b>Area of Publicly Accessible Open Space in Hectares per 1000 Population</b></p> <ul style="list-style-type: none"> <li>Below 0.4</li> <li>0.4 - 0.8</li> <li>0.8 - 1.2</li> <li>1.2 - 1.6</li> <li>1.6 - 2.0</li> <li>2.0 - 3.0</li> <li>3.0 - 4.0</li> <li>Above 4.0 Ha per 1000</li> </ul> <p>□ LAP Boundaries</p>													
<p>Scale: 1:30,000 at A3</p>													
<p>Revised by: K Kane (LBTH) August 2005</p> <table border="1"> <tr> <td>Drawn by:</td> <td>Checked by:</td> <td>Revision:</td> </tr> <tr> <td>DCH</td> <td>BB</td> <td>FINAL</td> </tr> <tr> <td>Map No:</td> <td>Date:</td> <td>Job No:</td> </tr> <tr> <td>17</td> <td>24 Feb 2005</td> <td>D701447</td> </tr> </table>		Drawn by:	Checked by:	Revision:	DCH	BB	FINAL	Map No:	Date:	Job No:	17	24 Feb 2005	D701447
Drawn by:	Checked by:	Revision:											
DCH	BB	FINAL											
Map No:	Date:	Job No:											
17	24 Feb 2005	D701447											
<p> </p>													

K:\D10447\_Tower Hamlets\Open Spaces\2005 Project\Project\Figure 17.mxd  
 Reproduced from Ordnance Survey maps with the permission of Her Majesty's Stationery Office © Crown Copyright London Borough of Tower Hamlets LA100012088

Please note that these are approximate values centred on 2003 ward boundaries. The values are for publicly accessible open space, without water front spaces such as rivers and docks.



**Tower Hamlets  
Open Spaces Strategy**

LAP 8 Framework Map  
Map No: 11

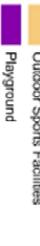
**Primary Purpose for Definition**

- Open Spaces
- Allotments/City Farm
- Burial Ground
- Civic Space/Water Front
- Ecological
- Housing Open Space
- Local Park
- Major Park
- Outdoor Sports Facilities
- Playground
- Square/Garden

**Accessibility**

- Restricted
- Partially Restricted
- Unrestricted

**LAP Boundaries**



Revised by: K Kane (LBTH) August 2005

Drawn by: DCH  
Checked by: BB  
Revision: FINAL

Map No: 11  
Date: 24 Feb 2005  
Job No: D/10/1447

Scale: 1:14,000 at A3



1:10427 Tower Hamlets Open Spaces Strategy Project/figures/figure 7.mxd  
Reproduced from Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright London Borough of Tower Hamlets LA10010288

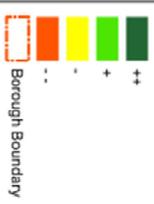
Tower Hamlets  
Open Space Strategy 2011

Site Quality Score

Map No: 16

Open Space Quality Scores

Q & V compared  
to standards



Revised by OAR (LETH) May 2011

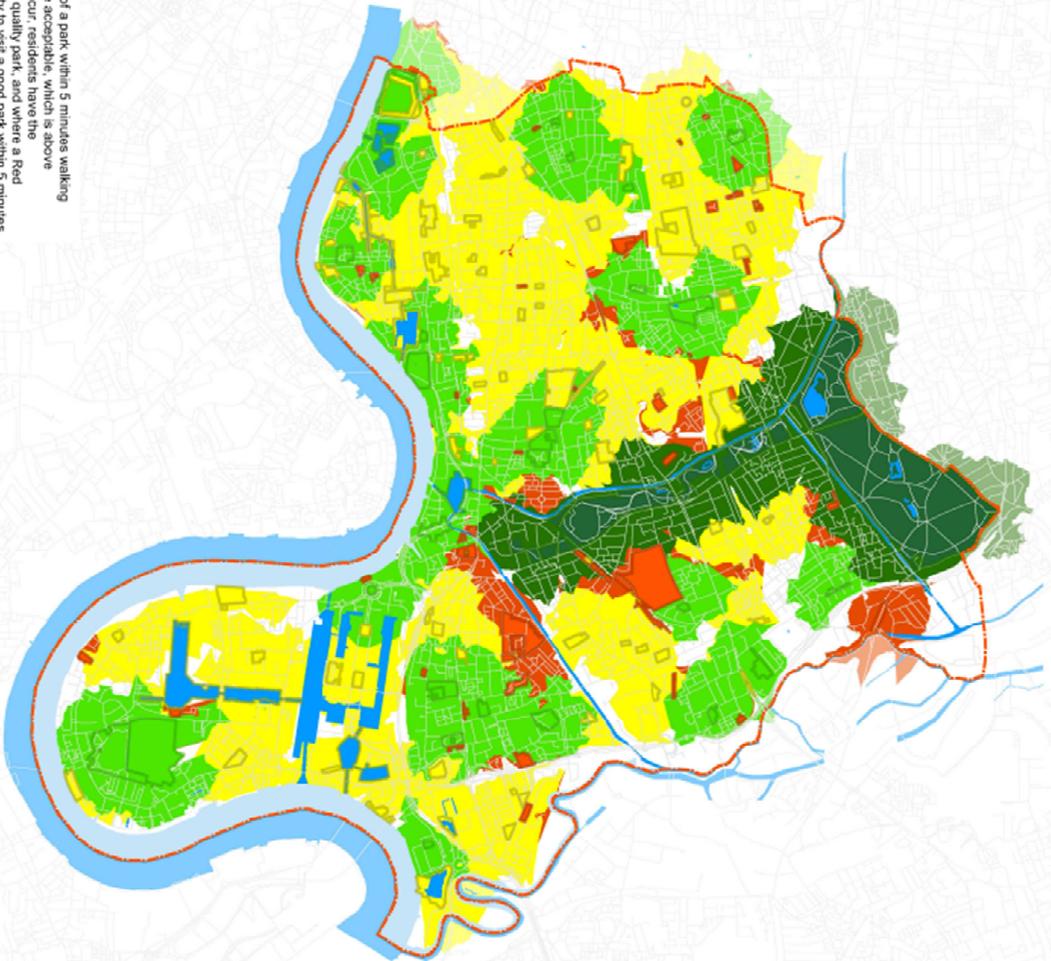
Drawn by: Checked by: Revisited:  
SP

Map No: Date: Job No:  
15

Scale: 1:30,000 at A3



Each catchment represents the quality of a park, within 5 minutes walking time. Quality is layered with good above acceptable, which is above poor. Thus where Green catchments occur, residents have the opportunity to walk 5 minutes to a good quality park, and where a Red catchment occurs, there is no opportunity to visit a good park, within 5 minutes. White indicates areas where there is no access to any park or open space within 5 minutes walk.



