

<b>Committee:</b> Strategic Development	<b>Date:</b> 29 <sup>th</sup> of January 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Tim Ross	<b>Ref No:</b> PA/14/01428
	<b>Ward:</b> Blackwall and Cubitt Town

## 1. APPLICATION DETAILS

**Location:** Meridian Gate, 199-207 Marsh Wall, London, E14.  
**Existing Use:** B1(a)  
**Proposal:** Demolition of all existing structures and the redevelopment of the site to provide a building of ground floor plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 415sqm office (use class B1), 30 basement car parking spaces; the ground floor uses comprises an electricity sub-station, entrances for the office, affordable and private housing, basement access via car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3); public open space; and a single storey enclosure providing a secondary basement access.

**Drawing Nos/Documents:**

980_100_Rev B	Ground Floor Plan
980_100M_Rev B	Ground Floor Mezzanine Plan
980_101_Rev A	Social Floors 01-05
980_106_Rev B	Social Levels 06-09
980_110_Rev B	Intermediate Floors 10-11
980_112_Rev A	Intermediate Floors 12-15
980_116	Amenity Floor 16
980_117_Rev A	Private Floors 17-29
980_126_Rev A	Private Floors 31-43 & 45-51
980_130_Rev A	Private Floors 30 & 44
980_152	Duplex (Lower) 52
980_153_Rev A	Duplex (Upper) 53
980_154_Rev A	Roof Access Level
980_155_Rev A	Roof Plan
980_170_Rev B	Pavilion Building Plan
980_200_Rev B	Section A-A
980_201_Rev A	Section B-B
980_203_Rev B	Pavilion Building Sections
980_300_Rev A	Context Elevation
980_301_Rev B	Northern Elevation
980_302_Rev A	Eastern Elevation
980_303_Rev B	Southern Elevation
980_304_Rev B	Western Elevation
980_310_Rev B	Pavilion Building Elevations
980_099_Rev A	Upper Basement Plan B1
980_098_Rev A	Lower Basement Plan B2
980_320	Detailed Elevations
980_321	Detailed Elevations

980_350	Existing North & East Elevation
980_351	Existing South & West Elevation
005_500_Rev B	Proposed Site Plan

980_007_250	Existing Building GEA
980_001_1250	Location Plan
980_006_500	Existing Site Plan
980_010_200	Site Survey
980_015_200	Demolition Plan

- Design and Access Statement (prepared by Make)
- Planning Statement (prepared by DP9) dated May 2014
- Environmental Statement (prepared by Watermans)
- Environmental Statement Clarifications Volume 1 & 2 (prepared by Watermans) dated August 2014
- Aviation Report (prepared by Donald Butler Associated Ltd) dated June 2014
- Arboricultural Survey (prepared by Watermans) dated May 2014
- Energy Strategy (prepared by Hoare Lee)
- Radio and TV interference Assessment (prepared by Hoare Lee) dated May 2014
- Sustainability Statement (prepared by Hoare Lee) dated April 2014
- Waste Management Strategy (prepared by WSP) dated May 2014
- Statement of Community Involvement dated May 2014

<b>Applicant:</b>	Meridian Gate Holdings Limited
<b>Ownership:</b>	Various
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document 2013 as well as the London Plan (2011) and the National Planning Policy Framework all and other material considerations, and has found that:
- 2.2 The proposed uses are considered acceptable and in line with the Local Plan site allocation for Marsh Wall East. The proposed land uses help the borough achieve ambitious housing targets while providing active frontages at ground floor level. The proposal will result in the loss of office floorspace but much of the existing office floorspace is vacant and the proposed development will provide new office space suitable for small and medium enterprises.
- 2.3 In design terms the height, massing, siting and layout is considered to be an appropriate design response to accommodate a high density residential led scheme required if the Council is to meet its housing aspirations in the Local Plan site allocation for Marsh Wall East. Approximately 70% of the site is an open area which can be accessed by all and

improves local permeability. The provision of a large open area, coupled with the siting of the tower which acts as a 'book end' for Limeharbour, allows the proposed tall building space to 'breathe'. It also allows for neighbouring sites to come forward for redevelopment more easily, and due to its slender form mitigates an undue sense of enclosure. The provision of approx. 70% of the site to the public domain allows for the provision of publicly accessible gardens and children's playground. In terms of urban design, layout, building height, scale and bulk and detailed design of the development are considered acceptable to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

- 2.4 Local and strategic views reveal that the height of the tower is such that it reads as part of the Canary Wharf cluster and is in keeping with the emerging context of the South Quay area. Furthermore the elevational treatment and materials provide for an elegant tower which is considered to make a positive contribution to the skyline.
- 2.5 The development would provide a suitable mix of housing types and tenure including an acceptable provision of 30% (by habitable room) on-site affordable housing which meets the needs of the local population.
- 2.6 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment, and, on balance, does not have an adverse impact on neighbouring amenity. Any loss of light, overshadowing, loss of privacy or increased sense of enclosure is not considered to be unduly detrimental given the urban nature of the site.
- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site.
- 2.8 Transport matters, including parking, access and servicing are acceptable to ensure developments minimise parking and promote sustainable transport options. The scheme will be contributing to the delivery of a new pedestrian and cycle bridge across South Dock as well as towards local bus improvements.
- 2.9 Carbon reduction and sustainability measures are acceptable to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate planning contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, infrastructure and services required to facilitate the proposed development.

### **3. 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 following planning obligations:

#### 3.2 Financial Obligations

- a) A contribution of £116,361 towards enterprise & employment.
- b) A contribution of £412,928 towards leisure and community facilities.
- c) A contribution of £91,015 towards library facilities.
- d) A contribution of £916,441 towards educational facilities.

- e) A contribution of £497,870 towards health facilities.
- f) A contribution of £504,345 towards public open space.
- g) A contribution of £11,633 towards sustainable transport.
- h) A contribution of £89,554 towards streetscene and built environment, including highways improvements.
- i) A contribution of £111,660 towards reducing carbon emissions.
- j) A contribution of £228,593 towards improvements to local connectivity pursuant of an additional bridge crossing over South Dock.
- k) A contribution of £200,000 towards a local bus improvements
- l) A contribution of £63,607 towards S106 monitoring fee (2%)

**Total: £3,244,001**

### 3.3 Non-Financial Obligations

- a) 30% affordable housing as a minimum, by habitable room
  - 61% Affordable Rent at Borough Framework rent levels
  - 39% Intermediate Housing
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) Relocation strategy/process for existing business tenants
- e) On Street Parking Permit-free development
- f) Electric Vehicle Charging Points – 20% active and 20% passive provision
- g) Travel Plan
- h) Code of Construction Practice
- i) Public access maintained to the public square for the life of scheme
- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

## **CONDITIONS & INFORMATIVES**

### **3.6 Prior to Demolition Conditions:**

1. Construction Management Plan
2. Noise and Vibration details
3. DLR radio survey and mitigation
4. Existing TV, satellite, radio reception survey

### **3.7 Prior to Commencement of Works (other than demolition) Conditions**

5. Surface water drainage scheme
6. Impact studies of existing water supply
7. Contaminated Land – Investigation and Remediation
8. Piling
9. Accessibility Statement

### **3.8 Prior to works above ground level conditions:**

10. External materials
11. Noise and vibration details
12. Landscaping – including planting of biodiversity value
13. Micro-climate mitigation details
14. Crane heights /aircraft obstacle lighting
15. Details of external lighting

### **3.9 Prior to Occupation Conditions:**

16. Contaminated land – Verification report
17. Car parking management plan
18. Delivery and servicing plan
19. Code for sustainable homes
20. CCTV and lighting plan
21. Real time information displays
22. TV, satellite, radio reception survey and mitigation
23. Noise and vibration survey, and mitigation if where necessary – post construction

### **3.10 Compliance Conditions**

24. Permission valid for 3yrs
25. Development in accordance with approved plans
26. Energy Strategy
27. Electric vehicle charging points
28. Cycle parking
29. Parking bays
30. Lifetime homes
31. 10% Wheelchair housing
32. Hours of construction
33. Hours of construction for piling operation

### **3.11 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal**

### **3.12 **Informatives:****

- S106 planning obligation provided
- Advertisement consent required for signage

- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 agreement
- CIL
- National Grid apparatus

3.13 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.14 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

4.1 The 0.38ha site is located at 199-207 Marsh Wall, south of Canary Wharf. The site comprises five inter-connected office buildings (total 4140 sqm GIA) of up to five storeys with a small ancillary retail provision (approx. 75sqm). The site also contains 60 car parking spaces at the rear.

4.2 The site is bound to the north by Meridian Place (a 7 storey residential block), to the west by Thames Quay (a large office development, and University of Sunderland in London campus), and Angel House to the east (a 4 storey office building). The buildings on site and the surrounding buildings typically date from the late 1980's and early/ mid 1990s.

4.3 The site lies within Flood Zone 3; the River Thames is approximately 100m to the east, and South Dock 80 metres to the north. There are no listed buildings on the site and the nearest conservation area is Coldharbour Conservation Area, approximately 200 metres from the subject site.

4.4 The site has a Public Transport Accessibility Level of 4 which is 'good'. It is approximately 2-3 minutes walk to South Quay DLR station and 10-15 minutes walk to Canary Wharf. Five bus routes can be accessed within approximately 500 metres of the site (Routes 135, D3, D6, D7 and D8). It is likely that the PTAL level will improve over the next few years as Crossrail comes on line and public transport improves alongside the implementation of future development proposals, and improved pedestrian routes.

### **Proposal**

4.5 The application proposes the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising:

- 423 residential apartments (use class C3);
- circa 415sqm office (use class B1);
- 30 basement car parking spaces;
- the ground floor of the tower comprises an electricity sub-station, entrances for the affordable and private housing, basement access via a car lift and cycle lifts, and circa 43sqm retail/cafe (use class A1/A3)
- circa 703sqm of residents gym and associated health facilities;
- public realm improvements; and
- erection of a single storey enclosure providing secondary basement access.

