

<b>Committee:</b> Strategic	<b>Date:</b> 12 <sup>th</sup> March 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/14/01246- Full Planning Permission
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** Former Enterprise Business Park, 2 Millharbour, London

**Existing Use:** Vacant Site.

**Proposal:** Full planning permission for the erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys.

New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping

### **Drawing and documents:**

#### Drawings

T2_(10)P00 P1,	T2_(10)P100 P1,	T2_(10)S01 P1,
T2_(10)S02 P1,	T2_(10)S04 P1,	T2_(10)S05 P1,
T2_(10)S06 P1,	T2_(10)S08 P1,	T2_(10)S010 P2,
T2_(20)P00 P2,	T2_(20)P01 P4,	T2_(20)P02 P2,
T2_(20)P03-P04 P2,	T2_(20)P05-P06 P2,	
T2_(20)P07 P2,	T2_(20)P08 P2,	
T2_(20)P09 P2,	T2_(20)P10 P2,	T2_(20)P-1 P4,
T2_(20)P11 P2,	T2_(20)P12 P2,	
T2_(20)P13-P14 P2,	T2_(20)P15 P2,	T2_(20)P16 P2,
T2_(20)P17-P18 P2,	T2_(20)P19 P2,	T2_(20)P20 P2,
T2_(20)P21 P2,	T2_(20)P22 P2,	T2_(20)P23 P2,
T2_(20)P24 P2,	T2_(20)P25 P2,	

T2\_(20)P26-P27 P2, T2\_(20)P28 P2, T2\_(20)P29 P2,  
 T2\_(20)P30-P31 P2, T2\_(20)P32-P33 P2,  
 T2\_(20)P34 P2, T2\_(20)P35 P2,  
 T2\_(20)P36-37 P2, T2\_(20)P38 P2,  
 T2\_(20)P39 P2, T2\_(20)P40 P2, T2\_(20)P41 P2,  
 T2\_(20)P42 P2, T2\_(20) S01 P2, T2\_(20) S02 P2,  
 T2\_(20) S03 P1, T2\_(20) S04 P1, T2\_(20) S05 P2,  
 T2\_(20) S06 P1, T2\_(20) S07 P1, T2\_(20) S08 P1,  
 T2\_(20) S09 P2, T2\_(20) S10 P2,  
 T2\_(20) P100 P1, T2\_A(20)DE01 P1,  
 T2\_A(20)E01 P1, T2\_A(20)E02 P1, T2\_A(20)P00 P2,  
 T2\_A(20)P01 P1, T2\_A(20)PXX\_LS P1,  
 T2\_A(20)PXX\_UI P1, T2\_A(20)PXX\_US P1,  
 T2\_A(70)D01\_WC P1, T2\_B1(20) P00 P2,  
 T2\_B1(20) P01 P2, T2\_B1(20) P02-07 P2,  
 T2\_B1(20) P08 P2, T2\_B1(20) P09 P3, T2\_B(20)DE01P2,  
 T2\_B(20)E01 P2, T2\_B(20)E02 P2, T2\_B(20)E03 P2,  
 T2\_B2(20)P00 P2, T2\_B2(20)P01 P1,  
 T2\_B2(20)P02-P07 P1, T2\_B2(20)P08 P1,  
 T2\_B2(20)P09 P1, T2\_B2(20)P10-14 P1,  
 T2\_B2(20)P15 P1, T2\_B2(20)P16-21 P1,  
 T2\_B2(20)P22 P1, T2\_B2(20)P23 P1,  
 T2\_B2(20)P24 P1, T2\_B2(20)P25 P1,  
 T2\_B3(70) D01\_WC P1, T2\_C(20)DE01,  
 T2\_C(20)E01 P1, T2\_C(20)E02 P1, T2\_C(20)E03 P1,  
 T2\_C(20)E04 P1, T2\_C(20)P00 P2, T2\_C(20)P01 P1,  
 T2\_C(20)P34 P1, T2\_C(20)P35 P1, T2\_C(20)P36 P1,  
 T2\_C(20)PXX\_1 P1, T2\_C(20)PXX\_2, T2\_C(20)PXX\_3,  
 T2\_D(20)DE01 P1, T2\_D(20)E01 P1, T2\_D(20)E02 P1,  
 T2\_D(20)E03 P1, T2\_D(20)E04 P1, T2\_D(20)P00 02,  
 T2\_D(20)P01 P1, T2\_D(20)P02 P1, T2\_D(20)P39 P1,  
 T2\_D(20)P40 P1, T2\_D(20)P41 P1, T2\_D(20)P42 P1,  
 T2\_D(20)PXX\_1 P1, T2\_D(20)PXX\_1A,  
 T2\_D(20)PXX\_2 P1, T2\_D(20)PXX\_2A,  
 T2\_D(20)PXX\_3 P1, T2\_D(20)PXX\_INT and  
 T2\_D(20)PXX\_INT3B P1, D2165 L.200 C2, D2165 L.403 A,  
 D2165 L100 G, D2165L.400 A, D2165 L.402 A  
 and D2165 L.401 A,

Documents

Design and Access Statement Incorporating a Statement of Community Involvement dated May 2014

Design and Access Statement Addendum dated September 2014

Design and Access Statement Addendum 2 dated February 2015

Design addendum dated August 2014

Energy Statement prepared by Hoare Lea revision A dated May 2014

Energy Statement addendum prepared by Hoare Lea dated September 2014

Environmental Statement Non-technical summary prepared

by BWB dated May 2014 rev 02  
 Environmental Statement Non-technical summary  
 addendum prepared by BWB dated September 2014 rev A  
 Environmental Statement Non-technical summary  
 addendum prepared by BWB dated February 2015 rev 1  
 Sustainability Statement prepared by Hoare Lea revision 02  
 dated May 2014  
 Environmental Statement Volume 1 dated May 2014 rev A  
 Environmental Statement Addendum Volume 1 dated  
 September 2014  
 Environmental Statement Volume 2 Technical Appendices  
 dated May 2014  
 Environmental Statement Addendum Chapter 1 Daylight,  
 Sunlight, Overshadowing, Light Pollution & Solar Glare  
 prepared by BWB ref: LNS/2071/EIA/ES/VOL1/A  
 Environmental Statement Addendum prepared by BWB  
 dated September 2014 rev A  
 Environmental Statement Addendum prepared by BWB  
 dated February 2015 rev 1  
 Environmental Statement Chapter 17 Townscape, Heritage  
 and Visual Impact Assessment Addendum dated  
 September 2014 with minor corrections October 2014  
 Environmental Statement Chapter 17 Townscape, Heritage  
 and Visual Impact Assessment Addendum 2 dated October  
 2014  
 Internal Daylight and Sunlight Report prepared by  
 Waldrams dated 17th October 2014  
 Financial Viability Assessment dated May and June 2014  
 Geo-Environmental Assessment report Phase 1 prepared  
 by BWB dated January 2013  
 Geo-Environmental Assessment report Phase 2 prepared  
 by BWB dated January 2014  
 BWB response to FRR dated November 2014 (letter,  
 tabulated response and appended information  
 Planning Statement dated May 2014  
 Planning Statement Addendum dated September 2014  
 Planning Design Addendum (including Open Space  
 Provision Plan)  
 Affordable Housing Statement dated May 2014  
 Affordable Housing Statement Addendum September 2014  
 Transport Assessment dated May 2014  
 Transport Assessment Addendum dated September 2014  
 Transport Statement Addendum February 2015

**Applicant:** GDL limited

**Ownership:** Applicant

**Historic Building:** None

**Conservation Area:** None

## **2. EXECUTIVE SUMMARY**

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2011) including further alterations, along with all other material considerations including the National Planning Policy Framework and has found that:
- 2.2. The proposed development of this vacant brownfield site for a residential-led development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the site's Millennium Quarter Site allocation within the Managing Development Document (2013).
- 2.3. The scale and form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/consented buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local views.
- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. Transport matters, including parking, access and servicing are on balance considered acceptable. Whilst the parking is higher than the level sought by LBTH Transportation and Highways it is below the adopted policy requirements. Furthermore, significant financial contributions have been secured to improve pedestrian crossings, to fund a new pedestrian bridge, and for junction improvement works.
- 2.7. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.

- 2.8. The proposed development will provide appropriate mitigation measures through a legal agreement which will contribute towards the delivery of a new pedestrian bridge, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents.
- 2.9. Accompanied by an Environmental Assessment the proposed development has properly considered the environmental impacts of the development and appropriate mitigation in the form of conditions where applicable have been recommended to this application. As such, the proposed environmental impacts arising from the development are considered acceptable.

### **3. RECOMMENDATION**

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

Financial Obligations:

- a) A contribution of **£265,889.00** towards employment, skills, training and enterprise.
- b) A contribution of **£977,800.00** towards Community Facilities
- c) A contribution of **£25,410.00** towards Sustainable Transport.
- d) A contribution of **£2,112,064.00** towards Education
- e) A contribution of **£1,406,677.00** towards Public open space.
- f) A contribution of **£303,160.00** towards street scene and built environment
- g) A contribution of **£1,134,342.00** towards the provision of health and wellbeing.
- h) A contribution of **£433,290.00** towards Carbon Offsetting
- i) A contribution of **£84,000.00** towards Prestons Road Roundabout
- j) A contribution of **£15,000.00** towards Legible London Signage
- k) A contribution of **£200,000.00** towards TfL Buses
- l) A contribution of **£70,000.00** towards TfL cycle hire
- m) A contribution of **£486,510.00** towards improvements to local connectivity pursuant of an additional bridge crossing over South Dock/ or improvements to an existing bridge

- n) A contribution of **£150,283.00** (2%) of the total financial contributions would be secured towards monitoring.

