

<b>Committee:</b> Strategic Development	<b>Date:</b> 6 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/14/00944- Full Planning Permission
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** South Quay Plaza, 183-189 Marsh Wall, London

**Existing Use:** Office and Retail uses.

**Proposal:** 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 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) 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.

### **Drawings and Documents**

**documents:** Affordable Housing Statement, prepared by GVA, March 2014  
Estate Management Strategy, prepared by Berkeley, March 2014  
Social Sustainability Assessment, prepared by Quod  
Statement of Community Involvement prepared by Snapdragon Consulting, March 2014  
Planning Statement, prepared by GVA, March 2014  
Addendum Planning Statement, prepared by GVA, September 2014  
Retail Statement, prepared by GVA, March 2014  
Revised Environmental Statement Non-Technical Summary (NTS) September 2014  
Revised Energy Strategy, prepared by WSP Contacts, September 2014

Sustainability Statement, prepared by WSP Contacts, March 2014  
Revised Playspace Strategy, 14<sup>th</sup> October 2014  
Including drawings OX5010 100 P02, OX5051 101 P4 and OX5010 102 P3  
Design Consultation Response – Part 2, 8<sup>th</sup> September 2014  
Design and Access Statement  
Design and Access Statement Addendum, September 2014  
Addendum Design and Access Statement October 2014  
Revised Delivery & Servicing Plan September 2014  
Workplace Travel Plan September 2014  
Revised Transport Assessment September 2014  
Addendum Note Basement Vehicle Access Strategy WSP dated October 2014  
Revised Pedestrian Environment Review System (PERS) Audit September 2014  
Revised Travel Plan September 2014

Environmental Statement:

Volume I Main Assessment, Text & Figures,  
Volume II Townscape, Visual & Built Heritage Impact Assessment) and  
Volume III Part 1 A-G Technical Appendices  
Volume III Part 2 H Technical Appendices.  
Volume III Part 3 I-L Technical Appendices.  
Volume III Part 4 M-N Technical Appendices.  
Addendum Environmental Statement Part 1 September 2014  
Addendum Environmental Statement Part 2 September 2014  
EIA Statement of Validity dated 17<sup>th</sup> October 2014

Drawings

A-0-0001 02,	A-0-0002 01,	A-0-1000 01,
A-0-1009 01,	A-0-1010 01,	A-0-1013 01,
A-0-1020 01,	A-0-1021 01,	A-0-1022 01,
A-0-1023 01,	A-0-1024 01,	A-0-1025 01,
A-0-1026 01,	A-0-1050 01,	A-0-1100 02,
A-0-1198 02,	A-0-1199 02,	A-0-1200 02,
A-0-1200B 02,	A-0-1201 02,	A-0-1202 02,
A-0-1220 02,	A-0-1228 02,	A-0-1236 02,
A-0-1256 01,	A-0-1268 01,	A-0-1280 01,
A-0-1400 01,	A-0-1401 02,	A-0-1402 02,
A-0-1403 01,	A-0-1500 01,	A-0-1501 01,
A-0-1502 01,	A-1-0010 01,	A-1-0011 01,
A-1-1200 02,	A-1-1200B 02,	A-1-1201 02,
A-1-1202 02,	A-1-1203 02,	A-1-1206 00,
A-1-1210 02,	A-1-1211 01,	A-1-1216 01,
A-1-1220 02,	A-1-1230 02,	A-1-1233 01,
A-1-1234 01,	A-1-1246 01,	A-1-1249 01,
A-1-1250 02,	A-1-1256 01,	A-1-1257 01,
A-1-1260 02,	A-1-1265 01,	A-1-1266 01,
A-1-1267 01,	A-1-1268 01,	A-1-2000 02,
A-1-2002 02,	A-1-2003 02,	A-1-2004 02,

A-1-2010 02, A-1-2011 02, A-1-2020 02,  
 A-1-4000 01, A-1-4001 01, A-1-4002 01,  
 A-1-4003 01, A-1-4004 01, A-1-4005 01,  
 A-1-4006 01, A-1-4007 01, A-2-0010 01,  
 A-2-0011 01, A-2-1200 02, A-2-1200B 02,  
 A-2-1201 02, A-2-1202 02, A-2-1205 00,  
 A-2-1206 00, A-2-1210 02, A-2-1212 01,  
 A-2-1216 00, A-2-1220 02, A-2-1222 02,  
 A-2-1228 02, A-2-1229 02, A-2-1235 02,  
 A-2-1233 02, A-2-1234 02, A-2-1236 02,  
 A-2-2000 02, A-2-2002 02, A-2-2003 02,  
 A-2-2004 02, A-2-2005 02, A-2-2006 02,  
 A-2-2007 02, A-2-2010 01, A-2-2011 01,  
 A-2-2020 02, A-2-4001 01, A-2-4002 01,  
 A-2-4003 01, A-3+-1200 01, A-3+-1201 01,  
 A-3+-1205 01, A-3+-1206 01, A-3+-1400 01,  
 A-3+-1401 01, A-3+-1402 01, A-3+-1500 01,  
 A-3+-1501 01, A-3+-4000 01, A-3+-4001 01 and  
 A-3+-4002 01

**Applicant:** Berkeley Homes (South East London) Ltd

**Ownership:** Applicant (Owner of SQP1, SQP2 and SQP3+) and British Airways Pension Trustees limited (Owner of SQP3)

**Historic Building:** None

**Conservation Area:** None

## 2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011), along with all other material considerations including the National Planning Policy Framework and has found that:
- 2.2. The proposed demolition of existing commercial buildings and the redevelopment of the site for a residential-led development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the site's Millennium Quarter Site allocation within the Managing Development Document (2013).
- 2.3. The scale and slender form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/proposed buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local

views. The proposed tall buildings will also help form a transition in scale within the site, with the tallest building located closest to Canary Wharf.

- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. In light of the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. The proposals would integrate intermediate housing within the northern tower and rented accommodation within the southern tower. The proposals include:
  - 110 Affordable Rented homes (402 habitable rooms);
  - 78 Intermediate homes (169 habitable rooms);
  - 25% provision by habitable rooms (70:30 Affordable Rent: Intermediate Ownership); and
  - A mix of 1, 2, 3 and 4-bed Affordable dwellings.
- 2.7. Transport matters, including parking, access and servicing are acceptable and it is considered that the measures secured to facilitate a Landing zone for a new pedestrian bridge along with a significant financial contribution will ensure the proposed impact on the local highway network is considered acceptable.
- 2.8. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.
- 2.9. The proposed development will provide appropriate mitigation measures through a legal agreement which will contribute towards the delivery of a new pedestrian bridge, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents.

### **3. RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£341,318.00** towards employment, skills, training and enterprise.
- b) A contribution of **£1,059,369.00** towards Community Facilities
- c) A contribution of **£23,642.00** towards Sustainable Transport Initiatives.
- d) A contribution of **£2,128,677.00** towards Education
- e) A contribution of **£1,134,782.00** towards Public Realm.
- f) A contribution of **£1,074,600.00** towards the provision of health and wellbeing.
- g) A contribution of **£15,000.00** towards legible Londonsignage
- h) A contribution of **£320,000.00** towards local highway improvements
- i) A contribution of **£480,965.00** towards improvements towards a new South Dock Footbridge or improvements to the existing footbridge
- j) A contribution of **£270,900.00** towards Carbon Off-setting
- k) A contribution of **£70,000.00** towards the Mayor of London cycle hire docking scheme
- l) A contribution of **£84,000.00** towards Preston's Road Roundabout
- m) A contribution of **2%** of the total financial contributions would be secured towards monitoring.

Total Contribution financial contributions **£7,143,318.00**

Non-financial contributions

- n) Delivery of 25% Affordable Housing by habitable rooms comprising of 110 rented units (402 habitable rooms) and 78 intermediate units (169 habitable rooms)
- o) Clause ensuring timely delivery of affordable housing
- p) Permit Free for future residents
- q) Bridge Landing Access Point (land to be safeguarded for this purpose)
- r) Provision of Public Art up to a value of £100,000.00
- s) Provision of Public Access across the site
- t) TV reception/ DLR Signal and monitoring
- u) Travel Plan monitoring
- v) Requirement to enter into S278 agreement for highway works
- w) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- x) Provision of apprenticeships
- y) Review mechanism
- z) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That if, within three months of the date of this committee meeting the legal agreement have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.

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

3.7. **Conditions**

Prior to Demolition Conditions:

1. Demolition management plan
2. Feasibility for transportation by water
3. Survey of the waterway wall

Prior to construction

4. Construction management plan
5. Thames Water Risk Assessment
6. Surface water drainage scheme
7. Thames Water Impact Study
8. Ground water contamination
9. Detail of basement access
10. Archaeology

Prior to commencement of superstructure works conditions:

11. Crane heights / aircraft obstacle lighting
12. Feasibility of further thermal efficiency measures
13. Detailed decentralised energy assessment
14. Secured by design measures
15. External materials
16. Biodiversity enhancement measures.
17. Public realm / landscaping details / Child Play Space
18. Odour mitigation for A3 use
19. Details of inclusive access to D1 Crèche
20. CCTV and lighting plan
21. Wind mitigation measures

Prior to Occupation' Conditions:

22. Feasibility of car club
23. Contaminated land
24. Access strategy
25. Delivery and servicing plan
26. HGV collection strategy
27. Code for sustainable homes CSH Level 4
28. BREEAM Excellent
29. Verification report on groundwater conditions
30. Parking Management Statement

'Compliance' Conditions –

31. Permission valid for 3yrs
32. Hours of use of A3
33. Development in accordance with approved plans
34. Energy

- 35. Heat network
- 36. Renewable energy
- 37. Electric vehicle charging points
- 38. Cycle parking
- 39. Lifetime homes
- 40. 10% wheelchair accessible

**3.8. Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames water informatives
- 5) Canal and River Trust –need for agreements
- 6) Environmental Health informatives
- 7) London City Airport
- 8) Fire and Emergency Planning Authority

3.9. Any other conditions and/or informative(s) considered necessary by the Corporate Director Development & Renewal

**4. PROPOSAL, LOCATION AND DESIGNATIONS**

**Proposal**

- 4.1. The applicant is seeking a comprehensive redevelopment of the site consisting of the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and the erection of two residential led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail uses (Class A1-A4) and a crèche (Class D1).
- 4.2. The applicant is also seeking planning permission for alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) spaces at ground floor 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.
- 4.3. The proposal would provide a total of 888 residential units with 25% affordable housing by habitable room. In dwelling numbers it would comprise 700 market units (79% of total); 78 Intermediate units (9% of total) and 110 rented units (12% of total). 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	700	79	1730	75
Affordable rent	110	9	402	18
Intermediate	78	12	169	7
<b>TOTAL</b>	<b>888</b>	<b>100</b>	<b>2301</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	57	329	241	73	0
Affordable Rent	0	24	34	30	22
Intermediate	13	39	26	0	0
<b>TOTAL</b>	<b>70</b>	<b>392</b>	<b>301</b>	<b>103</b>	<b>22</b>
<b>Total as %</b>	<b>8%</b>	<b>44%</b>	<b>34%</b>	<b>12%</b>	<b>2%</b>

- 4.4. The application also proposes a double basement containing car parking, ancillary retail space and space for refuse and plant.
- 4.5. The following table provides an illustration of the change in floorspaces with the proposed development (measured in Gross Internal Floorspace 'GIA')

#### Existing and proposed change in floorspace

<b>Use Class</b>	<b>Existing GIA m<sup>2</sup></b>	<b>Proposed GIA</b>	<b>NET change GIA</b>
Residential (Class C3)	0	91,263 (888 units)	91,263
Retail (Class A1-A4)	1,646	2,097	+451
Office excluding SQP3 (Class B1)	18,631	1,888	-16,743
*Office including SQP3 (Class B1)	45,470	28,727	-16,732
Community Use (Class D1)	600 (Health Centre)	556 (Crèche)	-36

\*This includes South Quay Plaza 3 which is to be retained within the development.

