Classification: Committee: Agenda Item No: Date: Strategic 6th November 2014 Unrestricted Development Committee Report of: **Title:** Planning Application for Decision Corporate Director of Development & Renewal Ref No: PA/12/03315 Case Officer: Ward: Canary Wharf Jerry Bell

1.0 APPLICATION DETAILS

Location: Arrowhead Quay, East of 163 Marsh Wall,

E14

Existing Use: Vacant/basement excavations and

structures.

Proposal: Erection of two buildings of 55 and 50

storeys to provide 756 residential units (Use Class C3) (including 90 Affordable Rent and 42 Affordable Shared Ownership) and ancillary uses, plus 614sqm. 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.

Drawing Numbers: 1908-GHA-P-001 Rev B, 1908-GHA-P-002,

1908-GHA-P-003, 1908-GHA-P-100 Rev B, 1908-GHA-P-101 Rev A, 1908-GHA-P-102 Rev D. 1908-GHA-P-103 Rev C.1908-GHA-P-104 Rev C,1908-GHA-P-105 Rev C,1908-GHA-P-106 Rev C,1908-GHA-P-107 Rev C,1908-GHA-P-108 Rev C,1908-GHA-P-109 Rev C,1908-GHA-P-110 Rev C,1908-GHA-P-111 Rev C,1908-GHA-P-112 Rev C,1908-GHA-P-113 Rev C,1908-GHA-P-114 Rev C,1908-GHA-P-115 Rev C.1908-GHA-P-116 Rev C.1908-GHA-P-117,1908-GHA-P-200 Rev B,1908-GHA-P-201 Rev B,1908-GHA-P-202 Rev B,1908-GHA-P-203 Rev B,1908-GHA-P-204 Rev C,1908-GHA-P-205 Rev C,1908-GHA-P-206 Rev A,1908-GHA-P-207,1908-GHA-P-

208,1908-GHA-P-209 Rev B,1908-GHA-P-210 Rev B,1908-GHA-P-220,1908-GHA-P-300Rev C,1908-GHA-P-301 Rev C,1908-GHA-P-302 Rev D,1908-GHA-P-303 Rev D,1908-GHA-P-304 Rev D,1908-GHA-P-305 Rev D, 1908-GHA-P-306 Rev D,1908-GHA-P-307 Rev D,1908-GHA-P-308 Rev C,1908-GHA-P-310 Rev C,1908-GHA-P-311 Rev C, 1908-GHA-P-312 Rev D,1908-GHA-P-313 Rev D,1908-GHA-P-314 Rev D,1908-GHA-P-315 Rev D,1908-GHA-P-316 Rev D.1908-GHA-P-317 Rev C.1908-GHA-P-400 Rev B,1908-GHA-P-401 Rev B,1908-GHA-P-402 Rev B,1908-GHA-P-403 Rev B,1908-GHA-P-407 Rev A,1908-GHA-P-408 Rev A,1908-GHA-P-409 Rev A,1908-GHA-P-410 Rev A,1908-GHA-P-411 Rev A,1908-GHA-P-412 Rev A.

Supporting Documents: Planning Statement

Design & Access Statement (plus supplementary information Feb and Oct 2014)

Affordable Housing Statement

Draft Planning Obligations and CIL Liability

Form

Community Involvement Statement

Transport Assessment and TA Addendum

(Oct 2014) Travel Plan

Waste Management Strategy Ventilation/Extraction Statement

Utilities Statement

Energy Statement (and supplementary

information March 2013) Flood Risk Assessment Sustainability Statement **Employment Report** Viability Appraisals

Environmental Statement Nonand Technical Summary (plus clarifications

August 2013 and Oct 2014)

Applicant:

Arrowhead Commercial Limited (part of the

Ballymore Group)

2.0 **Executive Summary**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations(including the NPPF) and has concluded that:
- 2.2 The site is allocated within the Council's Local Plan as Site 17 (Millennium Quarter) for mixed-use development including a 'strategic housing component'. Whilst earlier office consent has been part-implemented (resulting in the excavated basement that can be seen today) a residential-led development is acceptable in principle.
- 2.3 The proposals would satisfactorily integrate Affordable Housing within the lower floors of the West Tower as follows:
 - 90 Affordable Rented homes (324 habitable rooms);
 - 42 Intermediate Shared Ownership homes (131 habitable rooms);
 - 25% provision by habitable rooms (71:29 Affordable Rent: Intermediate Shared Ownership); and
 - A mix of 1, 2, 3 and 4-bed dwellings.
- 2.4 The proposals have been the subject of independent appraisal and found to include the maximum reasonable amount of Affordable Housing (on-site provision and a financial contribution for additional off-site provision) whilst enabling the scheme to be financially viability. The proposed proportion of Rented and Shared Ownership accommodation and dwelling mix are in line with the relevant policies.
- 2.5 The proposed layout, size, orientation and amenity of the proposed Affordable and Private homes is considered acceptable and the proposed private and communal amenity space and play space, subject to financial contributions, is acceptable.
- 2.6 The site is within the Tower Hamlets Activity Area and Local Plan Policy DM26 makes it clear that proposals for tall buildings in this area must demonstrate how they respond to the difference in scale of buildings between the Canary Wharf Major Centre to the north and the surrounding residential area. It also sets out a number of other criteria.
- 2.7 The scale and 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 East Tower's relationship with the South Dock (overhanging a proposed dock-side public path) is acceptable given the particular circumstances of the application, including the overall site layout where the West Tower would be set back from the Dock and a publicly accessible open space would be provided. The proposed buildings would have a good relationship with Marsh Wall and proposed active frontages at ground level should help ensure a safe

- and inviting environment. Given this, the proposals accord with Local Plan Policy DM26.
- 2.8 The density of the proposed scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no undue impact upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The proposed overall high quality of residential accommodation, along with generous private and communal amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.9 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.10 Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed and a suitable strategy for minimising carbon dioxide emissions has been proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.
- 2.11 The Council received financial contributions to mitigate the impacts of the previously consented office scheme (even though the development and associated impacts have not materialised) and has spent these on a range of transport, public realm, social and community projects. However, the proposed development would be for a different use with different associated impacts and housing-specific related impacts would be mitigated by way of additional financial contributions towards leisure facilities, primary and secondary school places and health.

3.0 RECOMMENDATION

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

Financial Obligations

- a) A contribution of £706,436 towards Leisurefacilities
- b) A contribution of £1,366,418towards School Places

- c) A contribution of £894,860 towards Health facilities
- d) A contribution of £47,478 towards off-site play space
- e) A contribution of £268,639 towards the provision of **Affordable Housing** in lieu of additional on-site provision.
- f) A contribution of £73,066 as a credit towards Crossrail CIL
- g) A contribution of between £241,700 and £302,400 towards **Carbon off-setting**(depending whether on-site ground source cooling is provided)
- h) A contribution of between £71,972 and £73,186 towards S106 monitoring fee (2%)

Total: Between£3,670,569 and £3,732,483.

Non-Financial Obligations

- a) Minimum of 25% Affordable Housing which equates to 455 habitable rooms on the Arrowhead Quay site as follows:
 - i. 71% Affordable Rent (324 habitable rooms)
 - ii. 29% Intermediate Shared Ownership (131 habitable rooms)
- b) 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).
- c) Appropriate triggers to manage the delivery of Affordable Housing relative to the delivery of Private housing (to be agreed as part of s.106 negotiations).
- d) On-street Parking Permit-free development (other than 'Blue Badge' holders and those residents that wish to exercise their rights under the Council's parking Permit Transfer Scheme).
- e) Travel Plan.
- f) Details of basement cycle storage provision dependent on demand (2 alternative types and levels of provision allowed for in approved drawings).
- g) 20 Apprenticeships over the full construction phase,
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs).
- i) 24 Hours public access to specified parts of site (Dock edge, western route and publicly accessible open space, eastern route, southern

drop-off area and to ground floor lobby area during daylight hours). Day-time only access to the building lobby area. Public access to the 'sky garden' in the East Tower annually during the 'Open House Weekend'.

- j) Telecommunications more detailed surveys of DDT services, fixed microwave links/other point-to-point channels and satellite signal receivers in the area surrounding the site and any necessary mitigation.
- k) Deed of variation to s.106 Agreement in relation to Permission PA/07/00347 to allow £50,000 previously allocated for Public Art to be used for other purposes.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement and deed of variation indicated above acting within normal delegated authority.
- 3.3 That if, within three months of the date of this committee meeting the legal agreement and/or deed of variation have not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
- 3.4 That the Corporate Director Development & Renewal use delegated power to impose conditions and informatives on the planning permission for Arrowhead Quay to secure the following matters:

'Prior to Commencement' Conditions:

- Location and detailed layouts of at least 10% of approved dwellings across both Towers, all tenures (Private, Affordable Rent and Intermediate) and dwelling mix - 1, 2, 3 and 4-bed) to be 'easily adaptable' to wheelchair housing standard.
- 2. Details of all external materials.
- Details of child play equipment and outdoor gym equipment/fitness elements of the 'trim trail'(including accessible equipment for disabled children and adults).
- 4. Details of landscape and public realm (including boundary treatment, ground surface materials, planting scheme, furniture and lighting).
- 5. Details of 'display wall' on the eastern ground floor elevation of the podium.
- 6. Details of the residential entrance and lobby area on the ground floor of the West Tower.
- 7. External lighting strategy.
- 8. Habitat Management Plan (including specification and management, details for proposed green roof and detailed consideration to the provision of bat boxes).
- 9. Construction details of existing tree protection.
- 10. Construction Construction Environment Management Plan (including membership of Considerate Contractor Scheme, Emergency Incident Plan, noise and dust mitigation measures, and Construction Site Waste Plan).

- 11. Construction Piling Risk Assessment.
- 12. Dock Wall Survey and any necessary remedial works.
- 13. Dock wall height rising confirmation.
- 14. Report in to the potential of use of ground source cooling and/or use of water from the adjacent dock for use in cooling the buildings.
- 15. Noise details of glazing specification and whole house ventilation proposed for all permitted homes and noise absorbing properties of balconies for east facing flats on Levels 2 to 10 in the East Tower.
- 16. Transport Construction Logistics Plan.
- 17. Transport location and details of 15 x visitor cycle stands (providing 30 spaces).
- 18. Transport details of measures to protect of DLR structures.
- 19. Detailed drainage strategy (including rainwater harvesting).
- 20. Thames Water drainage (drainage, waste water and provision of oil interceptors).

'Prior to occupation' Conditions

- 1. Scheme to meet Secured by Design section 2 Certification.
- Estate Management Plan (Maintenance of open space, child playspace, and publicly accessible hours and details of 24/7 concierge and monitored CCTV).
- 3. Transport Delivery and Servicing Plan (to include refuse collections).
- 4. Transport Details of vehicular ramp management system.
- 5. Transport Details of Car Park Management Plan (including the provision of 10% 'blue badge' spaces and 20% electric vehicle charging and the prioritisation of spaces for wheelchair users).
- 6. Noise details of acoustic screening to be provided to communal amenity space to south-east of the East Tower.
- 7. Air quality details of ventilation and plant extract equipment (for permitted A3/A4 uses).
- 8. Details of external shopfronts.

'Compliance' Conditions -

- 1. Permission valid for 3 years.
- 2. Development in accordance with approved plans.
- 3. Lifetime Homes Standards.
- 4. Code for Sustainable Homes Level 4 (Score 70-73).
- 5. BREEAM Very Good (Score 61.64%).
- 6. Compliance with submitted Energy Statement (as clarified by response to LBTH comments dated March 2013).
- 7. The on-site CHP Community Heating Network shall be designed to be capable of being connected to the Barkantine Heat and Power network (and would connect) if the system became available to this development.
- 8. Flood Risk Assessment (compliance with minimum floor finish levels), surface water drainage solutions).
- 9. Hours of construction to be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 (Saturdays).
- 10. Hours of use of non-residential (A1-A4) uses to be limited to 08.00 to 23.00 Monday to Sunday.

- 11. Cranage height and maximum building height restriction (London City Airport)
- 12. Safety lighting (London City Airport)
- 13. Implementation of Waste Management Strategy (detailing storage and collection of waste and recycling).
- 14. Noise plant noise to be restricted to 10dB (A) below background level.

Informatives:

- Refer to associated s.106 Agreement.
- Thames Water Advice.
- London City Airport Advice.
- Operational substation on site.
- Canal and River Trust need for agreements.
- Advertisement consent required for signage.
- S278 agreement required for pedestrian crossing on Marsh Wall.
- 3.5 Any other conditions and/or informative(s) considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL, LOCATION AND DESIGNATIONS

Overall Proposal

- 4.1 The proposal would involve the comprehensive redevelopment of the application site.
- 4.2 The scheme would provide a total of 756 residential units on site (including 90 Affordable Rent and 42 Affordable Shared Ownership units), together with 614sqm of retail/cafe/bar (A1-A4) floorspace.

Arrowhead Quay

- 4.3 The scheme would comprise two residential towers emerging from a two-storey podium set 4m in from the Dock wall to allow for a publicly accessible walkway. This walkway would open up on the western part of the site to a publicly accessible garden space. The towers would run north-south and be off-set (the East Tower next to the Dock overhanging the public walkway at 14m and above) and the West Tower would be close to Marsh Wall.
- 4.4 The podium would provide a large double height lobby space running between Marsh Wall and the Dock. Either side of this space would be two retail units (fronting Marsh Wall) and a cafe (fronting the Dock) and a series of residents' only facilities, including a swimming pool, gym, cinema and residents' lounge. The roof would provide communal amenity space and play space.
- 4.5 A two-storey basement would sit under the podium building, with a one-way vehicular ramp accessed from Admiral's Way. The basement would contain an energy centre, refuse storage areas, loading bays and parking. There would be a total of 102 car parking

spaces, with a mixture of automatic static system (88) and standard bays (14) (including 6 adaptable for wheelchair users). There would also be 20 motorcycle parking bays. Two alternative cycle parking solutions are proposed for between 450 and 808 cycle spaces (explained later in this report).

4.6 The towers would emerge from the podium with a double height transitional plant room followed by predominantly residential accommodation above, although plant rooms would also be located on Level 26 and the penultimate level of each tower. The West Tower would rise to 50-storeys above the podium or approx. 172mAOD to the top of the plant screen. The East Tower would rise to 55-storeys above the podium or approx. 188mAOD. Each tower would terminate in light-weight double height penthouse apartments and there would be a 'sky garden' on Level 53 of the East Tower.

Site and Surroundings

- 4.7 The 0.54 hectare site is located on Marsh Wall bounded to the north by the West India Dock South, to the east by private car parking and the Docklands Light Railway viaduct, to the south and south east by Admiral's Way (a private Road) and Marsh Wall and to the west by the Britannia Hotel. The site comprises mainly of a partially completed basement structure (consented as part of a previously permitted office scheme, see Planning History below). The basement is about 7m deep and is made up of a piled wall along the dock edge, piles, reinforced concrete capping beam and a ramp down from Admirals Way.
- 4.8 The Docklands Light Railway (DLR) viaduct to the east is about 10.5m above ground level (to rail level) and the area underneath has been used for car parking/servicing for the 4-storey Quay House to the east of the viaduct (a vacant office building). Further to the east is the 4-storey Cochrane House and other similar office buildings, the 6-storey Ensign House office buildings and the 7-storey Beafont Court office building, all served from Admiral's Way. Beyond this taller is the 16-storey Hilton Hotel and office buildings and 16-23-storey residential buildings. The two residential towers of Pan Peninsula (38 and 48-storeys) lie further to the east.
- 4.9 The area immediately to the south of this stretch of Marsh Wall is predominantly non-residential, with a 3-storey office building, 2-storey Wellness Centre and a large single storey warehouse building on Manilla Street (which lies about 4m below Marsh Wall). Immediately to the south-west lies a part 6/part 7-storey office building at 40 Marsh Wall. The nearest existing housing to the south is at Dowlen Court on Bying Street (approx. 65m away although this is single-aspect south facing). Other existing homes are at 4 Mastmaker/ Bying Street (approx. 85m) and Tideway House (approx. 110m) andplanning permission has been granted for the redevelopment of 40 Marsh Wall to provide a 34-storey hotel and for the redevelopment of 63-69 Manilla Street for a part 4, part 7, part 10-storey office/retail building.

- 4.10 The Britannia International Hotel (part 13/part 14-storey) lies immediately to the west of the site. The Hotel is understood to have a right of way on land adjoining the site, between Marsh Wall and the dock. Beyond this lies the part 6/part 7-storey office building at 30 Marsh Wall. The nearest existing housing to the west is the 6-storey building at 30 Cuba Street which is about 4m below Marsh Wall (approx. 60m away) and the 46-storey Landmark East Tower (approx. 125m away), which forms part of the wider Landmark development of four separate residential buildings. Planning permission has been granted for 38 and 50-storey residential towers on the Cuba Street site (also bounded by Manilla Street and Tobago Street) and for a 62-storey residential tower on the City Pride site.
- 4.11 To the north, on the other side of the Dock, is Heron Quays DLR Station sandwiched between 9 and 15-storey office buildings and a 35-storey office building to the east of that. Planning permission has been granted for the development of 12, 21 and 33-storey office and retail buildings on the Heron Quays West site.
- 4.12 Marsh Wall is a bus route served by the D3, D7, D8 and 135 bus services. The South Quays DLTR Station is around 450m to the east and the existing pedestrian bridge over South Dock provide access to Heron Quays DLR Station and Canary Wharf Jubilee Line Station (about 500m to the north east). The Canary Wharf Crossrail Station, currently under construction, would be approx. 800m to the north-east. The site has a PTAL of 5 which is described as 'Very Good'.

Designations

- 4.13 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.
- 4.14 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.15 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
- 4.16 The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.17 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.
- 4.18 The site is adjacent to a Grade II Site of Borough Significance for Nature Conservation (Millwall and West India Docks), which includes the South Dock. It is principally of importance for the regular presence of breeding and overwintering birds.
- 4.19 The site, as with the whole Borough, is within Air Quality Management Area.
- 4.20 The site is within the London City Airport Safeguarding Zone.
- 4.21 The site is within the London Plan Views Management Framework (LVMF), of particular relevance are the views from the General Wolfe Statue in Greenwich Park and London Bridge.
- 4.22 South Dock (on the site's northern edge) forms part of the Development Plan's Blue Ribbon Network.
- 4.23 The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.
- 4.24 The site is not within a conservation area and the nearest Listed Buildings are the Former West India Dock Entrance Lock approx.
 280m to the north-west) and the Former Entrance Gates to the Dock (approx. 300m to the north-west).

5. Environmental Impact Assessment

EIA Regulations

- 5.1 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as an 'urban development project' and is likely to have significant effects on the environment.
- 5.2 Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.

5.3 The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development. The findings of the ES are set out in relation to the relevant assessment criteria under the Assessment section of this report

EIA Scoping

5.4 An EIA Scoping Report was submitted to LBTH in September 2012 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 12th October 2012 and the EIA was informed by this document.

Environmental Information

- 5.5 The ES was submitted by the applicant with the planning application. The ES reports on the findings of an assessment of the likely significant effects on the following environmental receptors (in the order they appear in the ES):
 - Chapter 5 Construction Environmental Management;
 - Chapter 6 Planning & Land Use;
 - Chapter 7 Socio-Economics;
 - Chapter 8 Transport & Access;
 - Chapter 9 Air Quality;
 - Chapter 10 Noise & Vibration;
 - Chapter 11 Daylight, Sunlight & Overshadowing;
 - Chapter 12 Wind;
 - Chapter 13 Water Resources & Flood Risk;
 - Chapter 14 Ecology;
 - Chapter 15 Cumulative Effects; and
 - Chapter 16 Summary of Residual Effects.
- 5.6 To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review it and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 5.7 LUC's initial review identified a number of required clarifications and the applicant was issued with a copy of LUC's review. In response to this, the applicant provided additional information which addressed the identified clarifications (August 2013). This information was reviewed and considered to provide sufficient clarification on the issues raised.
- 5.8 Following revisions to the proposals to change the amount and type of Affordable Housing on site, the applicant submitted further information

which addressed these changes (October 2014). LUC reviewed this information and raised a small number of issues for clarification. Following responses to these from the applicant, LUC has confirmed that, in their professional opinion, the Arrowhead Quay ES as clarified, is compliant with the requirements of the EIA Regulations.