4.6 30 car parking spaces are provided within the basement (3 of which are disabled spaces). These are located within the upper basement and are accessed through a car lift, the entrance to which is to be from the estate road to the north. Cycle spaces are also

provided within the upper basement along with a space for plant equipment. The lower basement houses the resident's spa.

- 4.7 At ground level the main tower covers the western portion of the site which is described as a simple 'pencil' shape. The remainder of the site comprises various public open space provision with access around the building as well as a small pavilion building at the northeast corner containing two car lifts, a small café/shop, entrance to the residents gym, and an electricity sub-station.
- 4.8 The proposed office provision caters for small and medium enterprises and is contained on the mezzanine floor. Above that is the residential accommodation, with affordable housing provided in the lower floors, and the private sector housing on the upper floors.

## 5 Relevant Planning History

Isle of Dogs Enterprise Zone Scheme, London Docklands Development Corporation (LDDC), dated 26 April 1982 (and subsequently amended 30 May 1984) pursuant of the Isle of Dogs Enterprise Zone Designation Order 1982.

Enterprise Zone Approval dated 29.11.84 (LDDC) – "Site 4 - mixed uses"

Conditional Permission dated 2.6.95 (LDDC) – Phase 3 (Meridian Place) redevelopment of a building comprising 112 residential units, two shop units, health club, bar and swimming pool with associated landscaping and car parking.

## 6. POLICY FRAMEWORK

- 6.1 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. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Refocusing on our town centres
	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: Cubitt Town Vision, Priorities and Principles

### Managing Development Document (2013)

Allocations:		Marsh Wall East
Proposals:		Flood risk area
		Activity Area
Policies:	DM2	Protecting Local Shops
	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
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

### **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

Draft South Quay Masterplan (Consultation Draft January 2015)

### **Spatial Development Strategy for Greater London (London Plan 2011 incorporating Further Alterations to the London Plan, 2014 (FALP))**

2.1	London
2.9	Inner London
2.10	Central Area Zone
2.13	Opportunity Areas
2.14	Areas for Regeneration
2.15	Town Centres
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
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
- 5.9 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
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

#### **London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2010
- Housing Supplementary Planning Guidance Nov 2012
- London View Management Framework 2012
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- Housing 2012
- London World Heritage Sites – Guidance on Settings 2012

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

- The National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance(NPPG)

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## **7. CONSULTATION RESPONSE**

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

### **LBTH Affordable Housing**

7.3 Broadly supportive of this application subject to the scheme viability being independently assessed to ensure that scheme achieves the maximum viable quantum of affordable housing.

7.4 The tenure split within the affordable is 61:39 in favour of rented. This is not in line with the Council's 70:30 target, however is broadly in line with the London Plan target of 60:40. All of the affordable units are dual aspect which is welcome.

7.5 Affordable Rents should be in line with the Borough Framework between the GLA and LBTH which for the E14 postcode, inclusive of service charges, are:

1 bed £224  
2 bed £253  
3 bed £276  
4 bed £292

7.6 Should viability allow it, the family sized units (3 bed plus) should come forward at Social Rent.

7.7 (OFFICER COMMENT: the viability of the scheme has been independently reviewed and the scheme cannot afford any additional affordable housing. Affordable rent units have been secured at Borough Framework rents)

### **LBTH Access Officer**

7.8 No objections. The applicant has addressed queries raised by the Access Officer.

### **LBTH Environmental Health**

#### Contaminated Land

7.3 LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

#### Noise

7.4 The development will be exposed to a high degree of noise from Marsh Wall traffic, London City Aircraft noise; as such the development will fall into a Significant Observed Adverse Effect level (SOAEL) as defined in the Noise Policy Statement for England (NPSE).

7.5 Environmental Health is of the opinion that suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels. Full details will be required of the acoustic noise insulation and ventilation.

7.6 (OFFICER COMMENT: Glazing would meet the BS8233 criteria and relevant conditions would be placed on any approval granted)

### **LBTH Communities Leisure and Culture**

7.7 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open Space
- Library/Idea stores

7.8 (OFFICER COMMENT: Full planning obligations have been agreed in response to these requests)

### **LBTH Employment and Enterprise**

7.9 Seek contributions towards the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development, and towards the training and development of unemployed residents.

7.10 Seek best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets, and 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. This development should provide 1 apprenticeship year to be delivered over the first 3 years of full occupation.

7.11 (OFFICER COMMENT: Full planning obligations have been agreed in response to these requests in line with the Planning Obligations SPD)

### **LBTH Energy Efficiency**

#### Energy

7.12 The proposals for Meridian Gate have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency measures and the use of a CHP (~152kWe) to reduce CO2 emissions by 38% (201 tonnes CO2) from a building regulation 2010 baseline. Shortfall to meet DM29 (i.e. 50% reduction from building regulation 2010 baseline) requirements = 62 tonnes/CO2 x £1,800 = £111,660 offset payment to meet current policy requirements.

7.13 Secure by condition, Code for Sustainable Homes Level 4 for the final certificates to be submitted within 3 months of occupation. Secure BREEAM pre-assessment to demonstrate that the scheme has sought to achieve an Excellent rating.

7.14 (OFFICER COMMENT: A financial contribution towards offsetting 62 tonnes of CO2 has been agreed to ensure the proposal meets the Managing Development DM29 policy. Relevant conditions would be placed on any approval granted as per the requests above)

### **LBTH Highways**

7.15 No Objections subject to non-financial planning contributions (s106), conditions and informatives relating to the following, which are to be submitted by the applicant and approved by the LPA and Highway Authority:

- Construction Management Plan;
- Service Management Plan;
- Parking Management Plan;
- full Travel Plan;
- All parking bays - accessible, standard and cycle to be kept and maintained for their agreed purpose for the life of the development;
- 'Permit Free' agreement, secured via the S106 agreement, restricting all future residents from applying for parking permits in the surrounding controlled parking zones; and

- S278 Agreement with the Highway Authority to deal with the necessary works/agreed highway improvements to the public highway as a result of the development.

7.16 (OFFICER COMMENT: The conditions/informatives requested above are all included with the recommendation and the non-financial contributions have been agreed).

### **LBTH Biodiversity**

7.17 The application site is of no significant biodiversity value, and the existing buildings are not suitable for roosting bats. Ecology was correctly scoped out of the EIA, and there will be no significant adverse impacts on biodiversity. The detail of the landscaping will be dealt with by condition. The condition should state that the landscaping is expected to include features and plants of value to biodiversity.

7.18 (OFFICER COMMENT: A landscaping condition would be attached to any permission granted and will include reference to biodiversity features)

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

7.19 Meridian Place, to the north of the site, does not have a very interactive relationship with the dockside, and its high wall and raised landscaping serves as a barrier to the docks, with public access through the site discouraged. CRT would like to see future developments, including Meridian Place, help reconnect Marsh Wall to the docks, with legible pedestrian links through to help animate the dockside and provide better amenity for existing and future residents and visitors. We would like this to include high quality open space, and dockside landscaping, to draw people to the waterside. Financial contributions could be sought for dockside walkway uplift.

7.20 (OFFICER COMMENT: The proposals provide improved access to the dockside from Marsh Wall. The large area of publicly accessible greenspace provides a physical and visual connection to the dock. Given the in-kind improvements proposed a financial contribution has not been sought)

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

7.21 EH have no significant concerns with this proposal, however the proposal should be considered in the wider context of the Council's emerging South Quay SPD. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Environment Agency**

7.22 The Environment Agency has no objections, subject to the imposition of the following conditions:

7.23 No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved

7.24 (Officer response: The requested condition would be attached to any permission granted as detailed above in section 3 of this report)

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

7.25 The GLA have provided a stage I response. Their summary of the scheme is as follows:

- 7.26 A number of design matters were raised in the Stage 1 report, summarised as follows:
- Density and scale of development in relation to the physical and social infrastructure requirements;
  - The appearance of the building in the strategic views;
  - The Pavilion Building and open space and child playspace provision;
  - The western elevation and the route between Meridian Gate and Thames Quay; and
  - Unit sizes and the quality of the residential accommodation.

- 7.27 Contributions should be secured towards a new pedestrian/ cycle connection in South Dock.
- (OFFICER COMMENT: Revised comments from the Mayor of London are anticipated to be received prior to Committee and will be reported by way of Update Report. The applicant, borough, and GLA have been working to resolve these issues during the course of this application).

### **London City Airport**

- 7.28 No objections. London City Airport issued a holding objection while further aerodrome safeguarding analysis was undertaken. This objection was subsequently withdrawn.

### **National Air Traffic Services Ltd (NATS)**

- 7.29 No safeguarding objections.

### **Natural England**

- 7.30 No objections

### **Transport for London (TfL)**

#### **Car parking**

- 7.31 The car parking level is acceptable at 0.07 spaces per dwelling. 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and should be conditioned.

#### **Cycle parking**

The level of residential cycle parking is acceptable. Contributions should be sought for pooled contributions towards improved cycle hire facilities

#### **Walking**

The open space provides improved walking and cycling permeability. Contributions should be secured towards a new pedestrian/ cycle bridge across South Dock £15,000 should be sought for new legible London signage.

- 7.34 (OFFICER COMMENT: £228k has been secured towards an new pedestrian/ cycle bridge. Scheme viability is such that the other financial requests cannot be met.)

#### **Bus contributions**

Due to cumulative development in South Quay area a £200,000 contribution towards improving bus capacity is requested.

- 7.36 (OFFICER COMMENT: This financial contribution has been secured)

#### **DLR**

Future residents should be protected from noise and vibration from DLR. Require a radio survey to be carried out and mitigation agreed with DLR prior to construction

7.38 (OFFICER COMMENT: A condition would be attached to any permission granted with relation to a noise and vibration and radio survey)

7.39 Travel plan, servicing and construction.  
It is expected that the Travel Plan is secured within the s106 agreement with the Delivery and Servicing Plan and Construction Logistics Plan secured by condition.

7.40 Crossrail/CIL  
Contributions are applicable.

7.41 (OFFICER COMMENT: There is a reduction in office space resulting from this application therefore the additional Crossrail levy under the Mayor of London's SPG does not apply. CIL is still payable at £35 per square metre of additional floorspace)

#### **British Broadcasting Corporation (BBC)**

7.42 No comments received.

#### **London Borough of Greenwich**

7.43 No objection.

#### **Metropolitan Police**

7.44 No objection subject to a condition requiring submission of details of measures to reduce crime in line with Secured by Design principles.