Total Contribution financial contributions **£7,664,425.00**

Non-financial contributions

- o) Delivery of 35% Affordable Housing comprising of 157 rented units and 120 Shared ownership units.
  - p) Phasing Plan to ensure timely delivery of affordable housing
  - q) Permit Free for future residents
  - r) Feasibility Car clubs
  - s) S278 agreement for highway works including: financial contribution for loss of trees, and their replacement and re-location of coach bays and TfLs docking stations
  - t) Public Art
  - u) Apprenticeships and work placements
  - v) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - w) Public access retained for all public realm
  - x) Implementation and monitoring of Travel Plan
  - y) Delivery of public access route across site (2 and 3 Millharbour)
  - z) T.V reception and Monitoring
  - aa) 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 authority to recommend the following conditions and informatives in relation to the following matters:
- 3.6. Conditions  
Prior to Commencement' Conditions:
- 1. Construction management plan
  - 2. Risk Assessment
  - 3. Feasibility for transportation by water

4. Surface water drainage scheme
5. Ground contamination
6. Tree Survey
7. Archaeology

Prior to completion of superstructure works conditions:

8. Crane heights / aircraft obstacle lighting
9. Location of 50 ground floor cycle spaces
10. Secured by design measures
11. External materials
12. Biodiversity enhancement measures.
13. Public realm / landscaping details including lift overrun for B1
14. Odour mitigation for A3 use
15. CCTV and lighting plan
16. Wind mitigation measures inc undercroft
17. Section 278 agreement including
18. Relocation of Cycle docking stations/ Coach Parking
19. Waste Management Plan

Prior to Occupation' Conditions:

20. Contaminated land
21. Access strategy
22. Management plan including hours for D1 Use
23. Parking Management Plan
24. Travel Plan
25. Delivery and servicing plan
26. Code for sustainable homes
27. Verification report on groundwater conditions

'Compliance' Conditions –

28. Permission valid for 3yrs
29. Hours of use of A3
30. Development in accordance with approved plans
31. Energy
32. Heat network
33. Renewable energy
34. Electric vehicle charging points
35. Very Good Internal Noise Standards
36. No Gates Means of Enclosure
37. Cycle parking
38. Lifetime homes
39. Thames Water conditions

**3.7. Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames Water informatives
- 5) Environmental Health informatives
- 6) London City Airport

#### 4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

##### Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide seven mixed-use buildings ranging in height from 8 to 42 storeys.
- 4.2. The development proposes 901 residential units (class C3), 1,104 m<sup>2</sup> of ground- floor mixed-use (Use Class B1/A1/A2/A3/A4/D1) and 1,049 sqm of leisure use (Use Class D2)
- 4.3. In relation to the 901 residential units, 35% of these would be affordable housing by habitable room. In dwelling numbers this would comprise 624 private units (69%), 120 intermediate units (13%) and 157 rented units (17%). This provision is set out below, as well as the mix by tenure.

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

	Number of units	%	Habitable Rooms	%
Open Market	624	69	1593	65
Affordable rent	157	17	534	22
Intermediate	120	13	320	13
<b>TOTAL</b>	<b>901</b>	<b>100</b>	<b>2447</b>	<b>100</b>

##### Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed
Open market	76	231	213	104
Affordable Rent	0	57	40	60
Intermediate	0	62	36	22
<b>TOTAL</b>	<b>76</b>	<b>350</b>	<b>289</b>	<b>186</b>
<b>Total as %</b>	<b>8</b>	<b>39</b>	<b>32</b>	<b>21</b>



- 4.4. The proposal would also contain a basement containing car parking, ancillary residential space and space for refuse and plant.

### Site and Surroundings

- 4.5. The application site is rectangular in shape and comprises an area of approximately 1.038 hectares, within the Isle of Dogs. It currently comprises a vacant, cleared, brownfield land surrounded by hoardings, approximately 2m in height. It is mostly devoid of vegetation although there are some areas of small trees and shrubs present, particularly on the boundary.
- 4.6. The site is bounded on three sides by roads. The two principle north-south routes, Mastmaker Road and Millharbour, are situated to the west and east, with Lighterman's Road to the south. Marsh Wall is located further north.
- 4.7. The following plan shows the extent of the site.



- 4.8. To the north lies 6, 7 & 8 South Quay Square, referred to as 'Millharbour West', comprising three commercial buildings, including a car showroom and car parking. To the east lies 3 Millharbour ('Millharbour East'). These sites along with the application site are shown in the following aerial photograph (this application site is referred to as 'Millharbour South'). The Council has been engaged in pre-application discussions for the redevelopment of all three sites as part of an Urban Design Framework ("UDF") known as 'Millharbour Village'. The main aim of the UDF was to ensure a holistic approach is taken for all three sites so they are developed comprehensively. The remaining two sites have been submitted for planning and are currently under consideration (planning reference PA/14/03195).



- 4.9. To the north east of the site lies Pan Peninsula, comprising two residential towers of 38 and 48 storeys. To the north west of the site lies Phoenix Heights, a mixed-tenure residential building ranging in height from 3 to 23 storeys, situated at 4 Mastmaker Road.
- 4.10. A development referred to as 'Indecon Court' is located to the south west off Lighterman's Road. It comprises a recently completed residential-led development set around a landscaped square.
- 4.11. Lincoln Plaza, comprising two towers of 12 and 32 storeys and a 10-storey 'Rotunda' building is currently under construction on the southern side of Lighterman's Road. This development will deliver a mix of residential, hotel/serviced apartments, leisure and commercial floorspace.
- 4.12. Smaller-scale and older commercial development, comprising two-storey 'warehouse' buildings, occupy land to the west of the Site. This site is currently being used as a school.
- 4.13. South Quay DLR station, located on Marsh Wall is situated approximately 350m to the north east of the site and there are four bus routes operating within 640 metres of the Site.

### **Designations**

- 4.14. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a

minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.

- 4.15. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.
- 4.16. The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.17. The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.18. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.19. The site is within the London City Airport Safeguarding Zone.
- 4.20. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.21. The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.
- 4.22. The site is also within the emerging Draft South Quay Masterplan, which at the time of writing this report, is at the public consultation phase.

## **Environmental Impact Assessment**

### EIA Regulations

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

- 4.25. The 'environmental information' comprises the applicant's Environmental Statement (ES), including any further information and any other information, and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

#### EIA Scoping

- 4.26. An EIA Scoping Report was submitted to LBTH in January 2014 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 25<sup>th</sup> February 2014 and the EIA was informed by this document.

#### Environmental Information

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

- Air Quality
- Archaeology
- Ecology
- Flood Risk & Drainage
- Geology & Ground Conditions
- Microclimate – Wind
- Noise and Vibration
- Socio-Economics
- Sunlight, Daylight, Overshadowing, Solar Glare & Light Pollution
- Townscape, Heritage & Visual Impact
- Traffic and Transportation
- TV & Radio Reception
- Waste Management
- Water Resources & Other Utilities

- 4.28. To ensure the reliability of the ES, the Council appointed EIA consultants, Land Use Consulting (LUC), to review the ES and to confirm whether it satisfied the requirements of the EIA Regulations (2011). Where appropriate, reference was made to other relevant documents submitted with the planning application.

- 4.29. LUC's review identified a number of clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. The applicant was issued with a copy of LUC's review.

- 4.30. In response to this, the applicant provided additional information which addressed the identified clarifications. This information was reviewed and considered to address the clarifications. The information provided also addressed the potential Regulation 22 requests and upon review of the information provided were not considered to constitute a formal request for further information under Regulation 22 i.e. dealt with as clarifications.

- 4.31. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 4.32. Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.
- 4.33. The ES, other relevant documentation submitted with the planning application, clarification information, consultation responses and representations duly made by any other persons constitute the 'environmental information', which has been taken into account when writing this recommendation and is required to be taken into account when arriving at a decision on this planning application.
- 4.34. This application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 3: The Proposed Development of this ES (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 4.35. The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.
- 4.36. Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate.

### **Relevant Planning History on the application site**

#### Application Site

PA/00/01306

- 4.37. outline planning permission (siting unreserved) for redevelopment to provide new commercial (Class B1) floorspace within three buildings (Building 1 comprising 16-19 storeys; Building 2 comprising 10-13 storeys and Building 3 [the 'Hub'] comprising a two storey building and associated canopy); the flexible use of the ground floors of Buildings 1 and 2 and the whole of the 'Hub' building for Use Classes B1, A1, A2 and/or A3 uses, in accordance with Class E of Part 3 of Schedule 2 to the General Permitted Development Order 1995; basement parking for up to 68 parking spaces, ancillary plant and equipment rooms; a new service access from Mastmaker Road and new publicly accessible open space. The application is accompanied by an

Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.  
Approved 11th December 2003 (not implemented)

PA/02/00734

- 4.38. Implementation of below ground works associated with the redevelopment of the site for commercial purposes as detailed in planning application, reference PA/00/1306.

No further action taken.

- 4.39. PA/05/02117

Waiver of condition 1 of outline planning permission dated 11th December 2003, reference PA/00/1306 for redevelopment to provide new commercial (Class B1) floorspace within three buildings (Building 1 comprising 16-19 storeys; Building 2 comprising 10-13 storeys and Building 3 [the 'Hub'] comprising a two storey building and associated canopy); the flexible use of the ground floors of Buildings 1 and 2 and the whole of the 'Hub' building for Use Classes B1, A1, A2 and/or A3 uses, in accordance with Class E of Part 3 of Schedule 2 to the General Permitted Development Order 1995; basement parking for up to 68 parking spaces, ancillary plant and equipment rooms; a new service access from Mastmaker Road and new publicly accessible open space to extend time period within which reserved matters may be submitted.

Approved 27/07/2006

PA/09/02596

- 4.40. Application for new planning permission to replace extant outline permission (ref. PA/05/2117 dated 27 July 2006) for redevelopment to provide new commercial (Class B1) floorspace within three buildings (Building 1 comprising 16-19 storeys; Building 2 comprising 10-13 storeys and Building 3 [the 'Hub'] comprising a two storey building and associated canopy); the flexible use of the ground floors of Buildings 1 and 2 and the whole of the 'Hub' building for Use Classes B1, A1, A2 and/or A3 uses, in accordance with Class E of Part 3 of Schedule 2 to the General Permitted Development Order 1995; basement parking for up to 68 parking spaces, ancillary plant and equipment rooms; a new service access from Mastmaker Road and new publicly accessible open space to extend the time limit for implementation.

- 4.41. No decision was made on this application and the application was formally removed from the Statutory Register 21/11/2013.

- 4.42. A number of planning applications have been submitted within the vicinity and these have been referred to within the public representations received for this application.

#### Built

- 4.43. "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.

- 4.44. "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.

Consented / Implemented but not fully built out

- 4.45. "Hertsmere House (Colombus Tower)" PA/08/02709 granted 2nd December 2009 for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1- A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping maximum height 242 metres Above Ordinance Datum (AOD).
- 4.46. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sq.m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq.m).
- 4.47. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.48. "Newfoundland" PA/13/01455 granted 10th June 2014 for erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.49. "40 Marsh Wall" PA/10/1049 granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.50. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as

1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

- 4.51. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;

#### Resolution to Grant

- 4.52. "Arrowhead Quay" PA/12/3315 for erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.53. "1-3 South Quay Plaza" PA/14/00944 for demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.54. "Meridian Gate" PA/14/01428 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-



station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).

Under consideration

- 4.55. "30 Marsh Wall" PA/13/03161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.
- 4.56. "50 Marsh Wall" PA/14/03281 for the Application for demolition of all buildings on site to enable redevelopment to provide three buildings of 63, 20 and 32 storeys above ground comprising 728 residential units (Class C3), 273 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3 and A4), provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant.
- 4.57. "54 Marsh Wall" PA/14/002418 For Demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.
- 4.58. "Millharbour East and West" "SITE 1 Land at 3 Millharbour and SITE 2 land at 6, 7 and 8 South Quay Square, South Quay Square"PA/14/03195  
The demolition and redevelopment of sites at 3 Millharbour and 6, 7, and 8 South Quay with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium.
- 4.59. This development provides 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4); two new public parks including play facilities, a new north-south pedestrian link and landscaping including

works to conjoin the plots into the existing surrounding urban fabric; 387 car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

## **5. POLICY FRAMEWORK**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) and the Further Alterations to the London Plan published 11th October 2013)**

### Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. An Examination in Public has been carried out for the 'Draft Further Alterations to the London Plan' 'Further Alterations' and the resulting Inspectors report concludes that subject to changes the London Plan as

changed by the Further Alterations provides an appropriate basis for the strategic planning of Greater London. As such, the London Plan has been scheduled for adoption in April 2015.