#### Site and Surroundings

- 4.6. The application site comprises an area of approximately 1.33 hectares and is located on the southern side of South Dock on the Isle of Dogs.
- 4.7. The application site is bound by South Dock to the north and Millwall Cutting to the east. To the west of the site is the residential development at Discovery Dock East and a cleared development site. The site is bounded to the south by Marsh Wall and the South Quay Docklands Light Railway (DLR). The Canary Wharf estate is located to the north of the site.

4.8. The following plan show the application site in relation to immediate surroundings.



4.9. The application site currently comprises four commercial buildings, as described below:

- South Quay Plaza 1 – a ten storey office building.
- South Quay Plaza 2 – a two storey building providing retail units and a healthcare facility;
- South Quay Plaza 3 – a fifteen storey office building
- South Quay Plaza 3+ - a three storey building to the north of South Quay Plaza 3 comprising a gentlemen's club.

4.10. Overall, the existing buildings provide approximately 45,470 sqm (GIA) of office (Class B1) floorspace, 1,646 sqm (GIA) of retail (Class A1-A4) floorspace and 600 sqm (GIA) of healthcare (Class D1) floorspace.

4.11. The site currently provides 330 car parking spaces within a ground floor and basement carpark. The main vehicular access to the site is on the western side of the site from Marsh Wall, which provides access to the basement car park and also to the Discovery Dock East development to the west of the site. Vehicular access is also provided from Marsh Wall.

4.12. Immediately to the north of South Quay Plaza, is the Canary Wharf Estate, which mainly comprises large scale office buildings with large floor plates, including One Canada Square (245.75 metres AOD), together with supporting retail uses.

4.13. The immediate context of the South Quay Plaza site mainly consists of residential and commercial uses, including the 48 storey (147 metres AOD) and 38 storey

(119 metres AOD) residential developments at Pan Peninsula to the south of the site and the Discovery Dock East development to the west.

- 4.14. In terms of transport links, the site has a PTAL rating of 4, with South Quay DLR station immediately to the south. Heron Quay DLR station and Canary Wharf (Jubilee Line) Station are also in close proximity. The new Crossrail station is located further north, and is currently under construction.
- 4.15. The nearest bus stop is around 160metres to the west of the site, on the northern side of Marsh Wall. The bus stop is part of the D8 route, which runs between Stratford City and Crossharbour.
- 4.16. Other bus stops nearby include D3 (Bethnal Green to Crossharbour), D6 (Bethnal Green to Crossharbour –via Mile End), D7 (Mile End to Poplar), 135 (Crossharbour to Old Street Station) and N550 Canning Town to Trafalgar Square.

#### Designations

- 4.17. 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.
- 4.18. 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 the Millennium Quarter.
- 4.19. The site is outside of the Canary Wharf Preferred office Location (POL) and Canary Wharf Major Town Centre, but within the Tower Hamlets Activity Area (THAA), as defined by Core Strategy Policy SP01. The THAA is intended to provide transitional areas that are complementary, yet different, to the distinct designations of the Canary Wharf town centre
- 4.20. 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.
- 4.21. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.22. The site is within the London City Airport Safeguarding Zone.
- 4.23. 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.

- 4.24. The site is within the Crossrail Safeguarding Area as well as the CrossrailSPG Charging Zone.

## **Environmental Impact Assessment**

### EIA Regulations

- 4.25. 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.
- 4.26. 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.
- 4.27. 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

- 4.28. An EIA Scoping Report was submitted to LBTH in July 2013 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 13<sup>th</sup> August 2013 and the EIA was informed by this document.

### Environmental Information

- 4.29. The ES was submitted by the applicant with the full 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: Traffic and Transportation;
  - Chapter 9: Noise and Vibration;
  - Chapter 10: Air Quality;
  - Chapter 11: Ground Conditions;
  - Chapter 12: Water Resources and Flood Risk;
  - Chapter 13: Archaeology;
  - Chapter 14: Electronic Interference;
  - Chapter 15: Aviation;
  - Chapter 16: Wind Microclimate;
  - Chapter 17: Daylight, Sunlight, Overshadowing and Solar Glare;
  - Chapter 18: Townscape, Visual and Heritage Impact Assessment
  - Chapter 19: Residual Effects and Conclusions
    - Appendix A: EIA Scoping Report and Scoping Opinion and consultation responses;

- Appendix B: Operational Waste Strategy;
- Appendix C: Demolition and Construction;
- Appendix D: Health and Well-being Assessment;
- Appendix E: Ecology;
- Appendix F: Noise and Vibration;
- Appendix G: Air Quality;
- Appendix H: Ground Conditions;
- Appendix I: Water Resources and Flood Risk;
- Appendix J: Archaeology;
- Appendix K: Aviation Risk Assessment;
- Appendix L: Wind Microclimate;
- Appendix M: Daylight, Sunlight, Overshadowing, light pollution and Solar Glare;
- Appendix N: Electronic Interference

- 4.30. 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.
- 4.31. 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.
- 4.32. 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.
- 4.33. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 4.34. 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.
- 4.35. 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.
- 4.36. The South Quay application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings.

- 4.37. 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.
- 4.38. Where adverse effects have been identified, appropriate mitigation measures have been proposed and these are recommended to be secured by way of planning conditions and/or planning obligations as appropriate.

### **Relevant Planning History**

#### Application Site

- 4.39. The application site consists of a London Docklands Development Corporation (LDDC) consented scheme, approved in the 1980s. In 1996, South Quay Station was the site of an IRA bomb which damaged South Quay Plaza I and II beyond repair. In 1997, the LDDC granted planning permissions for façade changes to South Quay Plaza III and for the re-instatement and re-building of the shopping arcade(6<sup>th</sup> August 1997).
- 4.40. Over the subsequent years a number of planning applications have come forward seeking various works on site. Of these applications, two recent applications are worth noting.
1. Planning Application 1 PA/11/01243  
1<sup>st</sup> Floor Office Suite (East), South Quay Plaza, 185 Marsh Wall  
Proposed change of use of first floor office suite to flexible office use (Use Class B1) and health Centre (Use Class D1)  
Approved 11/07/2011
  2. Planning Application 2 PA/13/03095  
Wyndham House (SQP3), 189 Marsh Wall, London, E14 9SH  
Demolition of existing entrance canopy at raised ground floor level and erection of new canopy, remodelling of existing entrance steps  
Approved 05/02/2014

4.41. Planning application 1 (PA/11/01243) has been implemented and is occupied by the Nuffield Health Centre, planning application 2 consists of improvement works to SQP3 and are referred to within this application.

4.42. A number of planning applications have been submitted within the vicinity and these form part of the existing and emerging site context. These are outlined below.

#### Built

4.43. “Pan Peninsula” has two buildings of 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses. This site is located to the south of South Quay Plaza.

- 4.44. "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. This building is further west of South Quay Plaza.

Consented / Implemented but not built

- 4.45. "Hertsmere House (Colombus Tower)" PA/08/02709 granted 2nd 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).
- 4.46. "Riverside South" PA/07/935 granted 22nd 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.
- 4.47. "City Pride" PA/12/03248 granted 10th 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.
- 4.48. "Newfoundland" PA/13/01455 granted 10th 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.
- 4.49. "40 Marsh Wall" PA/10/1049 granted 15th 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.
- 4.50. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm, associated car parking, landscaping including new public open spaces and a dockside walkway.

(Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

- 4.51. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level."
- 4.52. "Wood Wharf" PA/13/02966 Outline application (all matters reserved) for mixed-use redevelopment of the site known as "Wood Wharf" comprising:
- Demolition of existing buildings and structures, including dwellings at Lovegrove Walk;
  - The erection of buildings, including tall buildings and basements, comprising:
    - Residential units ( Use Class C3);
    - Hotel (C1);
    - Business floorspace (B1);
    - Retail (A1-A5);
    - Community and Leisure (D1 and D2); and,
    - Sui Generis uses.

#### Under consideration

- 4.53. "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.
- 4.54. "Enterprise Business Park, 2 Millharbour" PA/14/01246 for the 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 42 storeys.

New buildings to comprise: 909 residential units (Class C3); 1,005 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,104 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.

- 4.55. "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.

- 4.56. "54 Marsh Wall" PA/14/002418 For demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.
- 4.57. "Meridian Gate" PA/14/01428 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).
- 4.58. "Quay House" PA/14/00990 for the demolition of the existing building and redevelopment to provide a residential led, mixed use scheme to include a tower of 68 storeys comprising 496 residential units, approx. 315sqm of flexible commercial uses, a residents gym and associated residential amenity space, car and cycle parking and landscaping.

## **5. POLICY FRAMEWORK**

- 5.1. 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.
- 5.2. 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 the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)  
National Planning Policy Guidance

**5.4. Spatial Development Strategy for Greater London - London Plan 2011 (LP) and the Revised Early Minor Alterations to the London Plan published 11th October 2013**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual 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 development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity

- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. 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 carried out in 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.

5.6. 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 which should be given some weight.

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

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating a green and blue grid
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- 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

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

DM0 Delivering Sustainable Development  
DM1 Development within the town centre hierarchy  
DM2 Local shops  
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  
DM16 Office locations  
DM20 Supporting a Sustainable transport network  
DM21 Sustainable transportation of freight  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM26 Building heights  
DM27 Heritage and the historic environments  
DM28 World heritage sites  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

5.9. **Supplementary Planning Documents include**

Planning Obligations SPD – LBTH – January 2012  
Draft Sustainable Design and Construction SPG (July 2013)  
Shaping Neighbourhoods: Character and Context - draft (February 2013)  
Housing Supplementary Planning Guidance (November 2012) (GLA)  
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
London View Management Framework SPG (March 2012)  
London World Heritage Sites - Guidance on Settings SPG (March 2012)  
SPG: Planning for Equality and Diversity in London (October 2007)  
SPG: Sustainable Design and Construction (May 2006)  
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)  
SPG: The control of dust and emissions during construction and demolition (July 2014)  
Isle of Dogs Area Action Plan

5.10. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:  
A Great Place to Live

A Prosperous Community  
A Safe and Supportive Community  
A Healthy Community

5.11. **Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles Policy and Guidance (English Heritage)  
Millennium Quarter Masterplan Guidance (2000)

**6. CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

**Crossrail Limited**

6.3. Crossrail Limited do not have any comments on this application.

6.4. *[Officer Comment: This is noted]*

**LBTH Parks and open spaces**

6.5. No comments received

**Secure by Design**

6.6. No objections are raised in relation to the sighting of this development or the proposed designs of the buildings concerned.