- 5.9 Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 5.10 The ES, other relevant documentation submitted with the planning application, clarification information, consultee responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 5.11 The Arrowhead Quay application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 4: Proposed Development and Description of this ES (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 5.12 The ES, which is publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 5.13 Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

6.0 Relevant Planning History

The Arrowhead Quay Site

- 6.1 PA/00/00423 Granted planning permission 25/07/2003
 Redevelopment to provide a 16/25 storey office building(plus plant), including retail/restaurant use on part of the ground floor (59,250 sqm gross), plus car parking, dockside walkway and landscaped plaza.
- 6.2 PA/06/02107 Granted planning permission 08/02/2007
 Redevelopment to provide a 16/25 storey office building(plus plant) including retail/restaurant use on part of the ground floor (59,250 sqm gross) plus car parking, dockside walkway and landscaped plaza

- without compliance with Condition 2 of Planning PermissionPA/00/423 dated July 2003.
- 6.3 PA/07/00347 Granted planning permission 22/08/2007
 Redevelopment of site to provide a 16 storey and 26storey plus plant
 (119m AOD to top of plant) office building including retail / restaurant
 use on part of the ground floor and basement car park (79,244 sqm
 GEA),dockside walkway and landscaped plaza. Part implemented.
- 6.4 Following approval of details pursuant to a number of planning conditions attached to the above permission, the consent was implemented in 2007 by way of the partial construction of the proposed basement structure. However, the applicant claims that despite extensive marketing for offices, no tenant was found and construction work stopped.
- 6.5 PA/12/02487 EIA Scoping Opinion for the proposed development (12/10/12).

Arrowhead Quay Environs - Consented/Implemented but not built

- 6.6 "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).
- 6.7 "Riverside South" PA/07/935 granted 22ndFebruary 2008 for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).
- 6.8 "City Pride" PA/12/03248 granted 10thOctober 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 6.9 "Newfoundland" PA/13/01455 granted 10thJune 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.

6.10 "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.

Arrowhead Quay Environs - Under Consideration

- 6.11 "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.
- 6.12 "1-3 South Quay Plaza" PA/14/944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 6.13 "2 Millharbour" PA/14/1246for erection of seven mixed-use buildings A, B1, B2, B3, C, D and E (a link building situated between block B1 and D) ranging in height from 8 to 50 storeys.
- 6.14 "30 Marsh Wall" PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

7.0 POLICY FRAMEWORK

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

Policies: SP02 Urban living for everyone

SP03 Creating healthy and liveable neighbourhoods

SP04 Creating a green and blue grid

SP05 Dealing with waste

SP06 Delivering successful employment hubs

SP07 Improving education and skills

SP08 Making connected places

SP09 Creating attractive and safe streets and spaces

SP10 Creating distinct and durable places SP11 Working towards a zero-carbon borough

SP12 Delivering Placemaking SP13 Planning Obligations Annexe 9: LAP 7 & 8: Millwall

7.4 Managing Development Document (2013) (MDD)

Policies: DM0 Delivering Sustainable Development

DM3 Delivering Homes

DM4 Housing Standards and amenity space

DM8 Community Infrastructure DM9 Improving Air Quality

DM10 Delivering Open space

DM11 Living Buildings and Biodiversity

DM12 Water spaces

DM13 Sustainable Drainage

DM14 Managing Waste

DM15 Local Job Creation and Investment

DM20 Supporting a Sustainable Transport Network

DM21 Sustainable Transport of Freight

DM22 Parking

DM23 Streets and Public Realm

DM24 Place Sensitive Design

DM25 Amenity

DM26 Building Heights

DM27 Heritage and Historic Environment

DM28 World Heritage Sites

DM29 Zero-Carbon & Climate Change

DM30 Contaminated Land

Site Allocation 17: Millennium Quarter

7.5 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Draft Affordable Housing Supplementary Planning Document (public consultation period ended on the 2nd July 2013)

Isle of Dogs Area Action Plan October 2007 Millennium Quarter Masterplan (2000)

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

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone
- 2.11 Central Activity Zone strategic
- 2.12 Central Activities Zone local
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction

- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development or Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy
- 7.7 The 'Draft Further Alterations to the London Plan' (FALP) were published for public consultation period which commenced on 15 January 2014 and ended on 10 April 2014. An Examination in Public took place 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.

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

7.9 London Plan Supplementary Planning Guidance/Documents

Housing SPG (2012)

London View Management Framework SPG (2012)

Sustainable Design & Construction SPG(2014)

Shaping Neighbourhoods: Children and Young People's

Play and Informal Recreation SPG(2012)

Planning for Equalities and Diversity (2007)

London World Heritage Sites – Guidance on Settings (2012)

Use of Planning Obligations in the funding of Crossrail and CIL ((2013)

Shaping Neighbourhoods: Character and Context SPG (2014)

Draft Accessible London SPG (2014)

Draft Social Infrastructure SPG (2014)

7.10 Government Planning Policy Guidance/Statements

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

The National Planning Practice Guidance (NPPG)

8.0 CONSULTATION RESPONSES

- 8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 8.2 The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

Environmental Health

Contaminated Land

8.3 No objections. A Contaminated Land condition is not required, given the information in the Environmental Statement and the discharge of conditions in relation to the part implemented office scheme.

Health and Housing.

8.4 Detailed comments on housing standards.

(OFFICER COMMENT: These are addressed, where relevant, when discussing housing design issues).

Noise and Vibration

- 8.5 No objections subject to the imposition of relevant conditions, but following detailed comments:
 - Development would be exposed to a high degree of noise from the DLR and as such fall into a Significant Observed Adverse Effect Level
 - (SOAEL) as defined in the Noise Policy Statement for England
 - PPG24 has been withdrawn and Noise Exposure Categories (NECs)
 - are no longer strictly relevant, although they could be taken into account.
 - NECs should not determine the suitability of the scheme. The most important thing is that the "good" internal noise design standard is met by the developer within all habitable rooms
 - Suitable noise insulation measures and mechanical ventilation could be incorporated including incorporation of winter gardens
 - Noise reflections could occur at points where buildings are close to the DLR. This may increase incident noise levels at other residential or commercial facades by up to 3dB. This could be avoided with good design or noise absorbing panels at strategic places on the building. Reflective noise rarely causes problems and
 - only occurs where buildings are exposed to high noise levels;
 - Full details of acoustic noise insulation and mechanical ventilation (so that windows can be kept closed) need to be approved by LBTH Environmental Health
 - Specifications need to ensure that the "good" internal design standard of BS8233 is met at all times
 - Mechanical plant, including kitchen extract and air conditioning system
 - should meet requirements of the WHO standard
 - Conflicts of use may occur between proposed A3/A4 uses and proposed housing and the adjoining hotel and these areas need to be carefully designed in relation to sensitive facades
 - Construction activities should be controlled to normal Council policy working hours and the method of piling agreed (impact piling should be avoided)

(OFFICER COMMENT: Noise issues are discussed in detail in Section 20 of this report. It is recommended that planning conditions should be attached to a permission to secure necessary mitigation and to control the hours of use of proposed non-residential uses if permission is granted)

Air Quality

8.6 No comments received.

Transportation & Highways

Servicing and Car Parking

- 8.7 See comments from Waste Management below. If the proposed HGV space is dedicated for refuse use, as requested by Waste Management, there would be no HGV bay, and only 2 LGV bays. There should be another HGV space on top of the Refuse-only space, to cater for the commercial units and householder deliveries. The applicant should look again at the design of the basement and provide an LGV, HGV and Refuse lorry space which might necessitate reducing the number of car parking spaces. This would help encourage use of sustainable modes of travel, although securing adequate servicing is the overriding objective.
- 8.8 Signage should be provided to warn drivers departing the drop-off area to give way to cars exiting and entering the underground car park.

Cycle Parking and Pedestrian Crossing

- 8.9 Welcome removal of previously located visitor cycle stands in the Marsh Wall footway.
- 8.10 Welcome the idea of a pedestrian crossing across Marsh Wall though as a bus route the highway 'table' will need to be wider to avoid jolts as buses pass over. This should be worked up into a Zebra crossing at \$278 stage.

(OFFICER COMMENT: A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprise a revised basement layout including a dedicated and clearly demarcated 'bin loading area' immediately adjacent to a larger bin collection area and a 'goods in' bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a 'goods in' area' of 10x5m that could accommodate an HGV and two larger LGVs and a 'bin loading area' suitable for use by an HGV at times when it is not being used for refuse collection purposes. The expected deliveries of 6 vehicles per hour during the morning peak should be capable of being managed in relation to refuse collections via a Delivery and Servicing Plan that could be secured via a planning condition. The proposed level of car parking is policy compliant. Subject to securing appropriate management arrangements referred to under Waste Management, the revised servicing arrangements are considered acceptable and further revisions are not considered necessary.

The original proposal to locate 15 x visitor cycle stands in the Marsh Wall footway has been abandoned. It is recommended that the location and details of this level of provision is reserved for subsequent approval by way of a planning condition.

Details of a pedestrian crossing could be agreed via a s278 Highways agreement.

A Road Safety Audit into the design and operation of the proposed basement ramp access and access onto Admirals Way has been submitted in response to a request by TfL. This does not identify any anticipated conflicts between traffic using the drop-off area and accessing the basement ramp and Give Way signage or road markings are not considered necessary given the expected relatively low level of traffic.

It is recommended that a number of planning conditions be attached to a permission to secure compliance with proposed arrangements or plans and strategies to be submitted for the approval of the Council.)

Waste Management

8.11 A Refuse Management Plan should be submitted for approval explaining in particular the operation of the proposed bin loading area in relation to the refuse store and that the bay (currently labelled 'HGV') is reserved/labelled for refuse unloading only. This is to ensure a smooth operation given that residential refuse collections (three to four times a week for 25-30 minutes each) cannot be booked at specific times and separate commercial refuse collection would also be necessary.

(OFFICER COMMENT: As outlined above under Transportation and Highways, a number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. The applicant proposes to carefully manage the operation of the basement parking and servicing area, in a similar way to other nearby developments including Pan Peninsula and Baltimore Wharf. Experience from these developments suggests that, subject to securing appropriate management arrangements, the revised servicing arrangements are acceptable in principle. It is recommended that detailed arrangements are agreed via a Delivery and Servicing Plan to be secured by way of a planning condition).

Biodiversity Officer

- 8.12 The site is currently of negligible biodiversity value, consisting of minimally-vegetated hard surfaces. It is immediately adjacent to South Dock, part of a Borough Grade 2 SINC. There would be a minor impact on the ecology of the dock through shading, but this is not likely to be significant bearing in mind the depth of the water (no aquatic vegetation will be affected).
- 8.13 The proposals include a biodiverse green roof and areas of landscaping which, though formal, would provide some wildlife habitat.

The overall impact of the development on biodiversity would, therefore, be a small gain. Additional features for biodiversity which would increase the overall positive impact, and contribute to the Biodiversity Action Plan, would be nest boxes for swifts and peregrine falcons, and possibly bat boxes, on the buildings. The applicant should be asked to consider adding these.

(OFFICER COMMENT: The applicant has been asked to consider adding nest boxes and has agreed to give detailed consideration to incorporating bat boxes. It is recommended that this is secured by way of a planning condition as part of requiring a Habitat Management Plan).

Employment & Enterprise Team

8.14 The developer should use reasonable endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase are through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant financial contribution of £181,519 to support the training and skills needs of local residents in accessing the job opportunities created through the construction phase and £5,315 in relation to permanent job opportunities. The developer should also provide apprenticeship places in the construction phase (following liaison with the applicant it is agreed that 20 apprenticeships over the full construction phase is appropriate).

(OFFICER COMMENT: It is recommended that appropriate planning obligations secure all of the above non-monetary measures by way of planning obligations. Financial contributions for training and other uses were received in relation to the part-implemented office scheme on this site and it is not considered reasonable to seek further contributions. This is discussed further in Section 26 of this report).

Energy Efficiency Unit

8.15 Initial concerns raised in relation to the following: CO2 emissions reductions are below MD DPD Policy 29 requirements; a lack of onsite renewable energy technologies called for by Core Strategy Policy SP11 and the targeting of BREEAM 'Very Good' rather than 'Excellent for non-residential space (whereas Policy DM29 calls for 'Excellent' where feasible). Clarification was also requested in relation to the potential to connect to the Barkantine Heat and Power Network (BHPN). Following clarification from the applicant (March 2013), there are no objections subject to securing various matters by planning condition (including potential for ground source cooling and connection to the BHPN).

(OFFICER COMMENT: The above could be secured by planning condition if permission was granted. Since the above comments were made, the requirements for carbon reductions set out in Policy DM29 have increased from 35% to 50%. The proposed scheme is able to deliver 35% by way of the proposed on-site CHP. This could be increased to up to 39% savings if ground source cooling is included as part of the proposals. It is recommended that the shortfall could be offset by securing financial contributions towards off-site carbon reductions schemes. This is discussed in Section 19).

Communities, Localities & Culture (CLC)

- 8.16 CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea Stores, libraries and archive facilities. CLC, therefore seek that Planning Obligation SPD compliant contributions are secured.
- 8.17 (OFFICER COMMENT: The need for additional financial contributions to mitigate likely adverse impacts, taking account of contributions received in relation to the part-implemented office scheme, is discussed in Section 19 of this report.)

External Consultees

BBC Audience Service

8.18 The BBC is in no position to determine the impact on television or radio reception the proposal may have. It asks that before any decision is made, the applicant undertakes a suitable survey by a professional body to identify the potential impact on the reception of television and services and that a planning obligation secures funding for the rectification of any adverse impact.

(OFFICER COMMENT: TV reception is discussed in Section 23 of this report. It is recommended that a planning obligation secures any necessary mitigation in relation to reduction in signal that results from the proposed development).

Canal and River Trust (CRT)

- 8.19 The Canal and River Trusthas no objection to the principle of redevelopment of this site, but makes the following comments:
 - Height and Position the buildings are closer to the waterside than previously permitted, requiring window cleaning structure that will clean the balconies to oversail the waterspace. This would need to be consented through a formal agreement with CRT;
 - Activating the Waterspace CRT encourage the inclusion of access to the waterspace from the dockside and the provision of ducts for services to the quayside. This would facilitate the use of the waterspace for small visiting boats that would provide an

amenity for the proposed residents and local community, integrate the development with the waterspace, animate and dockedge, increase leisure use of the waterways and help meet the chronic shortage of moorings dock space;

- Use of the Dock Water Dock water can be used for cooling of buildings and is used successfully by several waterside sites, including the adjacent Britannia Hotel
- Waterway Wall the proposals have the potential to impact on the wall and the applicant has met CRT to discuss this; and
- Landscaping landscaping should extend to the waterway wall, where appropriate, and conditions and informatives should be attached to any permission requiring details to be submitted to and approved by the Council (in consultation with the CRT).

(OFFICER COMMENT: It is recommended that planning conditions require the investigation of the possible use of dock water for cooling purposes, a condition survey of the dock wall (along with any necessary remedial works if necessary) and details of landscaping).

Crossrail Limited

8.20 No response

Docklands Light Railway

8.21 No response (but see comments from TfL)

English Heritage Archaeology (Greater London Archaeology Advisory Service: GLASS)

8.22 Archaeological works on the site were undertaken in connection with the consented 2007 scheme. In view of the limited extent of the proposed future ground works, there is no need for further archaeological intervention.

(OFFICER COMMENT: Noted. There is no need for further works in relation to this proposal).

Environment Agency

- 8.23 No objection, subject to the imposition of planning conditions covering the following:
 - No development to commence until a structural survey of the dock wall has been submitted to and approved by the LPA and that any identified remedial works are undertaken; and
 - No development shall commence until it has been demonstrated that the dock wall height can be raised in line with the TE2100 Plan (raising to 6.2m AOD by 2100)

(OFFICER COMMENT: It is recommended that such conditions are attached to any permission granted).

Greater London Authority (GLA)

8.24 The Mayor of London considered the application on 6 March 2013. The GLA's Stage 1 Report sets out the following comments:

Principle of development

- Redevelopment for residential-led mixed use purposes is acceptable in principle.
- It is accepted (given its small size) that social infrastructure cannot be provided on-site. However, further discussion is needed over s106 contributions and provisions in the wider area.

Urban design

- Satisfied that the scheme would not have a detrimental impact on protected views or World Heritage Sites.
- Previous concerns over definition and role of public realm around the buildings have been satisfactorily addressed.
- The simple and well-designed architectural treatment would create a pair of elegant and distinctive buildings that would contribute to creating an interesting and varied skyline to this emerging cluster of tall buildings.
- The size and quality of the proposed homes would be high, in line with the London Housing Design Guide (the generous balconies are particularly welcome).

Inclusive design

- The 10% wheelchair adaptable units should be distributed across tenures types and flat sizes to give disabled and older people choice. The units that are identified as 'easily adaptable' need to be revised and the proposed penthouses should be amended to be fully accessible, removing the three steps at upper bedroom level.
- Applicant should confirm that tactile paving is provided on both sides of the crossover outside the ramp entrance.
- Given that there is no raised kerb at the taxi drop-off, the applicant should investigate whether Marsh Wall could be used to allow wheelchair users to easily exist a taxi.
- A further ramp should be included in the proposed raised western amenity space to allow access from marsh Wall and the dockside.
- Confirmation required that the fitness elements within the proposed trim-trail incorporates elements that could be used by disabled people.
- The applicant should investigate whether a ramp could be provided within the proposed ground floor cafe and confirm that wheelchair accessible toilets would be provided.

Housing

 The proposed dwelling mix (heavily skewed towards smaller units with 53.3% being studio, one and two-bed units) is acceptable given the site's location, building typology and constraints. The

- proposed three-bed Intermediate units (14% of proposed Intermediate homes) is welcome.
- Off-site affordable housing should not be located in an area where there are a high proportion of social rented units. Further discussion is needed on this matter prior to Stage II.
- Further discussion is needed on the submitted viability assessment to ensure that the maximum reasonable amount of affordable housing has been provided.

Children's play space

 The proposed 526sqm of play space exceeds the 440sqm of space required following the London Plan SPG methodology.

Density

 Whilst the applicant's estimated density of 2,700hrph is well above the relevant London Plan density guidelines of 650-1,110hrph, this is considered acceptable given the nature of the site, the character of the surrounding area, the high quality of the residential accommodation and high quality design.

Noise

- The Noise Assessment identifies a limited number of balconies in the proposed East Tower that would exceed World Health Authority recommendations. The Council should consider whether the proposed mitigation measures and resultant noise levels within the balconies are acceptable and whether further mitigation measures are required.
- Planning conditions should cover demolition and construction noise and vibration, indoor ambient noise levels, building services plant noise emission levels; noise from retail uses and reasonable practical noise mitigation measures for balconies and other external areas.
- The London housing Design Guide calls for no single-aspect units in Noise Exposure Categories (NEC) C or D. Confirmation of NEC categories is required.

Climate change mitigation

- Proposed reduction in carbon dioxide emissions by 32% is welcome (exceeds London Plan requirement).
- Applicant should commit to ensure that the development is designed to allow future connection to a district heating network and that all proposed homes and non-residential buildings would be connected to a network.
- Absence of on-site renewable technologies is acceptable in this instance.
- Lack of any residual risk management options is not acceptable and contrary to London Plan policy 5.12. Such measures should include
 - Subscription to the Environment Agency Flood Warning Service
 - Drawing up a flood emergency plan for each building

- Providing safe refuge within the buildings as it is unlikely that a suitably dry access route will be available in the event of a flood
- Ensuring that all utility services can be maintained operational during a flood including ensuring that these services can be maintained operational during a flood (e.g. by placing vital services in flood-proof enclosures)
- A sump within the basement to aid removal of floodwater.
- Surface water drainage directly in to the Dock is acceptable.
 However, rainwater harvesting opportunities should be investigated.
- Clarification required on why hard landscaping areas could not also discharge into the adjacent Dock (with suitable pollution prevention measures).

Transport

See TfL comments below.

(OFFICER COMMENT: The GLA's comments are addressed as an integral part of assessing the acceptability of the proposed development and referred to where appropriate throughout the report).

London Borough of Southwark

8.25 No response

London City Airport

8.26 No response

London Fire and Emergency Planning Authority

8.27 The Fire Authority's hydrant mapping data base indicates that if the existing hydrants are maintained, water supplies for the fire service should not be problematic.

London Underground Ltd

8.28 No response (but see TfL comments).

Metropolitan Police Crime Prevention Design Advisor

- 8.29 The Design Advisor has made a number of comments in letters of February 2013 and September 2014. In summary, there is no objection in principle, subject to:
 - The ground floor bicycle lobby should have a double access control system, with both internal and external doors secured to prevent tailgating etc. This should apply to all doors where there are external and internal accesses, including the Amenity Access doors;

- Rear waterside entrance with large canopy over must have monitored CCTV as well as some form of control on the entrance
- Eastern ground floor entrance to electricity sub-station and switch room looks like a long alley;
- The scheme would benefitfrom 24 hour concierge; and
- First floor balconies/podiums need to be checked to make sure they do not give access via climbing;
- A gateis needed on ramp to stop misuse; and
- Planning conditions should be used to ensure that details comply with the principles of Secure by Design.

(OFFICER COMMENT: The applicant has engaged constructively with the Design Advisor on these issues, which are discussed in Section 14 of this report. Overall, the proposals should ensure a safe and secure environment).