7.45 A meeting was held in March 2014 with the applicant and the Police in connection with the proposals and achieving Secured by Design standards.

7.46 (OFFICER COMMENT: The applicant has agreed to this, which can be secured by condition)

#### **National Grid**

7.47 The National Grid apparatus that has been identified as being in the vicinity of the proposed works is Low or Medium pressure (below 2 bar) gas pipes and associated equipment.

7.48 (OFFICER COMMENT: An informative would be added to this effect if planning permission is granted)

#### **Thames Water**

7.50 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be imposed requesting an impact study of the existing water supply infrastructure which would determine the magnitude of any new additional capacity required and a suitable connection point.

7.51 A piling method statement is also requested via condition to ensure there is no damage to subsurface water infrastructure.

7.52 (OFFICER COMMENT: The requested conditions would be attached to any permission granted as well as an informative relating to the drainage strategy)

- 7.53 **Alpha Grove Community Centre**  
No comments received
- 7.54 **Barkantine Estate Leaseholders Association**  
No comments received
- 7.55 **Association of Island Communities**  
No comments received
- 7.56 **Barkantine Management Team**  
No comments received
- 7.57 **Barkantine Tower Blocks Residents Steering Group**  
No comments received
- 7.58 **Barkantine Tenants and Residents Association.**  
No comments received
- 7.59 **St. Johns T.A.**  
No comments received
- 7.60 **Canary Wharf Group Plc**  
No comments received
- 7.61 **Docklands Light Railway**  
No comments received
- 7.62 **Transco plc**  
No comments received
- 7.63 **The Greenwich Society**  
No comments received.
- 7.64 **South Quay Residents Association**  
No comments received
- 7.65 **Historic Royal Palaces**  
No comments received
- 7.66 **Isle of Dogs Community Foundation**  
No comments received

## 8. LOCAL REPRESENTATION

8.1 A total of 1,043 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. This was done twice, in June 2014 and October 2014, following a number of scheme amendments.

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

No of individual responses: 25      Objecting: 24      Supporting: 0      Neither: 1  
No of petitions received:      None

8.3 The objections raised can be summarised as follows:

8.4 Loss of daylight and sunlight to Meridian Place.

8.5 (OFFICER COMMENT: The daylight and sunlight report has been assessed by an independent consultant who has found that four bedrooms suffer a reduction in NSL and VSC, and will experience a noticeable change to the existing levels of daylight, and one room that will perceive very low levels of sunlight. Some rooms in Meridian Place will experience improvements to the level of daylight/ sunlight received. Further details of this can be found within the 'Amenity' section of the report)

8.6 Decrease property values in Meridian Place.

8.7 (OFFICER COMMENT: Effect on property and land values is not a material planning consideration)

8.8 The building is too tall and out of context with the surrounding area.

8.9 (OFFICER COMMENT: A thorough consideration of the height of the building within the context of the surrounding developments is provided within 'Design' section of this report. It is considered that the scale of the building is acceptable and would form part of the Canary Wharf tall building cluster, and reflects the emerging context for the area. It would be in keeping with the height of other recently consented developments at Wood Wharf, and Dollar Bay)

8.10 Design approach should be masterplan led.

8.11 (OFFICER COMMENT: The South Quay Masterplan Supplementary Planning Document is currently being prepared by the Council. The first draft was published on 5<sup>th</sup> January and the borough Urban Designer, and Council's Plan Making team do not consider that the proposed development prejudices the delivery of the emerging masterplan objectives. The applicant has met with the Council's Plan Making team during the pre-application and post submission stage to ensure the proposal is in line with the aspirations of the emerging Masterplan).

8.12 Adverse visual impact of the proposed tower, overbearing design, and abstract height justification.

8.13 (OFFICER COMMENT: The design is considered to be acceptable, as it is in keeping with the architectural language of the emerging context of the surrounding area and the Canary Wharf tall building cluster. Further consideration is given to the design within the 'Design' section of this report.)



- 8.14 Need to ensure landscaping high quality
- 8.15 (OFFICER COMMENT: The ground floor plan shows the extent of the landscaping and details of the landscaping will be conditioned to ensure the materials used are subject to further approval to ensure it is high quality)
- 8.16 Separate entrances for affordable housing should be removed
- 8.17 (OFFICER COMMENT: Sharing entrances would likely result in higher service charges for affordable residents which they may not be able to afford. Registered Providers typically prefer separate entrances as this is easy to manage. Officers have sought to ensure that the affordable entrance is high quality, and the development is 'tenure blind' in this respect)
- 8.18 Concerns over the noise, dust, dirt, congestion, air quality and disruption during the construction period.
- 8.19 (OFFICER COMMENT:A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period)
- 8.20 Access (including emergency vehicles) problems likely during construction
- (OFFICER COMMENT: A condition would be placed on any approval requiring a construction management plan to be developed and submitted to the council prior to the commencement of works which would seek to minimise the disruption during the construction period)
- 8.21 Additional new homes is not needed in this area
- 8.22 (OFFICER COMMENT:There is a strategic need for new homes in London. The adopted local plan site allocation for Marsh Wall East seeks the delivery of approx. 3,000 new homes in this area)
- 8.23 The proposed development will increase pressure on local infrastructure which cannot support the amount of new homes coming forward in the area.
- 8.24 (OFFICER COMMENT: The development is providing a s106 package which is in full accordance with the planning obligations SPD. This will go towards improving the infrastructure in the area including additional buses, improved public realm, funding for schools and health centres and improvements to leisure facilities and libraries /idea stores. This is considered sufficient to mitigate the impacts of the development)
- 8.25 The development would lead to a loss of privacy to the occupants of Meridian Place.
- 8.26 (OFFICER COMMENT: Policy seeks a minimum separation distance of 18 metres between directly facing habitable room windows, in order to ensure that development does not result in poor levels of privacy for both existing and new residential occupants. There is over 19 metres between the proposed development and Meridian Place, and accordingly it is not considered the proposal would result in an unduly detrimental loss of amenity for residents of Meridian Place).
- 8.27 Due to the new population and views towards Meridian Place, gardens will attract non-residents which compromises existing levels of privacy, security, and peaceful character.
- 8.28 (OFFICER COMMENT: There is an existing route allowing public access through

Meridian Place into these gardens although few people appear to use it currently. The site allocation in the adopted local plan seeks to improve connections to the dock from Marsh Wall, and the proposed development accords with these objectives)

- 8.29 The development would cause increased traffic congestion.
- 8.30 (OFFICER COMMENT: There is a reduction in car parking from 60 spaces to 30 spaces which is a relatively small amount of parking proposed, the remainder of the development would be car free. As such it is not considered that there would be a significant amount of congestion caused by the development. A specific lay-by for the development has been proposed on the private road between Meridian Gate and Meridian Place and the subject site which would enable off-street servicing which would further reduce congestion on the surrounding streets. The Council's highways team and Transport for London have not objected to the scheme)
- 8.31 The development would significantly reduce views from the flats within Meridian Place.
- 8.32 (OFFICER COMMENT: Private views are not protected, and therefore are not a material planning consideration. Nevertheless, a large proportion of units will have an improved outlook due to the development, as approximately 70% of the site will be given over to open space)
- 8.33 Adverse impact on TV, internet, satellite and radio reception affecting Meridian Place.
- 8.34 (OFFICER COMMENT: Conditions will be added requiring a detailed assessment pre and post construction survey of to mitigate any impacts on TV, satellite and radio reception)
- 8.35 Increased noise and disturbance – loss of noise barrier between Marsh Wall and Meridian Place (i.e. the existing building) and concerns about noise from cooling systems.
- 8.36 (OFFICER COMMENT: Conditions are proposed requiring the development to achieve noise levels below acceptable levels so as not to cause disturbance. Prior to occupation testing could be conditioned to ensure Meridian Place residents are not affected by noise levels above BS 4142 and the planning requirements when measured 1m from a sensitive façade, and where acceptable levels are exceeded mitigation will be required)
- 8.37 Proposals will reduce security locally
- 8.38 (OFFICER COMMENT: The Metropolitan Police have met with the applicant, and conditions are proposed requiring the development to achieve Secured by Design Accreditation, as well as a management and CCTV strategy covering the areas open to the public)
- 8.39 Solar glare could be dangerous to drivers travelling along Limeharbour.
- 8.40 (OFFICER COMMENT: A solar glare assessment was submitted with the application, and the methodology found to be sound. The instances of solar glare have been assessed for those travelling on the local highway and rail (DLR) network around the Site. Mitigation has already been incorporated into the design of the Development by way of fins that break up the façade)
- 8.41 Seek commitment to work with leaseholders in Meridian Place to overcome potential issues/disturbance during construction.
- 8.42 (OFFICER COMMENT: Conditions are proposed requiring the submission of a Construction Management Plan. If requested by Members, a requirement could be placed on the developer/ local planning authority to consult residents of Meridian Place regarding

its content, and/ or make available to residents the contact details of the site manager. The applicant met with the Meridian Place Management group during the application setting out the consultation that will be undertaken).

8.43 There is inadequate parking for the scale of the development.

8.44 (OFFICER COMMENT: Council policy seeks to reduce parking provision in areas of high Public Transport Accessibility in order to reduce congestion and improve air quality. This site has a PTAL of 4 which is 'good' and as such is suitable for a low car/car free development)

## 9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Land Use
- Design
- Density
- Housing
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability
- Environmental Considerations
- Health Considerations
- Planning Obligations/ CIL
- Localism Finance Considerations
- Human Rights Considerations
- Equalities Considerations

### Land Use

9.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.

9.3 The site lies within the Isle of Dogs Opportunity Area as defined in London Plan Policy 2.13 which states that the Opportunity Area is capable of accommodating at least 10,000 homes up to 2031, with "scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors". Local Plan Site Allocation 20 identifies Marsh Wall East as an area suitable for comprehensive high-density mixed use development with the capacity for significant housing delivery in excess of 3,000 new homes.