6.7. A condition is recommended to achieve Secured by Design for this build due to the prominent location opposite an iconic site in Canary Wharf and the history of the site (site of the 1996 Terrorist Attack).

6.8. *[Officer Comment: The suggested condition is recommended should planning permission be granted]*

**Environmental Health - Contaminated Land**

6.9. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist, they have recommended a condition to ensure any contaminated land is appropriately dealt with.

6.10. *[Officer Comment: The suggested condition is recommended should planning permission be granted]*

## **Environmental Health - Air Quality**

- 6.11. No comments received.
- 6.12. *[Officer Comment: The air quality has been fully considered within the submitted Environmental Assessment and conditions will be imposed to ensure a construction management plan which includes measures to reduce the impact on air quality are fully adhered to]*

## **Environmental Health – Noise and Vibration**

- 6.13. No objections raised subject to the imposition of conditions relating to noise, and hours of operation for the D1 and A3 uses.
- 6.14. *[Officer Comment: This is noted and compliance with the noise reports will be recommended as conditions should planning permission be granted]*

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

- 6.15. 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. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.16. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

## **Natural England (NE)**

- 6.17. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.18. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Natural England have encouraged the incorporation of GI into this development.
- 6.19. Natural England have also advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The NE authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 6.20. *[Officer Comment: The proposed development benefits from a large proportion of public open space incorporating a large number of trees and vegetation. This*

*along with conditions aimed at ensuring biodiversity gains have been recommended]*

### **Conservation and Design Advisory Panel (CADAP)**

- 6.21. CADAP were consulted on the application at pre-application stage and the comments made included the following design comments:
1. Concerns raised over the proposed location of the vehicular ramp
  2. Basement depth inhibiting tall trees
  3. Lack of information on tenures
  4. Mixed views were raised by members over the height of the tallest tower
  5. The design and layout of the twisted grid was considered an intelligent move that breaks form of Canary wharf
  6. The active and legible public realm was considered a very positive move.
- 6.22. *[Officer Comment: In response, the proposed vehicular ramp has now been omitted from the proposals in favour of car lifts. At pre-application stage, further information was provided to demonstrate trees could work within the space provided and the example of Jubilee Gardens was give. In addition, the height of the tallest tower has fallen to below the 'shoulder' of Canary Wharf]*

### **BBC Reception Advice**

- 6.23. No comment received

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

- 6.24. LCY has no safeguarding objection. However, in the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.25. *[Officer Comment: This is noted and a condition is recommended should planning permission be granted]*

### **English Heritage**

- 6.26. Given the application would form part of a coherent part of the emerging tall building cluster English Heritage has no significant concerns with the proposed tall building SQP1 in this location.
- 6.27. *[Officer Comment: This is noted]*

### **English Heritage Archaeology (EHA)**

- 6.28. EHA have advised the proposed development may affect remains of archaeological importance. However, EHA do not believe further work is not required to be undertaken prior to determination of this planning application.

- 6.29. In the event planning permission is granted a EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.
- 6.30. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended should planning permission be granted]*

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

- 6.31. The Environmental Agency have not raised objections to the scheme, subject to a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.
- 6.32. *[Officer Comment: These comments have been taken into account and the relevant condition is recommended should planning permission be granted]*

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

- 6.33. No information is provided in relation to water supplies so limited comments can be made, the applicant is advised to contact the LFEPA
- 6.34. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary, however an informative is recommended to advise the applicant]*

#### **Tower Hamlets Primary Care Trust**

- 6.35. The proposed number of residential units generates a Health Contribution which should be secured by a legal agreement.
- 6.36. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

#### **London Bus Services Ltd.**

- 6.37. No comments received.

#### **TFL London Underground**

- 6.38. No objections raised.

#### **The Twentieth Century Society**

- 6.39. No comments received

#### **Network Rail Infrastructure Ltd.**

- 6.40. No comments received.

### **The Victorian Society**

- 6.41. No comments received

### **Thames Water Utilities Ltd.**

#### TheWaste Comments (TW)

- 6.42. In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the increased flows from the proposed development, a drainage strategy must be submitted detailing the foul and surface water strategies. If initial investigations conclude that the existing sewer network is unlikely to be able to support the demand anticipated from this development, it will be necessary for the developer to fund an Impact Study.

#### Water Comments

- 6.43. TW have advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition be imposed requiring the submission of an impact study determining the new additional capacity required in the system and a suitable connection point.
- 6.44. Lastly, TW have advised that no impact piling should take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- 6.45. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission]*

### **London Borough of Southwark**

- 6.46. No comments received.

### **Canal and Rivers Trust (CaRT)**

- 6.47. The Canal & River Trust has no objections to the proposed development, subject to the conditions relating to surface water, survey of dock wall, details of lighting, landscaping and a risk assessment for all work adjacent to the dockside walkway.
- 6.48. *[Officer Comment: These comments have been noted and all requested conditions are recommended should planning permission be granted]*

### **Royal Borough of Greenwich**

- 6.49. 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 (LVMF).

- 6.50. *[Officer comment: These issues are addressed within the main body of the report, however in summary the GLA and English Heritage considered the height to be acceptable in relation to wider townscape views including the LVMF]*

### **Greater London Authority**

- 6.51. London Plan policies on housing, urban design, inclusive design, climate change, and transport are relevant to this application:

#### Principle of redevelopment

- 6.52. In light of the recognition within the London Plan that surplus business capacity can be released in this location, the proposed renewal and consolidation of office floorspace as part of this application is considered acceptable in strategic planning terms.
- 6.53. The principle of housing on this site as part of any redevelopment proposals is also supported by the GLA.
- 6.54. The GLA have raised a strategic concern regarding the quantum of housing within emerging proposals and the potential barriers to the delivery of this development, which includes the need to secure social and physical infrastructure. They have advised that the applicant should fully engage with the Councils plans for the masterplan.
- 6.55. *[Officer comment: The applicant has engaged with the emerging masterplan where possible and has offered significant financial contributions towards providing much needed transport infrastructure]*

#### Housing

- 6.56. At the time of the stage 1 report, the viability of the scheme was still being reviewed by the Council. As such, the GLA was unable to confirm whether the maximum reasonable amount of affordable housing was being secured, nor whether the proposal complied with policy 3:12 of the London Plan which required a split of 60:40 between rented accommodation and intermediate accommodation.
- 6.57. *[Officer comment: the viability of the scheme has been independently verified and outlines that the application also maximises affordable housing and as such, is supported. This is discussed further within the housing section of the report]*

#### Density

- 6.58. The density of the proposed development is 2267 habitable rooms per hectare, which is above the guide of 650 to 1,100 habitable rooms per hectare. The GLA does not have an in-principle objection to high density developments however

advise that such densities should be assessed in relation to the local amenities, infrastructure and services to support the development.

- 6.59. *[Officer comment: this is noted. Following revisions to the scheme the number of units has been reduced and subsequently, the density has aswell. In relation to infrastructure the applicant has amended the proposals to include a crèche facility. The applicant has also agreed to a bridge landing zone to help facilitate a new connection to Canary Wharf]*

#### Child Play Space

- 6.60. The GLA consider that once the housing mix is confirmed the Child Play Space should be calculated and a series of conditions be imposed to ensure it is delivered to a high quality.
- 6.61. *[Officer comment: this is noted and conditions will be imposed to ensure the play space is of high quality]*

#### Urban design

- 6.62. The GLA consider the animation at ground floor to be broadly acceptable with the exception of the western edge of the application site, which is where the proposed bridge landing zone is to be. The GLA are particularly concerned over the location of the ramp providing access to the basement and the resulting impact of the route becoming indirect and illegible.
- 6.63. *[Officer comment: Following discussions with the GLA and LBTH the scheme has been amended to omit the ramp from this location. The applicant has instead agreed to a series of car lifts to provide basement access and these are to be located to on the western façade of SQP1]*

#### Residential Quality

- 6.64. The GLA is concerned with floors having up to twelve residential units sharing the same landing zone, which is higher than the eight units set out within the Housing SPG.
- 6.65. *[Officer comment: The applicant has explored ways of providing a variety of units sizes, given the slender form of the building, this has resulted in some floors with more than 8 units per core. In response, the applicant has advised that whilst some floors have more than 8 units, the layouts ensure flats are accessed from one of two communal corridors ensuring a sense of ownership. This is considered an acceptable compromise which optimises housing whilst ensuring a sense of ownership is maintained]*

#### Height and strategic views

- 6.66. The GLA suggest that the 73 storey building will become the tallest building within the Canary Wharf cluster, however given the distinctive rooftop of One Canada Square will remain visible within the cluster the resulting shift does not raise a strategic concern.
- 6.67. *[Officer comment: This is noted, since submission the height of the tallest tower has dropped to below the rooftop height of One Canada Square. As such, the*

*impact of the height on Strategic views has also been reduced. See design section of this report for further discussions on this point]*

- 6.68. The GLA have advised that the applicants townscape, visual and built heritage impact assessment illustrates the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs and as such, no concern is raised in this respect. Furthermore, the GLA have commented that the building will not harm the setting of listed buildings within the world heritage site (Martime Greenwich) or any listed buildings within Canary Wharf.
- 6.69. *[Officer comment: This is noted]*

#### Climate change

- 6.70. The GLA have advised that further information regarding overheating is required and further savings should be made through energy efficiency measures alone. Connection to Barkantine should be prioritised, and appropriately secured by the Council.
- 6.71. *[Officer Comment: The applicant has provided further information and this is discussed within the 'energy section' of this report]*

### **GLA/ Transport for London**

#### Car Parking

- 6.72. TfL/GLA confirms that the quantity of residential parking spaces is acceptable and the applicant will need to provide Electric Vehicle Charging Points (EVCP) in line with the London Plan Standard (20% active and 20% passive). A parking management strategy is also recommended to ensure the Blue Badge spaces are available when needed. Lastly, a car free agreement is also requested.
- 6.73. *[Officer comment: This is noted and the relevant conditions/obligations are suggested]*

#### Cycle Parking

- 6.74. TfL confirms that the quantity of residential parking spaces is acceptable.
- 6.75. TfL confirm the number of visitor cycle parking spaces is acceptable, however have requested clarification on the location of the staff and any shower and changing facilities.
- 6.76. *[Officer comment: The applicant has confirmed the location of the spaces and also the relevant changing facilities within the basement levels. This is considered acceptable]*

#### Walking and public realm

- 6.77. To alleviate the pressure at South Quay footbridge identified by the PCL audit TfL and the GLA have advised that they strongly support the principle of delivering a bridge connecting the South Quay area with the Canary Wharf estate, as this

will not only improve pedestrian/cycle connections but create a direct route to the eastern entrance to Canary Wharf station at Montgomery Square.