- 5.6. The Further Alterations aim to shape the London Plan as the London expression of the National Planning Policy Framework. Some of the key impacts on the borough relate to increased housing targets (from 2,885 to 3,930 new homes per year), creating additional infrastructure needs, a decreased waste apportionment target and an increase in cycle parking standards.
- 5.7. As the Further Alterations have been submitted for adoption in April 2015, they are considered to carry significant weight as an emerging material planning consideration.
- 5.8. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
  - SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.9. **Managing Development Document (adopted April 2013) (MDD)**
  - DM0 Delivering Sustainable Development
  - DM1 Development within the town centre hierarchy
  - DM2 Local shops
  - DM8 Community infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing Waste
  - DM15 Local job creation and investment
  - DM16 Office locations
  - DM20 Supporting a Sustainable transport network
  - DM21 Sustainable transportation of freight
  - DM22 Parking
  - DM23 Streets and the public realm
  - DM24 Place sensitive design
  - DM25 Amenity
  - DM26 Building heights
  - DM27 Heritage and the historic environments

DM28 World heritage sites  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

5.10. **Supplementary Planning Documents include**

Planning Obligations SPD – LBTH – January 2012

Draft Sustainable Design and Construction SPG (July 2013)

Shaping Neighbourhoods: Character and Context - draft (February 2013)

Housing Supplementary Planning Guidance (November 2012)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

London View Management Framework SPG (March 2012)

London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Sustainable Design and Construction (May 2006)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

5.11. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

A Great Place to Live

A Prosperous Community

A Safe and Supportive Community

A Healthy Community

5.12. **Other Material Considerations**

EH Guidance on Tall Buildings

Seeing History in the View

Conservation Principles and Practice

Millennium Quarter Masterplan Guidance (2000)

Emerging South Quay Masterplan

Millharbour Village Urban Design Framework

**6. CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

**Crossrail Limited**

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

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

**LBTH Parks and open spaces**

6.5. No comments received

### **LBTH Arboricultural Department**

- 6.6. Prior to consent is given, the authority requires a full BS 5837 (2012) survey and methodology for supporting the process and methods of protection to the Highways (LBTH) trees close to the proposed development. Prior to removal of any trees replacements need to be agreed with the Senior Tree Officer.
- 6.7. *[Officer Comment: Following further discussions the trees officer has agreed to a condition requiring the BS 5837 and further conditions to ensure appropriate trees are planted and existing trees receive adequate protection during construction]*

### **Environmental Health - Contaminated Land**

- 6.8. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with.
- 6.9. *[Officer Comment: The suggested condition is recommended to this application]*

### **Environmental Health - Air Quality**

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

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

- 6.12. Environmental Health have advised that the submitted information has identified four sensitive residential facades and three commercial facades within the proposed development that are likely to be affected by noise. The main noise sources being DLR, Aircraft Noise and Road Traffic Noise. They have also advised that the submitted information advises the proposed residential units meets Internal Noise level of the good standard for BS 8233, which is supported.
- 6.13. Environmental Health have advised detailed design drawings of the Kitchen Extract for any A3 use will be needed to mitigate odour nuisance. This is recommended to be conditioned.
- 6.14. Environmental Health have also advised consent under Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'Prior Consent' for noise generating activities during the construction phase of a development will be required for this scheme

- 6.15. Overall, Environmental Health Noise and Vibration do not raise any objections subject to conditions.
- 6.16. *[Officer Comment: This is noted and compliance with the noise reports will be recommended as conditions to the consent]*

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

- 6.17. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.18. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

#### **Natural England**

- 6.19. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.20. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- 6.21. *[Officer Comment: These comments have been noted and a condition has been recommended to secure the further biodiversity enhancement measures]*

#### **Port of London Authority**

- 6.22. The PLA has no objection in principle to the proposed development. It is recommended a condition is placed on any grant of planning permission requiring the submission and approval of a report which seeks to maximise the transport of materials to and from the site by water with the development to be carried out in accordance with the approved report.
- 6.23. *[Officer Comment: These comments have been noted and the relevant condition will be imposed]*

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

- 6.24. The site is set back from the dock edge, and is likely to therefore have limited direct impact on Millwall Inner Dock. However, the 990 (amended to

901) residential units will bring significantly more people to the area, who will make use of the dockside walkway for amenity and access around the docks. CaRT would therefore suggest that the development provides a contribution towards upgrading the dockside landscaping, and facilitating mooring services, so that the dock edge can be better used for amenity purposes for future residents.

- 6.25. *[Officer Comment: These comments have been noted. The applicant is providing substantial public realm contributions within the vicinity which are considered to mitigate against any immediate impact from the additional residential units]*

### **BBC Reception Advice**

- 6.26. No comment received

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

- 6.27. LCY has no safeguarding objection. However, in the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.28. *[Officer Comment: This is noted and an informative advising the applicant of this is recommended to this consent]*

### **English Heritage**

- 6.29. English Heritage note from the information provided that the proposed 42 storey building would be visible in a number of views containing heritage assets. The visualisations demonstrate that there would be some visual impact in views of Tower Bridge and Maritime Greenwich World Heritage Site. However, the visualisations containing the cumulative schemes, demonstrates that the tall building would become a coherent part of the consented tall buildings cluster on the Isle of Dogs. English Heritage have therefore raised no significant concerns with the proposed development.
- 6.30. *[Officer Comment: This is noted]*

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

- 6.31. EHA have advised the proposed development may affect remains of archaeological importance. However, further work is not required to be undertaken prior to determination of this planning application.
- 6.32. In the event planning permission is granted EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.



- 6.33. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended to this planning permission]*

**Environment Agency (EA)**

- 6.34. It has been demonstrated that surface water can be dealt with on site by using cellular storage, rainwater harvesting and permeable paving and a 50% reduction of run off rate which equates to 58 l/s. Environmental Agency therefore have no objection to the proposed development.
- 6.35. Environmental Agency have recommended a condition requiring a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA)
- 6.36. *[Officer Comment: EA have advised on the wording of the condition, which is recommended to this planning permission]*

**London Fire and Emergency Planning Authority**

- 6.37. No comments received.
- 6.38. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary]*

**Tower Hamlets Primary Care Trust**

- 6.39. The proposed number of residential units will generate an Health Contribution that needs to be secured within the s106.
- 6.40. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

**London Bus Services Ltd.**

- 6.41. No comments received.

**TFL London Underground**

- 6.42. Response received confirming no comments to make on this application.

**The Twentieth Century Society**

- 6.43. No comments received

**Network Rail Infrastructure Ltd.**

- 6.44. No comments received.

**The Victorian Society**

- 6.45. No comments received

**Thames Water Utilities Ltd.**

The Waste Comments

- 6.46. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.
- 6.47. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.
- 6.48. Thames Water have advised there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.
- 6.49. Lastly, in respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Water Comments

- 6.50. Thames Water have recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.51. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission. The applicant has been made aware of the need to seek approval from Thames Water regarding proximity of buildings within 3m of public sewers]*

**Greater London Authority**

Housing

- 6.52. The principle of housing on this site, as part of any redevelopment proposals, is strongly supported. The applicant should fully engage with the Council regarding its emerging requirements for the area.
- 6.53. *[Officer comment: The applicant has fully engaged with the Council through the UDF and during pre-application proposals]*

Retail and Community Provision

- 6.54. The principle of ground floor retail uses is supported in providing an active ground floor, and in providing a range of supporting uses for future residents. It is important the space is occupied and further information should be provided in support of the uses and quantum proposed.

- 6.55. *[Officer comment: The uses are proposed in locations agreed with the Council to animate various parts of the site in accordance with the UDF and emerging plans within the South Quay Masterplan]*

#### Affordable housing

- 6.56. The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12. Further information should be provided on the feasibility of social/affordable rent units, and evidence of discussions with potential providers.
- 6.57. *[Officer comment: Affordable Housing is addressed within the material planning considerations section of this report]*

#### Housing Choice

- 6.58. The applicant's approach to family housing provision appropriately prioritises affordable family homes and is supported.
- 6.59. A total of 98 studios are proposed, whilst the provision of studios is acceptable the applicant should review the proportion of studio units within the overall housing provision.
- 6.60. *[Officer comment: As part of the design amendments, the applicant has reduced the number of studios to 76]*

#### Density

- 6.61. There is not an in-principle objection to high-density developments; however the GLA have advised that there is strategic concern regarding the need to address potential barriers to the delivery of high density housing within the Isle of Dogs. Concerns have also been raised, regarding how this application relates to the urban design framework, and the subsequent increase in scale and quantum proposed by the applicant.
- 6.62. *[Officer Comment: since submission the proposal has been amended in line with discussions held with the GLA which further reduce the density of the proposed development. In addition, the applicant has explained that the slight change from the UDF is partly to increase the amount of public realm provided within the development and to ensure residents of Indecon Court have sufficient daylight]*

#### Housing Quality and Design

- 6.63. A number of concerns regarding ground-floor layout, number of units per core, proportion of both single-aspect and single-aspect north-facing units are raised in the urban design section below, and should be addressed.
- 6.64. *[Officer Comment: since submission the proposal has been amended which to reduce the number of single aspect north facing units, this is supported]*

#### Child Play Space

6.65. The GLA is concerned that the illustrative design of the Child Play Space could be gated and controlled by the user, and will not be available for the children of the development. The GLA consider it is vital that this space be secured as fully publicly accessible as part of any future planning permission.

6.66. *[Officer Comment: this is noted and the public realm access is to be secured by within the s106 agreement]*

#### Urban design and tall buildings

6.67. The GLA have advised that the principle of tall buildings on this site does not in itself raise strategic concern. However, they have advised that the fifty storey tower is significantly taller than surrounding proposals, and is not located where it would aid legibility of the wider area. The inclusion of four towers on a relatively small site further raises concern, and represents a substantial increase in height than that proposed through the urban design framework developed by the landowner.

6.68. *[Officer comment: The height of the tallest tower has been reduced to 42 storeys, which is similar to Pan Peninsula and Baltimore Wharf. Further discussions have also taken place in relation to the number of buildings and these have resulted in the reduction of footprint to the buildings to the north of the site. This is inline with discussions held with the GLA with the remaining towers considered to be appropriately sited. This matter is discussed further within the design section of the report]*

#### Strategic views

6.69. The GLA have requested that additional townscape assessment should be carried out. They have also raised no strategic concern is raised with regards to the LVMF strategic views 5A.1 and 11B.1.