9.4 The current commercial floorspace totals 4,140sq.m GIA of which approximately half (circa 2,010sq.m) is vacant. A retail unit is located at ground floor level at Cairngorm and represents 75sq.m of the above occupied floorspace.

### *Loss of Office floorspace*

9.5 The proposal will result in the loss of 3,715sq.m of office space which is considered acceptable given that the Marsh Wall East site allocation seeks a mix of uses, and there is evidence that existing office floorspace is unviable. Furthermore the site does not lie within an LBTH designated Preferred Office Location or Local Office Location, which seek to promote and protect office floorspace.

9.6 The net loss of existing office floor space has been considered within the submitted Environmental Statement, which draws upon a survey by DE&J Levy (chartered surveyors and property consultants). This assessment found that based on existing occupation and capacity, and a marketing campaign, the level of demand for the existing commercial space is low. The continued provision of the existing amount and type of office floor space is therefore considered to be unsustainable. Re-provision of the existing amount of office accommodation will worsen the overall viability of the proposal which will impact on the amount of affordable housing provided. To protect existing jobs on site it is proposed to secure a relocation strategy/process for existing business tenants as part of s106 agreement.

*SME office units*

9.7 Three office units measuring 425sqm in total are proposed within the mezzanine floor of the tower, served by its own entrance located at the north-west corner of the development site. These units provide accommodation for small and medium enterprises (SME) which meet an aspiration of the Marsh Wall East site allocation. SME's are important in this location to support the function of Canary Wharf as a global financial centre. The provision of these units is considered to meet local need better than the existing office accommodation.

9.8 In light of the above, the site allocation and the strategic benefit of the proposed housing, the loss of office floorspace in this location within Cubitt Town is considered consistent with London Plan Policy 4.2 and the Local Plan.

*Residential use*

9.9 London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in London, and Table 3.1 of the Further Alterations to the draft London Plan (FALP) sets an even more ambitious target for the Borough of delivering approximately 4,000 new homes per year.

9.10 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Council's Core Strategy 2010 identifies Cubitt Town as an area where residential growth will be supported, set around a thriving mixed use town centre at Crossharbour. The proposal for a residential led development would contribute toward the Borough and London's housing need, and is therefore supported in strategic land use planning terms, according with Policy 3.3 London Plan, Local Plan SP02 and site allocation 20.

9.11 It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'pressing need' (i.e. at least an annual average of 42,000 net additional homes across London (policy 3.3 of the London Plan)).

9.12 The proposed development is a high density residential led-scheme, it would provide a large number of market housing and a proportion of affordable rent (including Borough Framework rent levels) and shared ownership accommodation. The quantum of residential development along with the affordable housing offer is discussed in detail in the housing section of this report. However, in terms of general principles, it is considered that this is a suitable location for a high density residential development, given the good levels of public transport accessibility (including the anticipated Crossrail station), the existence of surrounding constructed, consented and proposed high-rise developments, and the Marsh Wall East Local Plan designation.

### *Retail/cafe unit*

- 9.13 A unit measuring 43sqm is located at ground floor of the tower fronting Marsh Wall, which is proposed as either a retail (A1) or café (A3). It is considered that a flexible use is acceptable in this location as it would add activity to the ground floor frontage and potentially provide a useful ancillary function for the residents of the block. The inclusion of this assists with the provision of a mixed use development which is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.
- 9.14 The site is within the Tower Hamlets Activity Area which also supports a mix of uses, where developments should have active ground floors with residential or office spaces on the upper floors.

### Summary of land-use considerations

- 9.15 The proposed uses are considered acceptable and in line with the Local Plan site allocation for Marsh Wall East. The proposed land uses help the borough achieve ambitious housing targets while providing active frontages at ground floor level. The proposal will result in the loss of office floorspace but much of the existing office floorspace is vacant and the proposed development will provide new office space suitable for small and medium enterprises. The proposed mix of uses is considered to be in accordance with the Marsh Wall East site allocation.

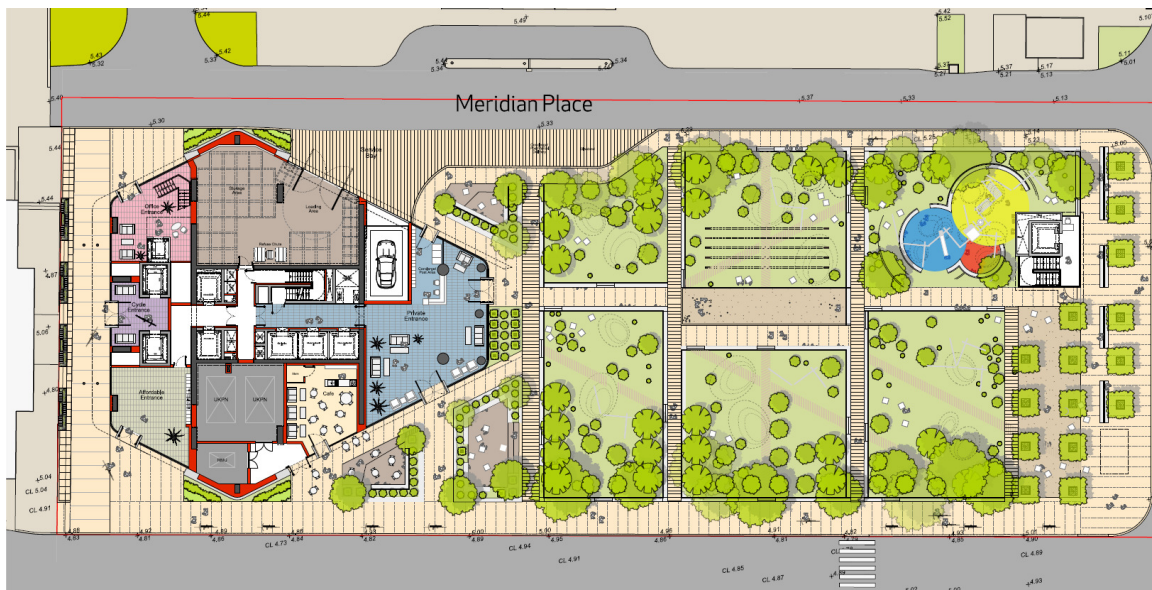
### **Design**

- 9.14 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.15 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).
- 9.16 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.
- 9.17 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.
- 9.18 Specific guidance is given in the London Plan and Local Plan in relation to tall buildings. The criteria set out by both documents can be summarised as follows:
- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
  - Within the Tower Hamlets Activity Area developments are required to demonstrate how they respond to the difference in scale of buildings between the Canary Wharf centre and the surrounding residential areas.
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas.
  - Should incorporate the highest standards of design and architectural quality, making 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.

- Should not adversely impact upon heritage assets or strategic and local views.
- Present a human scale at street level and enhance permeability of the site where possible.
- Provide high quality private and communal amenity spaces for residents.
- Provide public access to the upper floors where possible.
- Not adversely affect biodiversity or microclimate.

9.19 The development is sited at the eastern end of the south dock. As well as the tower at the western end of the site there is a ground floor level single storey structure which encloses a lift and stair access to the resident's gym. Other ground floor level uses include a café/ retail unit fronting Marsh Wall, and a large publicly accessible landscaped green space which includes child play and extends over 70% of the total site area, as shown below:



sense of enclosure.

- 9.22 The proposed development represents a considerable increase in height compared to the existing building and its immediate neighbours, however the proposed scale and mass can be considered in a rapidly changing local context such that there is an emerging tall building cluster south and east of Canary Wharf which steps down from the peak at One Canada Square. The diagrams below show the height of buildings around the site, some of which are consented and others are already part of the Canary Wharf tall building cluster.



- 9.23 This development is relatively consistent in terms of height of buildings within the Canary Wharf cluster, which now can be considered to extend south within the Canary Wharf Activity Area. In this specific case it is however considered that the scale and massing of the proposal can be considered appropriate particularly as the tower sits within a large area of new public open space to the east which provides 'breathing space' for the tower, and allows for neighbouring sites to come forward for redevelopment reducing the potential for significant cumulative effects. Over 70% of the site is given over to high quality open space which will serve both the development and the surrounding uses. The open space provision is integral to the wider aspirations of the South Quay Masterplan area in terms of local permeability, townscape, and providing a neighbourly form of developments which allows surrounding sites to realise their development potential, and reduces the likelihood of negative impacts arising from cumulative development in the local area.



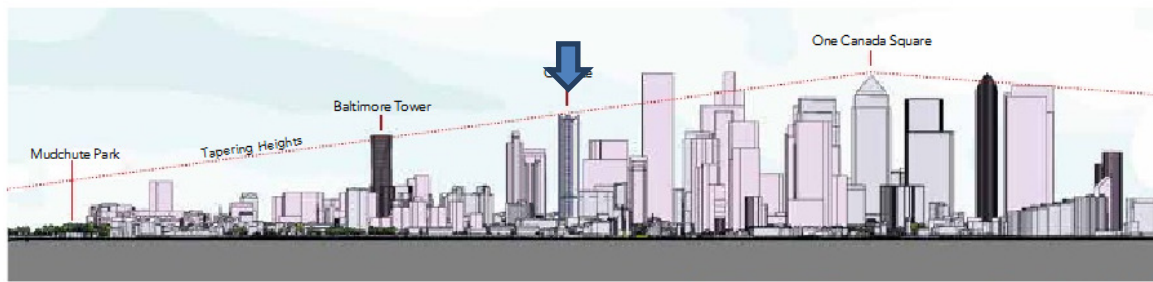


9.23 Whilst the proposed building is significantly taller than the adjacent surrounding buildings, it would be consistent with the heights of other recently completed or consented developments such as Wood Wharf, Dollar Bay, Baltimore Wharf, 7 Limeharbour, and Crossharbour (Asda). The proposed density is also consistent with the aspiration for the Marsh Wall East site allocation to deliver 3000 new homes and the proposed form allows for a significant new area of open green space to be provided for the benefit of the local community. Furthermore, in design terms, within the tower an amenity floor provides articulation to the development when viewed at a distance, by providing a visual break in the elevational treatment and due to the slender form of the tower (the footprint of the tower is 760sqm) it is considered to relate well in form, proportion, composition and scale to the emerging character of the area south of Canary Wharf. The development, particularly when considered in the emerging context of the South Quay area which is undergoing rapid change, can be a positive addition to London's skyline, without causing detriment to local or strategic views including from Greenwich (Wolfe Memorial) World Heritage Site (LVMF view 5A.1) as shown below.