## Design

### Policies

- 13.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 13.2 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 13.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 13.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 13.5 Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 13.6 Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out in DM26 can be summarised as follows:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the Canary Wharf Major Centre and surrounding residential areas;
  - Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its

scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies and other townscape elements;

- Provide a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters
- Not adversely impact on heritage assets or strategic and local views including their settings and backdrops;
- Present a human scale of development at street level;
- Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- Not adversely impact on microclimate of the surrounding area, including the proposal site and public spaces;
- Not adversely impact on the setting and of waterbodies and views to and from them.

13.7 The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:

- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
- Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
- Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
- Create a legible, permeable and well-defined movement network...”

13.8 As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:

- that development will provide suitable setbacks, where appropriate from water space edges;
- development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

### Context

- 13.9 The site is situated with the northern area of the Isle of Dogs which has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 13.10 Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and as playing a major role in enhancing London's position in the global economy.
- 13.11 To the east of the Canary Wharf Estate is a vacant site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD). It is noteworthy that heights within the Wood Wharf scheme generally drop off to the east towards the more modest housing within the Coldharbour area.
- 13.12 On the western side of, Canary Wharf Estate at the western ends of North and South Dock and with the River Thames behind (i.e. further to the west), there are a number of approvals for substantial residential and office towers (these being Newfoundland (226m AOD), Riverside South (241m AOD), Hertsmere House (Colombus Tower) (242m AOD) and City Pride (239 AOD)).
- 13.13 To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.
- 13.14 On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 13.15 There are also a number of current applications within this South Quay / Marsh Wall area for substantial residential towers including at South Quay Plaza, Arrowhead Quay and 2 Millharbour. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.

- 13.16 To the south of Marsh Wall, heights drop off relatively rapidly, with areas behind Marsh Wall as little as 4 stories in height and generally in residential use.
- 13.17 It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 13.18 It is within this existing and emerging context, that this proposal must be considered.

#### Assessment of Height

- 13.19 The application site is 0.19Ha in size, including the DLR crossing and the exclusion zone. Whilst excluding the DLR tracks would reduce the net site area to 0.147Ha. The proposal is for a single residential tower 233m (AOD) in height.
- 13.20 The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which Quay House is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 13.21 Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 13.22 For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 13.23 The proposed scheme at 68 storeys (233m AOD) is just a few metres lower than 1 Canada Square which is the tallest building within the Canary Wharf Cluster. Whilst the recently consented City Pride

building is 239m AOD (75 storeys), there is a very different context to the location of Quay House. As referred to above, the development at City Pride marks the end of South Dock. On the other hand, the sites in the immediate vicinity of Quay House are much lower in scale including the consented 40 Marsh Wall (38 storeys).

- 13.24 The scheme at 68 storeys is of a completely different scale to surrounding buildings within the Marsh Wall / South Quay area, including the 145m/147m residential towers at Landmark and Pan Peninsula and does not comply with the adopted Town Centre hierarchy approach set out in policy DM26 for the location of tall buildings.

#### Assessment of setting and local views

- 13.25 The proposal, if built, would be the tallest residential tower in the country. With any tall building, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposal is surrounded to the east by ill-defined and impermeable car parking and open space associated with the low-rise 1980's offices of Admiral's Estate and to the west by the DLR line. The proposed public realm contribution is underneath the DLR tracks, which result in this area having a poor sense of openness and daylight and high levels of noise. The quality of these spaces is severely compromised. As a consequence, the proposal would appear incongruous with its setting and insensitive to its local context.
- 13.26 It is evident in the Design and Access Statement (DAS) that the approach during design development was one of coming up with various options for the tall building based on a brief and architectural design that has little to do with the existing context of the site or local planning policy. The options developed for testing the scheme makes no reference to the need to respond to the lower rise building within the Activity Area and to relate to the dockside setting (DAS Page 46) and instead the focus is on the scale of Canary Wharf cluster. As a consequence, it fails to demonstrate how the development would successfully transition the difference in scale of buildings between Canary Wharf and the surrounding residential areas.
- 13.27 Some of the local views of the scheme illustrate how incompatible a scheme of this scale is at the local level. For example, the view on page 73 of the DAS shows how the proposed scale of the building is out of context within its setting. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The scheme fails to make an appropriate local response as illustrated in some of the local views.

- 13.28 Proposed elevations E & F – Emerging Context shows the scheme and its relationship to the dock and to the Canary Wharf Cluster. The projecting podium of the building forms the base for the tower that orients at a 45 degree angle to take advantage of the views. However, this revolved tower also projects over the entire dockside walkway. This raises concerns around the impact of the proposed tower as it rises immediately over the dock with little visual relief for those using the dockside walkways. It is important to note that the dockside walkway is a significant piece of public realm in constant use. The projecting podium of the tower and the 61 storey tower rising above it over the dockside walkway will present an overbearing impact on the walkway and from the footbridge.
- 13.29 Furthermore, the development as seen in local views from the south has some awkward elements. In particular, the geometry of the second and third floor element with its obscure glazed façade, forms a bulky protrusion and allied with the car stacker entrance (and car waiting area) at ground level immediately below, is not considered to present an active or engaging frontage.

#### Architecture

- 13.30 In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevational treatment of the upper elements (5<sup>th</sup>/6<sup>th</sup> floor and above) of the buildings are of a high standard. It would provide visual interest and contrast along with a slender profile, particularly when compared with the commercial tall buildings within the Canary Wharf estate.