6.70. *[Officer comment: Additional townscape analysis has been carried out and results are discussed within the Material Planning Section of this report]*

#### Blue Ribbon Network

6.71. The GLA have noted the need for improved bridge crossings and have advised that it is expected that this proposal will contribute towards the delivery of improved bridge connectivity.

6.72. *[Officer comment: A s106 contribution for the bridge has been sought and this is discussed within the material planning section of this report]*

#### Inclusive design

6.73. The applicant should engage with the Council to identify local requirements for affordable wheelchair provision, and ensure an equitable distribution across all tenures.

6.74. *[Officer comment: This is noted and discussions have been on going]*

#### Climate change

- 6.75. The Council should secure a connection to Barkantine District Network as proposed by the applicant.
- 6.76. The proposal results in 30% reduction in regulated carbon dioxide emissions, which falls short of the London Plan 5.2 the applicant should implement additional energy efficiency measures, and/ or renewable energy technologies, aimed at achieving further carbon reductions.
- 6.77. *[Officer comment: a condition is recommended to ensure that the development could connect to the Barkantine DHN if it became available]*

#### Transport

- 6.78. The GLA have advised that further discussions are required to ensure the applicant appropriately contributes to additional dock crossing points. Contributions towards the delivery of the bridge, bus and cycle hire capacity enhancements, and Crossrail are also required, and should be secured through the Section 106 agreement. A separate residential and workplace travel plan, construction logistic plan, and information on coach parking re-provision, staff cycle parking, and the permit transfer requirements, should also be provided.
- 6.79. *[Officer comment: See TfL comments in the following paragraphs of this report]*

#### **Transport for London**

##### Coach parking

- 6.80. TfL understands that these aforementioned coach bays are currently well used. The applicant must therefore identify an alternative suitable location for their relocation within the local area. Furthermore, it is recommended a condition is imposed to ensure that any alternative bays have been constructed and available for use before they are removed from this site.
- 6.81. *[Officer comment: the relevant condition is recommended to the consent]*

##### Car Parking & Access

- 6.82. The applicant proposes 210 residential car parking spaces within the basement. This equates to a ratio of 0.2 spaces per unit. The provision comprises 28 conventional car parking spaces (of which 20 will be 'Blue Badge') with the remainder provided in the form of stackers. Electrical Vehicle Charging Points will be provided in accordance with the London Plan minimum standards which is 20% active and 20% passive overall.
- 6.83. If the full complement of designated bays is not provided at first occupation, a parking management strategy should be provided to justify the level of Blue Badge Bays provided.
- 6.84. *[Officer comment: the relevant condition is recommended to the consent]*

- 6.85. The applicant is encouraged enter into discussion with local car club operators to determine the viability of introducing a scheme either within the basement or on street. TfL acknowledges that a private basement location is not generally favoured by operators however in this instance the site's location, density and car parking provision suggest that car club could be feasible on this site.
- 6.86. A car free development would be appropriate at this location considering the site's PTAL this provision accords with London Plan policy 6.13 'Parking'. It is welcomed that occupiers will be exempt from applying for a local on street parking permit however the applicant should have regard to the Permit Transfer Scheme operated by Tower Hamlets Council and demonstrate how any applicable occupiers would be able to be accommodated on site.
- 6.87. *[Officer comment: A parking management strategy is recommended as a condition, as is a feasibility statement for the applicant to pursue an option of a designated car-club space and the permit-free agreement is recommended on the planning consent]*

#### Cycle Parking

- 6.88. The applicant proposes 1196 residential cycle spaces in the basement with an additional 25 commercial visitor spaces and 25 residential visitor spaces located at grade within the public realm area. The residential quantum proposed accords with London Plan policy 6.9 'Cycling'
- 6.89. *[Officer comment: The provision and retention of the cycle parking is to be secured by condition]*

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

##### Vehicular

- 6.90. TfL advise that due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.
- 6.91. *[Officer comment: It is conceivable that the use of the proposed 210 parking spaces could have a material impact on junction capacity as such a financial contribution has been secured within this development]*

##### Public Transport - DLR

- 6.92. The development will generate additional DLR trips in the AM peak and PM peaks respectively. The section of DLR northbound between South Quay and Heron Quays is the busiest link on the South Route (Lewisham - Canary Wharf). Although the introduction of Crossrail services at Canary Wharf from 2018 is expected to provide additional public transport capacity,

from 2031 onwards, with the levels of planned development on the Isle of Dogs, TfL expects congestion to return.

- 6.93. This reinforces the importance of providing new links across the dock area between South Quay and Canary Wharf as they would alleviate the need for short trips on the bus and DLR network by encouraging walking and cycling.
- 6.94. *[Officer comment: a way-finding strategy is recommended to be secured by condition, and financial contributions have been secured towards legible London signage and a new pedestrian bridge]*

#### Public Transport - Buses

- 6.95. TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.
- 6.96. *[Officer comment: a contribution towards bus capacity is recommended to be secured by way of the s106 agreement]*

#### Public Transport - walking & cycling

- 6.97. TfL strongly supports Tower Hamlet's aspiration to deliver additional dock crossing points connecting the South Quay area with the Canary Wharf estate. Such links would not only alleviate the pressure on the existing footbridge but improve wider pedestrian/cycle connections and create a direct route to the eastern entrance to Canary Wharf station at Montgomery Square. In accordance with London Plan policies 6.1, 6.4, 6.7, 6.9 and 6.10 and to expedite the construction of the bridge, TfL encourages the Council to secure a contribution from this and other development within the local area, unless and until such time as the Borough's Community Infrastructure Levy (CIL) is adopted.
- 6.98. In addition, TfL suggests that the applicant should contribute towards the implementation of Legible London signage in the immediate vicinity of the site. Legible London is a wayfinding initiative to encourage walking and cycling and the applicant should note that a pair of signs costs approximately £15,000.
- 6.99. *[Officer comment: The relevant contributions have been secured]*

#### Public Transport - cycle hire

- 6.100. TfL is seeking pooled contributions from sites within the emerging South Quay Masterplan area towards the provision of additional cycle hire capacity. Therefore, in accordance with London Plan policy 6.9 'cycling', TfL requests that the Council secures a contribution of £70,000 within the section 106 agreement towards the provision of additional cycle hire capacity within the site's locality.
- 6.101. *[Officer comment: The relevant contribution has been secured]*

#### Travel planning

- 6.102. The applicant has submitted a framework travel plan which refers to both the residential and retail elements of the scheme. Although the content is of a good standard and has passed TfL's ATTrBuTE assessment, it is requested that a separate residential and workplace travel plan are provided. The final travel plans should be secured, enforced, monitored and reviewed as part of the Section 106 agreement.
- 6.103. *[Officer comment: The travel plans are to be secured by condition and monitored within the s106 agreement]*

#### Freight

- 6.104. The residential units will be serviced from the basement accessed from Mastmaker Road. Servicing for the retail units will be accommodated at ground level with delivery times controlled through active management to reduce conflict pedestrian movement. A Delivery and Servicing Plan (DSP) has been provided and TfL considers the content acceptable and requests that the final document is secured by condition.
- 6.105. Given the scale of development, a framework Construction and Logistic Plan (CLP) is required. The CLP should include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed.
- 6.106. *[Officer comment: The DSP and CLP are recommended as conditions should planning permission be granted]*

#### Other measures

- 6.107. TfL will require the provision of a Construction Logistics Plan, Car Parking Management Plan, Travel Plan and Servicing Plan as conditions on any grant of planning permission.
- 6.108. *[Officer comment: These matters are recommended to be secured by condition]*

#### Crossrail SPG

- 6.109. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013).

#### CIL

- 6.110. In accordance with London Plan policy 8.3, Community Infrastructure Levy, the Mayor commenced CIL charging for developments permitted on or after 1 April 2012. For development within the borough of Tower Hamlets, the Mayoral charge is £35 per square metre
- 6.111. *[Officer comment: This is noted]*

#### **LBTH Highways**



#### Car Parking and Impact

- 6.112. The site is located in an area of good public transport accessibility and an agreement should be attached to any permission requiring all future residents are prohibited from obtaining residential on-street car park parking permits.
- 6.113. Highways object to the level of parking at 210 spaces. The 210 residential parking spaces proposed represent a significant level of on-site car parking despite being within the maximum allowed under Policy DM22. The majority of vehicle trips generated by the development would be expected to use one of the two highway access points to the Isle of Dogs (Westferry and Preston's Road roundabout). Both of these junctions currently experience peak time congestion which is forecasted to worsen as a result of the high level of development on the Isle of Dogs. As such, Highways would like to see a reduction in car parking to reflect the sites good PTAL access.
- 6.114. Highways are concerned that operation of the valet service should not result in any queuing onto public highway. To this end, approval of Car Park Management Plan should be secured by condition, should permission be granted.
- 6.115. *[Officer comment: Following further discussions, the applicant has agreed to a reduction of car parking from 210 to 147. The applicant has also agreed to 31 spaces to be designated for disabled users. This level of parking is now considered acceptable to the Councils Transportation and Highways officer and balanced with the proposed transport mitigation measures which include a substantial contribution for a new pedestrian bridge and a contribution towards Prestons Road roundabout. In addition, a parking management strategy is to be secured by condition. As such, officers consider the proposed level acceptable]*

#### Cycle parking

- 6.116. The applicant is required to clarify the type of cycle parking proposed for residential allocation in the basement as Highways does not support certain types including vertical stands. The applicant is required to explain how the cycle ramp will work in practice The proposed level of visitor cycle parking to be provided at 50 spaces is acceptable. However, the location of these spaces at ground floor is not shown on the plans.
- 6.117. Highways require a condition to be attached to any permission requiring approval of a plan showing the location of cycle parking for at least 50 cycles at ground floor level within the site.
- 6.118. *[Officer comment: A condition is recommended to ensure an acceptable provision of cycle parking is provided for the various uses within the development]*

#### South Dock Footbridge

6.119. A second South Dock crossing is critical to mitigate the impacts of the development. The TA forecasts that the proposed development will generate an additional 118 northbound DLR trips during the AM peak. Given the proximity of South Quay station to the development, it is expected that all of this additional demand will access the DLR from this station.

6.120. Delivery of a second South Dock footbridge would help relieve overcrowding on the existing footbridge by providing an alternative crossing and additional capacity. It would also alleviate the congestion at South Quay station by enabling redistribution of flows generated by the development (and other committed and likely development in the vicinity) to services at Heron Quays (DRL), Canary Wharf (LUL and Crossrail) and Poplar (DLR).

6.121. *[Officer comment: A substantial financial contribution has been secured towards the delivery of a second footbridge]*

Servicing

6.122. The applicant is required to provide a tracking diagram showing a 10m rigid HGV entering and exiting the site in forward gear.

6.123. *[Officer comment: This has been provided by the applicant]*

Public realm

6.124. The highway works surrounding this site are to be subject to a section 278 agreement and any item not stated in the above list is deemed to be included within this agreement.