9.24 Development within the Marsh Wall East site allocation and Canary Wharf Activity Area is expected to provide a transition between the larger scale buildings within the Canary Wharf Cluster and the lower scale residential developments to the south. The diagram below helps to show how the proposed development achieves a transition in building heights from 1 Canada Square towards the south of the Isle of Dogs.





9.25 The building would step down in height from the Wood Wharf development but would be taller than both Dollar Bay and Baltimore Wharf. Given the position of the site at the end of Limeharbour, and its relatively northerly position on the Isle of Dogs compared to other sites within the activity area (for example further south along Limeharbour or further south of Marsh Wall where the more suburban residential character is much more immediate) it is considered to be an appropriate form of development which would not compromise the general aims of the activity area policy to provide a transitional form of development.

9.26 The detailed design of the scheme is such that the building's simple irregular hexagonal form is articulated with external 'fins' which provide texture to the elevations and shading from solar gain.

9.27 The building is essentially an extruded form comprised of stacked residential flats. This approach will change at three separate points when viewed from local vantage points, (such as Millwall Park, and along Marsh Wall or Limeharbour), the crown, mid-level 'break' and ground level.

*The Crown (Top of the building)*

9.28 Stepping back the facade of the building to the east and west elevation would provide for large terraces for the units on the upper floors. This approach would result in a chamfered roof with angles which could then be reflected in the ground and mid-level transitions.

*Mid-level 'break'*

9.29 A 'cut' in the building, and set back of the facade, one third of the way up the elevation, would reflect a transitional zone between uses, where the tenures change and the lift cores switch from servicing one set of levels to another. At this level are residents' amenity spaces and facilities such as an entertainment space, gym and games room.

*Ground level*

9.30 At the base the articulation of the form changes for the building entrances and the change between levels and uses is designed to be expressed at a human scale. The angled facade allows the building to touch the ground more delicately than many other buildings of this type.

9.31 The materiality of the outer skin is composed of a complementing palette of transparency and gloss, which is intended to bring a sense of lightness to the overall structure. The addition of the fins is intended to address two different visual levels. From a distance it unifies the façade creating a continuous elegant facade, but when viewed from close up the 'grain' breaks the elevation down to a human scale. This application of the 'moire' effect (i.e. the facade is visually expressed through the use of light and shadow to produce a sense of movement) is designed so the façade appears more articulated through the juxtaposition of light and shadow.

*Strategic views*

9.32 The development lies within a number of strategic views, which were tested within the

submitted Townscape, Heritage and Visual Assessment (THVA) (Environmental Statement) to establish whether the development accords with London Plan Policy 7.12.

- 9.33 In assessing these views the THVA demonstrates that the proposals would be concealed by existing buildings and, therefore, has no effect on the following LVMF views: 1A.1 (Alexandra Palace), 11B.2 (London Bridge) and 15B.1 (Waterloo Bridge).
- 9.34 The development is considered to have an insignificant effect on the following LVMF views: 2A.1.(Parliament Hill); 4A.1 (Primrose Hill); 6A.1 (Blackheath); and 12B.1 (Southwark Bridge).
- 9.35 The development is thought to have a minor effect on LVMF view 11B.1 (London Bridge). The development would be visible just left of Pan Peninsula and beyond the stepped mass of the Guoman Hotel on St Katharine's Dock. It would have a more slender silhouette than the tops of the commercial towers at the heart of Canary Wharf and would form a separate group with the residential Pan Peninsula towers, whilst visibly being of the same high rise skyline character emerging across the north of the Isle of Dogs. Together with the existing towers on the Isle of Dogs, the development can be considered to make, at worst, a neutral contribution to the distant urban setting of the Tower of London and Tower Bridge.
- 9.36 The development would not be visible within any of the Protected Vistas or Wider Setting Consultation Areas of any LVMF views.
- 9.37 Assessment point 5A.1 of the London View Management Framework is most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The management framework suggests that this view would benefit from *“further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs however any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.”*
- 9.38 The townscape assessments shows that the proposed development would be visible in the setting of the Greenwich WHS but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. Neither the GLA, the Royal London Borough of Greenwich nor the Councils Design and conservation raise any objections in this respect.
- Heritage & Conservation*
- 9.39 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 9.40 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the London World Heritage Sites – Guidance on Settings SPG, 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.
- 9.41 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.
- 9.42 It is considered that the proposed development safeguards local and strategic views, and for the reasons set out above, it would not have a negative impact on the setting of the Greenwich Naval College (World Heritage Site). It is considered that whilst the

proposal is visible from the nearest conservation area (Coldharbour), it is sufficiently distant, as to not cause harm to this designated heritage asset.

#### *Microclimate & Biodiversity*

9.43 The biodiversity value of the site is very low currently therefore the proposals are not anticipated to affect biodiversity locally including South Dock.

9.44 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.

9.45 The submitted Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.

9.46 The proposed development has been found to be suitable for the intended uses at locations across the site. These locations include entrances to the residential tower and gym entrance enclosure, pedestrian thoroughfares/routes within the development, the proposed public square, proposed ground level sitting, seating and play areas, drop-off locations, balconies and terraces of the residential tower and pedestrian thoroughfares/routes adjacent to the Site. The Environmental Statement demonstrates that wind conditions would not significantly affect pedestrian comfort or safety either within the proposed development or within the public realm surrounding the Site, following completion of the proposed development including appropriate mitigation comprising the implementation of hard and soft landscaping, together with potentially recessing the north-easterly most entrance door to the residential Tower, and the implementation of a 1.6m balustrade to the west facing Level 16 terrace of the residential tower, and the implementation of solid screen partitioning on the Level 16 terrace of the residential tower.

#### *Secured by design.*

9.47 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. The Metropolitan Police has reviewed the proposal and are happy for the development to proceed as long as conditions state it shall incorporate measures to minimise the risk of crime. Subject to Member agreement the development will be required to achieve Secure by Design accreditation.

#### Summary of design considerations

9.48 In design terms the proposed development is considered to be appropriate. Approximately 70% of the site is an area of open space which can be accessed by all and improves local permeability. The provision of a large open area, coupled with the siting of the tower which acts as a 'book end' for Limeharbour give the proposed tall building space to 'breathe' and due to its slender form helps mitigate a sense of enclosure.

9.49 Local and strategic views reveal that the height of the tower is such that it reads as part of the Canary Wharf cluster and is in keeping with the emerging context of the South Quay area. Furthermore the elevational treatment and materials provide for an elegant tower which makes a positive contribution to the skyline.

9.50 The height, massing, siting and layout is considered to be an appropriate design

response to accommodate a high density residential led scheme required if the Council is to meet its housing aspirations in the Local Plan site allocation for Marsh Wall East.

## Density

- 9.51 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to meet and exceed housing targets, and for new developments to offer a range of housing choice, in terms of the mix of housing size and type, and to provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period.
- 9.52 The site has a “good” public transport accessibility level (PTAL 4). For central locations with a PTAL of 4, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek a density of between 650 and 1100 habitable rooms per hectare.
- 9.53 The density of the development is 2,850 habitable rooms per hectare which is above the indicative range set out by London Plan Policy 3.4. It is acknowledged that this figure is significantly in excess of the London Plan density ranges. However, the intent of the London Plan and Council's MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity. In assessing whether the density is appropriate for the site, consideration should be given to the quality of residential accommodation.
- 9.54 The scheme incorporates an area of public open space and internal amenity space levels, as well as planning obligations towards a new pedestrian and cycle bridge across South Dock, public realm and connectivity to improve sustainable travel options.
- 9.55 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a relevant advice in the SPG which reads as follows:
- “...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions”.*
- 9.54 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors.
- 9.55 As previously stated, the slender form of the tower is an expression of its residential use and it is articulated through key design interventions and thus it represents a high quality design that it is required to justify the high density of the scheme. There is also significant pressure placed on the Isle of Dogs Opportunity Area, by both the London Plan at a strategic level, and the Core Strategy at a local level to provide housing where a limited number sites are available. In this instance, the relatively small site area will undoubtedly produce high density levels, however this has to be weighed up against the pressure to provide housing. Officers consider that this development offers a significant contribution to housing need and that 70% of the site is dedicated to public realm, together with the high quality design and acceptable amenity impacts, the proposed density is considered to be justifiable, and appropriate in this location.

- 9.56 The SPG outlines the different aspects of density which should be rigorously tested, these include the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “place shaping”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development.
- 9.57 Developments should be considered on their own merits and the acceptability of residential densities need to take account of a wide variety of factors. Officers continually monitor and review planning permissions to determine and manage the housing growth agenda and also use this monitoring information to inform the Council’s Planning for Population Change and Growth Model, which underpins the on-going Infrastructure Delivery Plan, and identifies infrastructure requirements to support the level of housing growth envisaged by the London Plan and the Core Strategy.
- 9.58 It is significant from a density of development point of view that the site is located within an Opportunity Area, as defined by the London Plan and the Canary Wharf Activity Area. The Core Strategy recognises the importance of this area in terms of the growth agenda and as highlighted above, the Core Strategy (Appendix 2) advises that 12,980 new homes are expected to be delivered up to 2025 within the Cubitt Town, Canary Wharf and Millwall “places”. This is clearly the context for the scheme and the desire to create new sustainable “places” such as that proposed for the Meridian Gate site.

#### Summary of density considerations

- 9.59 To conclude, density figures only serve as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment, and promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above. This is further supported by the site’s designation within the Tower Hamlets Activity Area, which encourages high density development in central locations.
- 9.60 It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

#### **Housing**

- 9.61 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.
- 9.62 The issue of affordable housing and off-site provision is similarly dealt with in the Council’s policies. Policy SP02 of the Core Strategy 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).