#### Grand Axis

- 13.31 The applicant argues that the rationale for a building of this height is to mark 'the Grand Axis' that runs through the site. They refer to the Maritime Greenwich World Heritage Site Management Plan (Third review) as needing to mark the lost opportunity to 'resurrect the relationship of the new buildings there with the Grand Axis'. Such an argument, though a useful starting point in developing ideas for shaping design of a scheme, needs to be situated within its local as well as its strategic context.
- 13.32 Firstly, there are no policies within the Development Plan that seek to encourage buildings to mark this Grand Axis by locating tall buildings along the axis. Such an important decision about marking the axis cannot be the role of one site or one scheme but a public policy matter that should encapsulate a shared vision. In any case, a building of such height and prominence should be of outstanding design in all ways and a building that is out of context and harmful in its local setting, cannot be justified by its impact on long-range views.

- 13.33 Secondly, there are a number of sites that fall on the Axis. Any one of these sites could serve such a purpose (if such a purpose were to be considered a worthy one), including sites closer to the General Wolfe Statue which could just as effectively mark the axis with a smaller building due to its closer proximity to the Statue.
- 13.34 Thirdly, the Grand Axis is already compromised by existing buildings. It is unlikely that such a monumental piece of civic design whose visibility is already compromised by buildings can be resurrected by a tall residential building that is out of context within its local area. In any case, it is noted within the submitted THVIA, that other cumulative schemes, if built, would weaken the ability of the proposed tower to 'mark' the Axis in a strong and convincing manner.

#### Impact on neighbouring sites

- 13.35 The applicant has included in the DAS a scheme for the neighbouring sites in Admiral's Way Estate. In summary, it proposes buildings set away from the Dock in an arc from Quay House with public realm to the front. It is considered that such an approach would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings. Moreover, it depends on Admiral's Way coming forward in a certain form that takes into account the scale of the Quay House site proposal by providing significant open space that would benefit the Quay House proposal.
- 13.36 In this comprehensive redevelopment approach presented by the applicant, there is no contribution from Quay House towards that wider vision beyond suggesting how the other blocks should be built without compromising the development of the Quay House proposal. A scheme of such density without any contribution towards the development of neighbouring sites but instead relying on neighbouring sites to provide open space on a sufficient scale for the setting of its own development would compromise the delivery of housing and growth within the Tower Hamlets Activity Area.

#### Microclimate

- 13.37 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 13.38 The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.

- 13.39 The microclimate impact on balconies and terraces is addressed elsewhere in this report. The wind levels at ground level are generally suitable, however some mitigation would be appropriate in the form of landscaping. Were the application to be approved this could be addressed by way of condition.

#### Secure by Design

- 13.40 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 13.41 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. The Metropolitan Police Crime Prevention Design Advisor has no objections to the scheme and advises that were the application to be approved a condition should be imposed to ensure that the scheme meets Secured by Design section 2 Certification.

#### Inclusive Design

- 13.42 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 13.43 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 13.44 Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and 10% of spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.
- 13.45 The proposed new homes could be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

#### Conclusion

- 13.46 The proposed development would exhibit clear and demonstrable signs of over-development, in particular:

- 13.47 The proposal would provide limited and compromised public realm and would not have a high quality setting commensurate with a building of such significant height.
- 13.48 Furthermore, the development by reason of its cantilevered projection over the quayside walkway would present little visual relief and would be overbearing from this important element of public realm, failing to create a human scale of development at street level.
- 13.49 The proposed development would fail to present an active or engaging frontage on its southern façade by reason of its awkward geometry, obscure glazed treatment above ground level and prominent location of the car stacker entrance and vehicle waiting area.
- 13.50 There is potential for the building 233m in height sited so close to its eastern boundary to unduly harm the housing potential of neighbouring sites to the east, particularly as these sites would need to provide significant public realm to ensure the setting for this proposal is less inappropriate.
- 13.51 Consequently, the proposal would fail to sensitively relate to its context or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.
- 13.52 The proposal as a whole would not provide sufficient public benefits to outweigh the harm identified and would be contrary to London Plan and Local Plan policies on tall buildings and optimising (rather than maximising) housing output.

### **Neighbouring amenity**

- 14.1 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 14.2 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.

- 14.3 There are two scenarios considered in this section. The first looks at the proposed development with existing buildings only. The second looks at the proposed development with existing and cumulative schemes (i.e. nearby consented and proposed buildings).

Privacy, outlook and sense of enclosure

- 14.4 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 14.5 In the existing scenario, the proposed development is surrounded by commercial development to the east and west and South Dock to the north and Admiral's Way / Marsh Wall to the south respectively. Accordingly, it would not result in a loss of privacy to existing neighbouring residential occupiers.
- 14.6 In relation to the cumulative scenario, the development would have a circa 20m gap between the proposed Quay House and Arrowhead Quay buildings. Moreover, Quay House's windows are angled away from directly overlooking the Arrowhead Quay. The proposal is not, therefore, considered to result in a significant loss of privacy to potential occupiers of an arrowhead quay development.
- 14.7 In respect of development to the east, the proposed Quay House scheme is circa 3m from the neighbouring site to the east. There are no current proposals for this part of the Admiral's Way estate, however it is allocated with the Millennium Quarter Allocation for redevelopment for 'a strategic housing component'. Therefore, this development would require a proposed development on this site to be set circa 18m away from the boundary, particularly as Quay House relies on east facing windows to provide daylight to a significant portion of the proposed flats. Within the applicant's Design and Access Statement, they have set a suggested manner in which this estate could be redeveloped taking account of the proposed Quay House scheme. However these buildings would be set away from the dock in an arc from Quay House and would fail to provide an appropriate level of enclosure to South Dock and leave an ill-defined public realm in front of the buildings.
- 14.8 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. The impact on public vistas and the proposed public realm are discussed elsewhere in this Report. However, in relation to views from neighbouring properties, there is a sufficient distance to ensure that the development would not unduly impact on outlook or create a

sense of enclosure from neighbouring existing and future developments.