- 6.78. To expedite the construction of the bridge, TfL and GLA encourage Tower Hamlets Council to consider pooling funding sources, including a Section 106 contribution from this development and others within the local area.
- 6.79. *[Officer comment: It is recommended that the bridge landing zone and a s106 contribution have been secured if planning permission is granted and this is discussed further within the highways section of this report]*

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

##### Vehicular

- 6.80. TfL confirms that the vehicular trip rate is likely to be slightly more 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 has requested a contribution from this site to deliver a series of improvements at Preston's Road roundabout.
- 6.81. *[Officer comment: The requested financial contribution has been agreed by the applicant and is to be secured within the s106 agreement]*

##### Public Transport - DLR

- 6.82. TfL considers the installation of a second footbridge across South Quay to be a suitable method of mitigating the impact on the DLR.
- 6.83. *[Officer comment: This is noted and the provision of the second footbridge is strongly supported by officers]*

##### Public Transport - Buses

- 6.84. 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.
- 6.85. *[Officer comment: It is recommended that a contribution towards bus capacity be secured by way of the s106 agreement if planning permission is granted]*

##### Public Transport - cycle hire

- 6.86. 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.

- 6.87. *[Officer comment: A contribution towards cycle hire has been agreed and is recommended to be secured within the s106 agreement]*

### Freight

- 6.88. All loading and unloading activity of delivery and servicing vehicles associated with the proposed development is to take place on site and this is supported by the GLA and TfL. A Delivery and Servicing Plan (DSP) has been provided and reviewed and TfL consider the content to be acceptable.
- 6.89. Although construction is referenced within the TA, given the scale of the development, a framework Construction and Logistic Plan (CLP) would be required. The CLP should include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed. Details should include; site access arrangements, booking systems, feasibility of using nearby mooring facilities, construction phasing, vehicular routes and scope for load consolidation or modal shift in order to reduce the number of road trips generated. Considering the location of this development, the potential of using the waterway for the construction should be investigated within the CLP.
- 6.90. *[Officer comment: It is recommended that the CLP is recommended as a condition if planning permission is granted]*

### **Other issues**

#### Crossrail/CIL

- 6.91. The site is located within the Isle of Dogs Charging Area where Section 106 contributions for Crossrail should be secured. The mayoral CIL is also applicable to the development.
- 6.92. *[Officer comment: This is noted and to be discussed within the main body of this report]*

### **LBTH Highways**

#### Car Parking

- 6.93. Highways are concerned with the cumulative impact of development on traffic on the Isle of Dog and in particular two junctions onto the Island – Preston's Road roundabout and Westferry, and have a preference for the proposed parking to be reduced.
- 6.94. Highways also have concerns that the provision of 10% of on-site wheelchair spaces could leave shortfall compared to the number of wheelchair units.
- 6.95. *[Officer comment: Given the significant reduction of car parking from the existing site, it is considered difficult to seek a further reduction in parking spaces especially given the level of parking accords with Council policy. Furthermore, the*

*10% wheelchair units are in accordance with policy. In addition, the proposed development proposes a substantial contribution for a new pedestrian bridge, which would have significant transport infrastructure to mitigate against other transport impacts. In addition, a parking management strategy is to be secured by condition. As such, officers on balance, consider the proposed level acceptable]*

#### Cycle Parking

6.96. The proposed cycle parking is considered acceptable.

6.97. *[Officer comment: This is noted]*

#### Servicing

6.98. Highways require clarification on HGV holding area and how it will be managed by the applicant.

6.99. The applicant commits to a condition requiring appropriate warning signage to assist pedestrians negotiating the HGV holding area. This is welcomed.

6.100. *[Officer comment: The applicant has submitted an Estate Management Plan which outlines that a management company will be employed to manage the day to day running of the site]*

#### Trip Generation

6.101. Highways are concerned over the additional 117 trips on the DLR will be generated during the AM peak, of which 94% will use services accessed from the northbound South Quay platform.

6.102. To mitigate this, Highways are of the view the bridge is essential to support the development proposed in the South Quay area.

6.103. Lastly. A number of conditions (Construction Management Plan, Delivery and Service Plan, Travel Plan, Scheme of highway works, Drainage are recommended should consent be granted.

6.104. *[Officer comment: these are noted and the relevant conditions are recommended should planning permission be granted]*

#### **LBTH Refuse**

6.105. Waste strategy as described in design and access statement and demonstrated in the Basement Level 1 and Ground Level Plan is satisfactory. However, using current waste planning guidance, the total number of euro bins proposed for SQP is 85 and this is considered to be too much. To help mitigate this, Refuse are suggesting that either the holding area (that would have held these bins at ground floor level) or the basement can be adapted to store mobile compactors that range from about 10 to 27 cubic metres in capacity.

6.106. *[Officer comments: This is noted, the level of bins accords with current policy and as such is considered acceptable. The applicant has also agreed for refuse to be conditioned to ensure it takes into account future refuse requirements]*

## 7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at the Lanterns Studio Theatre.

7.2. At application stage a total of 6844 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses                      45                      Objecting: 43                      Supporting: 0

No of petitions received: 0

\*the consultation responses include an objection from a local ward Councillor.

7.3. The following were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. The full representations are available to view on the case file.

### Objections

- The proposal should be held in abeyance until a masterplan is developed for the area
- The height is unacceptable and would disrupt Canary Wharf skyline;
- 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;
- The proposal would increase noise and vibration to surrounding properties;
- The proposal would create noise, disturbance and dust during construction;
- The proposal will result in reverberating noise to existing buildings;
- Further strain on refuse collection
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Adverse impact on wind tunnelling.

7.4. *(Officer comment: The proposed height, density, scale, massing and height are addressed in Chapter 8 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.*

7.5. *Similarly transportation impacts are addressed further within this report.*

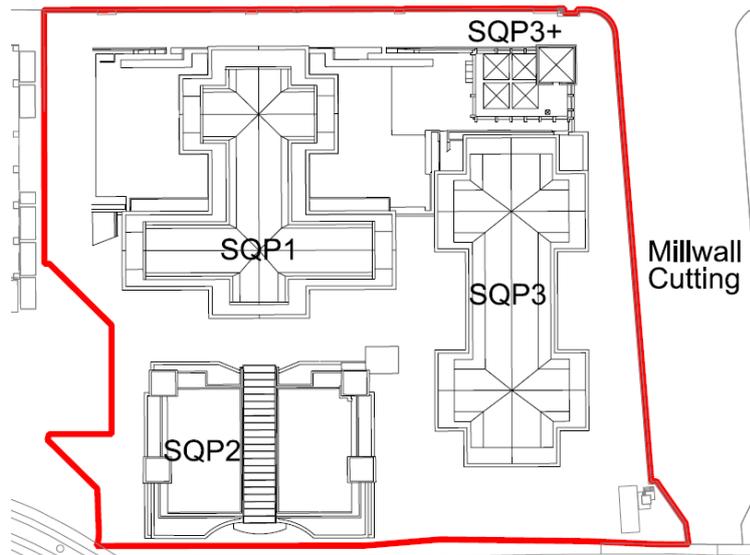
- 7.6. *Loss of value to neighbouring properties is not normally considered a material planning consideration.*
- 7.7. *The Council is preparing a South Quay Masterplan SPD, to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. Given its early stages of development it has little weight as a planning consideration, and given the Council has a duty to determine planning applications in a timely manner, it cannot prevent the determination on otherwise acceptable application until the masterplan is adopted.*
- 7.8. *In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved/mitigated against through conditions such as a construction management plan.)*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. The main planning issues raised by the application that the committee must consider are:
- General Principles/ Land Use
  - Urban Design
  - Housing
  - Amenity
  - Transport, Connectivity and Accessibility
  - Energy and Sustainability
  - Biodiversity
  - Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
  - Environmental Statement
  - Planning Contributions and Community Infrastructure Levy
  - Local Finance Considerations
  - Human Rights
  - Equalities

### **PROPOSAL**

- 8.2. The proposal seeks planning permission for the 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 68 storeys and up to 36 storeys 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.
- 8.3. The existing site takes the form of four buildings, namely SQP1, SQP2, SQP3 and SQP3+ as shown in the following map.



*Existing South Quay Plaza Layout SQP3 to be retained.*

- 8.4. SQP2 is positioned at the southwest corner of the site with frontage onto Marsh Wall and provides approximately 1,140sqm of retail use, 668sqm of office use, and a 630sqm health facility.
- 8.5. SQP1 and SQP3 are the most prominent buildings, providing approximately 18,895sqm and 28,181sqm of office use respectively. SQP3+ is located at the northeast corner of the site and provides approximately 588sqm of retail use.

Proposed

SQP1

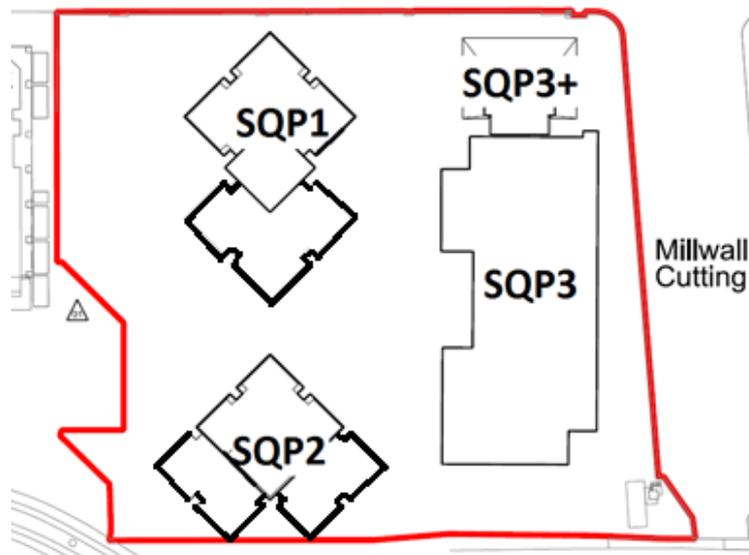
- 8.6. SQP1 is to be a part 56 (181m AOD) and part 68 storey(220m AOD) building comprising retail uses at ground floor, ancillary residential leisure facilities at 1<sup>st</sup> and 2<sup>nd</sup> floors and residential above. The 56<sup>th</sup> Storey is to contain enclosed residential gardens.

SQP2

- 8.7. SQP2 is to be a part 27 Storeys (95m AOD) and part 35 storeys (120m AOD) located on the southern portion of the site opposite the DLR Railway line.
- 8.8. The application proposes loading bays for servicing, retail uses, residential lobbys and a crèche lobby at ground floor. At level 1, ancillary residential uses are proposed and a crèche use. The remaining floors above are all in residential use, with two residential gardens at level 28.
- 8.9. A total of 888 units are proposed of which 110 are rented, 72 intermediate and 700 market sale. All the rented units are located within SQP2, whilst the 72 intermediate units are located within SQP1.