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

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

### **LBTH Refuse**

6.127. The principles of the waste strategy for the development are welcomed, an extensive operational statement that will include how many bins will be held at ground floor and the frequency of movement will be required.

6.128. *[Officer comments: This is noted and a waste management strategy will be secured by condition]*

### **Commission for Architecture and Built Environment CABE**

6.129. No comments received.

## **7. LOCAL REPRESENTATION**

- 7.1. At pre-application stage the applicant undertook their own community consultation. This took place as part of the Urban Design Framework and also during the course of pre-application discussions.
- 7.2. At application stage, a total of 6336 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses                      36                      Objecting: 35                      Supporting: 0  
No of petitions received: 0

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

### **Objections**

- The proposal should be held in abeyance until a masterplan is developed for the area
- The height is unacceptable and would disrupt Canary Wharf skyline;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;
- The proposal would increase noise and vibration to surrounding properties;
- The proposal would create noise, disturbance and dust during construction;
- The proposal will result in reverberating noise to existing buildings;
- Further strain on refuse collection
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Loss of view to neighbouring properties;
- Adverse impact on wind tunnelling;
- No external child play space
- Site should be used for offices to balance the number of residential uses
- Insufficient parking proposed with an adverse impact on the local highway network

- 7.4. *(Officer comment: The proposed height, density, scale, massing and height are addressed in Chapter 8 of this report as is the effect on local and*

*strategic views, public realm, the impact on local services and infrastructure, noise and vibration, wind, daylight/sunlight, privacy and overshadowing.*

- 7.5. *Similarly transportation impacts are addressed further within this report.*
- 7.6. *In relation to an alternative use of the site as an office, it is noted that the site has had consent previously for an office led scheme however this has not come forward. In addition, the wider site allocation promotes a residential led scheme. As such, officers are not able to insist on an alternative use.*
- 7.7. *Loss of value and loss of view to neighbouring properties is not normally considered a material planning consideration.*
- 7.8. *The Council is preparing a South Quay Masterplan SPD, to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. It is currently out to consultation, and as such it has limited weight as a planning consideration, and given the Council has a duty to determine planning applications in a timely manner, it cannot prevent the determination on otherwise acceptable applications until the masterplan is adopted.*
- 7.9. *In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved/mitigated against through conditions such as a construction management plan)*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. The main planning issues raised by the application that the committee must consider are:
- General Principles/ Land Use
  - Urban Design
  - Heritage
  - Housing
  - Neighbouring Amenity
  - Highways and Transportation
  - Waste
  - Energy and Sustainability
  - Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
  - Impact on local infrastructure/facilities
  - Planning Contributions and Community Infrastructure Levy
  - Local Finance Considerations
  - Human Rights
  - Equalities Act Considerations

### **General Principles/ Land Use**

- 8.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 8.3. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.4. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 8.5. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.6. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.
- 8.7. The proposal is for the construction of a mixed use residential-led development, including retail uses at ground floor. The proposal includes 1,030 sqm of Mixed uses, of which 125sqm is allocated for a D1 use.
- 8.8. This would be consistent with London Plan Isle of Dogs Opportunity Area policies, which seek housing as well as employment growth. The active (retail) uses at ground floor with residential above are also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.
- 8.9. The principle of the proposed land uses is supported.

## Density/Quantum of Development

- 8.10. Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.11. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.12. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is very good and is PTAL 5
- 8.13. The site area is 1.039 hectares and the application proposes 901 residential units (2447 habitable rooms) based on the GLA Housing supplementary planning guidance the proposed density equates to 2492 habitable rooms per hectare (867 units per hectare) and 2,355 habitable rooms based on the total habitable rooms divided by the site area.
- 8.14. The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.
- 8.15. Advice on the interpretation of density can be found in the SPG which reads as follows:
- “...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions.”*
- 8.16. The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG

outlines the different aspects which should be rigorously tested, these include:

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

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

## **Urban Design**

### Policies

- 8.18. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.19. 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).
- 8.20. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.21. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.22. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case

the site is within an Activity Area, which is the next one 'down' in the hierarchy.

- 8.23. The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:
- “Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;
  - Protect and enhance the setting of other surrounding heritage assets including the historic dockside promenade;
  - Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;
  - Create a legible, permeable and well-defined movement network...”
- 8.24. As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London’s waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council’s, inter alia, to ensure:
- that development will provide suitable setbacks, where appropriate from water space edges;
  - development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

#### Local context

- 8.25. The site is situated with the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m Above Ordinance Datum “AOD”).
- 8.26. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).
- 8.27. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.



- 8.28. On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.
- 8.29. On the northern side of Marsh Wall both South Quay Plaza(SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 239m at SQP and 220m AOD at Arrowhead Quay). Meridian Gate also has a resolution to grant planning permission following Strategic Development Committee held on 29<sup>th</sup> January 2015.
- 8.30. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 3 Millhabour and South Quay Square (Millharbour East and West), 50, and 54 Marsh Wall. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.
- 8.31. To the south of Marsh Wall, heights drop off relatively rapidly, with the maximum height at Indecon Court behind the application site currently being constructed at 99m A.O.D. The most notable exception to this drop in height is the proposed development at the former London Arena Site (now known as Baltimore Wharf) where, a 44 storey building is currently being constructed with a height of 155 A.O.D. Further south of Marsh Wall, the height drops to as little as 4 stories in height, generally buildings serving residential uses.
- 8.32. It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.
- 8.33. It is within this existing and emerging context, that this proposal must be considered.

#### The Proposal

- 8.34. The proposal seeks the erection of seven buildings (identified by lift cores) of varying heights within the roughly rectangular parcel of land.
- 8.35. The proposed buildings (A, B1, B2, B3, C, D and E) are shown in the following plan.



*Block A*

- 8.36. Block A is to consist of a building part 13, part 28 storeys in height (97m AOD). The ground floor is to consist of communal amenity space to the south, a retail unit to the north, two cores providing residential access and associated residential back of house facilities such as refuse and bike stores. A ramp providing access to the basement from Mastmaker Road is also proposed within this block.
- 8.37. The ground floor of Block A is proposed to have two residential cores. Core A1 to the north is proposed to provide access to 48 rented units, whilst core A2 is located to the south and is proposed to provide access to 109 rented units and 56 intermediate units.

*Block B1*

- 8.38. Block B1 consists of a building 9 storeys in height 37m (AOD). The ground floor consists of 4 retail units, associated refuse and cycle facilities and the residential core, which leads to 40 intermediate residential units.

*Block B2 and Block B3*

- 8.39. Whilst referred to as two buildings (due to the two residential cores) in appearance these two blocks will read as one building ranging in height from 10 to 25 storeys (up to 91m AOD)
- 8.40. The ground floors are to contain a mix of retail units separated by the two residential cores.
- 8.41. Block B2 is to contain 90 residential units of which 66 are to be private and 24 intermediate. Block B3 is to contain 33 private residential units.

*Block C*

- 8.42. Block C is proposed to be a single residential tower consisting of 36 storeys (129m AOD). The ground floor is proposed to be retail with 228 market

residential units accessed from a residential lobby to the northern part of the ground floor.

*Block D*

- 8.43. Block D is proposed to be the tallest building on site measuring up to 148.4m AOD and consisting of 297 private residential units. The ground and first floor are to provide the residential entrance and ancillary residential floor space.

*Block E*

- 8.44. Lastly, Block E is proposed to be a building between Block B1 and Block D it is proposed to be three storeys in height (equivalent of 6 residential floors) and is to be used as a leisure facility. It is located around 7m above ground level.

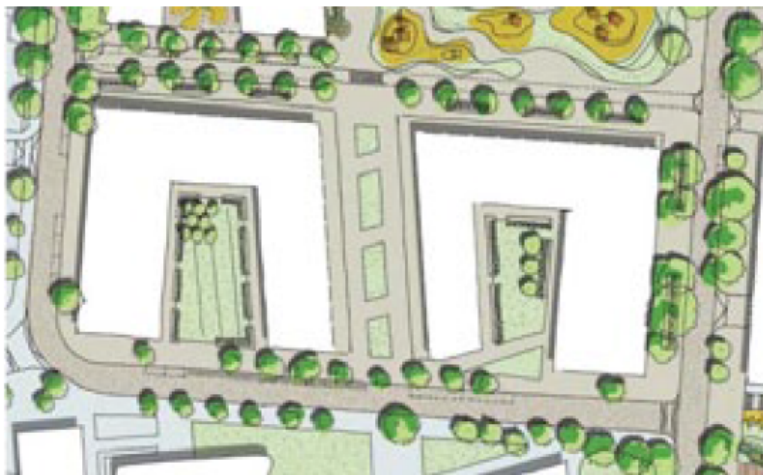
- 8.45. The following is an elevation from the north looking south. Blocks A, B1 and B2/B3 can be seen in the foreground and Blocks C and D can be seen in the background.



### *Ground Floor Design*

- 8.46. The applications approach to the design has been informed by the Urban Design Framework (UDF), which in turn has informed the emerging South Quay Masterplan. The UDF sought the erection of two large 'U' shaped buildings on this site as part of a wider development with the adjoining sites. The design of this application has evolved from the UDF. The main changes being a smaller foot print of the buildings resulting in an increased public realm and an increase in height to maximise the provision of housing.
- 8.47. These amendments have been made partly to increase the public realm, but also to increase daylight within the development whilst also ensuring adequate daylight is retained for Indescon Court.
- 8.48. The following images show the UDF scheme (2013) and the evolution to the current proposal.

URBAN DESIGN FRAMEWORK 2013



Current Scheme 2015



- 8.49. The proposed retail, as per the emerging guidelines is located along the perimeter of the buildings to enforce Mastmaker Road and Millharbour Roads as the primary streets. A central route across the site is proposed which is to provide a secondary route connecting Indescon Court to the south and the proposals (yet to be determined) on Millharbour west to the north.