#### Effect on daylight and sunlight of neighbouring dwellings

- 14.9 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 14.10 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 14.11 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 14.12 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 14.13 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 14.14 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 14.15 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

- 14.16 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 14.17 The application is supported by a Daylight and Sunlight Assessment (DSA). The Council appointed specialist daylight and sunlight consultants, Delva Patman Redler (DPR) to review this Assessment. Their findings are set out below:

#### Existing Scenario

##### Daylight - Discovery Dock West apartments

- 14.18 There will be 49 out of 120 windows that experience a reduction below the BRE recommended level for VSC. In general, however, the reductions are below 25% from existing and the remaining levels of daylight are relatively good for an urban location. The NSL standard is met. The impact is minor adverse.

##### Daylight - Block Wharf, 19-26 Cuba Street

- 14.19 5 windows out of 99 will not meet the BRE standard for VSC. The windows that do not pass are to living / dining rooms, where there are other windows to those rooms that experience more modest reductions and are within the BRE standards. The rooms, therefore, are left with good levels of daylight and the impact is minor adverse. The NSL standard is met.
- 14.20 The impacts on the following properties are compliant for both VSC & NSL:
- Phoenix Heights, 4 Mastmaker Road
  - 1 Bosun Close
  - 10/14 & 24/28 Tideway House
  - Dowlen Court, 29 Byng Street
  - 74 Manilla Street (North Pole Public House)

#### Sunlight

- 14.21 The development site is located to the north of most of the neighbouring buildings tested for the application. The only property that would experience a reduction in sunlight of greater than 20% from existing is 19/26 Cuba Street. The impact on that building would be minor adverse and the impact on the other neighbouring buildings would be negligible.

#### Cumulative Scenario

##### Daylight

Discovery Dock West apartments

- 14.22 In the cumulative analysis, 36 additional windows would not meet the VSC requirement and two rooms would not meet the NSL requirement, but the actual percentage losses are generally small. The impact is, therefore, minor adverse.

Phoenix Heights, 4 Mastmaker Road

- 14.23 In the cumulative analysis, there are some rooms which do not meet the required standard, with two rooms experiencing a reduction in VSC of 27%, and with living room windows experiencing a reduction of more than 20%, but where those living rooms have multiple windows, and the other windows are otherwise compliant. We therefore agree that the impact is minor adverse. The NSL standard is met in this scenario.

1 Bosun Close

- 14.24 The impact is compliant for both VSC & NSL.

10/14 & 24/28 Tideway House

- 14.25 In the cumulative analysis, the cumulative effect of the proposed development on these properties is compliant with BRE standards when compared with the other cumulative schemes in place, the impact is minor adverse. The NSL standard is met in this scenario.

Dowlen Court, 29 Byng Street

- 14.26 The impact is compliant for both VSC & NSL.

74 Manilla Street (North Pole Public House)

- 14.27 There are windows in this property which experience reductions of VSC of more than 20% from existing. These are on the first & second floors, but only two windows do not meet that standard when other windows to the same rooms are left with relatively modest reductions in daylight. Therefore, the cumulative impact is minor adverse. The NSL standard is met.

Block Wharf, 19-26 Cuba Street

- 14.28 In the cumulative scenario, the proposed scheme causes no effective reduction in VSC over the cumulative baseline and therefore the impact is negligible. The NSL standard is met.

Arrowhead Quay

- 14.29 Arrowhead Quay is one of the sites that is included in the cumulative analysis. As such the ADF method of analysis for this property is more appropriate to assess the level of daylight that the building will be left with, rather than a reduction in daylight, where no current daylight is being enjoyed by an existing building on that site.
- 14.30 The daylight that would be available to the proposed Arrowhead Quay buildings in the existing scenario, i.e. without taking account of the Quay House development, show that these buildings would have relatively low levels of ADF with many rooms below the minimum recommended level for their room use. This is principally the result of recessed balconies limiting sky visibility. The Quay House scheme proposal will reduce these levels of ADF very noticeably, and to rooms on all floors in the east tower and the lower four floors on the west tower. Reductions are substantially more than 50% from the ADF that they would have enjoyed if Quay House was not developed, and there are reductions of up to 90% from that level. In the worst cases, there are bedrooms that will be left with ADF values as low as 0.07. Therefore, it is clear that some of the rooms in the currently proposed Arrowhead Quay scheme, in particular the East Tower, will have a very poor level of internal illuminance.
- 14.31 An assessment, testing the ADF that would be available to those rooms within the proposed Arrowhead Quay scheme if the balconies were omitted, has been undertaken. This shows that the effect is largely as a result of the proposed design of Arrowhead Quay. However, it does not change the fact that the rooms themselves would be left with very poor levels of light if both developments went ahead and the effects are major adverse.
- 14.32 It is noteworthy that the proposed East Tower of the Arrowhead Quay scheme is situated, at its closest point, circa 2m from its eastern boundary, has an orientation such that windows on its eastern façade face directly towards the Quay House site and has single aspect flats reliant on east facing windows recessed under balconies. The low level of daylight that the occupiers of Arrowhead Quay would receive is significantly related to the design choices for that scheme rather than an undue impact from the Quay House proposal. In any case, the weight given to the Arrowhead Quay scheme is limited, the Council has not resolved to approve the application and it is evident that there are many ways to develop that site which could achieve different levels of daylight for future occupiers of that site.
- 14.33 In summary, it is not considered that the proposed Quay House scheme unduly fetters the Arrowhead Quay site in respect of daylight potential.

14.34 30 Marsh Wall is one of the sites that is included in the cumulative analysis. The results show that the proposed ADF values for 30 Marsh Wall, when assessing the proposed scheme in relation to the existing baseline only, will generally leave the rooms with above the minimum recommended levels of ADF, with the exception of some living / dining / kitchens which will however have levels of ADF above 1% and where the levels of ADF are limited by the presence of private balconies and winter gardens. On balance the effect should be considered to be minor to moderate adverse.

14.35 In the cumulative scenario, there are virtually no additional losses caused by the proposed development against the cumulative results, although the cumulative baseline means that the rooms to 30 Marsh wall will have relatively low levels of ADF. However, the impact of the Quay House development in the cumulative scenario is negligible.

#### 63/69 Manilla Street

14.36 This is one of the sites that are due for development. Where comparing the proposal to the existing scenario, and allowing an ADF value of 1.5% for a living / dining rooms / kitchens, the scheme proposals can be considered to comply with BRE standards. The impact is therefore negligible.