### *Quantum of affordable housing*

9.63

The policy requires a minimum of 35% affordable housing to be provided on-site. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasize that development should not be constrained by planning obligations.

9.64

Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

9.65

A viability toolkit has been submitted with the scheme and this has been independently reviewed by Deloitte on behalf of the Council. The review of the toolkit concluded that the proposed affordable housing provision is reasonable.

9.66

The applicant is offering 30% affordable housing, with a 61:39 tenure split (in favour of affordable rent) on the basis that viability may improve prior to the units being sold. This level of affordable housing is offered at a risk to the developer. The affordable rent units are provided at rent levels in accordance with the Borough Framework rent levels which are generally considered to be affordable to Tower Hamlets residents.

9.67

The applicant has confirmed that the proposed rents would be significantly less than the national policy position of up to 80% of market rents and would not exceed Tower Hamlets preferred Borough Framework rents for the E14 post code (including service charges) as set out below (inclusive of service charges):

1bed	£224 (p/wk)
2bed	£253 (p/wk)
3bed	£276 (p/wk)

9.68

Whilst the 61:39 tenure split is not in line with the Council’s 70:30 target, it is broadly in line with the London Plan target of 60:40. To increase the rented tenure would reduce the overall proportion of affordable housing, and the Council’s affordable housing section are comfortable with the current split. The affordable housing offer of 30% is made in conjunction with a full package of planning obligations in accordance with the Council’s SPD. Further details of the s106 package are found at section 3.

### *Housing Mix*

9.69

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 rented homes to be for families.

9.70

Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council’s most up to date Strategic Housing Market Assessment (2009).

9.71

In order to assess the acceptability of the proposed mix against the Council’s preferred mix, Table 1 below describes the proposed overall mix of the proposed development in the context of the Borough’s preferred dwelling mix:

**Table 1 – Housing Mix**

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	35	0	0%	0%	0	0%	0%	35	11%	0%
1 bed	160	8	14%	30%	16	35%	25%	136	42.5%	50.0%
2 bed	184	22	38%	25%	26	56%	50%	136	42.5%	30.0%
3 bed	44	28	48%	30%	4	9%	25%	12	4%	20%
4 bed	0	0	0%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>423</b>	<b>58</b>	<b>100%</b>	<b>100%</b>	<b>46</b>	<b>100%</b>	<b>100%</b>	<b>319</b>	<b>100%</b>	<b>100%</b>

9.72

Across the development 10.4% of the total units would be family sized. This is below the 30% policy target, however within the affordable rented tenure 48% of the units would be family sized properties. All of the family sized affordable rent units are to be provided at affordable Borough Framework rent levels. This meets a priority need within the Borough and is welcomed. Whilst there is a relatively low proportion of family sized units and higher proportion of smaller units across all of the tenures, the level of family housing within the affordable rented tenure is considered to be a significant benefit to the scheme, outweighing the shortfall of family housing across the scheme.

9.73

In terms of the intermediate provision, the development provides a higher than policy compliant provision of 1 bed units (35% as opposed to 25%) and a below policy requirement provision of family sized units (9% as opposed to 25%), meaning a shortfall in larger intermediate units. Given the site constraints this is considered to be acceptable on balance.

9.74

Overall it is considered that the development provides an acceptable level of family accommodation within the affordable rented tenure at Borough Framework rents which is a significant benefit of the scheme. As a result of the constrained nature of the site, and the drive to increase the viability of the proposal in order to maintain higher levels of affordable housing, the provision of smaller units within the private sale tenure is higher than the policy suggests, it is considered that on balance the housing mix is acceptable.

9.75

In conclusion the development would provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the Managing Development Document which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Quality of accommodation provided

*Internal space standards /layout*

9.76

Each of the units meets the London Plans space standards and the proposal is therefore acceptable in this respect. The studio units are 39sqm (minimum requirement is 37sqm), one bedroom units are between 50sqm and 69sqm (minimum requirement 50), the two bedroom flats are between 74sqm and 77sqm (minimum requirement 61) and in most

instances can be considered to be dual aspect. The only single aspect units are the private tenure studio flats which are west facing. All the affordable units are dual aspect. The three bedroom units are around between 94sqm and 108sqm (minimum requirement 74) and are dual aspect.

9.77 The residential accommodation has been designed to meet the following standards

- All units achieve Lifetime Homes Standards;
- All units achieve or exceed minimum space standards;
- All units (other than market studio units) are dual aspect;
- All units have a minimum floor to ceiling height of 2.6m with levels 1-9 (social/affordable rent units) achieving a minimum of 2.7m;
- Private amenity space standards are achieved or exceeded for all units;
- 95.5% of rooms meet or exceed the level for the daylight and sunlight BRE guidelines;
- The provision of a dedicated residents' (private only) communal amenity floor with kitchen, gym, games room and external viewing galleries; and
- Bulk storage provision within each unit.

9.79 Each flat has its own private amenity space in the form of balconies in accordance with local plan policy DM4 which requires a minimum of 9sqm for a 3 bedroom (6person) unit which are the largest units in the development.

9.80 The proposed development does not result in less than 18 metres separation distance between directly facing habitable room windows, which is a requirement of adopted policy to ensure that new developments provide good levels of privacy for existing and future residents.

#### *Wheelchair housing*

9.81 10% of all new housing should be wheelchair accessible (by habitable rooms) which, in this case, equates to 38 wheelchair adaptable units. There are nine family sized wheelchair adaptable units provided within the affordable rent tenure which help meet the local need for larger wheelchair units. The remaining units are provided as 1 and 2 bed unit (18 in total) across intermediate and affordable rent tenure, and 2 bed units (11 in total) in the private tenure. The delivery mechanism for the wheelchair accessible units will be secured within the s106 legal agreement.

9.82 Accessibility includes a variety of measures such as wider corridors, turning circles within living rooms and access to two different lifts.

#### *Lifetime homes*

9.83 All of the flats are designed to lifetime homes standards and a condition would be placed on any approval to ensure this is secured in perpetuity.

#### Summary of housing considerations

9.84 The proposal is considered to provide an appropriate housing mix including 30% (by habitable room) of affordable housing provided at rent levels in line with the borough's rent framework which ensures they remain affordable to those who need them. The quality of the new residential accommodation is good and in compliance with housing design standards.

#### **Amenity**

9.85 All major developments are expected to deliver areas of public open space and communal



amenity space in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the 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.

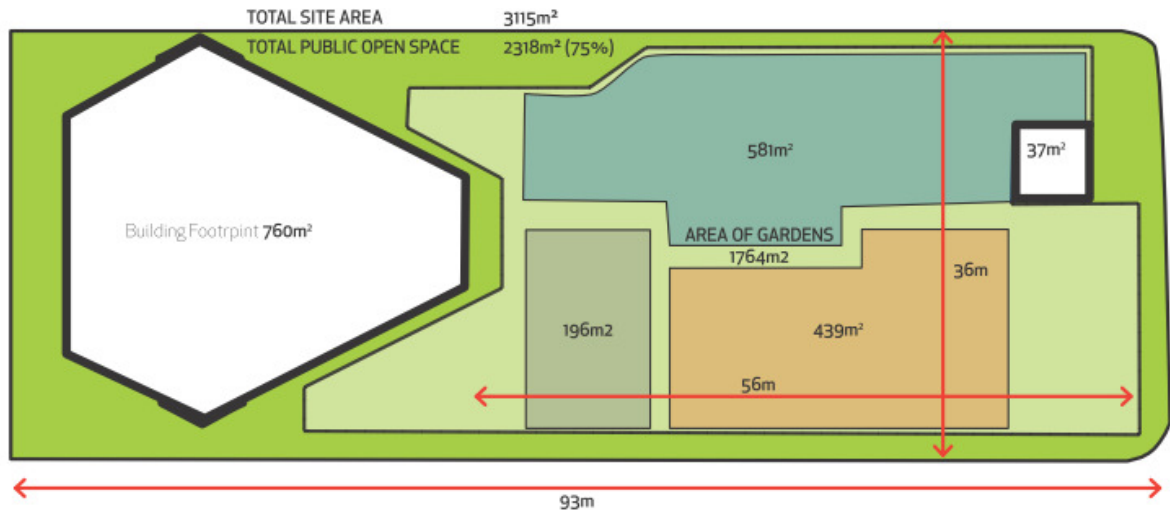
- 9.86 Communal open space is calculated based on the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.
- 9.87 Public open space is determined by the number of residents anticipated from the development, and the planning obligations SPD sets out that 12sqm of public open space should be provided per resident. This can be achieved through a financial contribution towards the provision of new open space or the enhancement of existing spaces.
- 9.88 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space
- 9.89 The residential and child yield figures are shown below and are based on the Council's planning for population change and growth model.

Type of amenity		Total required	Total provided
Child play space	Under 5	526sqm	581sqm (as marked on plan below)
	5-10 years	343sqm	439sqm (as marked on plan below)
	11-15 years	184sqm	196sqm (as marked on plan below)
Communal Space Private Affordable		463sqm (total) 324sqm 139sqm	760sqm (private) 139sqm (affordable)
Public open space		8,672sqm	1,126qm (any overprovision of childplay space has been included in this figure as it would be accessible to the public)

*Child play space*

- 9.90 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.
- 9.91 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.
- 9.92 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. These areas should be available within 800m of their homes.

9.93 Within this development an area has been set aside for under 5's play at the northern edge of the publicly accessible open space provided at grade level. For older children aged 5 to 10 informal play areas such as stepping stones, and a climbing wall is provided for 10-15 years olds as well as aboules/petanque pitch. The amount of the publicly accessible space dedicated to child play means the development is able to mitigate its own impact in this respect. Full details of the child play equipment will be conditioned for approval. The child play space provides a good differentiation of uses and defined areas would accommodate the child yield of the development.



9.94 The remainder of the publicly accessible domain, which makes up over 70% of the site area, can be considered to be public open space. This amounts to 2,600sqm which is below the required amount (based on 12sqm per additional resident) but a financial contribution is offered by the applicant to provide additional open spaces or to upgrade existing spaces in the borough, in accordance with the planning obligations SPD.