National Air Traffic Services Ltd (NATS)

8.30 The proposal does not conflict with safeguarding criteria. No objections

National Grid

8.31 No response

Natural England

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

Port of London Authority (PLA)

- 8.33 The Transport Assessment states the potential for transporting construction and waste materials via the River Thames be investigated during the preparation of a Construction Logistics Plan. However, a specific condition should be imposed requiring the applicant to investigate the use of the River for the transport of construction and waste materials to and from the site.
- 8.34 The use of the river for the transport of passengers is not addressed in the Environmental Statement or the Travel Plan and no targets are set for river use or measures set out to encourage the use of the river in travel plans. This is contrary to London Plan Policy 7.25 and key performance indicator 16 which seeks a 50% increase in passengers and freight transported on the blue ribbon network from 2011-2021. These documents should be amended accordingly.

(OFFICER COMMENT: Thee nearest pier to the site is Canary Wharf Pier to the east, which would require a significantly longer walk than getting to the nearest DLR or Underground station and that there are currently only four passenger boats per hour during the peak hours. Given this, officers agree with the applicant that the number of people likely to use river services is likely to be negligible and does not, therefore, warrant further assessment or mitigation).

Primary Care Trust

8.35 The PCT has confirmed the HUDU model requires capital planning contribution of £829,264.

(OFFICER COMMENT: It is recommended that a higher figure of £894,860 is secured by way of a planning obligation – to mitigate the impacts of a larger on-site population than would be likely to result from the original proposals, on which the PCT commented).

Royal Borough of Greenwich

8.36 No observations.

Thames Water

Waste

8.37 The applicant should incorporate protection (e.g. non-return valve) on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage

8.38 Storm flows into public sewers should be attenuated or regulated through on-site storage. Petrol/oil interceptors should be fitted in all car parking areas. Prior approval required for connection to public sewer.

Sewerage infrastructure

8.39 No objection

Water

8.40 An informative regarding water pressure should be added to any permission.

Piling

8.41 A condition should be attached to any permission requiring a piling method statement to be submitted to and approved by the LPA in consultation with Thames.

(OFFICER COMMENT: It is recommended that all of the above are secured by planning conditions or included as informatives).

Transport for London

8.42 Comments on a range of topics set out below.

Trip Generation and Site Access

 TfL is satisfied with cumulative assessment and raises no issues with respect to trip generation. It does, however, request Stage 1 Safety Audit of the proposed ramp access and junction.

Parking

- Welcomes proposed low level of car parking requests confirmation of number of proposed wheelchair accessible homes to ensure sufficient 'blue badge' parking.
- Supports the Car Park Management Plan and asks that this is secured by condition.
- Welcomes commitment to investigate the viability of providing a car club and recommends, if successful, all residents are offered free membership for the first year.
- Proposed level of cycle parking is satisfactory but some concern over the type of proposed parking
- Welcome proposed showers and changing facilities seeks confirmation that these would be available to staff.

Public Transport

- Notwithstanding the assessment in the TA, there are bus capacity issues and trips generated by this development and others are likely to generate a need for further capacity on the bus network – request for a financial contribution of £475,000 to mitigate impacts
- Request specific conditions to ensure that the proposed works do not compromise the safe and effective operation of the DLR.
- Developer's responsibility to ensure that the design provides satisfactory levels of noise and vibration for future residents.
- Request financial contribution of £40,000 to pay for real-time public transport departures and service update information boards to be located in a prominent communal area.
- Request a financial contribution of £83,419 towards Crossrail is secured by way of a planning obligation as a credit towards the Crossrail CIL requirement.

Cycling and Walking

- LBTH should secure financial contributions to implement any improvements identified in the Pedestrian Environment Review System (PERS) audit
- Request for a financial contribution of £15,000 to fund Legible London signage.

Travel Planning

- A Travel Plan (which should be secured by a planning obligation) should require residents and employees' information packs to provide information on the Mayor of London's bike scheme and to one year's membership for each resident.
- Request for a condition requiring the approval of a Delivery and Service Plan (DSP) (in consultation with TfL) before occupation.
- Request for a condition requiring approval (in consultation with TfL) of a Construction Logistics Plan before commencement and

encourages the use of the River Thames during the construction phase.

(OFFICER COMMENT: A Stage 1 Safety Audit of the proposed ramp access/junction has been submitted. Parking issues are discussed in detail Section 15 of this report and the issues raised by TfL are either satisfactorily addressed, or could be secured by way of planning conditions/obligations.

As discussed in detail in Section 26 of this report, the Council received s.106 financial contributions in relation to the previously consented office scheme. Records show that a significant proportion of these contributions were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than Crossrail CIL/planning obligations.

It is recommended that a Travel Plan, Delivery and Servicing Plan and Construction Logistics Plan are secured by planning obligations /conditions).

9.0 LOCAL REPRESENTATION

- 9.1 The applicant undertook pre-application consultation with a range of statutory consultees, local residents and businesses and local groups. This included holding a local public exhibition of emerging proposals in November 2012 and presenting the emerging proposals to Members of the SDC and the Council's Conservation and Design Panel (CADP) in December 2012. The submitted Statement of Community Involvement (December 2012) reports that 34 people attended the local exhibition, with 11 people filling in feedback forms. Comments received included a level of support for the scheme, together with concerns/queries over noise from the DLR and Britannia Hotel, the previous office consent and increased demand for school places and on transport infrastructure.
- 9.2 A total of 3,807 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.
- 9.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application was submitted and supplemented with additional environmental information were as follows:

No of individual responses: 35 Object: 11 Support: 24

No petitions received: 0

9.5 The full responses are on public file. Key issues in letters of support and objection may be summarised as follows:

In Objection

9.4 The 11 objections are from residents living in the following areas: Landmark East Tower (24 Marsh Wall) (3); Cascades (2-4 Westferry Road) (2); the Vanguard Building (18 Westferry Road) (2); Pan Peninsula (on Marsh Wall) (2); Hobday Street (1); and Unknown (1).

Landmark East Tower Residents (3)

- No development should take place on this site
- Adverse impacts during construction
- Very little information about how the applicant intends to address residents' concerns
- Concern that many homes in the area are not occupied, but bought as investments or that they are occupied as short-term lets, doing nothing for community cohesion.
- Off-site affordable housing is unacceptable.
- Proposed shops are likely to remain empty
- Marshwall and surrounding streets cannot cope with proposed level of development (overused and dangerous)
- Change of use from offices to housing would cause loss of privacy
- Proposed towers not suitable for this location out of character.
- Proposed towers would be viewed as one solid mass.
- Proposed additional building height (over and above what has been approved) would block views and reduce daylight in the morning.
- Glare from windows in the afternoon.
- Loss in property value.
- Noise from the DLR makes the site unsuitable for housing (with plans to lengthen the time that trains run).
- Increase in population and density is unacceptable insufficient open space and extra pressure on existing footbridge.
- Insufficient health care facilities in the area.
- Insufficient car parking placing pressure on surrounding streets and resulting in illegal stopping on Marsh Wall.
- Impact of servicing requirements (removal lorries and deliveries).

Cascades Residents (2)

- Excessive population density leading to problems of traffic, insufficient parking, transport, green spaces, schools and nurseries.
- Proposed tall buildings are out of proportion with existing residential buildings, the Britannia Hotel and offices to the north of the Dock.
- Proposed towers would have a detrimental impact on visual amenity, loss of light and overall physical dominance.
- The site should continue to be used for offices the demand for offices will increase as the recession ends

Vanguard Building (2)

- Tall buildings should be restricted to the Canary Wharf business area.
- Loss of light.
- Insufficient car parking placing pressure on neighbouring streets and causing extra congestion.
- Insufficient children facilities (nurseries/playgroups), with the Surestart Centre being full.
- Need additional schools, clinics, children recreation areas and other facilities

Pan Peninsula (2)

- Excessive height loss of views of the River, loss of sunlight and reduced air flow.
- Neighbouring buildings are no more than 20 storeys the towers would look out of place.
- Buildings would create a noise barrier preventing DLR noise from dispersing and causing increased noise levels in the area.
- Loss of property value

Hobday Street (1)

• Objects to large buildings being permitted when the area needs houses for local people.

Unknown (1)

 Proposed towers would cut out much light from Quay House, Beaufort Court and Ensign House to the east (all offices) – but these buildings are coming to the end of their life, so perhaps redevelopment of the Thames haven/Waterside plot should be encouraged

(OFFICER COMMENT: Local comments are addressed where they are considered to be a material consideration throughout the report).

In Support

- 9.5 In July 2014, 24 standard pro-forma letters of support were received from different addresses in the E14 postcode (including Marsh Wall, Admirals Way, Cuba Street, Westferry Road, Plymton Close, Mastmaker Road, South Quay, Millharbour). These letters stated that the application will:
 - Regenerate a prominent brownfield site on the isle of Dogs
 - Help deliver affordable housing on another site in the borough including Carmen Street near Langdon Park Station Install public art in the area
 - Provide new retail, restaurant and cafe space
 - Provide new open spaces in the form of landscaped public squares
 - Improve pedestrian links through the site to the proposed dockside walkway and South Dock pedestrian bridge into Canary Wharf

 There is a shortage of housing in tower Hamlets and the application under consideration will be a better outcome for local residents that the approved office building, as it will create jobs as well as homes

(OFFICER COMMENT: (N.B. it is no longer proposed to provide affordable housing associated with the Arrowhead Quay proposals on the site at Carmen Street)

Investin Plc - Quay House

9.6 In addition to the above, Investin Plc (the applicant for the adjoining Quay Hose site) has written in support of the proposed two tall towers. However, it asks the Council to comprehensively assess the proposal to ensure that it is not in any way prejudicial to the redevelopment of Quay House. In particular, it highlights that any impacts that the proposal may have should not prejudice Investin's potential for optimising its site and seeks the careful assessment of sunlight, daylight and overshadowing, overlooking and cumulative visual impacts. If planning permission is granted, then the Council should recognise that it would impact on proposals for Quay House and acknowledge that it should apply its standards more flexibly when assessing future proposals for Quay Hous

Local Organisations

- 9.7 No responses have been received from the following local organisations that were consulted on the application:
 - Alpha Grove Community Centre
 - Barkantine TA
 - Canary Wharf Group
 - Island Bangladeshi Welfare Organisation
 - Island Community Centre
 - Island Neighbourhood project
 - Isle of Dogs Bangladeshi Association and Cultural centre
 - Isle of Dogs Community Foundation
 - Kingsbridge Tenants and Residents Association
 - Mill Quay Residents Association
 - Parish of the Isle of Dogs
 - St. Edmunds Church
 - St.John's Bengali Welfare Organisation
 - The Space

Conservation and Design Panel

- 9.8 The Conservation and Design Panel (CADAP) considered and commented on emerging proposals for the site in December 2012. CADAP considered the planning application scheme on 8 April 2013 and made the following comments:
 - 1. Building positioning in terms of the relationship between the two towers CADAP members still felt that the two buildings could

visually coalesce into one volume from the east and west and therefore suggest that the architects consider varying the window frame and cladding colours of the towers (as appeared to have been done in the computer images)

- 2. Balconies Members felt privacy concerns had been addressed.
- 3. Members welcome the applicant's revisions to make the North/South lobby route accessible to members of the public during the day time, in line with its previous comment. Members considered the scale and spatial quality of the lobby area still too corporate and that it could benefit from being considered at a domestic scale. For this members would welcome the use of large scale planting, perhaps in line with planting proposals for the private roof top greenhouse. Members also suggested the use of architectural features to dampen the noise in the central area.
- 4. Raised plinth Members welcomed that this was for public use including the provision of accessible play areas.
- 5. Landscaping Members felt that the proposed soft-landscaping strategy seemed corporate looking, and not suitable for domestic use. The planting proposal would benefit from being considered as part of a wider site context of marshland, and the wild nature that once characterised the site. Suggestions included a dynamic landscaping approach, rich in flowers and creating a natural-effect soft landscape. A precedent mentioned, the Highline in New York, is an example of this sort of planting working well in an urban densely populated place.
- Lighting strategy Members noted that the planners had to revert on detail surrounding the proposed external lighting strategy for the building

(OFFICER COMMENT: The concern about possible coalescence and landscaping are discussed in Section 14 of this report. It is recommended that planning conditions secure details of landscaping and a lighting strategy for the Council's consideration).

10.0 ASSESSMENT OF APPLICATION

- 10.1 The key relevant planning issues are:
 - 11: Land-use
 - Principles
 - 12: Density / Quantum of Development
 - 13: Housing
 - 14: Design
 - 15: Neighbouring Amenity
 - 16: Heritage
 - 17: Transport
 - 18: Waste
 - 19: Energy and Sustainability
 - 20: Environmental Considerations
 - 21: Flood Risk, Drainage and Water Resources
 - 22: Biodiversity

- 23: Telecommunications
- 24: London City Airport Safeguarding
- 25: Health Considerations
- 26: Planning Obligations and CIL
- 27: Other financial considerations
- 28: Human Rights considerations
- 29: Equalities Act considerations
- 30: Conclusion

Land Use

- 11.1 This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 11.2 At a national level, the NPPF promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 11.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 11.4 Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 11.5 The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 11.6 The site has previously accommodated industrial/warehousing development associated with the docks, a surface car park with 250 spaces and, most recently, by a marketing suite and temporary offices for the construction of the Pan Peninsula residential development on Marsh Wall (which was developed by the applicant).

The site currently accommodates an excavated and retained basement cavity, constructed in 2007 as part of the commencement of extant planning permission PA/07/00347 for a part 16 and part 26-storey office building.

- 11.7 Whilst the site benefits from an extant permission for offices, the applicant claims that despite extensive marketing it has not proven attractive to the market; where there has been reduced demand for new office space since the economic recession hit in 2008. The applicant has submitted an Employment Report (December 2012) to support the application. This states that if the extant permission for offices was delivered it is likely to struggle to attract occupiers given a number of factors, including its relative location to the core Canary Wharf offer; the evolving residential character south of the dock; the stalling of demand within the core area; a high level of immediately available or soon to be completed Grade A space within the Canary Wharf Estate, and; the strength of the market secondary/supporting activities within other, more cost-effective, wellconnected locations. The report also notes that removing the site from the office supply pipeline is unlikely to have any noticeable effect on the ability of Canary Wharf to meet future forecast demand during the London Plan/Core Strategy plan period or make a significant difference to the deliverability of the jobs target for the London Plan Isle of Dogs Opportunity Area (110,000 jobs by 2031).
- 11.8 The construction of a mixed use residential-led development, including retail uses at ground floor. This would not be inconsistent with London Plan Isle of Dogs Opportunity Area policies (which include Central Activity Zone policies pertaining to offices) which seek housing as well as employment growth. Moreover, the London Plan recognises there is significant potential to accommodate new homes and scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of uses. The active (retail) uses at ground floor with residential above is also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 11.9 Having regard to the policies applicable to this site, it is considered that the harm associated with the loss of a potential offices is outweighed by the potential benefits associated with a residential-led re-development. Accordingly, the principle of the proposed land uses is supported.
- 11.10 In accordance with the Planning Obligations SPD, if permission were granted, planning obligations could ensure the use of reasonable endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets and 20% of goods and services procured during the construction phase are through businesses in Tower Hamlets. In addition, 30 apprenticeship places could be secured. Financial contributions for training and other uses were received in relation to the part-implemented office scheme on

this site and it is not considered reasonable to seek further contributions. This is discussed further in Section 26 of this report.

12.0 Density/Quantum of Development

- 12.1 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 12.2 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating
- 12.3 London Plan Policy 3.4 (Optimising housing potential) states that, taking into account local context and character, the design principles in the Plan and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. The site is located within a Central setting (within an Opportunity Area within easy reach of Canary Wharf Major Centre) and has a PTAL of 5 and the proposed scheme has an average of 2.2 habitable rooms per unit. As such, the appropriate indicative density range given in Table 3.2 is 215-405units/hectare (650 – 1,100 habitable rooms per hectare).Likewise, Policy CSP02 of the Core Strategy (2010) seeks 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, as well as design and amenity considerations
- 12.4 The site is approximately 0.54ha. The proposed number and mix of units would yield a total of 1,819 habitable rooms. The proposed residential density is 1,400 units per hectare (3,357 habitable rooms per hectare).
- 12.5 Advice on the interpretation of density can be found in the Mayor of London's Housing SPG (November 2012) which includes:
 - "...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."
- The Housing 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.
- 12.7 A rigorous assessment of this scheme against planning policy and the Mayor of London's Housing SPG is set out in the following sections of this report. However, in summary:
 - the internal daylight and sunlight standard of the proposed homes is considered acceptable (when taking account of other amenity considerations)and the proposal would not have significant adverse impacts on existing or nearby consented/reasonably foreseeable development;
 - the proposed homes would be well laid out and exceed minimum floorspace and floor to ceiling height standards;
 - the proposed dwelling mix would fairly closely follow the mix required to meet identified housing need;
 - the proposed amount of private and communal amenity space meet policy requirements (and subject to some mitigation measures would meet noise and sunlight standards) and there would be a welcome contribution towards publicly accessible open space;
 - the relationship between the proposed new homes within the scheme and between the scheme and existing/ consented/ reasonably foreseeable schemes is acceptable;
 - proposed car parking complies with policy and expected traffic generation would be acceptable;
 - the proposal would not directly affect existing infrastructure and, if permitted, additional financial contributions could be secured to help support the provision of additional school places, health and leisure facilities (in addition to the range of transport, public realm, open space, community, social and public art projects supported by financial contributions secured in relation to the consented office scheme); and
 - in the local context, the proposed tall buildings are appropriate, would and given the proposed high quality architecture would not

harm strategic or local views and make a positive contribution to the visual amenity, views and character of the surrounding area.

12.8 Given the above, whilst the proposed residential density is significantly higher than the upper end of the relevant indicative density range, the proposed housing would be high quality and would not cause significant harm to interests of acknowledged importance. As such, the proposals could be considered to optimise the development potential of the site and make a significant contribution to meeting the Borough and London's housing targets.

13.0 Housing

Principles

- 13.1 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that ".... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 13.2 The application proposes 756 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which would increase to 3,931 units in the 2014 Further Alterations to the London Plan.
- 13.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

Key relevant Policies

13.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage. It also seeks a split between Social/Affordable Rent and Intermediate Housing of 60:40.

- 13.5 London Plan Policy 3.12 sets out policy for 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.
- 13.6 The supporting text to London Plan Policy 3.12(para. 3.71) 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.
- 13.7 Paragraph 3.74 of the London Plan explains that affordable housing is normally required on-site and sets out the exceptional circumstances in which it may be provided off-site.
- 13.8 Core Strategy Policy SP02 sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability) as set out in part 3a of the Core Strategy.
- 13.9 Managing Development DPD Policy DM3 seeks a split between Social/Affordable Rent and Intermediate Housing of 70:30. It also (amongst other things) seeks to ensure that Affordable Housing is built to the same standard and share the same level of amenities as private housing and sets out a preferred dwelling mix.
- 13.10 Managing Development DPD Policy DM3 requires developments to maximise affordable housing on-site and sets out criteria for where offsite affordable housing may ne be considered acceptable.
- 13.11 Managing Development DPD Policy DM3 makes clear that Affordable Housing should be built to the same standards and should share the same level of amenities as private housing.
- 13.12 The Draft Affordable Housing SPD (public consultation period ended on the 2nd July 2013) provides guidance on the implementation of Affordable Housing policy.
- 13.13 The NPPF emphasise that development should not be constrained by planning obligations, with paragraph 173 stating 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."

Background

- 13.14 Officers have explored with the applicant a large number of possible different scenarios for the provision of affordable housing, both at preapplication and determination stage, including potential on and off-site solutions.
- 13.15 The applicant has always proposed that the site would accommodate 42 Intermediate Shared Ownership homes. In February 2014, the applicant proposed that the 'donor site' for additional off-site provision of affordable housing would be land that it owns adjacent to Langdon Park Station, on the corner of Coding Street and Chrisp Street (known as the 'Carmen Street site'). In July 2014, the applicant owned London City Island (LCI) site (formally known as Leamouth Peninsula North) was identified as a second 'donor site', in addition to the Carmen Street site. Later in July 2014, in response to LBTH and GLA officer concerns that the proposal to use Carmen Street would not result in a mixed and balanced community, Carmen Street was removed from the equation and the proposed use of LCI site as a 'donor site' was increased to provide 122 Social Rented dwellings and 19 additional Intermediate Shared Ownership dwellings (in addition to the 42 Intermediate Shared Ownership homes at Arrowhead Quay).
- 13.16 Development DPD Policy DM3 makes clear that off-site Affordable Housing will only be considered positively where it can be demonstrated (amongst other things) that it is not practical to provide Affordable Housing on-site. More recently, having explored the acceptability of this mainly off-site solution, officers concluded that it would be practical to accommodate all the appropriate Affordable Housing associated with the scheme on-site and the applicant has revised the proposals accordingly.

Proposed Affordable Housing

- 13.17 The applicant's current proposal for all of the proposed Affordable Housing to be provided on-site can be summarised as follows:
 - 90 Affordable Rented homes (324 habitable rooms);
 - 42 Intermediate Shared Ownership homes (131 habitable rooms);
 - All Affordable accommodation on Levels 03 to 24 in the West Tower;
 - Affordable Rented homes on Levels 03 to 17 accessed via the proposed entrance on the south facade and served by 2 lifts;
 - Intermediate Shared Ownership homes on Levels 18 to 24 accessed via the proposed central lobby and served by 4 lifts;
 - 25% provision by habitable rooms (71:29 Affordable Rent: Intermediate Shared Ownership); and
 - A mix of 1, 2, 3 and 4-bed dwellings.