### SQP3+

- 8.10. SQP3+ is to be a linked building adjoining the existing office building SQP3. The proposed building is to be 6 storeys in height and (30m AOD). The ground floor is to be residential, with B1 office floorspace above. The proposal also seeks to convert the ground floor of SQP3 to retail with office above. The aim being to maximise the active frontages at ground floor levels across the entire site.
- 8.11. The proposed buildings are shown in the following map.



*Proposed South Quay Plaza Layout*

- 8.12. Two basement levels are also proposed to provide parking spaces, cycle spaces and back of house facilities.
- 8.13. Overall, the proposal involves the net gain of 91,263 m<sup>2</sup> of residential floor space, a net gain of 451m<sup>2</sup> of retail floorspace and a net loss of 36m<sup>2</sup> of D1 floorspace. The proposal also results in the net loss of 16,732 m<sup>2</sup> office floor space.

### **GENERAL PRINCIPLES/ LAND USE**

- 8.14. 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.
- 8.15. 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 to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

- 8.16. 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).
- 8.17. 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.
- 8.18. 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.
- 8.19. The proposal is for the construction of a mixed use residential-led development, including retail uses at ground floor. This would be consistent with London Plan Isle of Dogs Opportunity Area policies, which seek housing as well as employment growth. The active (retail) uses at ground floor with residential above are 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.
- 8.20. 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).
- 8.21. 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.
- 8.22. The proposal involves the loss of 16,981sqm of office floorspace. Policy DM15(1) of the MDD normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, paragraph 15.4 of the MDD states '*The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.*' As this site, is part of the Millennium Quarter site allocation an assessment against policy DM15(1) of the MDD is not required.
- 8.23. Nether the less, the applicant has advised that the main occupier of South Quay is the Financial Services Authority. The applicant has advised that they are in the

process of being re-located to the refurbished offices at Harbour Exchange Square (to the south of the application site). In addition, given the retention of SQP3, the proposal will retain some office use on the site. As such, there will not be a complete loss of office use within the site, with the remaining office space contributing to a mixed use development.

- 8.24. The re-provision of the D1 floorspace in the form of a crèche satisfies policy DM8 of the MDD which seeks to retain community uses.
- 8.25. Overall, it is considered that the land uses proposed are acceptable and accord with the sites allocation and the London Plan.

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

- 8.26. 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.
- 8.27. 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.
- 8.28. 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 good and is PTAL 4.
- 8.29. The site area is 1.32 and the application proposes 888 units (2301 habitable rooms). Therefore, the proposed density is 1743 habitable rooms per hectare (672 units per hectare). When taking into account the remaining office building the habitable rooms per hectare is 2140.
- 8.30. 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.
- 8.31. 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.”*

8.32. 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.

8.33. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report. On balance, it is considered that the proposed development meets the majority of criteria and mitigates against its impact and as such, the proposed density can be supported in this instance.

## **URBAN DESIGN**

### Policies

8.34. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

8.35. CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).

8.36. 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.

- 8.37. 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.
- 8.38. 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.
- 8.39. 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..."
- 8.40. 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.

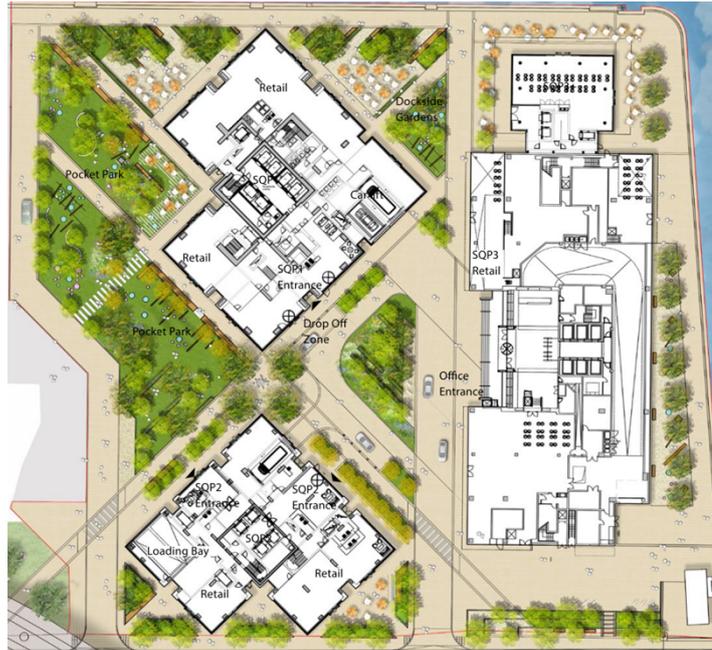
#### Local context

- 8.41. The site is situated with the Marsh Wall area of the Isle of Dogs. The Isle of Dogs 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).
- 8.42. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline proposal for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).

- 8.43. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.
- 8.44. 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 38/39 storey hotel at 40 Marsh Wall.
- 8.45. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 2 Millharbour, Arrowhead Quay and Meridian Gate.
- 8.46. To the south of Marsh Wall, heights drop off relatively rapidly, with the maximum height at Indecon Court behind the application site currently being constructed at 99m A.O.D. The most notable exception to this drop in height is the proposed development at the former London Arena Site (now known as Baltimore Wharf) at which, a 44 storey building is currently being constructed with a height of 155 A.O.D. Further south of Marsh Wall, the height drops to as little as 4 stories in height and generally in residential use.
- 8.47. It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floor plate 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.
- 8.48. It is within this existing and emerging context, that this proposal must be considered, with greater weight attached to the consented and built schemes as outlined within the 'Relevant Planning Section' of this report.

#### Ground Floor

- 8.49. The proposed ground floor of all three new buildings comprises predominantly retail uses and residential entrances. The buildings are designed in such a way that all facades are activated. This has been achieved by providing the servicing needs in the basement.
- 8.50. The design is considered to be of highway quality with various pedestrian walkways aimed at providing an attractive permeable development. The ground floor is shown in the following image.



### Building Heights

8.51. Policy 7.7 of the London Plan states that tall and large buildings should:

- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
- Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
- Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
- Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
- Have ground floor activities that provide a positive relationship to the surrounding streets;
- Contribute to improving the permeability of the site and wider area, where possible;
- Incorporate publicly accessible areas on the upper floors, where appropriate;
- Make a significant contribution to local regeneration.

8.52. 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 South Quay is located), district centres, neighbourhood centres and main streets, and areas outside town centres.

8.53. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

8.54. 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.

8.55. The proposed scheme at 68 storeys (220m AOD) is 25 metres lower than 1 Canada Square which is the tallest building within the Canary Wharf Cluster.

8.56. Having due regard to the existing site context, within Activity Areas, the nearest tall building is Pan Peninsula 147m (AOD) approximately 20m south of the application site. The sites in the immediate vicinity of South Quay are much lower in scale including the consented 40 Marsh Wall (38 storeys).

8.57. The applicant has outlined a number of reasons why a taller building can be considered on this site. These are briefly outlined below.

#### General reasons

- The proposal will meet demand for housing
- The proposal will optimise the use of a brownfield site

#### Site specific reasons

- The sites proximity to the tall building cluster of Canary Wharf
- Not located near conservation areas or listed buildings
- Site is located within a junction between Marsh Wall and Millharbour and where South Dock and Millwall Dock meet.
- The site was identified as a focal point within the Millennium Quarter Master Plan

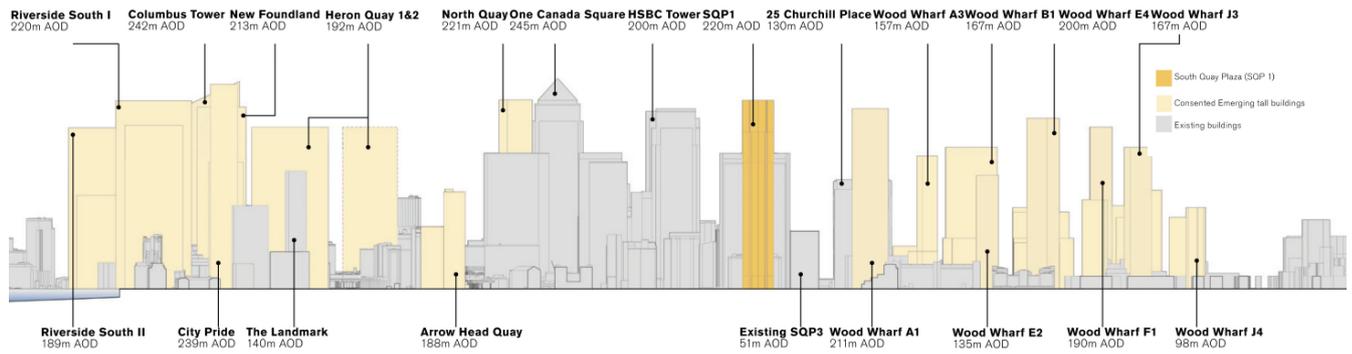
- The sites proximity to local transport including South Quay DLR Station, and potentially the site of a new bridge linking Marsh Wall to Jubilee Line Station and the currently constructed Crossrail Station within a linear line.
  - The site is within a location where high density development is supported
  - The proposal will result in an improvement to the existing townscape
  - The proposed tallest element is most northerly within the Millennium Quarter and close to the Canary Wharf Cluster/ Activity Zone.
- 8.58. The above reasons are noted, however the overall acceptability of the proposed heights is dependent on how the proposal also complies with the criteria set within policy DM26 of the MDD as assessed below.

*DM26(1) Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9 above) and the criteria stated in part 2.*

- 8.59. Officers consider a combination of the above site specific reasons including the sites reference as a focal point within the Millennium Quarter Masterplan and its location at a pivotal north/south and east/west axisto lend sufficient support to a taller building within this location.
- 8.60. It is also noted that the proposed design combines the material of the dominant office buildings within the Canary Wharf Cluster with the design of typical slender residential buildings such as Pan Peninsular, helping to provide a transition, between the two areas.
- 8.61. Lastly within the site, a transition of heights is proposed to respect the sites location. The tallest building is located northerly towards the cluster, whilst the building closest to Marsh Wall itself is to be stepped with 95m (AOD) element closest to Marsh Wall and 120m (AOD) situated further away. It is noted to mark the end of the dock the recently consented City Pride building is also 239m AOD (75 storeys), which outlines that within the wider activity area buildings can be taller depending on their own specific site assessments.

*DM26(2)a. 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;*

- 8.62. The following illustration shows the existing and emerging tall buildings within a cross-section from Marsh Wall looking northwards.



8.63. Overall, with regards to the surrounding context the acceptability of the height is dependent on its impacts on amenity and heritage matters, both of which are discussed further within this report.

*DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*

8.64. As outlined above, the development has been carefully designed to respond to local context, the proposed heights largely follow the heights of existing and emerging buildings. This has been sufficiently demonstrated within the submitted design and access statement and its addendum.

*DM26(2)c. Achieve high architectural quality and innovation in the design of the building,*

8.65. The design has been extensively consulted on during pre-application and application stage. It is acknowledged that subject to detailed conditions the proposed building is of high quality. The Councils Conservation and Design Advisory Panel (CADAP) were involved within the pre-application stage and raised no in principle objections to the design.

*DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*

8.66. By virtue of the proposed design, the buildings will be experienced differently when viewed from different streets and during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the streetscape.

8.67. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment, which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and as such is considered acceptable.

*DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*

- 8.68. This is discussed further within the Heritage section of this report, which follows the design considerations. In summary, officers consider the overall impacts to be acceptable.

*DM26(2)f. Present a human scale of development at the street level;*

- 8.69. The proposed development does not have a podium level to create a human scale as such, however given the proposed towers have significant proportion of open space surrounding the site, along with retail uses at ground floor level, it is considered that the proposed impact at street level is acceptable.

*DM26(2)g. 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;*

- 8.70. The proposed development by virtue of its design and height limits the options for balconies. As such, winter gardens are proposed. The proposed residential towers have amenity floors, and ancillary leisure spaces. This coupled with the open space provided within the site ensures the proposal is in accordance with policy.

*DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*

- 8.71. This is discussed further within the amenity section of the report. In summary the micro-climate impacts are considered acceptable.

*DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*

- 8.72. The proposed open space will contain a variety of different trees and shrubs which will improve the biodiversity of the area. As such, the proposed development is considered to comply with the requirements of this policy.

*DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*

- 8.73. This is discussed further within the housing section of this report. In summary, it is considered that the proposed development resulting in a socially balanced and inclusive development.

*DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and*

- 8.74. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. In addition, television and radio transmission testing and mitigation will be required as a S106 obligation to mitigate against the impact of the development.

*DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.75. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.
- 8.76. As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

#### Local Views

- 8.77. 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 proposed buildings are to be centrally located within the site and be surrounded by significant amount of public realm, providing 'breathing' space for the buildings.
- 8.78. Within many local views (Wood Wharf, Glengall Bridge, Preston's Road Footbridge, Blackwall Dock and Marsh Wall West) the proposal sits comfortably building set within a backdrop of similar tall buildings. The proposed slender design also helps the buildings fit in within local views. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.
- 8.79. The main view where the proposal appears out of context is within 'view 18 Greenland Dock' within the London Borough of Southwark. Here the proposed taller tower appears distant from the Canary Wharf cluster and much larger than the surrounding buildings. However, when taking into account the lack of significance attached to this view the overall impact on local views is considered acceptable.
- 8.80. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.

#### Architecture

- 8.81. 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 elevation treatment of the proposed buildings are of a high standard. The proposed orientation of the building away from the regular grid designs along with a slender profile will

provide a visual interest and contrast with the commercial tall buildings within the Canary Wharf estate.

8.82. The following is an image of the typical upper floor façade.



#### Secure by Design

- 8.83. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 8.84. The Secure by Design officer has considered the proposed development and has had discussions with the applicant, who is looking to provide 24hour security with CCTV to monitor lifts reception and basement areas, as part of a wider estate wide management plan. Overall, the secure by design officer is satisfied that the proposal will achieve secure by design approval. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents and the wider area.
- 8.85. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

#### Microclimate

- 8.86. 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.
- 8.87. 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.

- 8.88. The wind levels at ground level are generally suitable, with the majority of areas suitable for leisure walking and only two points, that are more suitable for business walking during the windiest periods. It is also noted that the extensive volume of trees proposed within the development will to an extent help shield wind.
- 8.89. Overall, it is considered that the micro-climate within the development is considered acceptable.

#### Inclusive Design

- 8.90. 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.
- 8.91. One of the key disadvantages of the site as existing is the confusing layout and poor segregation of private and public areas. In addition, in terms of wayfinding the existing layout is confusing with poor public realm and a large proportion of the site in hard standing area.
- 8.92. 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 proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.
- 8.93. 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.
- 8.94. The proposed new homes 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. As such, sufficient measures are provided to ensure inclusive design.
- 8.95. It is noted, that the plans are unclear with regards to lift access to the D1 Crèche, as such a condition is recommended to ensure level access is provided.

#### Design Conclusions

- 8.96. In terms of detailed design, materials and finishes, whilst the building represents a bold and contemporary development, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

8.97. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

### **Heritage**

8.98. The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (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.

8.99. 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.

8.100. 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.

8.101. 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

8.102. 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 Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1& 11B.2).

8.103. 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.

8.104. 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."*

8.105. 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 One Canada Square at a similar height. As shown in the following image.



8.106. The applicant's HTVIA 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 will be perceived as being of a similar height to One Canada Square, however this in itself is not considered objectionable as the views importance is based on the importance of the WHS and the proposed development will not detract from the integrity and importance of the World Heritage Site. As such, whilst the Royal Borough of Greenwich consider the proposal to have a detrimental impact on the setting of the world heritage site, this is not a view shared by LBTH, the GLA and English Heritage.

8.107. The applicants view assessment also includes cumulative views from Assessment points LVMF 2A.1, 4A.1, 5A.1, 11B.1, 11B.2, 12B.1 and 15B.1. Officers have considered these views and considered the proposed development will fall within a larger cluster within distant views and not be unduly detrimental within any of these views.

## Archaeology

- 8.108. 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.
- 8.109. 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

- 8.110. 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 not have an unduly detrimental impact on the setting of these assets.

## **Housing**

### Principles

- 8.111. 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.”
- 8.112. The application proposes 888 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 if the 2014 Further Alterations to the London Plan once adopted.
- 8.113. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.114. The following table details the housing proposed within this application.

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open market	57	329	241	73	0
Affordable Rent	0	24	34	30	22
Intermediate	13	39	26	0	0
<b>TOTAL</b>	<b>70</b>	<b>392</b>	<b>301</b>	<b>103</b>	<b>22</b>
<b>Total as %</b>	<b>8%</b>	<b>44%</b>	<b>34%</b>	<b>12%</b>	<b>2%</b>

8.115. 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

8.116. 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.

8.117. 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.

8.118. 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.

8.119. 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.

- 8.120. The affordable housing 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 delivers the maximum level of affordable housing that can viably be achieved.
- 8.121. The affordable housing is being delivered at a 70:30 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. Overall, the tenure split is supported.
- 8.122. The affordable rented units are offered at the LBTH borough framework rent levels for this postcode at the point of occupation. Officers consider an appropriate balance has been reached which optimises affordable housing whilst also seeking to maximise the affordability of that housing.
- 8.123. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £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 inclusive of service charges.

#### Housing Mix

- 8.124. 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 Council’s most up to date Strategic Housing Market Assessment (2009).
- 8.125. The following table below compares the proposed target mix against policy requirements:

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	70	0	0	0%	13	17	0%	57	8	0%
1 bed	392	24	22	30%	39	50	25%	329	47	50.00%
2 bed	301	34	31	25%	26	33	50%	241	34	30.00%
3 bed	103	30	27	30%	0	0	25%	73	10	20%
4 bed	22	22	20	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
<b>TOT</b>	<b>888</b>	<b>110</b>	<b>100%</b>	<b>100%</b>	<b>78</b>	<b>100%</b>	<b>100%</b>	<b>700</b>	<b>100%</b>	<b>100%</b>

8.126. The affordable rented units are in general accordance with policy with 47% of the affordable rented being family sized, slightly above the Council target of 45%, and variations exist within the 1 and 2 beds. The proposed mix is therefore acceptable.

8.127. The unit mix within the intermediate tenure would see a 17% provision of studios. The Council does not have a target for studios as there is no requirement. When taking into account the one beds, resulting in a 67% provision of studios and one beds against a target of 25% and a 33% provision of two beds against a policy target of 50%. No three bedroom units are proposed against a target of 25%. The lack of three bedroom units within the intermediate section is considered acceptable in this area, as housing have advised that there appears to be a lack of demand for these types of units and given this is offset against the family sized units that have been maximised within the rented units. In addition, given the high value of this area, larger intermediate units are generally considered to be less affordable. For the very same reason it is considered that the 13 studio units are considered acceptable in this instance.

8.128. The private mix is focussed towards studios and 1-and 2 -beds. 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.

8.129. 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

- 8.130. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.131. 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.
- 8.132. All of the proposed flats meet or exceed the London Plan minimum internal space standards. The number of flats per core exceeds the recommended 8 as set out in the Housing SPD, with some floors having up to 12 flats. The applicant has provided separate corridors with each corridor having less than 8 flats. This is considered to accord with objectives of the Housing SPG by providing a sense of ownership. 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.
- 8.133. 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) and this is to be secured by condition. The majority of 3 and 4 bedroom units have separate kitchens or can be adapted to have separate kitchens. This is considered acceptable. 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 2.56m which is in accordance with relevant policy and guidance.

### Internal Daylight and Sunlight

- 8.134. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.135. 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.”
- 8.136. 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.

8.137. 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.

8.138. 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.

#### Daylight

8.139. The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development. The Council's consultants, DelvaPatmanRedler (DPR) have provided their interpretation of the results.

8.140. DPR have advised that just 61 rooms do not meet the recommended standard of ADF for their use according to the applicants report. DPR also consider that some of 61 are actually compliant when considering an ADF level of 1.5% for the rooms with Kitchens located at the rear of combined living/dining/ kitchens

8.141. As such, DPR consider that the internal daylight results to be of an acceptable level for a building in this urban environment.

#### Sunlight

8.142. 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.

8.143. DPR have advised that the sunlight analysis shows that 47% of the rooms within the development do not meet the sunlight criteria. DPR have advised that this is not unusual in this type of dense urban environment. DPR have also advised that they believe it is unlikely that the blocks could be orientated in a more advantageous way, considering the obstruction to sunlight caused by the Pan Peninsular buildings to the south. As such, overall, the levels of sunlight are considered to be commensurate with residents' expectations in this area.

### Amenity space and Public Open Space

8.144. 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) provides 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

8.145. Private amenity space requirements are a set of figures 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.

8.146. The application proposes private amenity space in the form of winter gardens to all of the flats in compliance with the above policy standard. Whilst on plan these are referred to as winter gardens, they do not appear thermally separate from the proposed structural design of the towers, and as such, it is considered that they will be considered as part of the floorspace rather than a form of amenity space. Whilst this is not normally supported, given the design of the towers and their height, it is considered a suitable approach, especially taking into account the likely noise caused by the DLR to the south of the site.

8.147. It is also noted that this approach is allowed for within the Housing SPD which states *"2.3.26 In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA and minimum living area of the dwelling, and may be added to living rooms or may form a separate living room. Enclosing balconies as glazed, ventilated winter gardens will be considered acceptable alternative to open balconies for all flats and this solution is recommended for all dwellings exposed to NEC noise category C or D150."*

### Communal Amenity Space

8.148. 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 930sqm. The proposal would provide approximately 1183sqm of communal amenity space (711sqm at SQP1 in the form of a residential amenity space and gardens at level 56 and 472 sqm at level 28 of SQP2.) The quantum is considered acceptable.