8.50. A plan showing the relationship of the application site to emerging proposals is shown in the following image.



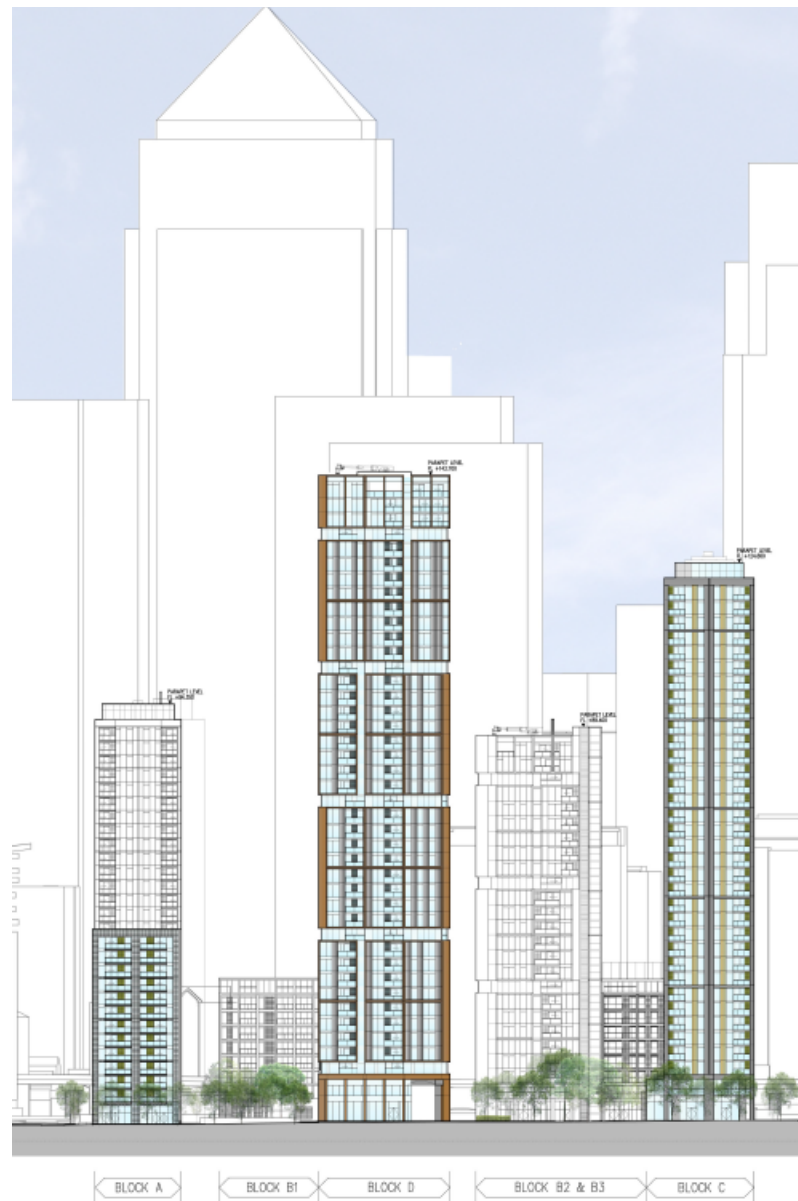
8.51. Overall, officers are strongly supportive of the collaborative approach to the development of this site as part of the UDF process, and consider the proposed design to be of high quality with various pedestrian walkways aimed at providing an attractive permeable development.

#### Building Heights

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

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

- Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration.
- 8.53. The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which 2 Millharbour is located), district centres, neighbourhood centres and main streets, and areas outside town centres.
- 8.54. Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 8.55. For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 8.56. The proposed developments, tallest buildings measure 91, 97, 129, 148m AOD respectively (blocks A, B2, C and D).
- 8.57. The following section shows Blocks C and D in the foreground and Blocks A and B2 in the background.



8.58. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD. The vision for Millwall as set out within the Core Strategy also seeks to ensure tall building in the north should step down south and west to create a transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the South.

8.59. The following is an assessment of the proposal against policy DM26.



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

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

*Policy DM26(2)a states. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*

- 8.60. Reference is made to the sites context as outlined above. The proposed buildings are to be 37,40, 91,97,129 and 148m A.O.D respectively. These are the maximum heights for each block, with some buildings varying in height.
- 8.61. In relation to the Town Centre Hierarchy the sites falls within the Activity Area, where a transition in building heights is expected from the Central Activity Zone of Canary Wharf.
- 8.62. In relation to the Activity Area, the tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is approved at 155m AOD.
- 8.63. The tallest building (Block D) of the proposal at 148.4m AOD is considered to fall within this bracket as the maximum height considered appropriate within the Activity Area.
- 8.64. The remaining taller buildings are considered to relate well to Indecon Court which is currently being constructed to the south with a maximum height of 99m AOD.
- 8.65. A planning application has been submitted for the sites to the north and east (Known as Millharbour East and West). As this, is currently under consideration limited weight is given to these proposals. However, it is noted that collectively the applicant site along with the Millharbour East and West formed part of an Urban Design Framework (UDF) where building



heights were discussed. Millharbour East and West has three buildings which are proposed to be a similar height to Block B.

- 8.66. As such, when taking into account the heights within the CAZ (up to 250m AOD) and smaller floorplates within these residential buildings, the proposed development is considered to reflect an adequate transition.

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

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

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

- 8.68. The design has been extensively consulted on during pre-application and application stage. It is widely acknowledged that subject to detailed conditions the proposed buildings will be of high quality.

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

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

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

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

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

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

- 8.72. The proposed development has a number of retail units at ground floor level which are appropriately located to create activity at street level.

*DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*

- 8.73. The proposed buildings have been carefully designed with a variety of balconies some inset to provide high quality private amenity area. This coupled with the public realm provided within the site ensures the proposal is in accordance with policy.

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

- 8.74. This is discussed further within the amenity section of the report. In summary, the micro-climate impacts have been considered acceptable.

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

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

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

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

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

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

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

- 8.78. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

- 8.79. As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

#### Local Views

- 8.80. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposed buildings are surrounded by significant amount of public realm, providing 'breathing' space for the buildings.
- 8.81. Within many local views (Glengall Bridge, Preston's Road Footbridge and Blackwall Dock) the proposed tallest buildings Block's C and Block D appear within a backdrop of similar tall buildings. Within other views for instance Preston's Road Drawbridge the two tallest buildings block C and D appear to the side of Pan Peninsula.
- 8.82. The proposed materials are in keeping with the approach taken within nearby developments and ensure the proposed buildings are likely to integrate within their local contexts. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.
- 8.83. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.

#### Architecture

- 8.84. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevation treatment of the proposed buildings are of a high standard, as discussed above the proposed materials will be in keeping with the cladding approach used within the immediate context and as such, will provide a visual interest and contrast with the commercial tall buildings within the Canary Wharf estate.

#### Secure by Design

- 8.85. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 8.86. The Secure by Design officer has considered the proposed development and has had discussions with the applicant, the majority of items are recommended to be discussed further at detailed design stage.
- 8.87. The Secure by Design Officer has raised concerns over the under-croft space underneath Block E with the potential for it to offer shelter and opportunities for anti-social behaviour. However, officers consider that given the purpose of the design is to provide a permeable, naturally overlooked area, an appropriate balanced has been struck within the

design. The height from the ground floor to the underside of Block E is also around 7m which is at the equivalent space of two residential storeys and a lot higher than what is considered as a typical undercroft space.

- 8.88. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents.
- 8.89. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

#### Microclimate

- 8.90. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.91. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.92. The wind levels at ground level are generally suitable; however some mitigation would be appropriate in the form of landscaping condition, especially to the undercroft of Block E.

#### Inclusive Design

- 8.93. Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.94. One of the key disadvantages of the site as existing is the confusing layout and poor segregation of private and public areas. In addition, in terms of wayfinding the existing layout is confusing with poor public realm and a large proportion of the site in hard standing area.
- 8.95. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.

- 8.96. Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and a sufficient proportion of carparking spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.
- 8.97. The proposed new homes are also to be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

### Design Conclusions

- 8.98. In terms of detailed design, materials and finishes, whilst the building represents a bold and contemporary development, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.
- 8.99. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

### **Heritage**

- 8.100. The Environmental Statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 8.101. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.102. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

8.103. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

#### Strategic Views

8.104. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama’s from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1 & 11B.2).

8.105. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge, behind the Tower Hotel, and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.

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

*“The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”*

8.107. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of One Canada Square at a similar height. As shown in the following image.



8.108. The applicant's HTVIA illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. Within this developing cluster, the blocks C and D would appear as the most prominent buildings to the left (west) of the Canary Wharf cluster and of a similar height to existing buildings. When taking into account various cumulative schemes (including those consented since submission of the application) the proposed buildings will fall comfortably within a cluster of buildings of a similar and greater height. As such, it is considered that the proposed development will not detract from the integrity and importance of the World Heritage Site.

#### Archaeology

8.109. The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

8.110. English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

#### Surrounding Conservation Areas and Listed Buildings

8.111. It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock

walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would not have an unduly detrimental impact on the setting of these assets.

## Housing

### Principles

- 8.112. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 8.113. The application proposes 901 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 2,885 units, which will increase to 3,931 units once the Further Alterations to the London Plan is adopted.
- 8.114. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.115. The following table details the housing proposed within this application.

	Studio	1 bed	2 bed	3 bed
Open market	76	231	213	104
Affordable Rent	0	57	40	60
Intermediate	0	62	36	22
<b>TOTAL</b>	<b>76</b>	<b>350</b>	<b>289</b>	<b>186</b>
<b>Total as %</b>	<b>8</b>	<b>39</b>	<b>32</b>	<b>21</b>

- 8.116. The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

- 8.117. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable



family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

8.118. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:

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

8.119. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

8.120. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

8.121. The affordable housing is 35% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants.

8.122. The affordable housing is being delivered at a 62.5/37.5 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. Overall, the tenure split being in between the two ratios is supported, when taking into the discussions that have taken place in relation to maximising the overall level of affordable housing.

8.123. The affordable rented units are offered at the LBTH borough framework rent levels for this postcode. Officers consider an appropriate balance has been reached which optimises affordable housing whilst also seeking to maximise the affordability of that housing.

8.124. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week inclusive of service charges.

### Housing Mix

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

8.126. The following table below compares the proposed target mix against policy requirements:

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	76	0	0	0%	0	0	0%	76	12	0%
1 bed	350	57	36	30%	62	52	25%	231	37	50.00%
2 bed	289	40	25	25%	36	30	50%	213	34	30.00%
3 bed	186	60	38	30%	22	18	25%	104	17	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>901</b>	<b>157</b>	<b>100%</b>	<b>100%</b>	<b>120</b>	<b>100%</b>	<b>100%</b>	<b>624</b>	<b>100%</b>	<b>100%</b>

8.127. Within the scheme, the two bedroom affordable rented units meet with policy. However, there is a slightly greater proportion of one beds than required by policy (36% against a target of 30%) and 38% family sized accommodation against a target of 45%. It is also noted the scheme does not provide any four bedroom units. Given the application proposes 60 family sized units, and the viability constraints around ensuring that the scheme achieves the policy complaint quantum of affordable housing. The proposed mix is therefore considered acceptable.

8.128. The unit mix within the intermediate tenure is skewed towards one bedroom units, resulting in a 52% provision of one beds against a target of 25% and a 30% provision of two beds against a policy target of 50%. No three bedroom units are proposed against a target of 25% and 18% family sized units against a target of 25%. The lack of three bedroom units within the intermediate section is considered acceptable in this area, as housing have

advised that there appears to be an affordability issue due to the relatively high value of this area rendering larger intermediate units generally less affordable. For the very same reason it is considered that the greater proportion of one bedrooms units are considered acceptable in this instance.