The Amount and type of Affordable housing

- 13.18 London Plan Policy 3.12 calls for the provision of the maximum reasonable amount of affordable housing. This policy objective is tempered by the requirement to have regard to a number of issues, namely: local and regional needs and 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; and the specific circumstances of the site. The policy also makes clear that negotiations on sites should take account of their individual circumstances, including viability, and other scheme requirements.
- 13.19 Core Strategy Policy SP02 sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more, again, this is subject to viability.
- 13.20 London Plan Policy 3.11 calls for the split between Social/Affordable Rent and Intermediate housing to be 60:40. Development Management DPD Policy DPD3 calls for this split to be 70:30.
- 13.21 The proposed split of 71% Affordable rent and 29% Intermediate Shared Ownership is in accordance with the Council's preferred split.
- 13.22 As summarised above, the proposed amount of on-site Affordable Housing is 25% by (habitable room). The applicant has submitted viability appraisals to demonstrate that this is the maximum reasonable amount. The Council's external consultants have scrutinised the latest appraisal and concluded that, taking account of the proposed additional financial contributions to mitigate likely adverse effects and expected Crossrail CIL payments, the scheme would generate a surplus of £268,639 which could be used to fund further affordable housing. It would not be practicable to use this to fund additional on-site Affordable accommodation. therefore recommended It is thatplanning obligationssecure the proposed on-site provision and a financial contribution of £268,639 to help fund Affordable Housing off-site. To ensure that the Council secures any uplift in provision that may be capable should circumstances change, it is also recommended that a planning obligation ensures that an appropriate viability review mechanism is triggered if consented development has not been implemented within 24 months from the grant of permission.

Rent levels and Service charges

- 13.23 Affordable Rented housing is defined as rented housing provided by registered providers of social housing to households who are eligible for Social Rented housing. Affordable Rented housing is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 13.24 Intermediate housing is defined a housing at prices and rents above those of Social Rent, but below market price or rents. These can be Shared Ownership (as proposed here), other low cost homes for sale and intermediate rent.

- 13.25 The relevant Borough Framework Rents (formally known as POD rents) for this area are as follows:
 - 1-bed £224
 - 2-bed £253
 - 3-bed £276
 - 4-bed £292
- 13.26 The above rent levels are inclusive of service charges. The applicant has confirmed that it is willing to ensure that all of the proposed Affordable Rented homes are offered to Registered Providers at the relevant Borough Framework Rents that are applicable at the time that they are due to be transferred to the Provider.

Integration of Affordable Housing

- 13.27 Development Management DPD Policy DM3 makes clear that Affordable Housing should be built to the same standards and should share the same level of amenities as private housing. Justifying text Paragraph 3.4 goes on to state that all new homes should be designed to the same high standards and those different tenures should be mixed throughout a development, the exception being that it is recognised that separate cores may be required to enable effective management arrangements.
- 13.28 The proposed Affordable Housing would be integrated in to the lower floors of the proposed West Tower (Levels 03 to 24), with the proposed family-sized homes being on the lowest floors possible. There would be no discernible difference in external appearance between the proposed Affordable and private housing and all residents would share key facilities (including communal amenity space and play space). The Affordable Rented homes would have their own entrance and lobby area on the ground floor of south side of the West Tower and a separate lift core up tobasement parking and up Level 17. This is to facilitate the effective management of these spaces by a Registered Provider and to keep service charges/rents affordable. The proposed Intermediate Shared Ownership homes would share the central lobby area with the proposed private homes.

Dwelling Mix

13.29 Table 1 below also compares the proposed overall Affordable Housing dwelling mix with the LBTH target percentages for Affordable Rented and Intermediate housing that are set out in Development Management DPD Policy DM3.

	Affordable Rent			Intermediate (Shared Ownership)		
Unit size	Units	%	LBTH Target %	Units	%	LBTH Target%
1 bed	27	30	30	11	26	25
2 bed	22	24	25	21	50	50
3 bed	28	31	30	10	21	25
4 bed+	13	14	15	0		
Total	90			42		

13.30 The above demonstrates a very close fit between what is being proposed and the Council's dwelling mix targets and is to be welcomed.

Mixed and balanced communities

- 13.31 London Plan Policy 3.9 calls for the promotion of mixed and balanced communities across London to foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. It stresses the need for a more balanced mix of tenures in some neighbourhoods where social renting predominates and there are concentrations of deprivation.
- 13.32 The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices, has been exacerbated by the tendency for new social housing to be built where it is already concentrated. The need for mixed and balanced communities is generally raised in relation to concentrations of social housing. However, the reverse situation is also a material consideration, i.e. where only or predominantly Private housing is proposed for a site.
- 13.33 The proposed incorporation of the proposed Affordable Housing onsite should help ensure that an area of the Borough that is undergoing large-scale change continues to be a mixed and balanced community.

Housing Mix

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

13.35 The proposed Affordable Housing dwelling mix is discussed above. The table below compares the proposed Private housing mix against policy requirements

Table 2: ProposedPrivate dwelling mix

Unit size	Units	%	LBTH Target%
Studio	170	27	0
1 bed	171	27.5	50
2 bed	280	45	30
3 bed	3	0.5	20
4 bed+	0		0
Total	624		

13.36 The above demonstrates that the proposed Private dwelling mix is focussed towards studios and 1-and 2 -beds, with just three 3+bed homes are proposed. Consequently, the private housing component of the development would not be policy compliant. However, it is worth noting the advice within the Mayor of London'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.

Quality of residential accommodation

Space Standards

- 13.37 Policy DM4 in the MDD and London Plan Policy 3.5 set out minimum overall space standards for new homes (set out in Table 3 below).
- 13.38 The Mayor of London's Housing SPG (November 20120) calls for single bedrooms to be at least 8sqm and double or twin bedrooms to be at least 12sqm and the minimum width of double and twin bedrooms to be 2.75m in most of the length of the room (Good Practice Standards 4.5.1 and 4.5.2).
- 13.39 The application proposes a range of different size homes. These are set out in Table 3 below, together with the relevant standard

Table 3: Dwelling size

ProposedPrivate	Standard	Difference
Suite 37sqm flats	37sqm	0
1-bed (2-person) flats – 50 to 56sqm	50sqm	0 to +12%
2-bed (4-person) flats – 72sqm	70sqm	+ 3%
2-bed (4-person) large flats – 96/96.5sqm	70sqm	+ 37%
2-bed (4-person) penthouses (2 floors) –	83sqm	+ 37%
114sqm		

3-bed (6-person) flats – 119sqm	95sqm	+ 25%
3-bed (6-person) penthouses (2 floors) –	106sqm	+ 38%
146sqm	-	
Proposed Affordable Rented		
1-bed (2-person) flats – 56sqm	50sqm	+11%
2-bed (4-person) flats – 74.5 to 95sqm	70sqm	+7 to 26%
3-bed (5-person) flats – 98sqm	86sqm	+12%
4-bed (6 person flats – 112sqm	99sqm	+12%
Proposed Affordable Shared Ownership		
1-bed (2-person) flats – 50sqm	50sqm	0
2-bed (4-person) flats – 72 to 78.5sqm	70sqm	+3 to 11%
3-bed (5-person) flats – 94sqm	86sqm	+9%
3-bed (6-person) flats – 119sqm	95sqm	+20%

13.40 Table 3 above demonstrates that all of the proposed flats are generously sized and either meet or significantly exceed the relevant overall floorspace standard. The proposed size of all proposed bedrooms also more than meet the Good Practice Standards in the Housing SPG. In addition, the proposed floor to ceiling height of the proposed flats is 2.7m. This is generous and above the minimum of 2.5mBaseline standard in the Mayor of London's Housing SPG.

Internal layout

- 13.41 The Mayor of London's Housing SPG (November 2012) contains a number of detailed Baseline and Good Practice Standards with regards to internal circulation. The proposal would meet all of the Baseline standards and the majority of the Good Practice Standards. Where possible the proposed 4-bedroom Affordable Rent properties would have separate kitchens, which is welcomed.
 - Lifetime Homes Standard and wheelchair accessible housing
- 13.42 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 13.43 The Mayor of London's Housing SPG (Baseline Standard 3.2.7) calls for every designated wheelchair accessible home above ground level to be served by at least one wheelchair accessible lift, making clear that it is desirable that every wheelchair accessible dwelling is served by more than one lift.
- 13.44 The submitted Design and Access Statement (DAS) and supplementary information that has been submitted demonstrate that all homes are being designed to meet the Lifetime Homes Standards. It is recommended that compliance with these standards is secured by planning condition.
- 13.45 Both proposed towers would be served by at least twowheelchair accessible lifts, making them suitable for wheelchair accessible homes. The applicant commits to ensuring that 10% of the homes at Arrowhead Quay would be 'easily adaptable'. The GLA has

commented that exact locations have yet to be fixed, that some of the units identified as being 'easily adaptable' would still require some structural alteration to meet wheelchair housing standards and that steps in the proposed penthouse flats should be removed. In February 2014, the applicant submitted further information to address these concerns, although the steps referred to have not been able to be removed for structural reasons.

13.46 It is recommended that a planning condition require that at least 10% of homes in a range of 1,2,3 and 4-bed units in Private and Affordable (Affordable Rent and Intermediate) dwellings are 'easily adaptable'. Given the residual concerns over detailed flat layouts, it is recommended that such a condition also reserves the layout of the identified 'easily adaptable' homes.

Number of flats per core

- 13.47 Good Practice Standard 3.2.1 in the Mayor of London's Housing SPG (November 2012) states that the number of dwellings accessed from a single core should not exceed eight per floor, subject to dwelling size mix.
- 13.48 The slim nature of the proposed towers and proposed dwelling mix means that there would generally be 8 flats per core served by between 2 and four lifts Private levels (although there would be a small number of floors with 10 flats per core). This is a good standard of design that would help to deliver high quality homes.

Orientation

- 13.49 Baseline Standard 5.2.1 in the Mayor of London's Housing SPG (November 2012) makes clear that developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms.
- 13.50 Approximately50% of the proposed flats would be single-aspect. However, none of these would face north (they are all east or west facing) and the vast majority of them would be 1 and 2-bed. Of the 8 x 3-bed single-aspect properties, 6 would be penthouse homes on the top floors and 2 would be Affordable Shared Ownership flats in the West Tower. The noise environment for the proposed single-aspect homes facing the DLR is discussed below and is found to be satisfactory. Overall, officers consider that the proposed orientation of homes is acceptable.

Relationship between homes in the proposed scheme

13.51 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. The Mayor of London's Housing SPG (November 2012) (Baseline Standard 5.1.1) makes clear that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in

relation to neighbouring property, the street and other public spaces. It refers to separation distances of 18-21m between facing homes (rooms as opposed to balconies) as being a useful yardstick, but warns against adhering rigidly to this. The facing corners of the proposed towers (a total facade length of 6m) would be approximately 14.7m between building facades and 10.8m between balconies. This relationship would exist for flats on Levels 3 to 49 (94 homes in total). The proposed flats elsewhere in the two towers would enjoy an open outlook on to the Dock to the north and much larger separation distances between them and existing/consented homes and other uses to the east, south and west (as discussed below).

- All of the rooms in the facing corners of the proposed towers would be dual aspect and the layouts of the proposed rooms in these locations allow for primary views north and south, rather than east and west (facing each other). In addition, the proposed generously sized private balconies would include a solid up-stand of approx. 300mm that would help safeguard the privacy of balconies when viewed from below. The applicant has confirmed that it does not intend to prevent residents from installing blinds/curtains, although in order to maintain a high quality appearance of the building it does intend to manage their design/colour.
- 13.53 Screens between the balconies of adjoining flats would comprise opaque glazing up to a height of 1.8m, with the remaining 0.9m comprising clear glass. This arrangement should safeguard the privacy of occupiers of neighbouring flats, whilst optimising daylight/sunlight.

Daylight and Sunlight

- 13.54 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Millennium Quarter Allocation.
- 13.55 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."The further information submitted in October 2014 confirms that the revised floor plans for flats on Levels 02 to 24 in the West Tower would not lead to a significant adverse change in internal daylight levels from those that were assessed in the ES (although values for individual rooms may vary).

13.56 The ES reports on an assessment of daylight in living rooms and bedrooms of flats proposed in the three lowest residential levels (Levels 03, 04 and 05) in both the West and East Towers, which are considered to represent the worst case scenario. Of the 234 habitable rooms assessed, one proposed living room is predicted to fall under the required Average Daylight Factor (ADF) of 1.5% and seven proposed bedrooms would not achieve the required ADF of 1.0%. However, 96% of the rooms tested are predicted to meet the relevant ADF and the small number that do not only fall marginally under the standard.

Sunlight

- 13.57 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.
- 13.58 The ES reports on an assessment of 59 proposed rooms that would face due south, again on the lower three proposed residential levels. This found that 24 of the tested rooms (41%) are expected to meet the recommended levels of sunlight. This is considered acceptable in a highly urbanised environment.

Overshadowing

In terms of permanent overshadowing, the relevant BRE Guide 13.59 suggests that for an amenity space to appear adequately sunlit throughout the year, at least 50% of the space should not be prevented from receiving two hours of sun on 21 March (the spring equinox). The ES reports on an assessment that finds that the proposed south-east communal amenity space at Level 03 would meet this guideline. However, less than 1% of the proposed northwest communal amenity space at Level 03 and 16% of the proposed ground level publicly accessible open space would receive two hours of sun on 21 March, significantly below that required by the guidance. The ES identifies this as a 'moderate adverse' effect. This is not ideal and limits the value of these spaces. The ES also reports on an assessment of transient overshadowing, as shadows move across amenity spaces form west to east throughout the day at different times of the year. This demonstrates that the proposed north-west communal amenity space and proposed publicly accessible open space would benefit from increased amounts of sunlight on the 21 June (summer equinox). On balance, officers consider that this is acceptable.

Amenity space and Public Open Space

13.60 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child

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

Private Amenity Space

- 13.61 Private amenity space requirements are a set figure which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1.5m.
- 13.62 Each of the proposed flats would have a generously sized private balcony. Balconies on the east and west facades of both buildings would be 1.8m deep, whilst balconies on the north and south facades of both buildings would be 1.4m deep. All of the proposed north and south facing flats are on the corners of the two buildings and would have access to a large area of balcony space that is 1.8m wide. The balconies would provide significantly more private amenity space than required by policy (generally being twice or three times the minimum size called for). This is a welcome element of the proposal which would help ensure the delivery of high quality homes.

Communal Amenity Space

- 13.63 Communal open space is calculated by the number of dwellings. 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 would be 796sqm.
- 13.64 The proposed development includes two linked podium level gardens and adjoining enclosed amenity space that would be accessible to all residents. Subject to the incorporation of suitable screening of the proposed south-eastern podium level garden to ensure an acceptable noise environment (discussed below under the Amenity heading), this would provide high-quality communal space. If the proposed play space is excluded from the equation these gardens and spaces would amount to approx. 730sqm. Whilst this would fall below the required standard, the proposed sky garden (approximately 120sqm) would also be accessible to residents living in the East Tower, taking the overall provision to 850sqm, which exceeds the 796sqm of space called for by policy.

Child play space

13.65 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 playspace 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.

13.66 Based on methodology and child-yield multipliers set out in the Mayor of London's Shaping Neighbourhood Play and Informal Recreation SPG (2012), the proposed development would accommodate 165 children of 18 and under. The proposal provides play space for 0-5 year olds in the proposed private podium level gardens and in the publicly accessible Western Garden. Play space for 0-11 year olds would be provided in the proposed Western Garden. The required and proposed amount of play space of different types is set out in Table 4 below

Table 4: Play Space Provision

Age	Number of	Requirement	On-site
	children		provision
Under 5s	67	670sqm	670
5-11	56	560sqm	280
12-18	43	430sqm	0
Total	165	1660sqm	950

- 13.67 The applicant has sought to provide a balance of publicly accessible space, communal amenity space and play space. The result is that the proposals would make on-site provision to meet all of the play space requirements for 0-5 year olds and 50% of space required for 5-11 year olds, but that no on-site play space for 12-18 year olds. It is most important that on-site provision is made for very young children and this is done. The shortfalls in on-site provision for 5 to 18 year is considered acceptable subject to securing financial olds contributions towards enhancing play facilities in nearby open spaces. Canada Square Park and Jubilee Park are the two closest open spaces to the site, with Sir John McDougal Park located approximately 800m to the south-west offering sports and child play facilities. The southern part of the Isle of Dogs also includes Mudchute Park, Millwall Park and St. James's Gardens which have areas suitable for teenagers to play informally and play sport. In terms of open space and child play facilities.
- 13.68 The GLA Stage 1 report requests a planning condition to require the submission of details of accessible play equipment. If permission was granted, officers agree that such a condition should be attached.

Public Open Space

13.69 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces

- 13.70 Policy SP04 in the Core Strategy seeks to establish a network of open spaces by (amongst other things) maximising opportunities for new publicly accessible open space, of a range of sizes and promoting publicly accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs. Policy DM10 in the MDD makes clear that development will be required to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy
- 13.71 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 (in this case resulting in a requirement of approximately 1.6ha or over three times the size of the site). 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.
- 13.72 The proposal includes the provision of a publicly accessible Western Garden between the West Tower and the International Britannia Hotel (including play spaces for 0-5 and 5-11 year olds), together with a publicly accessible Dockside Walk and areas of public realm to the south and east of the proposed buildings. The applicant claims that this all amounts to publicly accessible open space and totalsabout2,696sqm. Officers consider that this includes "incidental space" and "public realm" as defined in the Core Strategy and that the substantive area of publicly accessible open space is the proposed Western Garden, including play space, is approximately 1,320sqm.
- 13.73 The Western Garden would provide a significant and welcome contribution and increase the amount of publicly accessible open in the area. Nevertheless, the proposed level of publicly accessible open space would fall below LBTH's standard of 12 sqm per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy). As discussed in Section 26, the Council has received financial contributions in relation to the consented office scheme that have been pooled with contributions secured from other developments in the area and spent on a range of matters, including Public Realm and Open Space, Community projects in the local area.

14.0 Design

Policies

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

- 14.2 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 14.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 14.4 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 14.5 Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.
- 14.6 Specific guidance is given in the London Plan and DM26 in relation to tall buildings. The criteria set out in DM26 can be summarised as follows:
 - Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the Canary Wharf Major Centre and surrounding residential areas:
 - Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies and other townscape elements;
 - Provide a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters

- Not adversely impact on heritage assets or strategic and local views including their settings and backdrops;
- Present a human scale of development at street level;
- Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of openspace;
- Not adversely impact on microclimate of the surrounding area, including the proposal site and public spaces;
- Not adversely impact on the setting and of water bodies and views to and from them.
- 14.7 The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:
 - "Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
 - Protect and enhance the setting of...other surrounding heritage assets including the historic dockside promenade;
 - Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside:
 - Create a legible, permeable and well-defined movement network..."
- 14.8 According to 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 provide increased opportunities for access, public use and interaction with the water space.

Context

- 14.9 The site is situated with the northern area of the Isle of Dogs which has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).
- 14.10 Canary Wharf comprises offices and retail malls and is a thriving financial and business district as well as a major town centre. The area has become a place which is recognised globally as a focus for banking and business services and as playing a major role in enhancing London's position in the global economy.
- 14.11 To the east of the Canary Wharf Estate is a vacant site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July 2014 to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).
- 14.12 On the western side of, Canary Wharf Estate at the western ends of North and South Dock and with the River Thames behind (i.e. further to the west), there are a number of approvals for substantial residential and office towers (these being Newfoundland (226m AOD), Riverside South (241m AOD), Hertsmere House (Colombus Tower) (242m AOD) and City Pride (239 AOD)).
- 14.13 To the south of Canary Wharf is South Dock, a water body that is about 80m wide. On the southern side of South Dock is a main eastwest road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 14.14 There are also a number of current applications for substantial residential towers within this South Quay / Marsh Wall area including at Quay House, South Quay Plaza and 2 Millharbour. However, since Committee has yet to determine these applications, significant weight cannot currently be given to these proposals.
- 14.15 To the south of Marsh Wall, heights drop off relatively rapidly, with areas behind Marsh Wall as little as 4-storeys in height and generally in residential use.
- 14.16 It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the

approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.