### Child play space

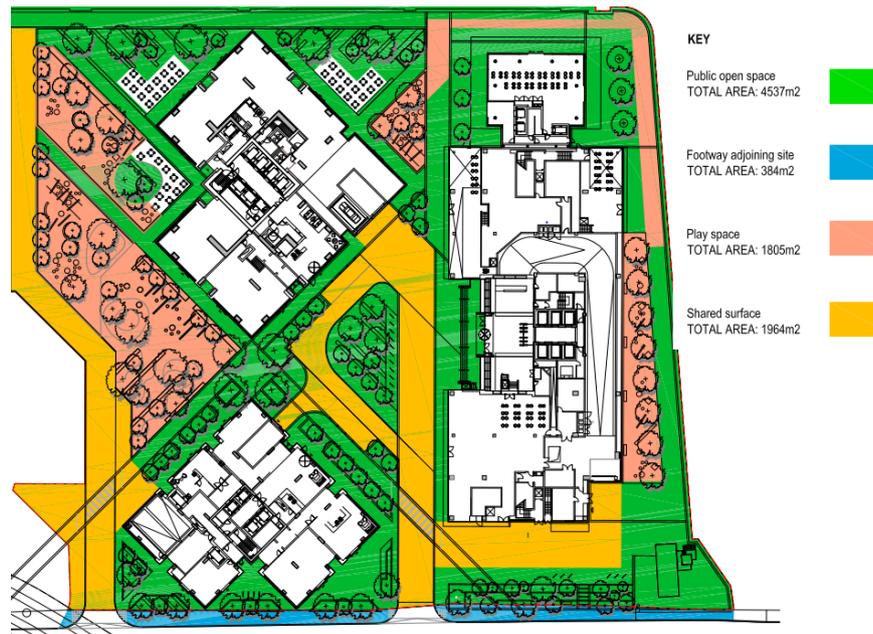
- 8.149. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 200 children (0-15 years of age) using LBTH yields, and 227 children based on the GLA yields. As such, 2000-2270sqm of play space is required. A breakdown by age bracket is provided below (based on LBTH yields):
- 80 children who are between 0 to 3 requiring 800sqm of space;
  - 83 children who are between 4 to 10 requiring 820sqm; and,
  - 38 children who are between 11 to 15 requiring 234sqm.

8.150. The application has been accompanied with a playspace strategy which seeks to utilise the playspace for doorstep and local playable space for ages 0-11 year olds. Numerically, this equates to 1805sqm of child play space. This leaves a shortfall of 195sqm, when measured against the LBTH yields. The applicants approach is for the younger age groups to be provided on site and the older group to be accommodated within the surrounding area. Given the quality of the design, the minor shortfall in space along with the high quality of open space which could be used for older children this is considered acceptable in this instance.

8.151. Detailed design of the child play spaces are recommended to be secured as condition.

### Public Open Space

- 8.152. 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.
- 8.153. The applicants approach to development has been to design slender towers freeing up the ground floor plain. This has enabled a large proportion of the ground floor to be set aside as public realm when taking into account Child Play Space it is estimated to be around 52% of the site will be publically accessible space (4537sqm excluding child play space). The design of the space has been carefully considered throughout the planning process and is considered to be of high quality. Furthermore, a financial contribution has been secured towards open space improvements.
- 8.154. The following plan shows the allocation of the ground floor public realm.



8.155. Overall, officers consider that the approach taken is of sufficiently high quality and will provide an attractive and pleasant contribution to the local area.

Noise and Vibration

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

8.157. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

8.158. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.

8.159. The submitted noise report considers existing noise levels from a variety of noise sources; include rail, car and aircraft.

8.160. This has been reviewed by the Council's Environmental Health Noise and Vibration officer who have confirmed no objections are raised subject to conditions ensuring the relevant standards are met.

Air Quality

8.161. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

- 8.162. The Air Quality assessment (chapter 10 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.163. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 8.164. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

### **Neighbouring amenity**

- 8.165. Adopted policy SP10 of the CS and 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.
- 8.166. 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.

### Privacy, outlook and sense of enclosure

- 8.167. In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally considered sufficient to mitigate any perception of privacy to an acceptable level between habitable facing windows. Within non-residential uses, a shorter distance is normally considered acceptable taking into account the nature of the uses and their time of operation.
- 8.168. The proposed development is surrounded by commercial development to the north, around 90m from the northern façade of SQP tower 1, and South Quay Plaza 3 (office development) is located approximately 12m away to the east.
- 8.169. The development known as Pan Peninsular, consisting of two residential towers is located to the south of the site. The western tower is approximately 30m away

from the nearest façade of SQP2 and the western tower is approximately 50m away to the south of SQP2.

- 8.170. The residential development known as Discovery Dock East is located to the west (approx. 30m away) of the application site. Further west, lie Discovery Dock West and the Hilton Hotel.
- 8.171. All the residential developments exceed the 18m privacy distance suggested by the policy text to DM25. In addition to this, as discussed within the design section, the proposed development has been designed away from the traditional 'grid' design with main facades set around '45 degrees' from a typical north- south, east-west facing building.
- 8.172. This design results in the main facades orientated at oblique angles from the neighbouring buildings further ensuring any privacy impacts are minimised.
- 8.173. 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

- 8.174. 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.
- 8.175. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.176. 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.
- 8.177. 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.
- 8.178. 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.

8.179. 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.

8.180. 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.

8.181. 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.

8.182. 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.

8.183. The application is supported by a Daylight and Sunlight Assessment (DSA). The Council appointed specialist daylight and sunlight consultants, DelvaPatmanRedler (DPR) to review this assessment. For the purposes of their assessment they have categorised the impacts on both daylight and sunlight impacts using the following criteria.

- A reduction of VSC or APSH up to 20% is considered to have a negligible impact.
- A reduction of VSC or APSH between 20.01% - 29.99% is considered to be a minor adverse impact.
- A reduction of VSC or APSH between 30% - 39.99% is considered to be a moderate adverse impact.
- A reduction of VSC or APSH of more than 40% is considered to be a major adverse impact.

8.184. It is noted that the applicant has used a criteria which is different to this, in that a reduction of VSC or APSH of more than 60% is considered to be a major adverse impact. However, for the purposes of this assessment, and taking on board the advice from DPR the criteria listed above has been used.

#### Daylight - Discovery Dock West apartments

8.185. The study advises that 160 out of 312 windows that have been tested (51% of those tested) experience a reduction above the 20% suggested by BRE for VSC. Of these rooms 122 will see a reduction of more than 30%. In relation to the second test (NSL), just 21 of the 235 rooms tested will experience a reduction of 20% from existing and 3 will see a reduction of more than 30%. As such, DPR have advised that there will be a noticeable reduction in rooms that fail both VSC and NSL standards (it is noted that the majority of rooms do not experience a failure in NSL). Overall, the impact is considered to be moderate to adverse. When taking into account the relative compliance with NSL which in effect means the majority of rooms will continue to have light penetrating to the same depth as existing, the impact on this property is considered acceptable.

#### Daylight – Hilton Hotel.

8.186. DPR have advised that the impact on the Hilton Hotel is negligible.

#### Daylight - Discovery Dock East apartments

8.187. Discovery Dock East by virtue of its siting is considered to be most affected. Within this building 1104 windows have been tested and 487 rooms (44% of these rooms) would experience a reduction in VSC of more than 20% and of these, 446 rooms would experience a reduction of or more than 40%. All these rooms therefore fail the BRE assessment.

8.188. In relation to the second test, the NSL results show that 106 of the 402 rooms tested (26% of tested rooms) would experience a reduction in NSL of more than 20% from existing, and of these 38 rooms will see a reduction by over 40%. However, DPR have also noted that it is relevant that 74% of rooms will experience no material impact on NSL and would therefore will retain a sense of adequate outlook from within these rooms.

8.189. The resulting impact is considered by DPR to be moderate to major adverse impact. In the vast majority of rooms daylight will still be able to penetrate within the room.

#### Pan Peninsular West

8.190. The VSC results for this property show that 329 windows of the 1,123 windows tested would experience a reduction in VSC of more than 20% from existing. 63 will experience a reduction of more than 30% and 22 will experience a reduction of more than 40%.

8.191. However, in relation to the second test the NSL results show that no rooms will experience a reduction of more than 20% from existing and therefore do not meet the NSL standard. DPR have advised that this is because the windows do not directly face the South Quay development and are able to receive sky visibility through longer views, from other directions, principally between the South Quay site and

Discovery Dock. Therefore, the perception of open outlook received within the rooms will not materially change, although the availability of direct skylight to the face of the window will materially change.

8.192. Overall, DPR consider the impact to be a minor adverse on balance.

#### Pan Peninsular East

8.193. The VSC results for this property show that 139 of the 746 windows tested will experience a reduction in VSC of more than 20% from existing. 34 will experience a reduction of more than 30% and 6 will experience a reduction of more than 40%.

8.194. The NSL results show that all rooms meet the NSL standard, as there is little material change in the no-sky line. This is due to the distance of this building from the development site and the ability to see sky visibility around the development.

8.195. As such, DPR consider the overall impact to be minor adverse on balance.

#### Potential development site.

8.196. As part of the Environmental Statement, an assessment was carried out on the adjoining parcel of land to the west of South Quay Plaza, which is acknowledged as a development site. The purpose of this test is to ensure the proposed development will not inhibit the ability of this development being brought forward. As no building exists on this site, it is not possible to assess VSC or NSL. In this respect the best method of testing is ADF.

8.197. The results of the test reveal, any future development on the development site would require secondary rooms to be facing South Quay Plaza, as any rooms facing South Quay Plaza are likely to receive limited light. Given, the eastern part of the site, which adjoins South Quay Plaza site is the shortest part of the site, it is considered that this would not unduly restrict the ability of this site coming forward for development.

8.198. As such, the impact is considered acceptable.

#### Sunlight

8.199. As outlined above, 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.

8.200. The development site is located to the north of most of the neighbouring buildings tested for the application. As such, the impact on the Hilton Hotel, Pan Peninsular West and Pan Peninsular East is considered negligible.

8.201. With regards to Discovery Dock West, 312 rooms were tested and 11 rooms would APSH during summer and 31 would fail during winter. The resulting impact is considered negligible/minor adverse by the applicants consultant and DPR.

### Discovery Dock East

- 8.202. 455 windows of the 960 windows tested will experience a reduction in APSH of more than 20% from existing. 386 will experience a reduction of more than 40% in the winter months. The results show that the scheme will have a significant impact on sunlight for this property.
- 8.203. The applicant considers the impact to be 'moderate adverse', with a mitigating explanation which includes the fact that 103 of the rooms affected are bedrooms and that many of the rooms have sunlight limited by projecting balconies. It is also relevant that the elevation affected faces almost due east so any development on this site is going to have a material impact on sunlight to Discovery Dock East, particularly to lower floors. DPR consider that the impact should be considered to be moderate to major adverse.