- 8.129. The private mix is focussed towards 1 and 2 beds. Consequently, the private housing component of the development whilst broadly compliant breaches policy by a few percentage points. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements". The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.
- 8.130. The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

#### Quality of residential accommodation

- 8.131. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.132. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 8.133. All of the proposed flats meet or exceed the London Plan minimum internal space standards. The number of flats does not exceed the recommended 8 as set out in the Housing SPD. This would accord with objectives of the Housing SPG by providing a sense of ownership.
- 8.134. The flats can be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable (for the private and intermediate tenures) and wheelchair accessible (for the affordable rented tenures) and this is to be secured by condition. The majority of 3 bedroom units have separate kitchens or can be adapted to have separate kitchens.

This is considered acceptable. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height exceed 2.5m which is in accordance with relevant policy and guidance.

#### Internal Daylight and Sunlight

- 8.135. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.136. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 8.137. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.138. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 8.139. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

#### Daylight

- 8.140. The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development. The Council's consultants, Delva Patman Redler (DPR) have provided their interpretation of the results.
- 8.141. The report shows that the majority of the buildings benefit from acceptable levels of ADF. However, there are instances where some buildings have comparably low levels of ADF. These include Block A where 67% of rooms tested meet the BRE criteria for ADF. Some 82% of the units in Block A

meet ADF criteria for at least half of their habitable rooms and 85% meet the criteria for at least one room. The results are similar for Block B. For Block C, 78% of rooms meet the criteria, with 99% of units having at least half of their habitable rooms in compliance. In Block D virtually 100% of rooms meet the criteria.

8.142. DPR have advised that where ADF criteria is not met, there are still good residual levels of daylight. There are very few rooms where ADF values are exceptionally low. However, in nearly all cases these are bedrooms, where the lack of daylight is less of an issue than it would be for living rooms or kitchens.

8.143. DPR have also advised that in many cases, the resulting failures are partly due to recessed balconies which whilst providing external amenity space, restrict light entering the rooms. As such, officers when balancing the need to provide external amenity space against the less than desired ADF values have come to a view that overall, the proposed levels of Daylight are considered acceptable and that the overall quality of accommodation (to which daylight is one aspect) is acceptable.

#### Sunlight

8.144. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.

8.145. Following a review of the applicants report DPR have advised that the scheme proposal will not be compliant for sunlight for Blocks A, B and C but will be fully compliant for Block D. DPR have also advised that these results are, however, at a level that can be expected for buildings in a dense urban environment surrounded by other tall buildings and therefore the sunlight results are not inappropriate for the location.

#### **Amenity space and Public Open Space**

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

#### Private Amenity Space

8.147. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.

8.148. The application proposes private amenity space for all the units in the form of balconies and terraces, thus according with the above mentioned policy.

### Public Open Space

8.149. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.

8.150. The applicants approach to development to maximise the level of public realm at ground floor level, as shown in the images within the following section. This approach was developed as part of the urban design framework which focussed different types of open space within different locations. The design of the space has been carefully considered throughout the planning process and is considered to be of high quality. Furthermore, a financial contribution has been secured towards open space improvements.

8.151. The following plan shows the allocation of the ground floor public realm.

OPEN SPACE PROVISION



- 8.152. The western space overlooked by blocks A, B1 and D is designed to be a quieter communal area, it is also where a substantial portion of the child playspace is to be located.
- 8.153. The space between blocks D, B2/B3 and C is to be more 'open' in feel as it is also the location where the pedestrian route linking Indecon Court to the south with Millharbour West and Marsh Wall to the north is located.
- 8.154. The total ground floor public and play space proposed measures 7,052sqm and this equates to just over 67% of the ground floor plain allocated to public realm. This is a significant increase from the UDF which suggested around 53% of the site to be public realm.
- 8.155. Overall, officers consider that the approach taken in relation to the quality of public realm to be of sufficiently high quality and are confident it will provide an attractive and pleasant contribution to the local area.

#### Communal Amenity Space

- 8.156. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 941sqm.
- 8.157. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'.
- 8.158. The applicants approach to communal amenity space is for it to be located within the public realm and for 125sqm to be located on the roof of B1. The total area measures 938sqm which is 3sqm short of the policy. It is important to note the roofs of the remaining blocks provide brown roofs which promoting biodiversity also provide a form of amenity.
- 8.159. The applicant is also providing leisure facilities in the form of a 'leisure box' (block E) which measuring 1,049sqm will provide a further amenity provision within the development.
- 8.160. Taking this into consideration, along with the contribution to the public realm as secured within the s106 agreement officers are satisfied that the proposed community space and leisure box, in conjunction with the substantial public realm ensures the proposed development will have an acceptable level of amenity space for the enjoyment of future residents.

### Child play space

- 8.161. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 240 children (0-15 years of age) using LBTH yields. As such, 2400 sqm of play space is required. A breakdown by age bracket is provided below (based on LBTH yields):
- 114 children who are between 0 to 3 requiring 1140sqm of space;
  - 79 children who are between 4 to 10 requiring 790sqm; and,
  - 47 children who are between 11 to 15 requiring 470sqm.
- 8.162. The application has been accompanied with a playspace strategy which seeks to utilise the playspace for doorstep and local playable space for ages 0-11 year olds. Numerically, this equates to 1,956sqm of child play space. This leaves a shortfall of 444sqm, when measured against the LBTH yields.
- 8.163. As outlined above, the 'Children and Young People's Play and Information Recreation' SPG (February 2012) advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space
- 8.164. The applicants approach is for the younger age groups to be provided on site and the older group to be accommodated within the surrounding area.
- 8.165. This approach was discussed and agreed at pre-application stage as part of the wider UDF where two pocket parks were proposed as part of the wider UDF site. Whilst the pocket parks are under consideration within planning application PA/14/03195, the spaces for the pocket parks are also mentioned within the draft South Quay Masterplan as 'Principal Open Spaces'. The child play spaces within this development have carefully been designed as doorstep or incidental spaces, on the basis that the spaces within the pocket parks will be more desirable for children within the area. Offers share this view, and are supportive of this approach.
- 8.166. Given the overall quality of the design, the shortfall in child play space along with the high quality of overall public realm, officers are satisfied that an appropriate balance has been secured within the public realm to provide an acceptable standard of amenity for future residents.
- 8.167. Detailed design of the child play spaces are recommended to be secured as condition.



## Noise and Vibration

- 8.168. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.169. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.170. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 8.171. The submitted noise report considers existing noise levels from a variety of noise sources; include rail, car and aircraft.
- 8.172. This has been reviewed by the Council's Environmental Health Noise and Vibration officer who have confirmed no objections are raised subject to conditions ensuring the relevant standards are met.

## Air Quality

- 8.173. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.174. The Air Quality assessment suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.175. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.

8.176. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

### **Neighbouring amenity**

8.177. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

### Daylight, Sunlight and Overshadowing

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

8.179. As a result of the application site being currently vacant, neighbouring properties have very good levels of daylight/sunlight at present and any development is likely to result in a significant reduction in daylight/sunlight.

8.180. However, given these neighbouring properties are all of relatively recent construction, it is considered appropriate for neighbouring buildings to be treated as having been constructed in the knowledge of a similar scale of development coming forward on vacant sites such as the application site. Therefore officers in line with the independent advice received consider the appropriate assessment is to calculate whether habitable rooms in neighbouring buildings will meet minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.

8.181. This view is partly supported by the knowledge that the wider area formed part of the Millennium Quarter Masterplan (2000) and that the site had planning approval for an office development with three buildings up to 19 storeys in height (originally approved on 11th December 2003 under planning reference PA/00/01306 and extended on 27/07/2006 under planning reference PA/05/02117).

8.182. Surrounding, the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

### *Daylight*

8.183. For calculating daylight to neighbouring properties affected by the 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. These tests measure whether buildings maintain most of the daylight they currently receive.

- 8.184. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive. It is for that reason that recent officers and the Council's independent consultant agree with the view presented within the Waldrams Daylight/ Sunlight study, on behalf of the applicant that the most appropriate test for this is Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.185. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
  - 1.5% - Living Rooms
  - 1.0% - Bedrooms
- 8.186. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.187. The following properties have been tested for Daylight and Sunlight based on usage and proximity to the site:
- Alpha Grove residential properties
  - Indecon Court Phase II, Lincoln Plaza (currently under construction)
  - Indecon Court - East Block
  - Indecon Court – Tower Block
- 8.188. The properties at Alpha Grove have been tested and given the loss of VSC is less than 20% of their existing level they conform to the BRE Guidelines and these properties will continue to retain acceptable and planning compliant levels of daylight and sunlight.

*Indecon Court Phase II*

- 8.189. The results for Indecon Court Phase 2 (and East and Tower Blocks) show significant failures of the VSC standard, with 66 of the 170 windows tested experiencing a reduction in VSC of more than 20% from existing. However, this is expected due to the open nature of the site at present, and therefore very good levels of light that the windows to neighbouring properties currently receive as a consequence. For that reason, the VSC results are considered in the context of other daylight results.

- 8.190. The NSC results show that all of the rooms assessed meet the BRE standard by losing less than 20% of the existing daylight distribution. This is due to the design of the proposed buildings which enable windows to see beyond or between the proposed buildings on site.
- 8.191. The ADF results show that 102 rooms out of the 121 rooms that have been assessed will meet the BRE guideline criteria for ADF. The rooms that do not meet the ADF standard are primarily bedrooms with some living room / kitchen / dining rooms that are reduced to below 1.5% ADF.
- 8.192. Overall, on balance the impact on Indescon Court Phase 2, whilst not fully compliant with BRE standards, is considered acceptable in the context of the development of a currently largely open site with the NSC and ADF results indicating that the building will not be left with unacceptable levels of daylight for occupants.

*Indescon Court - East Block*

- 8.193. The ADF results show that 34 of the 48 rooms that have been assessed will meet the BRE guideline criteria for ADF. However, some of the rooms that do not meet the ADF standard have quite low levels of ADF, with one bedroom having a result of 0.34% and 11 bedrooms having an ADF of less than 0.6. In addition there are three livingroom/kitchens with ADF levels of below 1% (required 1.5) and two others with just over 1%, so these will be living areas that will not have a good perception of natural daylight.
- 8.194. As such, the proposed development will have the effect of leaving some rooms in Indescon Court East Block with fairly low levels of natural daylight to the main habitable rooms. The Council's independent consultant has advised that whilst this may be the case, the actual rooms will see little change in sky visibility and as such, the perception of enclosure and obstruction to light from within these rooms is likely to be less severe. The Independent consultant has also advised that it will be difficult to achieve full compliance to all apartments in East Block with any scheme of the proposed form and massing, as alterations to improve daylight to some apartments is likely to result in reductions in light to other apartments.
- 8.195. Overall, officers consider that given the limited level of failures in relation to the Indescon Court East Block, the measures taken by the applicant to minimise daylight by orientating buildings to preserve sightlines and the application site being a clear sight. The proposed impact is not unduly detrimental and considered acceptable within the urban context of the site.

*Indescon Court – Tower Block*

- 8.196. Like Indescon Phase 2, the results for Indescon Court Tower Block show a failure of the VSC with 32 of the 83 windows tested experiencing a reduction in VSC of more than 20%. However, as outlined above this is primarily due to the application site being cleared.