14.17 It is within this existing and emerging context, that this proposal must be considered.

Overall Design Strategy

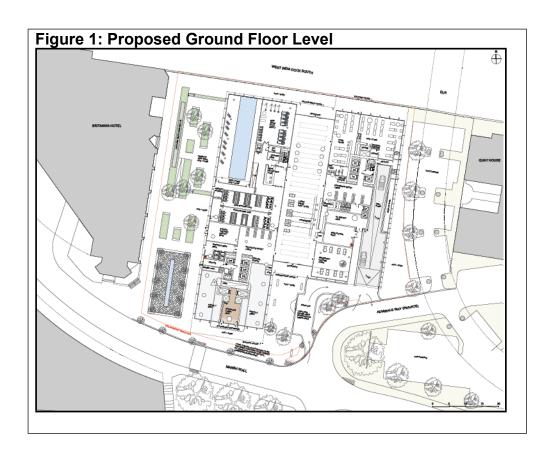
Constraints and Opportunities

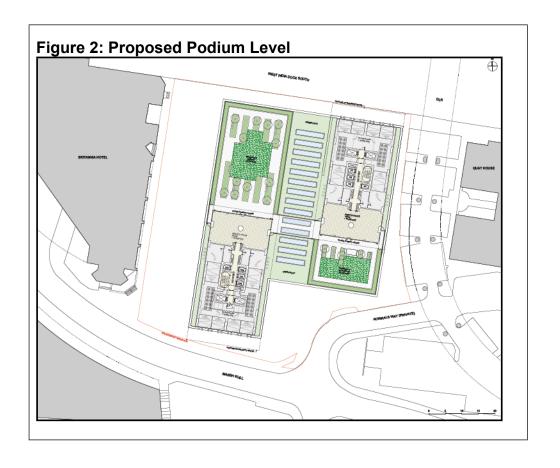
- 14.18 The site presents a number of constraints, including visual intrusion and noise from the DLR viaduct immediately to the east, access requirements for existing electricity transformers, a public right of way/fire access for the Britannia Hotel along the western boundary (with the Hotel also posing particular privacy issues) and lack of options for gaining vehicular access down to basement level (effectively limited to a ramp along the eastern part of the site, similar to the ramp that has been built as part of the part-implemented office scheme). Opportunities include a dockside frontage (subject to Canal River Trust and Environment Agency access/maintenance/flooding requirements), dramatic views and a frontage to Marsh Wall.
- 14.19 The proposals have been the subject of considerable pre-application discussion with LBTH and GLA officers and the Council's Conservation and Design Advisory Committee (CADAP). A number of massing options were explored to obtain the applicant's required residential mix, while retaining a set back from the DLR, adjacent hotel and dock edge. These included a variety of single and twin towers of different proportions and siting.

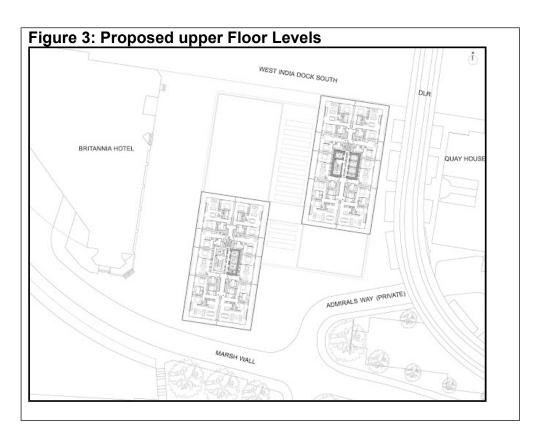
Site Planning and Massing

- 14.20 The design solution that is the subject of the application comprises two north-south relatively 'slim' towers, with the West Tower rising to 50-storeys and the East Tower rising to 55-storeys. The West Tower would be set close to Marsh Wall while the East Tower would be close to the dock. The proposed towers have been pulled away from the western boundary in order to open up space between the West Tower and the Britannia Hotel and allow more light to penetrate between the proposed towers to the south and west of the site and the dock edge This also means that the resultant publicly accessible space to the west is away from the noisy DLR.
- 14.21 At ground floor the towers would land either side of a double height atrium lobby space running between Marsh Wall and the dock, with entrances at either end. The proposed double-height space would extend out from the towers to provide a podium base to the building, containing a shop/cafe unit at the south-west and north-east corners and the various proposed resident facilities (including a swimming pool, gym, cinema and lounge area). The podium would provide active frontages along most of its sides and accommodate residential communal amenity and play space on its roof.

14.22 The podium would include a second entrance at the base of the proposed West Tower to provide access to the proposed Affordable housing. This entrance would be in a prominent location fronting Marsh Wall, sitting in between two shops, and would be close to the proposed Southern Arrival Courtyard. The entrance would lead into a generously sized lobby area (4m in height) giving access to two lifts serving flats up to Level 17 and facilities in the basement.







Building composition

14.23 The composition of the building is arranged in three elements: the base, the middle and the top. In order to differentiate the elements, the base of the building would have a more vertical emphasis and be separated from the middle residential floors by a plant level. The majority of the building would comprise 'the middle' of apartments with bold wrap-around balconies around all facades. The top of both towers would accentuated by double-height penthouse apartments and, in the East Tower, a 'sky garden'.



Figure 4: Submitted CGI image showing the proposed towers from the north-east.

Relationship with dock

- 14.24 The consented office scheme allows for a 40m plus long building to be sited 4m from the dock edge, allowing for a public path between the podium and the dock wall, with overhanging upper floors extending 2m out over the public path from 9m (about 3 residential storeys) above ground level.
- 14.25 The current proposal also provides for the East Tower to be set back 4m at from the edge of the dock, allowing for a public path between the podium and the dock wall. However, from 14m (about 5 residential storeys) above ground level, the northern part of the apartment building and balconies would extend out above a public path up to the line of the dock. The East Tower would be just over 22m wide at this point and represent under a third of the length of the site's dockside frontage. The middle third of the site would comprise a 4m public path with a double-height podium building fronting its southern edge and the western third of the site would open out to the proposed Western Garden (see below).

The proposed arrangement would allow adequate space for 14.26 maintenance and repair of the dock wall and an acceptable public path and neither the Canal and River Trust nor the Environment Agency object to it. The circumstances are different than at the adjacent Quay House site, where a similar relationship with the dock is proposed and which officers find unacceptable. Firstly the previously consented scheme for Arrowhead Quay allows for a more extensive overhang of the public path than currently proposed and whilst this would overhang would be set 2m back from the dock edge, it would start at a lower height (about 9m). Secondly, the currently proposed arrangement would exist for about a third of the site frontage, with the wider application proposals providing certainty that the remaining two thirds of the proposed dock-side public path would not be overhung, but be framed by a two-storey building containing active frontages and a publicly accessible open space. In this context, officers consider the current Arrowhead Quay proposal to be acceptable. Any window cleaning structures for cleaning the balconies that would oversail the waterspace would need to be consented through a formal agreement with the Canal and River Trust.

Relationship with the eastern boundary

The positioning of the proposed basement access ramp on the 14.27 eastern edge of the building close the eastern boundary of the site raises particular challenges about ensuring that the area close to and under the DLR viaduct (with the area underneath the viaduct forming part of the Quay house site) is animated, safe and attractive. Council and GLA officers spent some time investigating options with the design team - including the possibility of re-locating the proposed access ramp (which proved not to be possible because of highway safety reasons). Following changes, the proposed building provides for an active cafe frontage for about a quarter of its length, a 'display wall' for permanent/temporary art exhibitions for a quarter of its length and a glass wall across the vehicular ramp for most of the remainder of its length. A proposed residents 'business suite' would also over look this frontage from first floor level. Officers consider the proposed arrangement to be acceptable. Details of the proposed 'display wall' could be reserved by planning condition if permission was granted.

Open spaces and Landscape

Western Garden

14.28 This linear space would provide the physical and visual connection between the dock water and street activity of Marsh Wall. The southern end of the Garden would reflect Marsh Wall's street context and would comprise York stone paving and a central water table flanked by multi- stem trees set within self-binding gravel. Along the north edge, a raised plinth with linear bands of planting in 500 mm raised planters would define smaller, more intimate, pocket spaces that would allow opportunities for play. This area would conclude at

the dock edge, which would be defined by blue Irish limestone paving stone and balustrade detailing.

14.29 The raised plinth area would also contain discrete outdoor activity equipment (trim trail) to create an active use in the garden and a connection with the internal gym to the east. All planters would be stone clad and seating would comprise timber inserts to provide a comfortable, tactile surface.

Southern Arrival Courtyard

14.30 This space would provide for a taxi layby/drop-off facility. Landscaping elements would comprise York stone paving, existing and proposed street trees, as well as benches. A clear route would be maintained for pedestrians, aided by tactile blister paving at crossing points. Shared surfaces within the taxi layby and basement entrance would comprise granite/stone setts to provide visual and textural keys to pedestrians. Improvements to the existing Marsh Wall hard landscaping would also be undertaken to ensure a seamless integration of the public realm. Paving materials would continue through into the entrance lobby, with a level threshold.

Public access

14.31 The proposed dock-side path, Western Garden and Southern Arrival Court would be publicly accessible spaces providing attractive public realm and open space. In response to comments from CADAP, the applicant has also confirmed that the proposed central lobby space would be accessible during the day. It is recommended that this is secured by a planning obligation.

Landscaping

14.32 If permission were to be granted, detailed hard and soft landscaping could be reserved by condition The ES (14.96) recommends that existing trees immediately adjacent to the site's southern and eastern boundaries would be afforded protection during construction works. It is recommended that this is secured by way of a planning condition.

Assessment of Height

- 14.33 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 sets out 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 the Arrowhead Quay site is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 14.34 Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial

- strategy that focuses on the hierarchy of tall buildings around town centres.
- 14.35 For the Tower Hamlets Activity Area, the policy sets out the need for the prospective developer to demonstrate how the buildings respond to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 14.36 The consented office scheme allows for one building of 16-storeys and one building of 26-storeys (119m AOD).
- 14.37 The proposed scheme comprises one residential tower of 50-storeys (171.5m AOD to top of parapet) and one residential tower of 55-storeys (187.5m AOD to top of parapet). The taller of the two proposed buildings would be 57.5m lower than 1, Canada Square which is the tallest building within the Canary Wharf Cluster. Officers consider that the proposed building heights are acceptable in principle, given Policy DM26's designation and the existing and emerging context.
- 14.38 The applicant has agreed that public access could be provided to the proposed sky garden on the 53rdfloor of the East Tower for a limited period only during the annual 'Open House' weekend, so that local people and others have the opportunity to experience views from the development. It is recommended that this is secured by way of a planning obligation (in accordance with London Plan Policy 7.7).

Assessment of Setting and Strategic Views

- 14.39 Two strategic views in the Mayor of London's Draft Revised London View Management Framework (LVMF) are relevant. View 5A.1 Greenwich Park General Wolfe Statue (overlooking Maritime Greenwich World Heritage Site) and View 11.B.1 London Bridge. The Townscape and Visual Assessment which forms part of the submitted ES includes verified views of the proposed development from these strategic assessment points.
- 14.40 In terms of the view from Greenwich Park (LVMF 5A.1), the Assessment states that the proposed development would provide a counter balance to the left of the existing cluster of tall buildings. It goes on to state that the towers would complement the built form already visible in the background and would add interest to the skyline. The Assessment continues that the background to the view would be significantly altered by consented schemes, with Wood Wharf being particularly prominent, and would extend the cluster of tall buildings. It concludes that the proposal would not alter or harm the amenity of the view and would have a 'minor beneficial' effect. The GLA Stage 1 report is silent on the issue and no comments have been received from English Heritage. Officers agree with the findings of the Assessment and consider that there would be no significant

impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site.

14.41 In terms of the view from London Bridge (LVMF 11.B.1), the Assessment demonstrates that the proposed development would be just discernible behind the Tower Hotel as a distant background feature. It goes on to note that consented schemes on the Isle of Dogs would increase in the background of this view and consolidate the cluster of tall buildings already existing and visible. It concludes that in both cases the change to the view would be neither beneficial nor adverse and the residual effects would be 'minor neutral'. Officers agree with this assessment.

Assessment of Setting and Local Views

- 14.42 In addition to the two strategic views, the Townscape and Visual Assessment includes verified views from 14 local locations, agreed with Council and GLA officers at the pre-application stage. In summary, the Assessment concludes that, on the basis of a high quality design intervention, the proposal would result in minor to moderate beneficial effects on the amenity of existing residents, recreational users and pedestrians when viewed at close range. Officers generally agree with this assessment and consider that, overall, the proposal would have a positive effect on the local townscape.
- At its meeting in April 2013, CADAP raised a concern that the 14.43 proposed two buildings could coalesce into one volume when seen from the east and west and suggested that this could be avoided by varying the window frame and cladding colour of the towers. The applicant has responded by stating that the visual strength of the towers lies in part to the uniformity of the pair. However, it makes the point that the parallel east and west facades of the two towers would be about 33m apart, forcing different light conditions onto the buildings and causing the perspective to tighten the horizontal bands (formed by the proposed balconies) of the more distant tower. Furthermore, the proposed inner anodised aluminium and glass facades would be recessed about 2m behind the white stone balcony bands, meaning that the appearance of these facades would vary considerably across the two towers over a distance of 33m. Officers are satisfied that the proposed separation, design features and varying heights should ensure that the proposed towers are seen as two separate buildings.

<u>Architecture</u>

14.44 Tall buildings are by their very nature prominent and it is particularly important to ensure high quality design and materials. The proposed composition of the building (base, the middle and the top) is outlined above. Many of the surrounding buildings are almost completely composed of curtain walling, with minimal articulation of mass or

surface. In contrast, the proposed towers would have depth, with the strong horizontal off-white balconies contrasting with recessed anodised dark aluminium cladding. This approach would ensure that the buildings are read as 'residential towers' (as opposed to offices) and is welcomed by officers.

- 14.45 The podium base of the buildings would be formed of deep, vertical off-white concrete mullions on a 3m grid, complemented by stainless steel glazing frames to entrances and shopfronts, thus presenting a more familiar 'street' feel to public frontages.
- 14.46 The cladding to the Level 2 plant rooms (between the proposed podium and the apartments) would repeat the inner facade treatment proposed for the upper floors. This dark collar would provide a contrast between both the proposed vertical base and the horizontal residential floors. It is recommended that the details of proposed external materials are reserved by way of a planning condition.
- 14.47 At its meeting in April 2013, CADAP requested that due attention be given to the lighting strategy for the buildings. It is recommended that a planning condition requires an external lighting strategy to be reserved for detailed consideration.

Microclimate (wind)

- 14.48 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.
- 14.49 The proposed development incorporates a number of design features that would mitigate wind effects. These include:
 - a 1.4 m high glass screen on either side of the walkway linking the two podium amenity spaces gardens;
 - vertical privacy screens between the individual balconies along some of the tower elevations;
 - a canopy along the south façade of the East Tower to the indoor amenity space; and
 - proposed landscaping scheme including retention of existing trees along Marsh Wall and the eastern boundary of the site would be retained and supplemented by additional trees, planting of evergreen perennial herbaceous plants and deciduous shrub and trees (with all landscaping resulting in an additional 48 trees
- 14.50 The ES reports on a wind tunnel assessment that tested wind environment at a number of strategic locations around the site at ground floor level, including pedestrian entrances, the proposed western publicly accessible open space and communal amenity space and public realm areas. The assessment also considered likely wind

conditions on the proposed podium level communal amenity areas and on proposed private balconies on north, south, east and west elevations at various heights. The assessment went on to considerthe likely effects at a number of locations outside of the site, next to the neighbouring Quay House (to the east) and Britannia Hotel (to the west). In total, 72 locations were tested. The ES draws the following conclusions:

- The proposed development is unlikely to generate winds that are significantly windier at pedestrian thoroughfares around the site;
- The wind conditions around the existing site would be suitable for standing or sitting during the windiest season; whereas during the summertime, conditions suitable for sitting are likely to be experienced at all tested locations;
- The conditions around the proposed development would be windier than the existing site, but the public realm would remain relatively sheltered, with conditions suitable for sitting during the summer months with landscaping in place;
- During the windiest season, leisure walking conditions would occur
 at isolated locations near the corners of the proposed buildings and
 between the site and the neighbouring Britannia Hotel, but these
 would be suitable for the use of the site as a pedestrian
 thoroughfare. The majority of locations are categorised as suitable
 for standing or sitting during the windiest season. The effects are
 reported as being Neutral, Minor Beneficial and Moderate Beneficial
 where leisure walking, standing and sitting conditions are expected,
 respectively.
- 14.51 The wind microclimate around the proposed development would be typical of that which might be experienced walking around the Isle of Dogs in the vicinity of existing tall buildings and would be suitable for the intended pedestrian and amenity use of the site. Accordingly the ES concludes that the residual effect on the local wind microclimate is Neutral. The clarifications to the ES submitted in October 2014 confirm that the revised arrangements for play provision at podium level and in the Western Garden would not materially alter the outcomes of the wind assessment as reported in the 2012 ES. This information also confirms that suitable wind conditions would be expected along the southern facade of the West Tower fronting Marsh Wall, where the entrance to flats on Levels 03 to 17 of the West Tower is now proposed.
- 14.52 There is only one receptor, for the proposed development, where the wind speed would exceed Beaufort Force 6 (large tree branches begin to move, telephone wires whistle). This would occur at the northern extent of the proposed Western Garden near the dock edge. The proposed landscaping would shelter this area from stronger winds which may occur during the summer season. However, during the rest of the year, the ES concludes that this area would be more of a pedestrian thoroughfare where such winds are unlikely to cause nuisance

14.53 The ES also reports on an assessment of the likely effects of the proposed development together with the other 'cumulative developments'. This concludes that wind conditions would be calmer through the proposed western publicly accessible/communal amenity space, the south-east, south-west and north-east corners of the proposed development and the proposed drop-off area

Security and Community safety

- 14.54 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. Policy DM23 in the MDD seeks to ensure that development improves safety and security without compromising good design.
- 14.55 Generally, officers consider that the proposed development would be safe and secure. Entrances would be located in visible, safe and accessible locations, the proposed ground floor non-residential uses and flats above would create opportunities for natural surveillance, there is a clear distinction between public, semi-public and private spaces and there would be clear sightlines and improved legibility of the surrounding area. However, the Police Crime Prevention and Secured by Design Adviser has raised a number of issues in relation to the proposed development. These are as follows:
 - The ground floor bicycle lobby should have a double access control system, with both internal and external doors secured to prevent tailgating etc. This should apply to all doors where there are external and internal accesses, including the Amenity Access doors;
 - Rear waterside entrance with large canopy over must have monitored CCTV as well as some form of control on the entrance
 - Eastern ground floor entrance to electricity sub-station and switch room looks like a long alley;
 - The scheme would benefit from 24 hour concierge; and
 - First floor balconies/podiums need to be checked to make sure they do not give access via climbing;
 - A gate is needed on ramp to stop misuse; and
 - Planning conditions should be used to ensure that details comply with the principles of Secure by Design.
- 14.56 The applicant has engaged constructively with the Police Crime Prevention and Secured by Design Advisor on these issues. It has also liaised with the Metropolitan Police Counter Terrorism Security Adviser. Officers welcome this. Discussions are continuing and it is recommended that details of the proposed entrance and lobby at the ground floor of the West Tower are reserved for subsequent approval to allow discussions on these proposed arrangements to continue.

- 14.57 The applicant has confirmed that there would be a 24 hour concierge service and CCTV coverage of public realm areas. It is recommended that an Estate Management Plan (to include details of 24/7 concierge and monitored CCTV)is reserved by way of a planning condition for the Council's approval. This could also cover the management of public access to the proposed central lobby area, which has been encouraged by CADAP (see above), but where the Design Advisor has recommended that this is limited to day-time only.
- 14.58 The ground floor plan alone does suggest that there would be an 'alley' between the proposed Sothern Arrival Courtyard and electricity substation. However, when reviewing elevations and sections, it is clear that access to the electricity substation would be via an open ramp (between the proposed double height residents lounge and basement vehicular access ramp) and there is no need to gate this space.
- 14.59 The first floor podiums would beabout 8m above ground level and the lowest residential balconies would be about 6m above podium level (above the proposed plant level), meaning that they should be safe from intruders climbing in.
- 14.60 The applicant has confirmed that access to the ramp down to the basement servicing and parking areas would be controlled by a roller shutter and, it is recommended that this and other detailed issues about access control are secured by way of a planning condition to ensure that the scheme meets Secured by Design section 2 Certification.

Inclusive Design

- 14.61 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.
- 14.62 The submitted Design and Access Statement demonstrates that the proposed development has generally been designed with the principles of inclusive design in mind. The shared space at the proposed Southern Arrival Court on Marsh Wall excludes a previously proposed fountain and includes a clear kerb line to help legibility. Minor revisions have also been made to the application to provide for a raised kerb line next to the proposed taxi drop-off point to help wheelchair users negotiate the transition into and out of a taxi.
- 14.63 The GLA has sought clarification on a number of detailed points. These are set out below, together with an officer response:
 - The raised amenity space within the proposed Western Garden should include an additional ramp to allow access from the

- dockside as well as Marsh Wall. (Officer response: The proposed ramp enables indirect access between the dockside and the raised garden and an additional ramp would conflict with designated play and amenity space and is not considered necessary)
- The fitness elements in the proposed trim trail should incorporate elements suitable for disabled people. (Officer response: the applicant has confirmed that this is the intention and this could be secured by planning, condition if permission was granted); and
- The applicant should investigate whether a ramp could be included in the proposed ground floor cafe (rather than the proposed platform lift) and confirm that wheelchair accessible toilets would be provided. (Officer response: the applicant has investigated the possibility of a ramp, but concluded that an overly complicated and excessive ramp would be required and that this would result in a significant loss of space in the cafe unit as well as obstructing the dock side entrance and providing a poor frontage. Minor revisions have been submitted to provide a wheelchair accessible toilet for the cafe. Officers consider this to be reasonable).
- 14.64 The proposed car parking provision is discussed in detail in Section 17 of this report. Of the proposed 14 surface level bays in the basement, 10 are of a size and design to be suitable for wheelchair users. The entrance/exit to the proposed automatic car parking stacking system (88 spaces) would be sufficiently wide to allow a wheelchair user to transfer in and out of their car before it is 'parked'.
- 14.65 Accessible housing issues are discussed in detail in Section 13 of this report. In summary, it is recommended that planning conditions are attached to any permission to ensure that all of the proposed dwellings meet the Lifetime Homes Standards and that at least 10% are 'easily adaptable' to wheelchair accessible housing.