9.95 Communal amenity space is provided in the form of two amenity floors within the building for the private tenure residents provided in the basement is a 12m swimming pool, sauna and steam room, then on the 16<sup>th</sup> floor a lounge, gym, terrace, and games room.

9.96 The development provides a policy compliant amount of private amenity space, the communal space proposed is provided within the building for private residents, the requirement for affordable residents forms part of the open space area – as such the required amount of communal amenity space has been deducted from the overall public open space figure i.e. the public open space is the residual amount after the required amount of child playspace and communal amenity has been deducted;

*2,318sqm (total area of open space) minus  
 1,053sqm (total child playspace required) minus  
 139sqm (affordable communal amenity required) equals  
 1,126sqm of new public open space.*

Open space

9.97 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 and the development proposals will accord with the objectives of this policy.

- 9.98 Policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.99 It is calculated that 777 people will live in the proposed development. Based on the occupant yield of the development, under policy the proposal would be expected to deliver approximately 0.93 hectares of public open space. However, the Council's s106 SPD allows for such a shortfall in Public Open Space on site to be addressed through a financial contribution. Notwithstanding this, the scheme would deliver approximately 810sqm of public open space (excluding communal amenity and child playspace provision). The proposal includes a significant proportion of open space, with over 70% of the total Site area remaining undeveloped, with a heavy emphasis upon landscaped public space (comprising a total of 2,318sqm including child playspace, and communal amenity). This is proposed to be a combination of amenity open space (including play and seating zones, formal seating zones, public square and other amenity greenspace), an under 5's children's play area, and a flexible aggregate surface for games (e.g. boules/petanque pitch), and climbing wall and recreation for older children.
- 9.100 Such provision would complement the existing open spaces within the vicinity of the application site including Jubilee Park approximately 550m north west of the Site, St. John's Park approximately 330m south east of the Site, Canada Square Park approximately 590m north west of the Site, Mudchute Park approximately 800m south of the Site and Sir John McDougall Gardens approximately 950m south west of the Site (all distances are as the crow flies). Mudchute Park and Farm is a 13 ha open space and parkland.
- 9.101 Irrespective of this, the proposed level of open space would fall below LBTH's standard of 12sqm per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would provide approximately 1.4sqm per person. Accordingly, the applicant has agreed to a financial contribution to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement
- 9.102 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.
- 9.103 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. Policy SP10 and DM25 also seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

#### *Daylight and sunlight*

- 9.104 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The Environmental Statement submitted as part of this application considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 9.105 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment 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.

#### No sky line

- 9.106 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. 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.
- 9.107 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 9.108 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.
- 9.109 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.

#### *Interpretation of results*

- 9.110 The Daylight/ Sunlight report prepared by GIA was independently reviewed by an expert. The GIA report identifies that the following properties meet the BRE standard for both VSC and NSC, and the Council's expert concludes that there is no reason to dispute these results:
- 1-52 Antilles Bay
  - 12-24 East Ferry Road
  - 30-33 Chipka Street
  - 6-13 Chipka Street
  - 1-30 Llandovery House

#### Meridian Place

- 9.111 Meridian Place results show that 61 rooms do not meet the VSC standard and four rooms do not meet the NSL standard. 27 of the windows have a reduction of VSC of more than 40% from existing and three of the rooms that failed the NSL standard experience reductions of more than 40% from existing.
- 9.112 Therefore, these reductions in light to the rooms that do not meet the required standard are going to be noticeable. However, analysis of the results shows that all of the living rooms that experience the reductions in VSC of more than 20% from existing will meet the NSL standard and will therefore be left with good levels of NSL. Four bedrooms reduction in NSL and a reduction in VSC, will experience a noticeable change to the existing levels of daylight.

9.113 For the remaining 49 windows, reductions in VSC of more than 30% from existing will be a clearly noticeable reduction. However, it is material that the change in NSL is minimal and therefore the perception of sky visibility and outlook from inside the room will not materially change.

9.114 This type of impact on Meridian Place is inevitable with any intensification of development on the Meridian Gate site as placing the tower in a different location on the site plot will only replicate those results for different rooms within Meridian Place. Reducing the height of the building will give no material benefit.

#### 26-24 East Ferry Road

9.115 The results of the study show that two rooms in this property will not meet the VSC standard and one will not meet the NSL standard. The rooms that do not meet the VSC standard will experience reductions of 21% to 26.9% respectively. Therefore, these are only just non-compliant.

9.116 The room that will experience a reduction in NSL of more than 20% of existing, experiences a 100% reduction in NSL but only receives very low levels of NSL at present. Therefore, whilst the sky visibility will be removed, this is already a poorly lit room with no practical levels of sky visibility to be enjoyed. Overall, therefore the impact on 26-44 East Ferry Road is considered to be acceptable.

#### *Sunlight – Annual Probably Sunlight Hours (APSH )*

9.117 The only two properties that need to be assessed for APSH are Meridian Place and 1-52 Antilles Bay. The results for 1-52 Antilles Bay show that the sunlight requirements are met for all windows.

9.118 At Meridian Place, five windows fail the annual and winter sunlight standards. However, as the report identifies, four of the rooms with windows that do not meet the standard have mitigating apertures which satisfy the APSH criteria and therefore the occupants of those rooms will still perceive acceptable levels of sunlight. That leaves one room that does not meet the required standard, which on its own is thought to be outweighed by other material planning considerations.

#### *Overshadowing to gardens and open space*

9.119 The BRE guidelines recommend that at least 50% of the area of all amenity spaces should receive at least 2 hours of sunlight on 21<sup>st</sup> March. If, as a result of a new development an existing amenity area does not meet the above criteria and the area which can receive 2 hours of sunlight on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

9.120 The only neighbouring amenity area eligible for assessment is the courtyard of Meridian Place to the north of the site. This currently has 55% of its area receiving two hours of direct sunlight on 21 March, so there is little scope for reducing this without failing the BRE standard. The effect of the development is to leave 32% of the courtyard seeing two hours of direct sunlight on 21 March which will be a noticeable reduction, particularly during the course of the afternoon.

9.121 Any tower building on the Meridian Gate site would affect the sunlight available to the amenity space to an extent that it would fail the BRE standard and it is the location of the tower which determines the times of day that that will be most noticeable. The tower's location is such that it is the best siting (i.e. west or east end of the site) to minimise its impact. Moreover the principal obstruction to sunlight is the existing Meridian Place

building. It is also relevant that the part of the amenity area that will be left with good levels of sunlight is that closest to the dockside.

- 9.122 For the transient shadow this shows that the effect of the shadow cast by the tower on the amenity area at Meridian Place will only last for a relatively short time, and will only cast some shadow on the Meridian Place community area for two hours in the afternoon on 21 June. The results for the sun on ground assessment for the amenity space of the new development shows clear compliance with BRE standards and this will be left with good sunlight amenity.

#### *Summary*

- 9.123 The impact of the amenity of neighbouring residents is considered to be acceptable on balance. Any development of the site can reasonably be expected to adversely impact on neighbouring residents (particularly in Meridian Place). However, the proposed siting of the tower minimises these impacts and the large open space will improve conditions for some neighbouring residents. Reducing the height of the building will give no material benefit. The new residents of the proposed development will benefit from sufficient private amenity space by way of balconies, and also policy compliant levels of child play space. The child playspace will be accessible to all as it is provided within the new area of publicly accessible amenity/ open space which makes up approximately 70% of the site.

### **Transport, Connectivity and Accessibility**

- 9.124 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. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.125 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD 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.
- 9.126 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). It is approximately a 200m to South Quay DLR station and 550m to Canary Wharf Underground. A number of bus routes operate within 200m of the site, the D7, D3, 135 and D8.

#### Highways

- 9.127 The application proposes a basement car park with 30 spaces, 4 of which are designated for disabled parking. The access to the basement is via a car lifts, set back from the estate road to the northwest of the site in order to provide a reservoir space for cars waiting for the lift so they do not back up.
- 9.128 The submitted Transport Assessment demonstrates that the development would result in nine additional car trips in the am peak and 14 in the pm peak. The majority of trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the developmentproposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBTH Highways.

#### Servicing and Deliveries

- 9.129 London Plan Policy 6.13 states that developments need to take into account business

delivery and servicing. The servicing of the development is proposed to be carried out from the private road between the Meridian Gate and Meridian Place. This is essentially where the 'back of house' elements would occur and a lay-by has been incorporated into the design of the road.

- 9.130 Service vehicles will enter the site from Marsh Wall at the eastern end of the site. The tracking diagrams supplied show that refuse vehicles would need to manoeuvre to the opposite side of the road to make a left turn into the site, which is to the satisfaction of LBTH Highways and Transportation. All refuse would be contained within the ground floor until the refuse vehicle arrives. An appropriate management regime will be secured by condition.
- 9.131 From the layby (northern boundary) all refuse will be collected and all general servicing needs for the office and cafe and the residential units would also occur from here.
- 9.132 While vehicle movements resulting from the development will be relatively low. The completed development is predicted to generate 9 two-way car trips during the AM peak and 19 during the PM peak compared with the level of car parking serving the existing office. This translates to a 1% increase in traffic in Marsh Wall and Limeharbour at peak times, and 0.66% on Manchester Road. During peak hours the transport assessment demonstrates total vehicle increases of less than 3% on all routes used by construction vehicles. The Council's Highways section are satisfied that the development will not have a detrimental impact upon the safe and free flow of traffic on the local highway network. A Construction Management Plan, a Service Management Plan, a Parking Management Plan, and a full Travel Plan will be secured by condition to minimise any highways impacts of the proposed development.

#### Car Parking

- 9.133 At present the Site consists of an office totalling 4,140sqm with 60 car parking spaces. Policies 6.13 of the London Plan and policy SP09 of the CS 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. The parking levels for this site will be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger. The development proposes 30 spaces, 4 of which would be for disabled users. This is in accordance with policy and is considered acceptable.
- 9.134 The development would be secured as permit free, meaning that none of the residents would be able to apply for a parking permit for the surrounding streets, save for those eligible under the Council's permit transfer scheme which will apply to this development.
- 9.135 A travel plan would also be secured for the development which would encourage residents and visitors to utilise sustainable forms of transport.