#### Sunlight

14.37 For existing residential occupiers, there would be little additional harm as a result of Quay House in the cumulative scenario as compared in the first scenario tested.

14.38 For the occupiers of potential future developments, Arrowhead Quay, 30 Marsh Wall and 62/69 Manilla Street, sunlight levels will be relatively low, particularly to the east facing elevations where sunlight will be obstructed by the proposed development. The Council's consultant advises, however, that the levels of sunlight are likely to be commensurate with expectations of occupants in an urban area of tall buildings as this location will be.

#### Shadow Analysis (Sun hours on the ground)

14.39 The BRE guidance advise that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no less than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.

14.40 There are three sensitive amenity areas: the existing South Dock and the proposed amenity spaces to Arrowhead Quay and Quay House.

The applicant has, surprisingly, not carried out a Sun Hours on the Ground assessment on their own proposed amenity space.

- 14.41 The results show for both scenarios the proposed development would not cause a significant overshadowing effect on South Dock.
- 14.42 In relation to the proposed amenity space to the Arrowhead Quay proposal, the effect of Quay House in both scenarios would be negligible.

#### Transient Overshadowing

- 14.43 The BRE guidance give no criteria for the significance of transient overshadowing other than to suggest that by establishing the different times of day and year when shadow will be cast over surrounding areas an indication is given as to the significance of the proposed development's effect. As such, assessment of the potential effect associated with transient overshadowing is made based on expert judgement.
- 14.44 Transient overshadowing diagrams (on hourly internals throughout the day) have been undertaken at three dates: 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December in order to understand the shadowing effects of the development.
- 14.45 The results show that Quay House, with its relatively slender form, does not cast an unduly significant shadow. In the cumulative scenario it is also noteworthy that it overlays shadows from other proposed buildings.

#### Solar Glare

- 14.46 Solar Glare is caused by the direct reflection of the sun's rays on reflective surfaces of buildings such as glass or steel cladding. There are no quantitative criteria within the BRE Guidance or elsewhere as to what is acceptable or not for solar glare. It is therefore a professional judgement as to the likely effect of solar glare associated with a particular development, generally though glare reflected at steeper angles is less likely to cause nuisance or distraction as you have to look upwards to see it. The Council's consultants advise that the proposed scheme would not cause undue solar glare and mitigation measures are not required.

#### Conclusion

- 14.47 Having regard to the effects of this proposed development on neighbouring amenity in regards to microclimate, noise and air quality along with the effects on privacy, outlook, sense of enclosure, daylight, sunlight, overshadowing and solar glare and light pollution it is considered that the development would not result in an

unacceptable material deterioration/loss of amenity to existing and proposed neighbouring buildings. However, it is noteworthy, that no consideration has been given to the effect of the development potential of the remainder of Admiral's Way. The proposal almost abuts its eastern boundary and it is likely that any future development on the neighbouring site would have to be set substantially away from the boundary were Quay House to be built.

### **Heritage**

- 15.1 The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (namely 11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 15.2 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 15.3 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 15.4 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are 'designated' heritage assets, whilst it is considered that the potential archaeological remains are 'non-designated' heritage assets.

### **Strategic Views**

- 15.5 The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama's from those from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1).
- 15.6 The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage

and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings. The HTVIA analysis shows that the effect of consented proposals will be to link the Quay House proposal to the main cluster of tall buildings at Canary Wharf. Although the HTVIA does not include an analysis of Assessment Point 11B.2, the LVMF SPG focuses on the importance of the clear backdrop of the White Tower of the Tower of London from this Assessment Point, and the proposal will have no impact on this.

- 15.7 The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

"The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London. However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated."

- 15.8 This refers to the axial arrangement of Greenwich Palace and the Queen's House, which was later extended by St. Anne's Church at Limehouse, All Saints Church on Blackheath, and the General Wolfe Statue. With reference to St. Anne's Church, the Maritime Greenwich World Heritage Site Management Plan (Third Review 2013) describes this as 'the Grand Axis' (Outstanding Universal Attribute 3) and states that:

"Unfortunately, visibility of this monumental piece of civic design has been lost. Despite the early buildings of Canary Wharf being located 'off-axis' the later buildings obscure the vista of St. Anne's and no specific landmark has been introduced to take its place."

- 15.9 The Management Plan goes on to state that:

"There are opportunities with further development on Canary Wharf to resurrect the relationship of the new buildings there with the Grand Axis. The vistas (north and south) from the scarp at Wolfe statue are as significant as the view to it from Island Gardens."

- 15.10 The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the

proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. However, as the HTVIA demonstrates, the effect of marking the axis will be considerably weakened by the construction of consented schemes on the Isle of Dogs.

- 15.11 The HTVIA considers another view (View Seven) from within the World Heritage Site, located in the courtyard of the Old Royal Naval College. The view looks north across the river, framed by the wings of the Old Royal Naval College, with the axis marked by the Statue of King George II. In the middle ground, the tree canopy along the north bank of the Thames is visible, and beyond this to the right (east) are the towers of Canary Wharf, although the taller of the Landmark Towers on the Isle of Dogs is also visible to the left (west) of the axis. The proposed building aligns with the axis, appearing in the background of the view immediately behind the George II Statue, to the left of the main cluster of tall buildings at Canary Wharf, at a similar height to the One Canada Square tower. As the Old Royal Naval College wings restrict the width of the outlook, the proposal is more prominent in this view compared to LVMF Assessment Point 5A.1; however this will again be weakened by the construction of consented schemes on the Isle of Dogs.
- 15.12 The applicant's HTVIA demonstrates that the proposed building marks the axis and will be significantly taller than existing development in these views from the World Heritage Site; however it also illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. Within this developing cluster, the building would be only slightly taller, and its effect of marking of the axis will be weakened. In summary, the proposed development will not detract from the integrity and importance of the World Heritage Site.

#### Archaeology

- 15.13 The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 15.14 English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to

agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

### Surrounding Conservation Areas and Listed Buildings

- 15.15 It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would have a negligible effect on the setting of these assets.