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

- 8.204. 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.
- 8.205. The assessment carried out by the applicant notes the only sensitive area is the amenity area at Discovery Dock East and this will be left with 94.62% of its area seeing two hours of direct sunlight on 21 March. This is considered to be a negligible impact.

### Transient Overshadowing

- 8.206. 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.
- 8.207. Transient overshadowing diagrams (on hourly intervals throughout the day) have been undertaken at three dates: 21st March, 21st June and 21st December in order to understand the shadowing effects of the development.
- 8.208. The results show that South Quay will cause a relatively fast moving shadow on to the Dock to the north, DPR consider this to be of negligible significance.

## Solar Glare

8.209. 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

8.210. 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 result in some adverse impact on the level of daylight and sunlight to surrounding properties. However, on balance, the wider regenerative benefits of the scheme, including the provision of housing, the level of open space, the creation of jobs, and the footbridge contribution, this localised impact is not considered to outweigh the benefits of the scheme.

## **Highways and Transportation**

### Vehicular Access

8.211. The applicant is seeking to retain the existing access to SQP3 and utilise an existing access route from Marsh Wall to provide basement access to SQP1 and 2. Given the relatively low level of predicted trips (see below), this is considered to be satisfactory.

### Vehicular Trip Rates

8.212. The application proposes 141 new parking spaces (46 parking spaces are retained for the SQP3) which equates to a total of 187 car parking spaces, compared to the existing situation where 330 spaces are provided for the users of the entire site. 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.

8.213. 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).

- 8.214. When taking into account the increase in vehicles trips, TfL and the Councils Transportation and Highways team have advised that the two junctions leading into the Isle of Dogs are at near capacity. As such, any increase will have an impact. This is also a significant concern shared by the local residents. However, with the policy emphasis on the Isle of Dogs as a 'opportunity area' and the sites allocation within the Millennium Quarter to provide a strategic housing development it is considered there will be an inevitable impact on local transport which will need to be mitigated through developments.
- 8.215. In this case, a contribution of £84,000 has been agreed and would be secured towards improvement works at Preston's Road Roundabout.
- 8.216. Overall, 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

- 8.217. The site has a PTAL of 4 and the proposal is for 888 dwellings, the maximum car parking provision would therefore be 279 spaces based on the local plan standards. The development proposes 141 spaces (14 of these being disabled).
- 8.218. LBTH Transportation and Highways have a preference for less parking on site, however given the proposed parking is below policy requirements and is less than the existing parking on site it is considered acceptable in this instance.

#### Cycling and Pedestrians

- 8.219. A total of 1,448 cycle spaces are to be provided within the development. This includes 1,334 Residential cycle parking is provided within the basement, 22 residential spaces for visitors, 66 spaces for retail uses, 52 for office uses and 14 for the crèche use. The cycle spaces for the residential uses are located at the lower basement, and for staff. This is in accordance with relevant standards.
- 8.220. 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 this will be secured through the s106 agreement.

#### South Quay Footbridge

- 8.221. 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 agreed to a substantial contribution of £480,965.00 towards highways improvements to the existing bridge or towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

- 8.222. The applicant has also agreed to grant access rights to secure the northern part of the site for the southern bridge landing zone. Whilst further discussions are ongoing, the provision of a second bridge is strongly supported by the Council, GLA and also forms part of many of the consultation responses which consider it a method of reducing the impact of the development. The proposed rights and financial contribution will go a significant way to realising this aspiration of the Council.

### Public Transport

#### Buses

- 8.223. 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 this is recommended to be secured in the s106 agreement if planning permission is granted.

#### DLR

- 8.224. 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 applicant has agreed to a way finding strategy and a legible London contribution of £15,000. This would be secured in the s106 agreement if planning permission is granted.
- 8.225. Should the second footbridge be developed, this will also have an inevitable impact of reducing DLR trips by encouraging walking to the Jubilee and Crossrail Stations.

#### Jubilee and Crossrail

- 8.226. 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

- 8.227. 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

8.228. The vast majority of servicing for the residential and retail uses is to be carried out within the basement, with access provided via car lifts capable of accommodating servicing vehicles. The exception to this is any refuse servicing which would require a Heavy Goods Vehicle (HGV). The applicant has provided two HGV loading bays within SQP2. The loading bays would require vehicles driving into the site and reversing into the loading bays. Highways have raised a potential pedestrian conflict with this arrangement, however along with officers are satisfied that the proposal arrangement of having a 'Banksman' will ensure the reversing is satisfactory.

8.229. The applicant has provided an estate management plan which outlines the intention of employing a specialist management company to manage the day to day running of the site. The applicant has also agreed to a condition requiring signage to advise pedestrians of the loading area. Overall, this is also considered to be an acceptable approach. Given that vehicles accessing and egressing this location are likely to do so at relatively slow speeds, overall, the develop is not considered to compromise pedestrian safety.

### **Waste**

8.230. 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.

8.231. 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.

8.232. In terms of operation waste, the proposed Strategy ensures the residential waste is suitably separated into non-recyclable, recyclable.

8.233. The Council's Waste Officer has commented that given the large number of units, a 'compaction system' is preferred. This system compacts refuse into collection parcels which would take less time to collect. The Councils Waste officer has advised that this approach has not been adopted and is unlikely to be adopted until 2017. As such, officers are unable to insist on this approach.

8.234. The proposed strategy would store refuse in the basement and bring it up for collection within the loading bays. This is considered acceptable.

### **Energy & Sustainability**

8.235. 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.

- 8.236. 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.
- 8.237. 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)
- 8.238. 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.
- 8.239. Policy DM29 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.
- 8.240. 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.
- 8.241. The Councils Energy and Sustainability officer has recommended a condition be applied relating to the CHP energy strategy to ensure that the scheme is compliant with London Plan policy 5.6 and connects to an existing district heating system where available. This is recommended to be secured should consent be granted.
- 8.242. The submitted South Quay Energy Strategy follows the principles of the Mayor's energy hierarchy and looks to reduce energy use at each stage. The design has sought to reduce emissions through energy efficient supply and renewable energy technologies which result in an anticipated 39.5% reduction in CO2 emissions.
- 8.243. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a 'cash in lieu' contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'
- 8.244. The GLA have requested further measures including reducing the glazing to the facades be considered to further improve the efficiency of the building. This is recommended to be secured by condition should consent be granted.

- 8.245. For the proposed scheme, £270,900.00 has been agreed for carbon offset projects. This would be secured within the S106 agreement.
- 8.246. The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and is recommended to be secured by condition and within a s106 agreement.
- 8.247. The submitted 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 and BREEAM Excellent rating. This is supported and recommended to be secured by way of condition.

## **Environmental Considerations**

### Air quality

- 8.248. 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.
- 8.249. 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.
- 8.250. 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.
- 8.251. It should also be noted that measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

### Operational noise, vibration and odour

- 8.252. 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.
- 8.253. 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. Relevant conditions would be included on any permission if granted.

#### Demolition and Construction Noise and Vibration

- 8.254. 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 piling methods etc., which would be employed to ensure that the noise levels are acceptable.
- 8.255. 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 if planning permission is granted.

#### Contaminated Land

- 8.256. 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.
- 8.257. 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. Relevant conditions would be included on any planning permission if granted.

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

- 8.258. 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.
- 8.259. The site is located in Flood Zone 3 and the 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, in accordance with the NPPG a further Sequential Test is not required to support this application.
- 8.260. 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 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.

- 8.261. In relation to surface water run-off, Sustainable Drainage system measures could be employed to reduce surface water discharge in accordance with relevant policy and guidance. A condition is recommended to secure this. 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.
- 8.262. In summary, 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**

- 8.263. 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.
- 8.264. 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. It's principal importance is for overwintering birds.
- 8.265. 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.
- 8.266. The proposals include significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. At the request of the Biodiversity officer during pre-application, the proposal also includes 'Black Poplar' trees which are native species within the Biodiversity Action Plan. The landscaping, and biodiversity enhancement measures would be secured by condition.
- 8.267. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.
- 8.268. Having regard to the recommended 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**

- 8.269. 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.
- 8.270. 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.
- 8.271. However, due to the orientation of satellite dishes and the existing shadows cast on One Canada Square there would be negligible effects on both. There is a minor adverse effect on DLR communications however both are to be mitigated through the section 106.

## **London City Airport Safeguarding Zone**

- 8.272. 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**

- 8.273. 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.
- 8.274. 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.
- 8.275. 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.

8.276. The application proposes child play, communal and private amenity space that is of an acceptable standard and design. The applicant has also met the full Health contribution. As such, the proposal is considered to accord with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

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

8.277. 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.

8.278. 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.

8.279. 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.

8.280. 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.

8.281. 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

8.282. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.283. The development is predicted to have a population yield of 1733, 200 of whom will be aged between 0-15 and are predicted to generate a demand for 119 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.

8.284. The applicant has agreed to the full financial contributions as set out in the s106 SPD 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
- Bridge
- energy; and,
- a 2% monitoring contribution.

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

8.286. The applicant has also offered 25% affordable housing by habitable room with a tenure split of 70:30 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.

8.287. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) is also recommended should permission be granted.

8.288. 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, 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, and mitigation (if necessary) for DLR communications and television.

8.289. The financial contributions offered by the applicant are summarised in the following table:

<b>Heads</b>	<b>s.106 financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£341,318.00
Community Facilities	£1,059,369.00
Sustainable Transport	£23,642.00
Education	£2,128,677.00
Public Realm	£1,134,782.00
Provision of Health and Wellbeing	£1,074,600.00
Legible London Signage	£15,000.00
Local Highway Improvements	£320,000.00
Pedestrian Bridge	£480,965.00
Carbon Off Setting	£270,900.00
Mayor Cycle Scheme	£70,000.00
Prestons Road Road-a-bout	£84,000.00
<b>Sub-Total</b>	<b>£7,003,253.00</b>
Monitoring	£140,065.00
<b>Total</b>	<b>£7,143,318.00</b>

8.290. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

### **Other Financial Considerations**

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

8.291. 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.

8.292. 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.

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

- 8.294. These are material planning considerations when determining planning applications or planning appeals.
- 8.295. 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 is estimated to be around £3,325,175 less any social housing relief.
- 8.296. 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.
- 8.297. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,334,595 in the first year and a total payment of £8,007,569 over 6 years.

### **Human Rights Considerations**

- 8.298. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.299. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.300. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.301. 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.
- 8.302. 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.
- 8.303. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.304. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.305. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

- 8.306. 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.
- 8.307. The contributions towards community assets/improvements and infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts on the local communities, and in the longer term support community wellbeing and social cohesion.

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

8.309. The community related contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

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

8.311. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes.

## **9. Conclusion**

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

# Appendix 1: Consultation Boundary