#### Provision for Cyclists

- 9.136 467 cycle parking spaces are provided for the residential element with private units having a separate store to the affordable units (both accessed via a bicycle lift in the main tower), 2 for the office (at ground floor level), and 12 for visitors. Visitor cycle parking would be located around the site and designed into the landscaping. This would be secured via condition. Overall the level of cycle parking is considered acceptable and it is suitably accessible for future residents of the site.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.137 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.

#### *Crossrail*

- 9.138 The development will be required to make a contribution of around £1,413,160 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

#### *Buses*

- 9.139 TfL estimates that the development will cumulatively have an impact upon the bus capacity within the Isle of Dogs. As a result TfL have requested £200,000 towards improving the bus services which serve the site, which the applicant has agreed to pay. Contributions have also been secured toward public realm improvements, new pedestrian bridge and smarter travel initiatives.

#### Pedestrian Environment

- 9.140 The development will add a number of additional pedestrian trips locally, either accessing surrounding public transport nodes or walking directly to the Canary Wharf area.
- 9.141 The building has been set back from the western edge of the site so there would be a footway width of 6.7m along the western edge of the building, which provides a new route to the dockside which is an important aspiration of the emerging South Quay masterplan. Should the Thames Quay site be redeveloped this can reasonably be expected to give over a portion of the site to creating a legible and visually attractive route to the dockside significantly improving local permeability. Providing over 70% of the site for publicly accessible space provides additional diagonal routes through the site to the dockside further improving permeability.
- 9.142 The applicant has agreed to contribute £228,000 towards a new pedestrian/cycle bridge in the area the delivery of such infrastructure is a clear aspiration of the borough and Mayor of London.

#### Inclusive Access

- 9.143 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.
- 9.144 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has generally been designed with the principles of inclusive design in mind.
- 9.145 The public open space provided on site provide clear routes and the use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins along Marsh Wall will be requested via condition regarding details of the hard landscaping.

#### **Energy and Sustainability**

- 9.146 At a national level, the National Planning Policy Framework sets out that planning plays a



key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 9.147 The proposals for Meridian Gate have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency measures and the use of a CHP (~152kWe) to reduce CO2 emissions by 38% (201 tonnes CO2) from a building regulation 2010 baseline.
- 9.148 This is supported and follows the London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 9.149 As noted, the overall CO2 emission reductions considered achievable for the development are approximately 38%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 9.150 The current proposals therefore fall short of this policy requirement by approximately 12% which equates to 62 tonnes of CO2.
- 9.151 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:

*'...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'*

- 9.152 It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2 in accordance with the GLA recommendations (GLA Planning Energy Assessment Guidance April 2014).
- 9.153 For the proposed scheme it is recommended that a figure of £111,660 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 526 tonnes/CO2
  - Proposed development is at 325 tonnes/CO2
  - 50% DM29 reduction would therefore be 263 tonnes/CO2.
  - Shortfall to meet DM29 requirements = 62 tonnes/CO2 x £1,800 = £111,660 offset payment to meet current policy requirements.

#### *Sustainability*

- 9.154 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 developments to achieve a

Code level 4 rating.

- 9.155 The submitted information identifies that Code for Sustainable Homes Level 4 will be achieved with a score of 73.94. This is supported by the sustainable development team and should be secured via Condition for the final certificates to be submitted within 3 months of occupation.
- 9.156 The proposals also include the delivery of office and commercial space which will be subject to a condition to secure BREEAM Excellent rating and certificate submitted within 3 months of occupation.

## **Environmental Considerations**

### Noise and vibration

- 9.157 The development will be exposed to a high degree of noise from Marsh Wall traffic, London City Aircraft noise, and the DLR, and as such the development will fall into a SOAEL as defined in the Noise Policy Statement for England (NPSE). As such suitable noise insulation measures should be incorporated to address these issues at facades exposed to high noise levels. Full details will be required of the acoustic noise insulation and ventilation will be conditioned for approval. Standard measures for construction noise and vibration mitigation have been described and these would be included in the Construction Management Plan.

### Air quality

- 9.158 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. 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.
- 9.159 In this case the development provides a reduction in the level of car parking compared to the existing office, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including the amenity pavilion roof would assist with urban greening.
- 9.160 The Environmental Statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.

### Contaminated land

- 9.161 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.
- 9.162 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation will be attached to this permission, should Members resolve to grant approval.

### Flood Risk

- 9.163 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.
- 9.164 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.165 The Application Site lies within Flood Zone 3 as shown on the EA Flood Map. This zone comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.
- 9.166 The site is protected by raised flood defences along the River Thames. In addition to this the non-vulnerable uses are located at ground and basement level with the more vulnerable uses i.e. residential located on the upper floors of the building. The basement would be waterproofed and sustainable drainage measures have been included within the design of the scheme to reduced surface run-off. Soft landscaping around the site, including the amenity pavilion roof would also assist in refusing surface run-off into the drains which can cause flooding. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.167 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

### Biodiversity

- 9.168 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.
- 9.169 Through the provision of a landscaping scheme that includes native planting at ground level such as trees, scrubs and planting on the roof of the amenity pavilion the proposed Development provides an ecological enhancement to the local area.
- 9.170 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity and the existing site has a low biodiversity value. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.
- 9.171 It is important to note that the applicant has met all the S.106 planning obligations required by the Planning Obligations SPD and the development itself provides sufficient child play space. The scheme also provides public open space and complies with other aspects of the London Plan's Housing Supplementary Planning Guidance in terms of unit sizes and private and communal amenity space

### **Health Considerations**

- 9.172 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.

- 9.173 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.
- 9.174 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.
- 9.175 The applicant has agreed to a financial contribution of £497,870 to be pooled to allow for expenditure on health care provision within the Borough. The development is expected to accommodate an additional 777 residents who would potentially require health care services offered by the Tower Hamlets PCT. The NHS is currently undertaking an ambitious programme to develop health and wellbeing centres across Tower Hamlets to meet the needs of the rapidly growing population. To accommodate the additional population growth from this and other sites a new 'service hub' is being planned at Wood Wharf. The financial contribution from these developments would go towards the long lease or fit out costs of the Wood Wharf service hub. The applicant has also agreed to meet the full financial contributions required of it in this regard
- 9.176 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.
- 9.177 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

- 9.178 Planning Obligations Section 106 Head of Terms for the proposed development based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.179 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.180 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.181 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.

- 9.182 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
- 9.183 The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 9.184 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 30% affordable housing based on an affordable rent to intermediate split of 61% and 39% respectively. The independent advice concluded that 30% affordable housing based on the above split is beyond the level the development could viably be provide, however the applicant is offering 30% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: "the development is providing the maximum reasonable amount of affordable housing".
- 9.185 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document and Planning Obligations SPD (2012).
- 9.186 Officers are currently working in partnership with the Mayor of London to prepare a Supplementary Planning Document for South Quay area, which is seeking to identify the social and physical infrastructure requirements triggered by the quantum of emerging development , as well local place shaping.
- 9.187 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.188 The Inspector, in his report into the Managing Development Document, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools and a minimum of 5 new primary schools. These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are in discussions about opportunities for new educational facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 9.189 The approach to planning for school places and other infrastructure takes into account

committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.

- 9.190 The Managing Development Document also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.191 Work on the site allocations has been integrated into the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.192 The proposed development is calculated to result in a child yield of 37 children of primary school age and 17 children of secondary school age (a total yield of 54). Clearly, the identification of new school sites (both primary and secondary) is required to take into account the locations most likely to generate the extra pupils, given that new housing rather than local population growth is the main source (around two thirds) of the increasing numbers. It is also common ground that taking into account schemes already in the development pipeline, the majority of new housing over the plan period is likely to be in the east of the borough, rather than the west. Moreover, around two thirds of existing secondary school places are presently also in the western part of the Borough. Consequently, the need is clearly greater and more urgent in the east, including the Isle of Dogs.
- 9.193 Although there may be potential for a proportion of school age children arising from the proposed development to be educated privately, and notwithstanding the relatively low projected child yield arising from the proposed development as a result of the unit type and size, as a worst-case scenario the proposed development would place additional pressure upon existing school facilities. The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.
- 9.194 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

#### Financial Obligations

- m) A contribution of £116,361 towards enterprise & employment.
- n) A contribution of £412,928 towards leisure and community facilities.
- o) A contribution of £91,015 towards library facilities.
- p) A contribution of £916,441 towards educational facilities.
- q) A contribution of £497,870 towards health facilities.
- r) A contribution of £504,345 towards public open space.
- s) A contribution of £11,633 towards sustainable transport.
- t) A contribution of £89,554 towards streetscene and built environment, including highways improvements.
- u) A contribution of £111,660 towards reducing carbon emissions.

v) A contribution of £228,593 towards improvements to local connectivity pursuant of an additional bridge crossing over South Dock.

w) A contribution of £200,000 towards a local bus improvements

x) A contribution of £63,607 towards S106 monitoring fee (2%)

**Total: £3,244,001**

### **Localism Finance Considerations**

9.195 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

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

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

9.197 Section 70(4) defines "*local finance consideration*" as:

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

9.198 In this context "grants" will include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes delivered

9.199 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

9.200 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.201 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £1,413,160.

9.202 With regards to the New Home Bonus. 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.

9.203 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is

implemented/occupied without any variations or amendments, this development is likely to generate approximately £604,392 in the first year and a total payment of approximately £3,844,753 over 6 years.

### **Human Rights Considerations**

- 9.204 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:-
- 9.205 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".*
- 9.206 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.
- 9.207 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.208 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.
- 9.209 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.210 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.
- 9.211 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.



## **Equalities Act Considerations**

- 9.213 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.214 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.215 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.216 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community. In addition the provision of accessible new homes will help meet the needs of those with disabilities.
- 9.217 The contributions to affordable housing support community wellbeing and social cohesion.

## **10 Conclusions**

- 10.1 The proposed development would form an integral part of the cluster of buildings to the north of the Isle of Dogs, it would provide a high quality, well designed mixed use scheme including much needed market and on-site affordable housing. The proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map PA/14/01428



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine
- 

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