### **Highways and Transportation**

#### Vehicular Access

- 16.1 The proposed access is unchanged from the existing situation in that it is from Marsh Wall onto the privately owned Admiral's Way. Given the relatively low level of predicted trips (see below), this is considered to be satisfactory.
- 16.2 The development provides for a stacker system for vehicle parking and includes a "reservoir" space for a vehicle that may need to temporarily queue for the stacker. The applicant advises that they have the right to use the road for the proposed parking arrangements. It is noted, however, that an objection letter casts doubt on that. Given the lack of clarity and if the application were to be approved, a Grampian condition could be attached to the proposal to require the applicant to demonstrate prior to the commencement of works that the development would be able to operate in the manner envisaged.

#### Vehicular Trip Rates

- 16.3 The proposal proposes 42 spaces, compared to the existing situation where 39 spaces are provided for the users of the Quay House office building. The Transport Assessment predicts that the current office use would have a greater impact at AM and PM peaks on the road network than the proposed uses.
- 16.4 The Transport Assessment also undertook a "worst case scenario" assessment, considering the effects on the road network without taking account of the existing use. Given the relatively low number of predicted trips relating to the operation of the development (i.e. residents' vehicles and servicing and delivery vehicles) the impact would be imperceptible on the wider road network (other than at the junction of Admiral's Way and Marsh Wall).
- 16.5 Whilst, TfL's and LBTH Highway's request for junction modelling are noted, it is considered that the submitted Transport Assessment (TA)

is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

### Car Parking

- 16.6 The site has a PTAL of 5 and as such the maximum London Plan car parking standards are 0.1. The proposal is for 496 dwellings and the maximum car parking provision would therefore be 49 spaces. Applying the Local Plan standards would result in a maximum parking requirement of 60 spaces. The development proposes 42 spaces (39 for residents with 3 for visitors). Whilst providing spaces for visitors in this highly accessible location is not fully in compliance with policy, given the overall number of parking spaces is below both the London and Local Plan standards and that there are only 3 visitor spaces, this is not objectionable.
- 16.7 10% of vehicular parking spaces should be provided for blue badge holders. Given the scheme proposes a vehicular stacker system all the spaces are capable of being used by a disabled driver, (noting the clarifications provided by the applicant in respect of the use of the stacker system). However, given the value these spaces may attract (if sold or leased) it would be imperative to ensure that these 4 disabled spaces are allocated on need rather than to the 'highest bidder'. Therefore, were the application to be approved, the s106 could require a car parking management strategy to be submitted and approved by the Local Planning Authority to ensure the above.

### Cycling and Pedestrians

- 16.8 Residential cycle parking is provided on the first and second floor and meets the minimum standards set out in the Local Plan. It is proposed that these will be a mixture of Sheffield standards (55) with the remaining cycle parking (542) provided by double stackers. The proportion of cycle parking provided in double stackers is disappointing as they can be harder to use and consequently deter cycle use.
- 16.9 13 residential visitor cycle parking spaces and 3 parking spaces for the commercial uses are provided by way of Sheffield stands. This is in accordance with relevant standards. The applicant has proposed two locations for this parking and were the application to be approved the final location could be controlled by way of condition.
- 16.10 Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, TfL are seeking pooled contributions across this area towards the provision of additional capacity. TfL are seeking a contribution of £70,000 for this

development in accordance with policy 6.9 of the London Plan. The applicant has agreed to this contribution and were the application to be approved this could be secured through a s106 agreement.

- 16.11 This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling infrastructure. The applicant has offered £268,043.71 towards highways improvements which could be spent towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

#### Public Transport

##### *Buses*

- 16.12 TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2. The applicant has accepted this request and if the application were to be approved, this could be secured through the legal agreement.
- 16.13 In relation to nearby bus stands, there are two that are relevant. One of these already provides the standard 125mm kerb height. The other is directly outside 40 Marsh Wall, a site with an extant consent for redevelopment which is 'liable' for s106 contributions in respect of footway improvements. Accordingly, it is not necessary for the applicant to make a contribution in this respect.

##### *DLR*

- 16.14 TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the developer should encourage walking to Canary Wharf through the provision of Legible London wayfinding around the site. Furthermore, sufficient capacity is available at South Quay DLR station to accommodate the trips from this development. Were the application to be approved, a Wayfinding strategy could be secured through condition.

##### *Jubilee and Crossrail*

- 16.15 The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

#### Demolition and Construction Traffic

- 16.16 It is considered that were the application to be approved, the impact on the road network from demolition and construction traffic could be adequately controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

#### Servicing and Deliveries

- 16.17 Servicing is proposed from a dedicated ground floor bay on the eastern side of the development accessed across a front portion of the proposed public realm, which would also be a natural pedestrian desire line to/from South Quay bridge and particularly to/from the proposed affordable housing entrance. Service vehicles would also reverse out of the bay across this area.
- 16.18 This inelegant arrangement would bring pedestrians into conflict with manoeuvring servicing vehicles, resulting in an awkward and uncomfortable experience for pedestrians, undermining the potential permeability benefits of opening up this area and detrimentally affecting the quality of the already limited and compromised public realm.
- 16.19 Given that vehicles accessing and egressing this location are likely to do so at relatively slow speeds and conditions can require further mitigation measures (such as white lines, warning signs and audible warnings), the development may not result in a grave impact on pedestrian safety.

#### **Waste**

- 17.1 A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:
- Waste minimisation, re-use and recycling;
  - Maximising the use of recycled building materials; and,
  - Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.
- 17.2 In terms of construction waste, a Site Waste Management Plan could be required by condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.

- 17.3 In terms of operation waste, the proposed Strategy would ensure that residential waste is separated into three separate streams: non-recyclable, recyclable, and compostable.
- 17.4 In relation to non-residential parts of the proposed development, a different approach is required as collection, handling, treatment and disposal of waste will be contracted out. The Strategy requires the waste to be separated into three streams: non-recyclable, recyclable, and glass.
- 17.5 The Council's Waste Officer has commented that the proposed Strategy is satisfactory and no objections are raised. Were the application to be approved, conditions could ensure the delivery of the Strategy's objectives.