Conclusion

- 14.66 The scale and 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 East Tower's relationship with the South Dock (overhanging a proposed is acceptable given the particular public path) circumstances of the application, including the overall site layout where the West Tower would be set back from the Dock and a publicly accessible open space would be provided. The proposed buildings would have a good relationship with Marsh Wall and proposed active frontages at ground level should help ensure a safe and inviting environment.
- 14.67 As discussed in Sections 14 and 15, the density of the proposed scheme would not result in undue adverse impacts typically associated with overdevelopment and there would be no significant

impact upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The proposed overall high quality of residential accommodation, along with sufficient private and communal amenity spaces would provide an acceptable living environment for the future occupiers of the site.

14.68 Given the above, the height of the proposed buildings is considered acceptable and in accordance with Development Management DPD Policy DM26.

15.0 Neighbouring amenity

- 15.1 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions 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.
- 15.2 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.
- 15.3 There are two scenarios considered in this section. The first looks at the proposed development with existing buildings only. The second looks at the proposed development with existing and cumulative schemes (i.e. nearby consented and proposed buildings).

Privacy, outlook and sense of enclosure

In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows. The Mayor of London's Housing SPG (November 2012) (Baseline Standard 5.1.1) makes clear that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces. It refers to separation distances of 18-21m between facing homes (rooms as opposed to balconies) as being a useful yardstick, but warns against adhering rigidly to this.

Existing Situation

15.5 In the first scenario, the proposed development is surrounded by commercial development to the east, Admirals Way/ Marsh Wall and

commercial development to the south and south west, the Britannia Hotel to the west, and South Dock to the north. The windows in the proposed West Tower would be approximately 19.9m away from the windows in the Britannia Hotel and this should not give rise to any loss of privacy for temporary hotel guests. Proposed windows in the East and West Tower would be within 16 and 22m from neighbouring commercial buildings In conclusion, the proposal would not result in a loss of privacy to existing neighbouring residential occupiers.

Quay House Site

15.6 In relation to the second scenario, the East Tower would be set between 2 and 5m from the boundary with the Quay House site to the east. However, the site extends under the DLR viaduct and the proposed distancebetween the East Tower and the proposed Quay House residential tower (PA/14/00990) would be 20m (21.8m between windows). In addition, the proposed windows in the Quay House would be angled away from directly overlooking the Arrowhead Quay site. This proposed relationship is considered acceptable in terms of privacy and overlooking and neither scheme prejudices the other.

63-69 Manilla Street

15.7 The consented housing would be over 40m to the south and front westwards on to Manilla Street. This relationship is considered acceptable in terms of privacy/overlooking.

30 Marsh Wall

15.8 The distance between the proposed West Tower and the proposed housing at 30 Marsh Wall (PA/13/03161) (to the south west of the Arrowhead Quay site) would be over 60m at the nearest point, with Britannia Hotel in between. This relationship is considered acceptable in terms of privacy/overlooking.

40 Marsh Wall

The distance between habitable windows in the proposed West Tower and the consented hotel/offices at 40 Marsh Wall (PA/13/03161) (to the south) would be about 20m at the nearest point. This relationship is considered acceptable in terms of privacy/overlooking

Britannia Hotel Site

15.10 In addition to safeguarding the privacy of guests in the existing hotel (see above), the proposals would provide a satisfactory separation distance with the site should this come forward for housing at some point in the future.

Effect on daylight and sunlight of neighbouring dwellings

15.11 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.

- 15.12 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.
- 15.13 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 predevelopment VSC value.
- 15.14 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.
- 15.15 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.
- 15.16 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.
- 15.17 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.
- 15.18 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.

Likely Significant Effects in the Existing Situation

Tideway House (approx. 110m to the south).

15.19 The assessment tested 20 relevant kitchen and bedroom windows on the ground, first, second and third floors. Noticeable reduction in daylight would only occur at 5 undershot kitchens (with VSC reduction

of more than 20%) and all 20 windows tested meet the NSL and ADF tests. The ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south.

4 Mastmaker Road (approx. 85m to the south-east).

The assessment tested 80 relevant kitchen, bedroom and living room windows on the ground, first, second, third and fourth floors. Noticeable reduction in daylight would occur at 22 windows (with VSC reduction of more than 20%) (with most of these being less sensitive kitchens and bedrooms) and all 80 windows tested meet the NSL and ADF tests. The ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south

30 Cuba Street (approx. 60m to the west).

15.21 The assessment tested 15 windows on the first, second, third, fourth and fifth floors. Noticeable reduction in daylight would occur at 10 windows (with VSC reduction of more than 20%). All windows meet the NSL test, but 8 bedrooms and one living room would fall below the required ADF levels. Overall, the ES concludes that this would represent a negligible effect and officers agree. There is no requirement to test sunlight for this property as no windows face within 90 degrees of due south.

Britannia Hotel

Following requests from officers, the submitted ES been augmented 15.22 by an assessment of likely significant effects on Britannia Hotel (July 2013). Sunlight and daylight issues are not usually considered for hotels on the basis that the use is transient and rooms are used mainly at night when artificial light is used. Indeed, the Council has granted planning permission for a number of hotel applications where rooms have no natural light. The more significant issue is safeguarding the development potential of the site. In the absence of a proposal to redevelop the site, there are no detailed window locations/sizes to test. However, the assessment demonstrates that whilst the lower floors of the southern part a hypothetical redevelopment proposal (closest to the proposed West Tower) built on the same line as the existing hotel may only benefit from a VSC of around 5%, this rises to over 19% on upper floors, although ADF levels could achieve over 3%. Officers consider that whilst a future redevelopment of the Britannia Hotel site may require careful site planning, including non-residential uses on the ground floor of the southern part of the site, the Arrowhead Quay proposals would not prejudice development of this adjoining site for housing in the future.

Quay House and commercial buildings to east

15.23 Internal sunlight and daylight issues are not usually considered material planning considerations for business premises and likely effects on these buildings has not been tested.

West India South Dock water space

15.24 In terms of permanent overshadowing, the ES reports on an assessment of the West India Dock South (that part to the west of the existing footbridge). This finds that approx. 51% of this water space would receive two or more hours of sunlight on 21 March, thus meeting the relevant guidance in the BRE Guide. Transient shadow paths across on and off-site amenity spaces and West India South Dock would range from Minor Adverse (on 21 June) to Moderate Adverse (on 21 March). The effects on these areas would move significantly during the day.

Likely Significant Effects in the Cumulative Scenario

- 15.25 A number of the schemes assessed for cumulative effects are some distance away from the Arrowhead Quay site and have been discounted for daylight and sunlight purposes as they do not have the potential to give rise to localised cumulative effects.
- 15.26 The applicant has undertaken an assessment for a number of other consented schemes, including Heron Quays West 1 and 2, 2 Millharbour (former Guardian Press Site), 1 Park Place, City Pride and Newfoundland and reported this in the further environmental information submitted in August 2014. This concluded that, overall, some slight additional cumulative effects are expected but given the distance of these schemes and location relative to the site and presence of intervening buildings, these effects are not expected tobe material or noticeable.
- 15.27 The following paragraphs focus on reasonably foreseeable schemes (including current applications) in the area around the Arrowhead Quay site.

Quay House Site

15.28 The proposed residential tower on the Quay House (PA/14/00990) would be 20m to the east (21.8m between windows). The EIA Further Information (August 2014) notes that detailed daylight, sunlight and overshadowing studies were undertaken in support of the Quayside House application. This found thatthe proposed Quay House tower would (if permitted and built) reduce these levels of ADF very noticeably, and to rooms on all floors in the proposed East Tower and the lower four floors on the proposed West Tower. Reductions would be substantially more than 50% from the ADF that they would have if Quay House was not developed, and there would be reductions of up to 90% from that level. In the worst cases, there would be bedrooms that would be left with ADF values as low as 0.07 which cannot be considered to be a level of light that would give adequate amenity. Therefore, it is clear that the rooms in Arrowhead Quay, in particular the East Tower, would have a very poor level of internal illuminance.

- The Quay House ES found that proposed effect of Quay House on the proposed Arrowhead Quay development would be 'major adverse' in the actual proposed state. However, as stressed in the Arrowhead Quay EIA Further Information (August 2014), the BRE Guidelines suggest that an alternative assessment can be undertaken without the proposed balconies in place. The Quay House ES reports on such an assessment and finds that the likely effects would be 'minor to moderate adverse'.
- Officers consider that the acceptability of the Arrowhead Quay 15.30 proposal should be undertaken on the actual proposed state, with balconies in place. The overall design strategy for Arrowhead Quay is discussed in Section 14 above. The proposed projecting wrap around balconies (1.8m on east and west elevations and 1.4m on north and south elevations) are a prominent feature of the proposed towers and contribute positively to what is considered to be a high quality design. They also ensure that all of the proposed flats at Arrowhead Quay would have a generous level of private amenity space (as discussed in Section 13) and help to mitigate likely adverse noise effects (as discussed in Section 20). This design choice does clearly impact on the internal daylight conditions that the proposed flats would enjoy and these would generally be significantly below the normal minimum standards. However, officers consider that likely internal daylight conditions need to be considered in the round, along with other amenity considerations. The key relevant amenity issues can be summarised as follows:
 - All of the proposed flats would be generously sized (significantly exceeding minimum floorspace standards);
 - All of the proposed flats would have floor to ceiling heights of 2.7m (significantly exceeding the Baseline standard of 2.5m);
 - All of the proposed flats would have private amenity space (provided by the balconies) in excess of required standards;
 - The flats would have access to communal amenity space and play space that generally complies with standards and on-site publicly accessible open space;
 - The proposed Private flats would have access to additional on-site amenities (including a gym/swimming pool, cinema and resident lounges; and
 - With mitigation, all of the proposed flats would have a satisfactory internal noise environment.
- 15.31 All of the proposed flats in the East Tower would be Private and none of the proposed east/west facing single-aspect flats would be family-sized flats. In the circumstances and taking account of other amenity issues, officers consider that the Arrowhead Quay proposal is acceptable in the context of the proposed tower on the Quay House site. Given this, officers do not consider that the approval of the Arrowhead Quay application would harm the development potential for a tall building on the Quay House site.

63-69 Manilla Street

15.32 The consented housing would be over 40m to the south, fronting Manilla Street. At the request of officers, the applicant submitted an assessment of likely significant sunlight and daylight effects (July 2013) to augment the ES. This concluded that there would be no noticeable impact on the residential element of the consented development.

30 Marsh Wall

15.33 The distance between the proposed West Tower and the proposed housing at 30 Marsh Wall (PA/13/03161) (to the south west of the Arrowhead Quay site) would be over 60m at the nearest point, with Britannia Hotel in between. The EIA Further Information (August 2014) refers to the submitted daylight/sunlight and overshadowing studies submitted in support of the 30 Marsh Wall application. These conclude that in respect of daylight, there would be a very smallimpact on Arrowhead Quay and that the internal daylight within the proposed homes at30 Marsh Wall with the cumulative proposals (including Arrowhead Quay) in place would be 'beneficial'. The effects to sunlight are reported as negligible.

40 Marsh Wall

The distance between habitable windows in the proposed West Tower and the consented hotel/offices at 40 Marsh Wall (PA/13/03161) (to the south) would be about 20m at the nearest point. At the request of officers, the applicant submitted an assessment of likely significant sunlight and daylight effects (July 2013) to augment the ES. This concluded that with the proposed Arrowhead Quay development in place there would be reductions in VSC in excess of BRE guidance for some parts of the building (if in residential use). However, the consented scheme is for a mixed use hotel/business/leisure development.

Local Resident Concerns

15.35 A number of local residents living in Landmark Tower, Pan Peninsula, Vanguard Tower and Cascades Tower have raised concerns about loss of daylight/sunlight. The BRE Guidelines state that the loss of light to existing windows need not be analysed if the distance between the proposed new development and the existing window is more than three times its height above the centre of the existing window. The applicant has calculated the threshold for any possible effect (based on the relationship between the proposed towers and the lowest potentially affected windows) and concluded that Pan Peninsula, Vanguard and Cascades Towers are at (over 500m) too distant to have any noticeable effect. Landmark Tower (about 260m to the east) does fall within the height/distance ratio where there could be a noticeable effect and the applicant has supplemented the submitted ES with an assessment (July 2013). This demonstrates that the proposal could have minor to moderate adverse impacts on some flats on the lower eight floors of Landmark Tower. However, officers

consider that the resultant daylight and sunlight conditions for people living in these flats are acceptable.

Shadow Analysis

Sun hours on the ground

- 15.36 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.
- 15.37 The introduction of a tall building on the Quay House site of the scale proposed in current application (PA/14/00990)would result in additional shadow on 21st March, such that the combined effect of cumulative schemeswould result in parts of West India South Dock being in shadow throughout the day. On 21st June, the shadow would be shorter on the water/ground.

Transient Overshadowing

- 15.38 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.
- 15.39 Transient overshadowing diagrams (on hourly internals 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. These are considered to show an acceptable impact. The introduction of a tall building on the site of Quay House would increase the extent of the shadow that would track around during the course of the day.

16.0 Heritage

- 16.1 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.
- 16.2 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.

16.3 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

16.4 These are discussed under the 'Assessment of setting and Strategic Views' in the Design section above. In summary, officers agree with the findings of the Townscape and Visual Assessment and consider that there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich Maritime World Heritage Site.

Surrounding Conservation Areas and Listed Buildings

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

Archaeology

- 16.6 The NPPF and London Plan Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 16.7 Archaeological works on the site were undertaken in connection with the implementation of the consented office scheme. In view of the limited extent of the proposed future ground works, English Heritage has commented that there is no need for further archaeological intervention.

17.0 Highways and Transportation

- 17.1 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. London Plan Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 17.2 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

17.3 As detailed earlier in this report, the site has a good public transport accessibility level, with the applicant's site-specific calculation showing that the site has a PTAL of 5 ('Very Good) (1 being poor and 6 being excellent). Heron Quays Docklands Light Railway (DLR) Station is approx. 350m to the north via South Quay footbridge and South Quay DLR Station is approx. 500m to the east along Marsh Wall. The Jubilee Line Underground Station is approx. 400m to the north east (again via the South Quay footbridge) and Marsh Wall is part of the route for the 135, 277, D3, D7 and D8 bus services.. From 2018, the Canary Wharf Crossrail Station (approx. 800m to the north via the South Quay footbridge. The site is also served by the Mayor of London's Cycle Hire Scheme ('Boris Bikes'), with the nearest docking station being next to Heron Quays DLR station around 300m to the north (via the South Quay footbridge.

Trip Generation

17.4 Based on data from comparable residential schemes and various assumptions which officers consider acceptable, the submitted Addendum to the Transport Assessment (TA) estimates the likely residential trip generations from the revised proposals would be as set out in Table 5 below.

Table 5: Predicted Trip Generation

Mode	AM Peak Hour*			PM Peak Hour*		
	In	Out	Total	In	Out	Total
Car Driver	3	4	7	6	5	11
Car Passenger	4	6	10	16	7	23
Taxi Passenger	3	4	7	6	5	11
Coach	0	0	0	0	0	0
Motorcycle	0	3	3	1	0	1
Bicycle	0	9	9	7	1	8
DLR	8	107	115	60	20	80
Jubilee West	9	134	143	74	25	99
Jubilee East	0	4	4	2	1	3
Bus	3	36	39	20	7	27
Walk	5	75	80	41	13	54
Total Person	34	382	416	235	84	319

^{*} Based on traffic surveys, the local peak hours for traffic movements along Marsh Wall have been determined as 08.30 to 09.30 in the morning and 17.30 to 18.30 in the evening

17.5 In terms of servicing (including the proposed non-residential accommodation) the submitted Addendum to the TA estimates that servicing trips would be about six during the morning peak period and none during the evening peak. The original TA estimates that across the course of the day, servicing trips are expected to comprise around 56 two-way Light Goods Vehicles (LGVs) and 10 two-way Heavy Goods Vehicle (GHV) movements.

Impact Assessment

Highways

- 17.6 Vehicular access to the basement would be located at the south eastern corner of the site, by means of a give way junction onto Admirals Way. This is a similar location to that which was approved and part-built as part of the permitted office scheme (PA/07/00347). Officers explored during pre-application discussions possible alternative locations for this access, but concluded that given issues relating to gradient/levels, sightlines and traffic safety, this is the only practical location. Access to the Basement Level would be via a one way ramp which would be controlled by a management system such as barriers and/or traffic lights. The proposed ramp would have a 5m gently sloping area (1:20) at the top of the ramp, where vehicles could wait off of the drop-off area before entering or existing the steeper ramped area.
- 17.7 In addition to the above, a one-way clockwise drop-off area for taxis etc. would be provided along the south-eastern edge of the site, close to the proposed main entrance and accessed from Admirals Way. The proposed area has been amended during the course of the application to make better provision for taxis dropping-off wheelchair user passengers.
- 17.8 At the request of officers and TfL, the applicant has prepared a Stage 1 Safety Audit for the ramp and drop-off area. This does not identify any anticipated conflicts between traffic using the drop-off area and accessing the basement ramp.
- 17.9 The Addendum to the TA estimates that there would be a total increase of 7 and 11 two-way trips during the morning and evening peak periods. This would have a negligible effect on traffic using Admirals Way and on Mastmaker Road, Marsh Wall and Millharbour. An assessment of the Marsh Wall/Admirals Way junction shows that this would operate within capacity during both peak periods.
- 17.10 The ES reports on an assessment of likely cumulative impacts. This shows that the committed schemes and the proposed development would have a moderate effect on traffic flows on the local road network. The greatest predicted growth would be on Millharbour, where movements would be expected to increase by 46% in the evening peak. However, whilst the anticipated percentage change is high, the absolute change in traffic is less marked, with an increase in flow of 35 vehicles. Traffic flow along Marsh Wall are predicted to increase by less than 1% (just under 20% when other committed schemes are taken into account).
- 17.11 To aid connectivity and pedestrian safety, the applicant proposes the introduction of a pedestrian crossing on Marsh Wall and if permission was granted the details of such a crossing could be secure by way of an agreement under S278 of the Highways Act.

Public Transport

- 17.12 The Mayor of London's CIL requires the payment of approximately £2.71m towards the costs of providing Crossrail. London Plan Policy 6.5 and the SPG 'Use of planning obligations in the funding of Crossrail' (November 2012) set out the mechanism for contributions towards Crossrail. This application proposes 614sqm of retail space and the required SPG contribution towards Crossrail would be £73,066, which would be treated as a credit towards the Mayor of London's CIL liability. It is recommended that this is secured by way of a planning obligation.
- 17.13 The Addendum to the TA estimates that there would be a total net increase of 39 and 27 two-way bus trips in the morning and evening peak hours respectively, equating to just over 1% of the capacity of bus services using Marsh Wall (about 1 additional passenger per bus). Officers agree that the effects of the proposed development would be negligible. TfL note that trips generated by this and other developments are likely to generate a need for further capacity on the bus network beyond that secured by contributions secured from other completed developments. It therefore requests a financial contribution of £475,000 towards mitigation of bus impact. Whilst officers accept that the scale of development in the area is likely to require increased bus capacity. Council records show that a significant proportion of the financial contributions secured in relation to the part-implemented office scheme on the site were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than Crossrail CIL/planning obligations, which relate to specific policy and guidance that has been developed since the grant of permission for the previously consented office scheme.
- 17.14 The Addendum to the TA estimates that there would be a total net increase of 115 and 80 two-way DLR trips in the morning and evening peak hours respectively, equating to about 0.1% of inbound trips from the west and 1.1% of outbound trips to the west. When other proposed development is added to the future baseline, the expected cumulative impacts would still mean that the inbound services from the east would be operating with about 36% spare capacity and inbound services from the south would have about 48% spare capacity. Officers agree that the effects of the proposed development would be negligible.
- 17.15 TfL has asked that planning conditions are attached to any planning permission safeguarding the integrity of the DLR viaduct and services. Officers recommend that such conditions are attached to any permission.