### **Energy & Sustainability**

- 18.1 At a national level, the National Planning Policy Framework 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.
- 18.2 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 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.
- 18.3 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 18.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 18.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.
- 18.6 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the

following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

- 18.7 The submitted Quay House Energy Strategy follows the principles of the Mayor's energy hierarchy as detailed above and seeks to focus on using less energy and supplying the energy as efficiently as possible. Notwithstanding the need to be compliant with London Plan policy 5.6, the current proposals would incorporate measures to reduce CO2 emissions by 41%. The current proposals therefore fall short policy DM29 requirements by 9% which equates to 70.4 tonnes of regulated CO2.
- 18.8 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. For the proposed scheme, 126,720 is sought for carbon offset projects. The applicant has offered this cash-in-lieu contribution.
- 18.9 The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and could be secured by condition and within a s106 agreement.
- 18.10 The submitted Quay House Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating (score of 72.78) and BREEAM Excellent rating (score of 71.27). This is supported and should the application be approved could be secured by way of condition.
- 18.11 In relation to connecting to the Barkantine District Energy system and were the application to be approved, a condition could ensure the development is capable of being connected (and would connect) if the system became available to this development. This would be in accordance with London Plan policy 5.6.

## **Environmental Considerations**

### Air quality

- 19.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 19.2 In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance

on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.

- 19.3 Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.
- 19.4 It should also be noted that measures to control dust from the site during construction could be addressed through a construction management plan if the application were to be approved.

#### Operational noise, vibration and odour

- 19.5 LBTH Environmental Health advise that were the application to be approved, that the development would not result in undue noise to external receptors (i.e. surrounding residential and community uses). They further advise that conditions could appropriately ensure that the noise and vibration levels within the proposed residential units would be acceptable.
- 19.6 In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an “hours of use” condition and similarly with deliveries and servicing.
- 19.7 However, the noise to balconies and terraces, particularly on the western side of the development adjacent to the DLR are worthy of further discussion and this is addressed in more detail in the Housing section of this Report.

#### Demolition and Construction Noise and Vibration

- 19.8 The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate pilings methods etc., which would be employed to ensure that the noise levels are acceptable.
- 19.9 If the application were to be approved, a series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice.

### Contaminated Land

- 19.10 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 19.11 The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.

### **Flood Risk and Water Resources**

- 20.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 20.2 The site is located in Flood Zone 3 and proposal involves a *more vulnerable* use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, a further Sequential Test is not required to support this application.
- 20.3 The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity of flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 300mm above the level of a 1 in a 100 year flood event taking account of climate change. The applicant has confirmed that the ground floor finished floor level is above 5m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.
- 20.4 In relation to surface water run-off, SuDs measures could be employed to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance. Were the application to be approved, these measures could be secured by condition. Conditions could also be imposed to ensure that contaminants do not enter docks and underground aquifers. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.

- 20.5 In summary, were the application to be approved and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### **Biodiversity**

- 21.1 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 21.2 The application site has no significant existing biodiversity value. It is adjacent to South Dock, which is part of a Site of Borough Importance for Nature Conservation. Its' principal importance is for overwintering birds.
- 21.3 The proposal would result in some shading of the Dock, but due to the deep water and lack of aquatic vegetation, this is not likely to have a significant adverse impact on the ecology of the dock. There will not, therefore, be any significant adverse impact on biodiversity.
- 21.4 The proposed landscaping includes "green mounds" around the trees and linear planters. These offer opportunities for biodiversity enhancements. The green mounds could include wild flowers in the grass, and the planters could be filled with nectar-rich flowering plants to benefit bees and other pollinating insects. Were the application to be approved, a condition could require full details of the landscaping, including the species to be planted.
- 21.5 A "brown roof" is also proposed on part of the 4th floor terrace. This should follow the best practice guidance published by "Buglife". Were the application to be approved, a condition could require full details of the living roof, including depth of substrate, details of planting and any other habitat features to be included, such as piles of stones or logs. Two bird boxes and bird feeders are also provided. If the application were to be approved, the landscaping and living roof should be sufficient to ensure an overall benefit for biodiversity from the development.
- 21.6 Having regard to the possible conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

### **Television and Radio Service**

- 22.1 The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 22.2 The effects during operational phases once the development is complete are predicted to be:
- Cast a terrestrial television reception shadow over existing properties to the north-east; and,
  - Cast a satellite shadow to the north-west.
- 22.3 However, due to the orientation of satellite dishes and the existing shadows cast by 25 Bank Street and 1 Canada Square there would be negligible effects on both. There is a minor adverse effect on DLR communications but these could be mitigated by way of s106/condition if the application were to be approved.

### **London City Airport Safeguarding Zone**

- 23.1 The application site is located underneath the London City Airport Safeguarding Zone and the proposal includes a tall building. Therefore, an assessment of the proposal on the Zone is necessary. London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

### **Health Considerations**

- 24.1 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 24.2 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 24.3 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.

24.4 The application proposes child play and communal and private amenity space that meets the quantitative requirements of the Development Plan along with approximately 925sqm of open space under the DLR line. These spaces are considered to be somewhat compromised and would not maximise opportunities for healthy and active lifestyles. The applicant has indicated they would be prepared to pay the Health contribution in full. On balance, were the Health contribution to be secured by legal agreement, the proposal would not be inconsistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy to an extent that would justify withholding planning permission.

### **Impact upon local infrastructure / facilities**

25.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

25.2 The NPPF requires that planning obligations must be:

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

25.3 Regulation 122 of the 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.

25.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

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

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

25.6 The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

25.7 The development is predicted to have a population yield of 956, 127 of whom will be aged between 0-15 and are predicted to generate a demand for 88 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

25.8 In the absence of a legal agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impact on local services, amenities and infrastructure as well as failing to maximise the delivery of affordable housing.

25.9 However, were Members not to follow Officers' recommendation, it is noteworthy that the applicant has offered contributions in relation to:

- Enterprise and Employment Skills and Training;
- Idea Stores;
- Leisure facilities;
- Education;
- Health;
- sustainable transport;
- Public Open Space
- Streetscene and Built Environment;
- Highways
- energy; and,
- a 2% monitoring contribution.

25.10 The applicant has agreed to meet TfL request for contributions towards cycle hire and bus capacity (£70,000 and £200,000 respectively);

25.11 The applicant has also offered 25% affordable housing by habitable room with a tenure split of 69:31 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

25.12 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, 5 apprenticeships a year with no less than 20 apprenticeships across the construction period, a permit-free agreement (other than for those

eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, a car parking management strategy (in respect of the affordability of the 4 reserved spaces for blue badge holders) and mitigation (if necessary) for DLR communications.

25.13 The financial contributions offered by the applicant are summarised below:

<b>Heads</b>	<b>s.106 financial contribution</b>
Construction Phase Skills and Training	£145,593
End User Phase Skills and Training	£2,212
Community Facilities	£120,793
Leisure Facilities	£485,295
Education	£1,141,827
Health	£657,288
Sustainable Transport	£14,340
Public Realm	£714,331
Streetscene and Built Environment	£35,128.80
Highways (TfL)	£270,000
Highways (LBTH)	£268,043.71
Carbon offset	£126,720
<b>Sub-Total</b>	<b>£3,981,571.51</b>
Monitoring	£79,631,45
<b>Total</b>	<b>£4,061,202.94</b>

### **Other Financial Considerations**

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

26.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

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

- 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

- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

26.3 In this context “grants” might include New Homes Bonus.

- 26.4 These are material planning considerations when determining planning applications or planning appeals.
- 26.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards to local finance considerations, in the absence of a legal agreement to secure the necessary contributions the development fails to mitigate the impact of the development on local services, infrastructure and amenities.
- 26.6 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution would be £1,450,470. The retail element of the scheme would also be subject to the Crossrail s106 Levy.
- 26.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 26.8 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £711,554 in the first year and a total payment of £,4269,323 over 6 years.

### **Human Rights Considerations**

- 27.1 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:-
- 27.2 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".

27.3 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.

27.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

27.5 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.

27.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

27.7 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.

27.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

28.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability,

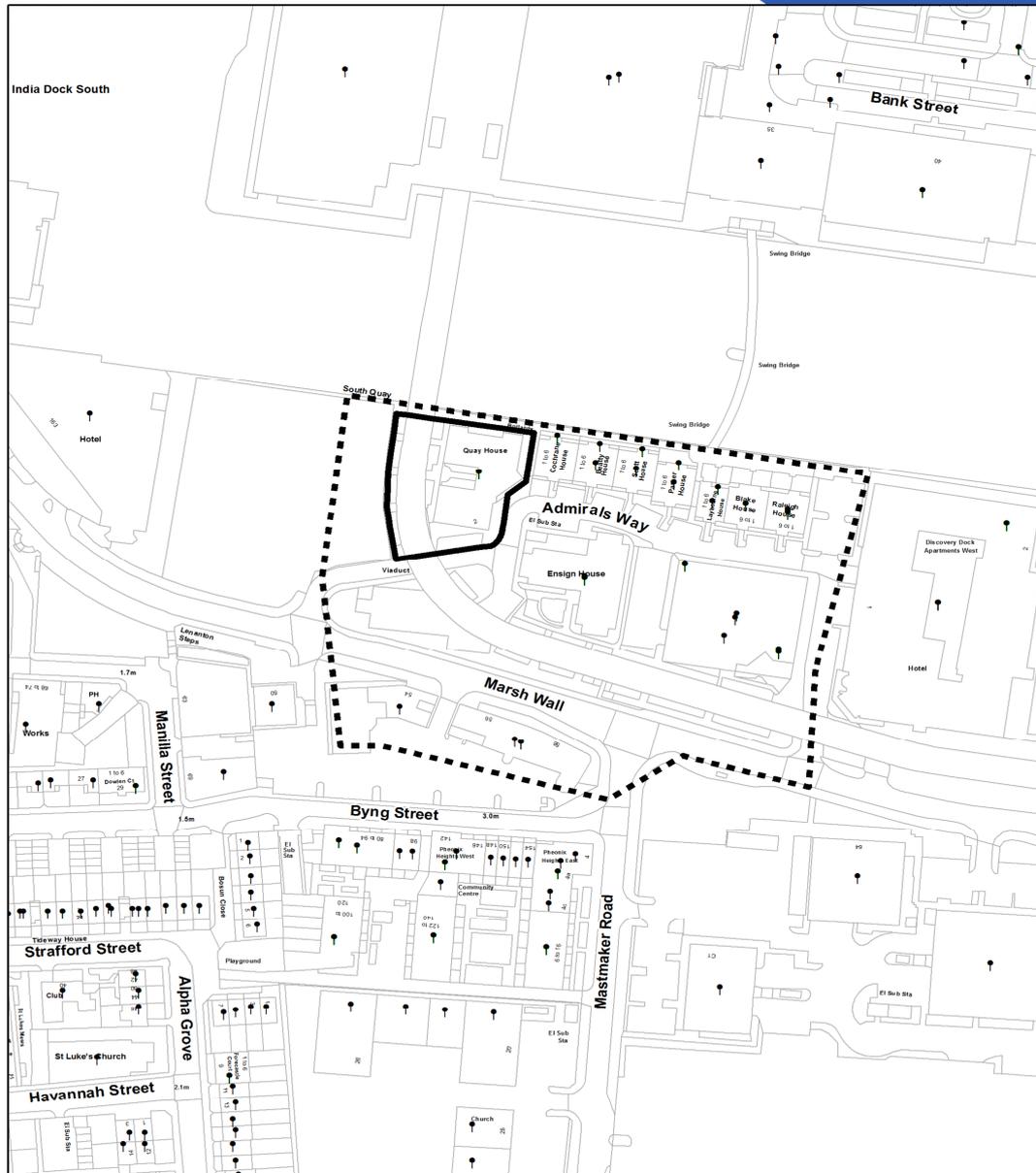
gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment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

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

### **Conclusion**

- 29.1 All other relevant policies and considerations have been taken into account. Planning Permission should be refused for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

**Planning Application Site Map**  
**PA/14/00990**



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- 
- 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.  
 © Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288