- 17.16 The Addendum to the TA estimates that there would be a total net increase of 145 and 99 two-way Jubilee Line (West-bound) trips in the morning and evening peak hours respectively, equating to about 0.3% of the capacity of future services. The cumulative assessment of the proposed development and other committed developments in the area (set out in the ES, 8.209) show that the morning peak west inbound Jubilee Line services between Canada Water and Canary Wharf is predicted to be over capacity based on current service patterns. However, the ES notes that there is potential that by the time some of the committed schemes are completed, the service provision could be increased from 24 to 30 trains per hour in each direction. In addition, the applicant anticipates that a number of the Jubilee Line trips would be transferred onto Crossrail (with a new station at Canary Wharf) when this becomes operational in 2018. The ES concludes that the cumulative effect would be of negligible significance.
- 17.17 The Port of London Authority notes that the use of the river for the transport of passengers is not addressed in the ES or the Travel Plan and no targets are set for river use or measures set out to encourage the use of the river in travel plans and asks that these issues are addressed. The applicant notes that the nearest pier to the site is Canary Wharf Pier to the east, which would require a significantly longer walk than getting to the nearest DLR or Underground station and that there are currently only four passenger boats per hour during the peak hours. Given this, the applicant concludes that the number of people likely to use river services is likely to be negligible and does not, therefore, warrant further assessment or mitigation. Officers agree.

Pedestrians and Cyclists

- 17.18 The Addendum to the TA estimates that there would be a total increase of 89 and 72 two-way pedestrian and cycle trips to and from the proposed development during the morning and evening peak periods (in addition to those walking/cycling to catch public transport).
- 17.19 The proposals include the provision of new publicly accessible pedestrian and cycle route on the east and west sides of the proposed buildings between Marsh Wall and the Dock and a new publicly accessible dockside route and visitor cycle parking along Marsh Wall. If permission were granted, it is recommended that this should be subject to planning conditions/obligations that secure these features.
- 17.20 TfL has also requested financial contributions of £15,000 towards Legible London signage and an unspecified amount towards implementing the findings of a Pedestrian Environment Review System (PERS) audit. For the reasons given above, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than those related to Crossrail.

Servicing and Deliveries

- 17.21 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. Policy DM 21 in the Managing Development DPD requires applications to demonstrate how potential impacts on the transport network and amenity can be avoided or mitigated, the use of water has been maximised and goods vehicles accommodated on site.
- A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprise a revised basement layout including a dedicated and clearly demarcated 'bin loading area' immediately adjacent to a larger bin collection area and a 'goods in' bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a 'goods in' area' of 10x5m that could accommodate an HGV and two larger LGVs and a 'bin loading area' suitable for use by an HGV at times when it is not being used for refuse collection purposes. Further changes would not be possible without increasing the floor to-ceiling height of an area of the basement (which would have knock-on implications for the mezzanine area above) and the loss of for 'blue badge' surface car parking spaces (which would adversely affect the offer of accessible housing, both Lifetime Homes standard and easily adaptable homes and the overall financial viability of the proposal). The expected peak number of deliveries of 6 vehicles per hour during the morning peak period should be capable of being managed in relation to refuse collections via a Delivery and Servicing Plan that is recommended to be secured via a planning condition.

<u>Parking</u>

Car Parking

- 17.23 Policies 6.13 of the London Plan, Policy SP09 of the Core Strategy and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 17.24 The proposal includes a total of 102 residential car parking spaces at Basement Level. These spaces would comprise 14 conventional surface car parking spaces and two areas providing a total 88 car parking spaces within a fully mechanised stacking system, where cars would be stored and retrieved. Of the 102 proposed spaces, 10 of the conventional surface spaces are designed and sized to be capable of independent use by disabled drivers. The proposed stacking system would allow all drivers, including disabled drivers, to park and retrieve cars. Given this, 98 spaces could be accessible for disabled drivers which means that there could be a car parking space available for each of the required 76'easily adaptable' homes.

The level of proposed car parking represents 13% or 1 space for approximately every 8 homes. This level of parking accords with Policy DM22in the Managing Development DPD and is considered acceptable. If permission is granted, in order to prevent any overspill parking it is recommended that a planning obligation ensures that no resident (other than 'Blue Badge' holders and those residents of the proposed family-sized Affordable Rented flats that wish to exercise their right to park on public highways under the Council's parking Permit Transfer Scheme) would be able to purchase an on-street parking permit for controlled resident parking bays in local streets.

- 17.25 Electric car charging points would be provided for all of the conventional car parking spaces and the applicant has confirmed that the proposed stacking system is capable of being fitted with electric car charging points. This would meet the requirement in London Plan Policy 6.13 for 20% of spaces to have active charging points and 20% to have passive provision. If permission is granted, it is recommended that electric vehicle charging points are secured by way of planning condition for both the conventional and stacked spaces.
- 17.26 The applicant proposes to sell residents the right to park in the basement parking area subject to availability, with a space then being allocated for their use only. All residents that lease a space would be provided with a security fob which would allow access to the basement as well as to the lifts to allow access back into the residential areas. Spaces could be re-allocated on a two week notice period and allows for changing requirements or residents (such as the purchase of an electric car or needing a 'blue badge' space). It is recommended that a planning condition is attached to any permission to require the submission and approval of a Car Park Management Plan to ensure suitable management procedures are in place which prioritise parking for disabled and other high-priority drivers.

Cycle Parking and Facilities

- 17.27 Policy DM23 of the Managing Development DPD and London Plan Policy 6.13 require minimum levels of cycle parking.
- 17.28 The Addendum to the TA notes that revisions to London Plan Policy 6.13 mean that817cycle parking spaces for residents are required, as opposed to the 808 spaces proposed. Other requirements are for 4 spaces for people working in the proposed ground floor non-residential units and 30 spaces for visitors. The applicant's experience from the Pan Peninsula development further along Marsh Wall to the east is that typically only 71 bicycles are stored within a basement cycle store for a development of around 800 homes and that, based on this experience, it would be illogical to provide the level of parking required by policy if the likely take-up is only about 10%. The applicant makes the case for flexible management of cycle storage, proposing that provision would be made at a minimum level of 0.65 spaces per unit (515 spaces) and would be evaluated

annually in perpetuity and increased to a level 15% greater than demand up to the provision 808 spaces (9 spaces short of the policy requirement). Officers accept that this is a reasonable approach and recommend that it is secured by way of a planning obligation.

- 17.29 The applicant has also developed two alternative cycle parking solutions. Submitted drawing GHA-P-117 shows that 808 spaces could be satisfactorily provided at Basement Mezzanine Level. However, Drawing GHA-P-101 Rev A shows parking for 600 bicycles (450 cycle spaces and 150 lockerswhich would also be suitable for bike storage) at Basement Mezzanine Level. Separate access to the basement resident's cycle parking areas would be provided at the base of the West Tower, by way of a separate lobby area and two lifts. A shower and changing area for management staff and people working in the proposed ground floor non-residential units is proposed at Basement Mezzanine Level. It is recommended that both of these alternative arrangements are granted planning permission and that the actual level of provision is managed by a planning obligation.
- 17.30 A total of 30 visitor cycle parking spaces (15 stands) are proposed to be provided by stands either integrated within the public realm areas of the site itself. The original proposal to locate these within the Marsh Wall footway has been abandoned following concerns raised by LBTH Highways and Transportation. It is recommended that the location and details of these stands are reserved for subsequent approval by way of a planning condition.

Travel Planning

- 17.31 Policy DM20 in the Managing Development DPD requires a Travel Plan where significant impacts are identified. The submitted TA includes a Residential Travel Plan in order to ensure that sustainable travel behaviour, including walking, cycling and public transport use, is maximised.
- 17.32 A Residential Travel Plan has been submitted as part of the application. TfL has confirmed that it has passed the ATTrBuTE assessment and, if permission is granted, this could be secured by way of a planning obligation. Both TfL and officers have queried the proposed absence of on-site car club parking spaces/free membership of a club. The applicant has responded by stating that it has investigated issues with car club operators and that their preference is for bays on surrounding streets rather than within a private basement. It goes on to state that free-membership of a car club scheme is not considered necessary given the proposed car and cycle parking proposals and has not been factored in to its financial appraisal. Officers accept that this is not necessary to make the scheme acceptable. It is recommended that the implementation of the Travel Plan is secured by way of a planning obligation.

17.33 To encourage the uptake of sustainable travel modes, TfL has asked for financial contributions of £40,000 to fund the installation of real-time information screens within the concierge area, located in prominent and accessible locations – providing departures and service updates for local bus, London underground, DLR and river service departures. For the reasons given above, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than those related to Crossrail.

Construction Traffic

17.34 The Port of London Authority has requested a specific condition requiring the applicant to investigate the use of the River for the transport of construction and waste materials to and from the site. The applicant has responded by stating that this has been investigated, but that this would require the existing footbridge to the east of the site to be opened/ closed a number of times across the course of a day. This would cause significant disruption to pedestrians crossing between Canary Wharf and the South Dock area and officers accept that this would outweigh potential benefits from using water to bring in/take out goods and materials. It is recommended that a Construction Logistics Plan is secured by a planning condition, in order to manage impacts associated with construction traffic.

18.0 Waste

- 18.1 Policy DM14 of the Managing Development DPD requires applications to demonstrate appropriate waste storage facilities and for major developments to be subject to a Waste Reduction Management Plan.
- The applicant's submitted Management Plan has calculated indicative weekly refuse and recycling storage requirements for the proposed homes based on the guidance in Appendix 2 of the Managing Development Document. The proposals provide for separate refuse chutes for the East and West Towers at ground floor level, close to the lift and stair cores. These chutes would feed two separate refuse areas at the proposed Basement Mezzanine level as follows: 203sqm (42 Eurobins) for the East Tower and 170sqm (39 Eurobins) for the West Tower. The proposals include a lift down from the Basement Mezzanine to the lower Basement Level, where there would be a designated bin collection loading area and space for refuse lorries to turn and park, so that they can arrive and leave in forward gear. The submitted Management Plan goes on to outline the following storage and collection process:
 - Residents would segregate and store their refuse and recycling in their own homes, through the use of internal compartmentalised

- waste storage in their kitchens. This would promote the segregation of recyclable materials at source;
- Residents would be responsible for manually transporting and depositing their refuse and recycling down dedicated waste chutes on the ground floor level which lead to the Basement Mezzanine refuse areas;
- A minimum clear space of 150mm between individual containers and between containers and surrounding walls will ensure satisfactory positioning. Sufficient space for the use and servicing of containers without moving other containers will be provided;
- Management company staff would regularly check the fullness of the containers in the waste room and replace them with empty containers when necessary;
- On collection days, the full containers would be presented at the agreed collection point in the basement level for refuse vehicles to access and crews to empty; and
- Refuse and recycling streams would each be collected from the proposed development at least twice every week. Once the proposed development was fully operational, waste collection frequencies would be reviewed with the waste collection contractor to ensure that they are sufficient to manage waste generation levels.
- 18.3 The amount of storage space required for commercial waste would vary due to the difference in waste output of the proposed flexible ground floor units (A1-A4 use). The applicant's submitted Management Plan makes clear that commercial tenants would be required to provide sufficient internal waste storage for their operations within their own demise and to follow LBTH's guidance on the appropriate storage of waste. The submitted Management Plan goes on to outline the following storage and collection process:
 - Commercial tenants would segregate and store their refuse and recycling in their own units. Tenants would be responsible for transporting refuse and recycling to the local service core and deposit waste in a dedicated commercial waste store;
 - The commercial units would each have their own dedicated containers in the commercial waste store which would be lockable to prevent misuse by others;
 - All waste storage areas would be clearly labelled to ensure cross contamination of refuse and recycling is minimised;
 - Floor surfaces would be of a smooth, continuous finish and free from steps or other obstacles. Any steps would incorporate a dropkerb. Measures would be taken by the tenants to ensure that access to the agreed collection point will not be restricted on collection day; and
 - The collection of commercial waste would be undertaken via external waste management contractors. It would be the responsibility of the commercial tenants to arrange for refuse and recycling to be collected.

18.4 A number of minor amendments to the application were submitted in February 2014 to address issues raised by LBTH Transportation and Highways and Waste teams. These comprised a revised basement layout including a dedicated and clearly demarcated 'bin loading area' immediately adjacent to a larger bin collection area and a 'goods in' bay and detailed amendments to a number of car parking bays to improve visibility. The revisions provide for a flexible delivery area comprising a 'goods in' area' of 10x5m that could accommodate an HGV and two larger LGVs. The applicant proposes to carefully manage the operation of the basement parking and servicing area, in a similar way to other nearby developments including Pan Peninsula and Baltimore Wharf. Experience from these developments suggests that, subject to securing appropriate management arrangements, the revised servicing arrangements are acceptable in principle. It is recommended that detailed arrangements are agreed via a Delivery and Servicing Plan, secured by way of a planning condition.

19.0 Energy & Sustainability

- 19.1 At a national level, the NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 The London Plan sets out the Mayor of London's energy hierarchy which is to:
 - Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
- 19.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 19.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.

- 19.6 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy system in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 19.7 The submitted Energy Statement (December 2012, supplementary information March 2013), follows the Mayor of London's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and meet current building regulation emission requirements.
- 19.8 It is proposed that space and water heating for the whole development would be delivered by a gas fired community heating system incorporating a Combined Heat and Power (CHP) plant in an energy centre in the basement. Following queries by officers, the applicant has agreed to maximise the CHP contribution by increasing the size of the proposed units and supplying all of the proposed scheme (with the proposed swimming pool acting as a heat load). This would deliver CO2 emission reductions of 35% (Be Clean). The applicant has had discussions with the Barkantine Heat and Power Company and has confirmed that the on-site network would be designed to allow for connection to this wider network. This could be secured by planning condition if planning permission was granted, in accordance with London Plan Policy 5.6.
- 19.9 The requirements of Policy DM29 have increased since the application was submitted and the proposals now fall short of the requirement of a 50%. The Planning Obligations SPD includes a mechanism for any shortfall in CO2 reductions to be met through a cash-in-lieu contribution for sustainability projects. Based on the submitted energy strategy and achieving a 35% reduction in Co2 emissions the proposals would need to offset 15% (calculated as 168 tonnesCO2) at a cost of £1,800 per tonne, requiring a financial contribution of £302,400.
- 19. 10 The Energy Statement reports on an investigation in to the possible use of on-site renewable energy technologies but concludes that none are appropriate. Following queries by officers, the applicant has agreed to investigate the use ground sourced cooling to supplement the proposed air cooled chillers. The applicant's response to LBTH queries (March 2013) estimates that this would deliver a further 2-4% reduction in the overall CO2 emissions (Be Green). If such measures were implemented this would reduce the expected financial contribution required for carbon offsetting to £241,700. It is recommended that a planning condition requires the further investigation in to the possibility of using ground source cooling and that planning obligation secures between £241,700 and £302,400 for carbon offsetting, dependant on whether ground is implemented.

- 19.11 The submitted Sustainability Statement sets out the findings of a Code for Sustainable Homes pre-assessment which demonstrates that Code Level 4 (score of 70-73) should be achievable for the proposed homes. This accords with Policy DM29 and it is recommended that compliance is secured by way of a planning condition.
- 19.12 The submitted Sustainability Statement also sets out the findings of a BREEAM pre-assessment which demonstrates that a 'VERY GOOD' (with a score of 61.64%) is achievable. Policy DM29 calls for an 'EXCELLENT' rating where feasible. The applicant has explained that the CO2 reductions required to meet the ENE1 mandatory credits required for 'EXCELLENT' could not be met with a shortfall in this credit of 2-3%. As outlined above, a shortfall in carbon reductions could be offset by financial contributions and a high 'VERY GOOD' score for the relatively small amount of non-residential floorspace is considered acceptable. It is recommended that compliance with this standardis secured by way of a planning condition.
- 19.13 The Canal and River Trust has raised the prospect of water from the adjacent South Dock being used for cooling of buildings, as is done successfully by several waterside sites, including the adjacent Britannia Hotel. The applicant has confirmed that it would be willing to investigate this if permission was granted; along with the potential to use ground sourced cooling discussed above in relation to energy. It is recommended that this is secured by way of a planning condition.

20.0 Environmental Considerations

Air quality

- 20.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 20.2 The Ventilation Strategy (December 2012) submitted in support of the application proposes to ventilate kitchens associated cafe/restaurant and bar use via low level discharge, given that the proposed height of the towers makes roof level discharge via ducting at approx. 172 and 188m above ground level unfeasible. The Strategy therefore proposes the inclusion of ventilation louvres at a high level in the ground floor facade, incorporating appropriate air treatment or intervention method to provide odour control. The Strategy anticipates these being located on the north facade, where a cafe/restaurant is shown, although the proposed flexible use of non-residential space means that such louvers may need to be provided in together

facades. Similar louvers would also be required for other proposed non-residential uses of ground floor units and for the ancillary residential space at ground and first floor level (including lobby, residents lounge, swimming pool and gym and cinema). It is recommended that a planning condition requires details of extract ventilation systems for permitted non-residential uses (including proposed odour control measures) to be submitted to and approved by the Council.

- 20.3 The Strategy outlines that each of the proposed flats would be ventilated via a mechanical supply and extract unit with heat recovery (MVHR), supplying fresh air to the habitable rooms and extracting from 'wet rooms'. Fresh air intakes and exhausts to/from the unit would be ducted to the facade where there they would terminate with a weatherproof louver. Where flats are located within the reduced air quality zone, the MVHR units would be installed with Nitrogen Oxide (NOx) filters on the fresh air intakes
- 20.4 The exit flues for all the energy centre plant would run to the top of the Proposed Development's East Tower (the taller of the proposed two towers) and would be emitted from a stack approximately 3 m above the height of the roof to ensure adequate dispersion of exhaust gases
- 20.5 It is recommended that appropriate measures to control dust from the site during construction are secured through a planning condition requiring compliance with a Construction Management Plan.

Noise and Vibration

- 20.6 The NPPF provides guidance for assessing the impact of noise and refers to the Noise Policy Statement for England (NPSE). 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
- 20.7 Policy 7.15 of the London Plan, 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.
- 20.8 The site currently experiences noise from traffic on Marsh Wall and the DLR, as trains turn a corner on the elevated DLR viaduct. Measured and predicted noise conditions from existing and future traffic conditions have been taken into account in the ES.

Dwellings

- 20.9 The GLA Stage 1 Report notes that the London Housing Design Guide calls for no single-aspect units in Noise Exposure Categories (NEC) C or D and asks for confirmation of NEC categories. Comments from LBTH Environmental Health make clear that PPG24 has been withdrawn and that NECs are no longer strictly relevant. Nevertheless, the applicant has confirmed that of the 756 proposed flats 15 in the East Tower (1.9%) would be classified as falling within NEC C of which 6 (0.8%) would be single-aspect.
- 20.10 LBTH Environmental Health note that whilst NECs could be taken into account, they should not determine the suitability of the scheme, with the most important thing being the achievement of a "good" internal noise design standard for all habitable rooms. The achievement of this standard will require the inclusion of winter gardens (enclosed balcony spaces) for the proposed 5 flats on the first floor or the East Tower (close to the DLR). Elsewhere, the achievement of this standard would be achieved by way of sealed acoustic balustrades of 1.4m height, acoustically absorbing soffits, enhanced acoustic glazing and an acoustically attenuated whole house ventilation system. It is recommended that details of these measures are reserved by way of a planning condition.

Balcony Spaces

20.11 The ES notes that with the proposed 1.4m high wrap-around balconies and enclosed winter garden balcony spaces, 95% of the proposed private balcony spaces for flats would meet the World Health Organisation (WHO) guide of 55sd(A) during daytime. The GLA Stage 1 Report raises some concern about the 45 east facing flats on residential floors 2 to 10 of the proposed East Tower, where noise levels would be likely to be within the range of 55-60db(A) and recommends that the Council considers the possible need for additional mitigation. Officers have discussed with the applicant the possibility of also enclosing these private amenity areas to form winter gardens as a way of mitigating likely noise impacts. However, on balance, officers agree with the applicant that the overall amenity benefits of having an open balcony space outweigh the benefits of quieter but enclosed spaces. Experience from other housing schemes in the area suggests that residents still value and use open balcony spaces that experience similar levels of noise exposure.

Communal Amenity Spaces

20.12 The ES identifies that, despite the inclusion of 1.9m high glazed screening, the proposed communal garden area on the raised podium to the south of the East Tower (close to the DLR) as being likely to experience noise above the WHO guide of 55db(A). If permission were to be granted, it would be possible to reserve the details of proposed acoustic screening of this space to ensure that it is useable and enjoyable.

Non-residential uses

20.13 The proposed ground floor retail uses, which could include cafes/restaurants and drinking establishments, could cause noise and disturbance to future residents of the proposed scheme as well as guests staying in the nearby Britannia Hotel or future residents of permitted/potential homes on nearby sites. It is recommended that a planning condition restricts the hours of use of the proposed A1-A4 ground floor units to between 08.00 to 23.00 Monday to Sunday.

Plant Noise

20.14 The Council normally requires building services plant to be designed to ensure the achievement of a cumulative noise rating of 10db below the current prevailing background noise level at nearby residential facades. If permission were to be granted, a planning condition could be attached to ensure that the specification of plant achieves this standard, to ensure that noise does not disturb future residents, guests staying in the nearby Britannia Hotel or future residents of permitted/potential homes on nearby sites.

Reflective Noise

20.15 A local resident has raised the concern that the proposed buildings would reflect noise from the DLR. LBTH Environmental Health has noted that noise reflections could occur at points where buildings are close to the DLR and that this may increase incident noise levels at other residential or commercial facades by up to 3dB. However, Environmental Health go on to note that reflective noise rarely causes problems and only occurs where buildings are exposed to high noise levels (e.g. along the A4 and elevated M4 motorway).

Construction

- 20.16 Concerns have been raised by some local people about noise during the construction phase. There could also be residents living in one of the proposed two towers whilst the other tower is being built. In order to adequately manage adverse noise impacts during construction, it is recommended that a planning condition requires the submission and approval of a Construction Environment Management Plan (including a piling strategy to prevent impact piling) and that hours of construction are limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 (Saturdays) only.
- 20.17 Given the above and taking account of the potential use of planning conditions. Officers consider that the proposals generally comply with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

20.18 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. 20.19 In this case the bulk of the necessary excavation was undertaken when creating the basement structures for the part implemented office buildings. At this time, the applicant successfully discharged Planning Condition 14 of the 2007 planning permission that required a site investigation (PA/10/01783) and LBTH Environmental Health has confirmed that there is no need for a further investigation/remediation strategy in this case

21.0 Flood Risk, Drainage and Water Resources

21.1 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

Flood Risk

- 21.2 The site is located in Flood Zone 3 and proposal involves a *more vulnerable* use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, in accordance with the NPPG, a further Sequential Test is not required to support this application.
- 21.3 The peak 1.000 year return period tidal flood levels in the River Thames including an allowance for climate change over the lifetime of the proposed development is 4.96m AOD. The site is defended from flooding by the Thames Tidal Defences which includes the Thames Barrier and river wall around the Isle of Dogs, which is at 5.23m AOD. This defence level is sufficient to defend the site against tidal and fluvial flooding for all events up to and including the 1,000 year return period. Existing ground levels are at least 4.98m AOD - which is above the 1,000 year flood levels. The proposed development would ensure that these levels are not changed so that habitable areas of the building and entrances to basements are not put at risk. Ground levels mean that a safe access/egress routes to and from the site would be provided throughout a 1,000 year tidal return flood event. The proposed residential accommodation would be provided from third floor (18.875m AOD) and above.
- 21.4 The Environment Agency has raised no objection in principle to the proposals, but has requested that two planning conditions are attached to any permission. The first would ensure that no development commences until a structural survey of the dock wall has been submitted to and approved by the Council and that any identified remedial works are undertaken. The second would ensure that no development commences until it has been demonstrated that the dock wall height could be raised in line with the Agency's TE2100 Plan from

- the current 5.23mAOD to 6.2m AOD by 2100. It is recommended that both conditions are attached to a permission.
- 21.5 The GLA Stage 1 Report raises a number of concerns in relation to flood risk and the lack of any residual flood risk management options, such as subscription to the Environment Agency Flood Warning Service, drawing up a flood emergency plan for each building, providing safe refuge within the buildings as it is unlikely that a suitably dry access route will be available in the event of a flood, ensuring that all utility services can be maintained operational during a flood including ensuring that these services can be maintained operational during a flood and providing a sump within the basement to aid removal of floodwater.
- The applicant has responded to these comments (August 2013) by noting that the site is defended from flooding up to a 1 in 1,000 year standard of protection and that the likelihood of a breach of flood defences is very low. It goes on to reiterate that residential accommodation would be at 18.875m AOD and above and that, in the unlikely event of a breach of defences, people living in the building would not be put at any risk. The applicant goes on to make clear that basement areas are "less vulnerable" and considered appropriate in areas of flood risk in the NPPF and that given the low likelihood of the site flooding, the additional measures called for by the GLA are not necessary.
- 21.7 It is important to note that the Environment Agency has not raised any concerns about residual flood risk management and officers accept that these are not necessary.

Surface water drainage

- 21.8 The proposed development would manage surface water runoff by way of the proposed living roof (260sqm) above the proposed entrance atrium space and an increase in landscaping at both ground and podium level. These features would improve upon existing run-off rates. It is proposed that surface water would discharge into both the West India Dock and Thames Water sewers at Marsh Wall at rates which would ensure no increase in flood risk. Any run-off from the proposed access road and basement parking areas would be routed through oil interceptors prior to discharge into the sewer.
- 21.9 The GLA Stage 1 Report raises no objection to drainage directly in to the Dock, but raises concerns that the submitted Flood Risk Assessment fails to fully demonstrate the aim to utilise Sustainable Urban Drainage Systems (SUDS), achieve Greenfield run-off rates/no increase in run-off rates or the effectiveness of the drainage strategy.
- 21.10 The applicant has responded to these comments (August 2013) by outlining how the proposal relates to the London Plan Drainage Hierarchy as follows:

- Store rainwater for later use a commitment to consider rainwater harvesting at the detailed design stage to provide water supplies for irrigation and toilets within the non-residential uses and 'make-up' water for the proposed swimming pool;
- Use infiltration techniques such as porous surfaces the proposed basement areas (already dug-out) would cover the whole site, making these techniques inappropriate;
- Attenuate rainwater in ponds or open water features for gradual release – these are not appropriate in publicly accessible open spaces;
- Attenuate rainwater by storing in tanks or sealed water features for gradual release –surface water from the proposed podium level would be attenuated via a tank before being discharged in to the Marsh Wall sewer;
- Discharge rainwater directly in to a water course all the surface water from building roofs and hard landscaped areas along the dock edge would discharge directly into the dock; and
- Discharge rainwater to a sewer/drain it is not proposed to discharge un-attenuated water into the Marsh Wall sewer (it would be via an attenuation tank).
- 21.11 The applicant's response (August 2013) includes further preliminary calculations to demonstrate that the proposal would represent an improvement on the existing situation and that Greenfield run-off rates can be achieved.
- 21.12 Officers do not accept that ponds/open water features are incompatible with publicly accessible spaces and that risks can be appropriately managed. However, the design of the proposed Western Garden is based around play, adult fitness trail and high quality landscaping and the introduction of water features is not considered appropriate.
- 21.13 The applicant's commitment to consider incorporating rainwater harvesting features is welcome and it is noted that the proposed discharge arrangements are subject to further consultation with the Canal and River Trust and Thames Water. It is recommended that a planning condition reserves a detailed drainage strategy for the Council's approval, so that these issues can be fully explored and clarified.

Risk of Pollution

21.14 The risk of water pollution during the construction phase from the handling and storage of potentially hazardous materials, spillages and piling would be minimised by way of a Construction Environmental Management Plan (CEMP), which could be secured by condition. The mitigation measures to be set out in a CEMP (including an Emergency Incident Plan and the preparation of a piling risk assessment) plus the use of Continuous Flight Auger piling would ensure that pollution pathways are not created and residual, temporary effects are significantly reduced to what the ES reports as temporary 'minor adverse.'

21.15 Discharge of surface water from a completed development into the dock and sewer would be subject to detailed licensing/agreement with the Canal and River Trust and Thames Water. The latter has requested that those petrol/oil interceptors should be fitted in all car parking/washing areas.

Water supply and Waste Water

21.16 Thames Water has confirmed that it will aim to provide a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute. In addition to recommending petrol/oil interceptors referred to above, Thames Water also recommend that non-return valves or other suitable devices be included to avoid the risk of backflow from sewers and that (in order to protect water supply infrastructure in the area) no impact piling should take place. It is recommended that these matters are secured by planning condition.

Water Usage

21.17 The management of water usage would be by various means. Individual metering would be implemented for the proposed homes and the landlord (intended to be the applicant) and non-residential users would also be provided with individual water meters. This meets the Mayor of London's requirement for 100% metering on all new developments. Commitment to at least meeting Code for Sustainable Homes (CfSH) Level 4 means that water consumption levels would be limited to 105 L per person per day and the commitment to at least meeting BREEAM Very Good for the proposed non-residential accommodation would limit water usage for these uses to 4.4 m3/person/year. It is recommended that these commitments are secured by planning condition.

22.0 Biodiversity

- 22.1 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 22.2 The site currently offers very little contribution towards biodiversity. It is not located within a statutory area designated for wildlife purposes and there are no statutory nationally or internationally designated sites within 2 km. The Millwall and West India Docks Site of Importance for Nature Conservation (SINC) including the dock immediately to the north of the site is designated as a Site of Borough Importance Grade II. Millwall and West India Docks are known to support wintering birds, especially gulls and ducks. The River Thames SINC, about 300m west of the site at its closest point, is a SINC Site of Metropolitan Importance (SMI). The impacts that the

proposals would have on the Dock immediately to the north (in terms of daylight and sunlight and noise) is discussed above under the Amenity heading. In summary, no significant impacts on biodiversity are identified.

- 22.3 The proposals incorporate a number of open spaces (as described above. All of these spaces (save for the proposed enclosed garden within the East Tower) provide opportunities to enhance the biodiversity interest of the site, with about 20% of the site being vegetated. The ES states that the proposed soft landscaping would largely comprise either native plant species or species known to be beneficial to invertebrates.
- 22.4 If permission were to be granted, details of the proposed hard and soft landscaping could be reserved by way of a planning condition. A planning condition could also secure a Habitat Management Plan (HMP) to control the development, implementation and management of newly created habitats, including the soft-landscaping and green roofs, to maximise their benefit to invertebrates.
- 22.5 Significantly from a biodiversity perspective, the proposals also include a green roof (260sqm) would be provided above the entrance atrium space and comprise a vibrant mixture of wildflowers, sedum, herbs and perennials designed to be attractive to pollinators and promote biodiversity. It is recommended that this is secured by way of a planning condition.
- 22.6 Given comments made by London City Airport during the EIA Scoping stage, the proposed soft landscaping has been designed to not dissuade large concentrations of birds. The applicant claims that this, coupled with the height of the proposed buildings means that bird boxes for swifts or perigine falcons would not be practicable. However, the applicant is willing to consider the practicality of incorporating bat boxes and it is recommended that a planning condition requires a Habitat Management Plan to be submitted to and approved by the Council.
- 22.7 A local resident has raised concern that construction works could affect wildlife in the Dock and Thames and disrupt the local angling community. The recommended condition securing a Construction Environment Management Plan should mitigate potential impacts on the aquatic habitat by reducing noise disturbance, water run-off and dust.

23.0 Telecommunications

23.1 The BBC asks that before any decision is made, the applicant undertakes a suitable survey by a professional body to identify the potential impact on the reception of television and services and that a planning obligation secures funding for the rectification of any adverse impact.

- 23.2 The applicant scoped out telecommunications from the EIA on the basis that the proposals would be unlikely to have significant effects on telecommunications. It did, however, commission an appraisal of various telecommunications systems. This concluded that most services, including Digital Terrestrial Television (DDT) (or 'Freeview) and Docklands Light Railway radios would not be affected by the proposals but acknowledged that they could have an impact on fixed microwave links and other point-to-point radio communications channels and possibly on any satellite signal receiver dishes on the Brittania Hotel.
- 23.3 It is recommended that a planning obligation requires more detailed surveys of DDT services, fixed microwave links/other point to-point channels and satellite signal receivers in the area surrounding the site and to undertake any necessary mitigation.

24.0 London City Airport Safeguarding

- 24.1 The application site is located within the London City Airport Safeguarding Zone. However, the maximum height of the proposed buildings including plant (188.4mAOD) and operating height of temporary carnage (210m AOD) would be below the tallest building in the cluster (No. 1 Canada Square, at approx. 245m AOD) and the proposal includes a tall building.
- 24.2 The proposed trees and other soft landscaping is unlikely to be attractive for birds and thus pose a bird strike hazard risk to aircraft using London City Airport (LCA).
- 24.3 LCA has made no comments on the proposals, although it is understood that the applicant liaised with the Airport at EIA Scoping Stage. The National Air Traffic Services Ltd (NATS) has raised no objections, stating that the proposals do not conflict with safeguarding criteria. It is recommended that planning conditions ensure that relevant maximum cranage heights are observed and safety lighting is installed.

25.0 Health Considerations

- 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.
- 25.2 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 25.3 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.
- The application proposes child play and communal and private amenity space that meets the quantitative and qualitative policy requirements, together with publicly accessible pedestrian routes through the site and along the dock edge and approximately 1,320sqm of publicly accessible open space. These spaces would provide opportunity for play and physical exercise. The applicant is also proposing to install outdoor gym equipment in the publicly accessible open space. This would make a positive contribution to encouraging people to adopt healthy lifestyles and if permission is granted, the details and provision of this equipment could be secured by condition.
- 25.5 The proposal would provide limited car parking and generous cycle parking in accordance policy, together with an on-site gym and swimming pool for residents use only.
- 25.6 In conclusion, officers consider that the proposal would represent a healthy urban development.

26.0 Planning Obligations and CIL

Policy and guidance

- 26.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 26.2 The NPPF requires that planning obligations must be:
 - (a) Necessary to make the development acceptable inplanning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 26.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 26.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 26.5 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
 - · Affordable Housing
 - · Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
- 26.6 The Borough's other priorities include:
 - Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability

Financial Contributions

- 26.7 The application is supported by a financial appraisal submitted by the applicant. This has been through various iterations during the course of negotiations and has been independently assessed on behalf of the Council. The proposed proportion of on-site affordable housing has been secured at 25% (by habitable room) with an additional payment of £268,639 towards further Affordable Housing off-site, as discussed in detail in Section 13. The impact this has on the financial viability and deliverability of the proposals has been taken into account when determining financial contributions that are required to mitigate likely adverse impacts associated with the proposed development.
- The process of identifying financial contributions towards mitigation is 26.8 complicated by the fact that the Council received financial contributions via a s.106 Agreement to mitigate impacts associated with the partimplemented office scheme (PA/07/00347). These contributions were made before the Council adopted the Planning Obligations SPD in January 2012 and were based largely on the Millennium Quarter Planning Contributions Framework. Council records show that in June and July 2007 it received£5,871,372 as a Millennium Quarter Contribution and an additional £50,000 Public Art Contribution in relation to Permission PA/07/00347. The £50,000 Public Art Contribution remains unspent. The Millennium Quarter Contribution was pooled with contributions secured from other developments in the area and was fully spent in 2007/08 on a variety of Transport, Public Realm and Open Space. Community and Social projects and Project Team costs.

- 26.9 The above contributions were received to mitigate the predicted adverse impacts associated with the consented office scheme and, in relation to the Public Art Contribution, to secure policy objectives. Whilst construction of the consented office scheme started, the impacts associated with the development such as additional demand for public transport have not materialised. In February 2013, the Council's Planning Contributions Overview Panel (PCOP) took the view that it would be unreasonable not to take account of the financial contributions that have already been paid to mitigate impacts that have not materialised, but recognised the need to mitigate additional housing-specific impacts. It also agreed that, on the condition that public art is embedded as an integral part of the development, the unspent Public Art Contribution should be re-allocated to help mitigate predicted adverse impacts. It is recommended that this is allowed for by way of a deed of variation to the s.106 Agreement in relation to the earlier permission for the site (PA/07/00347).
- 26.10 The financial contributions received in relation to the part implemented office scheme were to mitigate impacts associated with that scheme. Whilst contributions have been pooled with contributions secured in relation to other permitted schemes in the area and spent on projects that would help mitigate some of the impacts of the currently proposed housing scheme (most notably transport, public realm, open space, Idea Stores and training) there are additional important mitigation requirements associated with housing that would remain unfunded. These specifically relate to additional demand for leisure facilities, school places, health facilities and play space. Following discussions, the applicant has agreed to make the additional financial contributions to help fund these facilities based on the requirements of the Planning Obligations SPD:
 - Leisure £706,436;
 - Primary School Places £795,229;
 - Secondary School Places £571,189;
 - Health (capital contributions only) £894,860; and
 - Off-site play space £47,478.
- 26.11 In addition, as discussed in Section 19 of this report, policy requirements in relation to expected savings in carbon dioxide emissions have increased from 35% to 50%, requiring a financial contribution to make good the shortfall by funding appropriate off-site sustainability projects. Depending on whether ground source cooling on-site is used to secure additional carbon savings, this amounts to between £241,700 and£302,400.
- 26.12 The GLA Stage 1 Report incorporates earlier comments made by TfL and request financial contributions towards bus services (£475,000), real time information boards (£40,000), Legible London signage (£15,000), unspecified amount towards implementing the findings of a Pedestrian Environment Review System (PERS) audit and £83,419

towards Crossrail as a credit towards the Crossrail CIL requirement (N.B. revisions to the scheme since the GLA Stage 1 Report, including a reduction in the amount of proposed Retail A1-A4 floorspace, means that this figure has reduced to £73,066). Council records show that a significant proportion of the financial contributions secured in relation to the part-implemented office scheme on the site were pooled with contributions from other permitted schemes and spent on TfL transport related projects (including the movement and increase in capacity of South Quays DLR Station). Given this, officers consider that it would be unreasonable to require additional financial contributions towards transport related matters, other than the Crossrail planning obligation contribution (which would act as a credit towards what the applicant estimates to be a Crossrail CIL liability of £1,964,130).

- 26.13 Given the above, the financial contributions to mitigate likely adverse impacts associated with the proposed development can be summarised as follows:
 - a. £5,921,372 already received in relation to the part implemented office scheme:
 - b. £3,015,192 additional contribution in relation to Leisure, School Places, Health and Play Space;
 - c. £268,639 towards off-site Affordable Housing
 - d. £73,066 Crossrail contribution (which will be credited towards any Crossrail CIL);
 - e. Between £241,700 and £302,400 additional contribution in relation to carbon off-setting;
 - f. Between £71,972 and £73,186 monitoring costs in relation to b,c and d above

Total between £9,591,941and £9,653,855

26.14 Officers are satisfied that, following independent assessment, the proposed affordable housing and financial contributions have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document and Planning Obligations SPD (2012).

Non-financial Obligations

- 26.15 In addition to the financial contributions identified above, it is recommended that planning obligations be used to secure the delivery of a number of non-financial matters where it is not appropriate to secure them by way of planning condition. These are set out as follows:
 - a) Minimum of 25% Affordable Housing which equates to 455 habitable rooms on the Arrowhead Quay site as follows:
 - i. 71% Affordable Rent (324 habitable rooms)
 - ii. 29% Intermediate Shared Ownership (131 habitable rooms)
 - b) 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).
- Appropriate triggers to manage the delivery of Affordable Housing relative to the delivery of Private housing (to be agreed as part of s.106 negotiations)
- d) On-street Parking Permit-free development (other than 'Blue Badge' holders and those residents that wish to exercise their rights under the Council's parking Permit Transfer Scheme)
- e) Travel Plan
- f) Details of basement cycle storage provision dependent on demand (2 alternative types and levels of provision allowed for in approved drawings)
- g) 20 Apprenticeships over the full construction phase
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- i) 24 Hours public access to specified parts of site (Dock edge, western route and publicly accessible open space, eastern route, southern drop-off area and to ground floor lobby area during daylight hours). Day-time only access to the building lobby area. Public access to the 'sky garden' in the East Tower annually during the 'Open House Weekend'.
- j) Telecommunications more detailed surveys of DDT services, fixed microwave links/other point-to-point channels and satellite signal receivers in the area surrounding the site and any necessary mitigation.
- k) Deed of variation to s.106 Agreement in relation to Permission PA/07/00347 to allow £50,000 previously allocated for Public Art to be used for other purposes.

27.0 Other Financial Considerations

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

- 27.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
 - The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,

- Any other material consideration.
- 27.2 Section 70(4) defines "local finance consideration" as:
 - A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 27.3 In this context "grants" might include New Homes Bonus.
- 27.4 These are material planning considerations when determining planning applications or planning appeals.
- 27.5 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. .
- As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution would be £1,964,130.
- 27.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 27.8 Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £711,554 in the first year and a total payment of £,4269,323over 6 years.

28.0 Human Rights Considerations

- 28.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 28.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and.
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 28.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 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.
- 28.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 28.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 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.
- In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

29.0 Equalities Act Considerations

29.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the

exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

- 1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 29.2 The proposals are based on the principles of inclusive design and officers have secured revisions to improve the inclusive nature of the scheme. Crime and fear of crime can be a particular concern to women and the LGBT community and full attention has been given to ensuring a safe environment.

30.0 Conclusion

- 30.1 The proposed development would form and integral part of the Millennium Quarter allocation to deliver the objectives of the Core Strategy. It would provide much needed housing, including the maximum reasonable amount of affordable housing, in a high quality, well designed, mixed use development. The proposals comply with the Development Plan, National, Regional and local policies and would include appropriate contributions to local facilities and infrastructure to mitigate the impact of development.
- 30.2 All other relevant policies and material considerations have been taken into account. Planning permission should be GRANTED subject to details set out in the RECOMMENDATION in Section 3 of this report.