- 8.197. The daylight distribution show all the rooms tested meet the BRE standards by losing less than 20% of their existing daylight distribution.
- 8.198. Furthermore, the ADF tests confirm just 2 of the 27 rooms tested will see a ADF level below the recommended levels. These are a bedroom and livingroom at second floor level. These rooms are subjected to an overhang from the floors above which indicate that the existing design of the building is partly responsible for these failures.
- 8.199. Overall, it is considered that the proposed development has been sensitivity designed to ensure existing residents receive a realistic amount of daylight and sunlight.

#### Daylight to future development at 3 Millharbour

- 8.200. Given the sites to the north and east are similarly vacant and expected to be developed with an application under consideration, care has been taken to ensure the proposed development does not restrict these sites coming forward.
- 8.201. This has taken place in the form of a masterplan which council officers facilitated.

#### Sunlight

- 8.202. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.203. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:
- 8.204. Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

#### Overshadowing

- 8.205. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 8.206. The report demonstrates that the majority of the amenity area within the rear of surrounding properties are already in almost total permanent shadow

under the existing situation and so would not comply with BRE guidelines now. The proposed development will not adversely impact these properties.

#### Privacy

8.207. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the new buildings with the existing buildings and also within the proposed development at Millharbour East and West being considered under planning application PA/14/03156.

8.208. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

#### Visual amenity / sense of enclosure

8.209. These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application sites and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.

8.210. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

#### Landscaping and Biodiversity

8.211. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, 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.

8.212. The Council's Biodiversity officer has advised that the application site contains approximately 0.5 hectares of open mosaic habitats. The application proposes approximately 750 square metres of green roofs, which should have a higher biodiversity value than the rather poor existing habitat.

8.213. The proposals also include significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. The biodiversity enhancement measures are recommended to be secured by the imposition of a condition.

8.214. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.

## Highways and Transportation

### Vehicular Access

- 8.215. Vehicular Access to development is proposed via a ramp situated on Mastmaker Road at ground level of block A. This is considered acceptable. The access will be conditioned to ensure the ramp is able to accommodate vehicles waiting to enter and exit the site to avoid potential congestion on Mastmaker Road.
- 8.216. For onsite servicing, a second access route is proposed from Lightermans Road to Millharbour Road. This is acceptable.

### Vehicular Trip Rates

- 8.217. The application originally proposed 210 new parking spaces. The Transport Assessment suggests this will lead to around 50 vehicular trips during the morning peak time and 38 during the evening peak times. The morning will be focussed on vehicles leaving the site, whilst in evening they would concern vehicles returning to the site.
- 8.218. When taking into account the increase in vehicles trips, TfL and the Council's Transportation and Highways team have advised that the two junctions leading into the Isle of Dogs are at near capacity. As such, any increase will have an impact. This is also a significant concern shared by the local residents. However, with the policy emphasis on the Isle of Dogs as a 'opportunity area' and the sites allocation within the Millennium Quarter to provide a strategic housing development it is considered there will be an inevitable impact on local transport which will need to be mitigated through developments.
- 8.219. The applicant taking these concerns into account has reduced the parking to 147 spaces which would reduce the anticipated impact on the local highway network.
- 8.220. In addition, a contribution of £84,000 has been agreed and would be secured towards improvement works at Preston's Road Roundabout.
- 8.221. Overall, it is considered that the submitted Transport Assessment (TA) is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

### Car Parking

- 8.222. The site has a PTAL of 4 and the proposal is for 901 dwellings, the maximum car parking provision would therefore be 289 spaces based on the local plan standards. The development proposes 147 spaces including 31 disabled parking. The disabled parking represents 21% of the total parking.

- 8.223. LBTH Transportation and Highways have a preference for less parking on site, however consider an appropriate balance has been secured which seeks to ensure that not only parking is minimised within developments, where it is provided a high proportion is allocated towards disabled users.
- 8.224. The level of parking is also significantly below the maximum allowed under policy and as such, is considered acceptable.

#### Cycling and Pedestrians

- 8.225. A minimum of cycle spaces are to be provided within the development. This includes 1,087 Residential cycle parking is provided within the basement, 25 residential spaces for visitors. The cycle spaces for the residential uses are located at the lower basement, and for staff. This is in accordance with relevant standards. The type and location of the spaces will be conditioned to ensure they are suitably sited and retained for the duration of the development.
- 8.226. Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, TfL are seeking pooled contributions across this area towards the provision of additional capacity. TfL are seeking a contribution of £70,000 for this development in accordance with policy 6.9 of the London Plan. The applicant has agreed to this contribution and this will be secured through the s106 agreement.

#### South Quay Footbridge

- 8.227. This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling infrastructure. The applicant has agreed to a substantial contribution of £486,510.00 towards highways improvements to the existing bridge or towards the second footbridge and/or improvements to pedestrian/cycling facilities on Marsh Wall.

#### Public Transport

##### Buses

- 8.228. TfL have advised that they have identified bus capacity constraints at this location during the AM peak and with regard to the cumulative impact of development within this area. TfL is seeking a contribution of £200,000 towards additional bus capacity in the local area in accordance with London Plan policy 6.2. The applicant has accepted this request and this is



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

#### DLR

8.229. TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. However, as trains are already crowded from South Quay to Heron Quays, the applicant has agreed to a Way finding strategy and a legible London contribution of £15,000. This would be secured in the s106 agreement if planning permission is granted.

8.230. Should the second footbridge be developed, this will also have an inevitable impact of reducing DLR trips by encouraging walking to the Jubilee and Crossrail Stations.

#### Jubilee and Crossrail

8.231. Taking the comments on board from Transport for London the capacity of Canary Wharf Underground station together with the Crossrail Station when opened is considered sufficient to accommodate trips from this site.

#### Demolition and Construction Traffic

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

#### Public Highways works

8.233. In order to facilitate the development, works to the public highway will be required. These include the removal and replacement of street trees and the relocation of cycle docking stations and coach spaces. These are necessary for the development to take place and as such, will be conditioned and covered within the S278 highway agreement.

#### **Waste**

8.234. A Waste Strategy has been submitted in support of the application. The Strategy sets out the approach for:

- Waste minimisation, re-use and recycling;
- Maximising the use of recycled building materials; and,
- Providing residents and tenants with convenient, clean and efficient waste management systems that promote high levels of recycling.

8.235. In terms of construction waste, a Site Waste Management Plan is to be controlled via an imposition of a condition to ensure, inter alia, that excess materials would not be brought to the site and then wasted and that building materials are re-used or recycled wherever possible.

- 8.236. In terms of operation waste, the proposed Strategy ensures the residential waste is suitably separated into non-recyclable, recyclable.
- 8.237. The Council's Waste Officer has commented that given the large number of units, a 'compaction system' is preferred. This system compacts refuse into collection parcels which would take less time to collect. The Councils Waste officer has advised that this approach has not been adopted and is unlikely to be adopted until 2017. As such, officers are unable to insist on this approach.
- 8.238. The proposed strategy would store refuse in the basement and bring it up for collection within the loading bays. This is considered acceptable.

### **Energy & Sustainability**

- 8.239. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.240. The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.241. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 8.242. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.243. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.
- 8.244. The applicant is also required to comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

- 8.245. The Councils Energy and Sustainability officer has recommended a condition be applied relating to the CHP energy strategy to ensure that the scheme is compliant with London Plan policy 5.6 and connects to an existing district heating system where available. This is recommended to be secured should consent be granted.
- 8.246. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy and looks to reduce energy use at each stage. The design has sought to reduce emissions through energy efficient supply and renewable energy technologies which result in an anticipated 30% reduction in CO2 emissions.
- 8.247. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a 'cash in lieu' contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'
- 8.248. The GLA have requested further measures including reducing the glazing to the facades be considered to further improve the efficiency of the building. This is recommended to be secured by condition should consent be granted.
- 8.249. For the proposed scheme, £433,290.00 has been agreed for carbon offset projects. This would be secured within the S106 agreement.
- 8.250. The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and is recommended to be secured by condition and within a s106 agreement.
- 8.251. The submitted Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating and BREEAM Excellent rating. This is supported and recommended to be secured by way of condition.

## **Environmental Considerations**

### Air quality

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

- 8.253. In this case, the development provides a level of car parking in accordance with the Council's parking standards, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.
- 8.254. Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.
- 8.255. It should also be noted that measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

#### Operational noise, vibration and odour

- 8.256. LBTH Environmental Health advise that were the application to be approved, that the development would not result in undue noise to external receptors (i.e. surrounding residential and community uses). They further advise that conditions could appropriately ensure that the noise and vibration levels within the proposed residential units would be acceptable.
- 8.257. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an "hours of use" condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.

#### Demolition and Construction Noise and Vibration

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

### Contaminated Land

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

### Flood Risk and Water Resources

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

8.266. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

#### Television and Radio Service

8.267. The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.

8.268. The effects during operational phases once the development is complete are predicted to be:

- Cast a terrestrial television reception shadow over existing properties to the north-east; and,
- Cast a satellite shadow to the north-west.

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

#### London City Airport Safeguarding Zone

8.270. The application site is located close to the London City Airport Safeguarding Zone and the proposal includes tall buildings. Therefore, an assessment of the proposal on the Zone is necessary. Following a reduction in height of Block D to 42 storeys, London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

#### Health Considerations

8.271. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

8.272. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.273. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.

- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

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

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

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

8.276. The NPPF requires that planning obligations must be:

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

8.277. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

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

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

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

8.280. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport

- Environmental Sustainability

8.281. The development is predicted to have a population yield of 1694, 240-242 of whom will be aged between 0-15 and are predicted to generate a demand for 120 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

8.282. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

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

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

8.284. The applicant has also offered 35% affordable housing by habitable room with a tenure split of 62.5/37.5 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

8.285. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

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



<b>Heads</b>	<b>s.106 financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£265,889.00
Community Facilities	£977,800.00
Sustainable Transport	£25,410.00
Education	£2,112,064.00
Public Realm	£1,406,677.00
Streetscene and Built Environment	£303,160.00
Provision of Health and Wellbeing	£1,134,342.00
Carbon Off Setting	£433,290.00
Prestons Road Road-a-bout	£84,000.00
Legible London Signage	£15,000.00
TfL Buses	£200,000.00
Mayor Cycle Scheme	£70,000.00
Pedestrian Bridge	£486,510.00
Monitoring	£150,283.00
<b>Total</b>	<b>£7,664,425.00</b>

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

## **OTHER**

### **Financial Considerations**

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

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

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

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

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

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

- 8.291. These are material planning considerations when determining planning applications or planning appeals.
- 8.292. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £3,435,390 less any social housing relief.
- 8.293. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.294. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,384,319.00 in the first year and a total payment of £8,305,917.00 over 6 years.

### **Human Rights Considerations**

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

"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.297. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.298. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.299. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.300. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.301. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.302. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

- 8.303. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.304. The contributions towards community assets/improvements and infrastructure improvements addresses, in the short and medium term, the

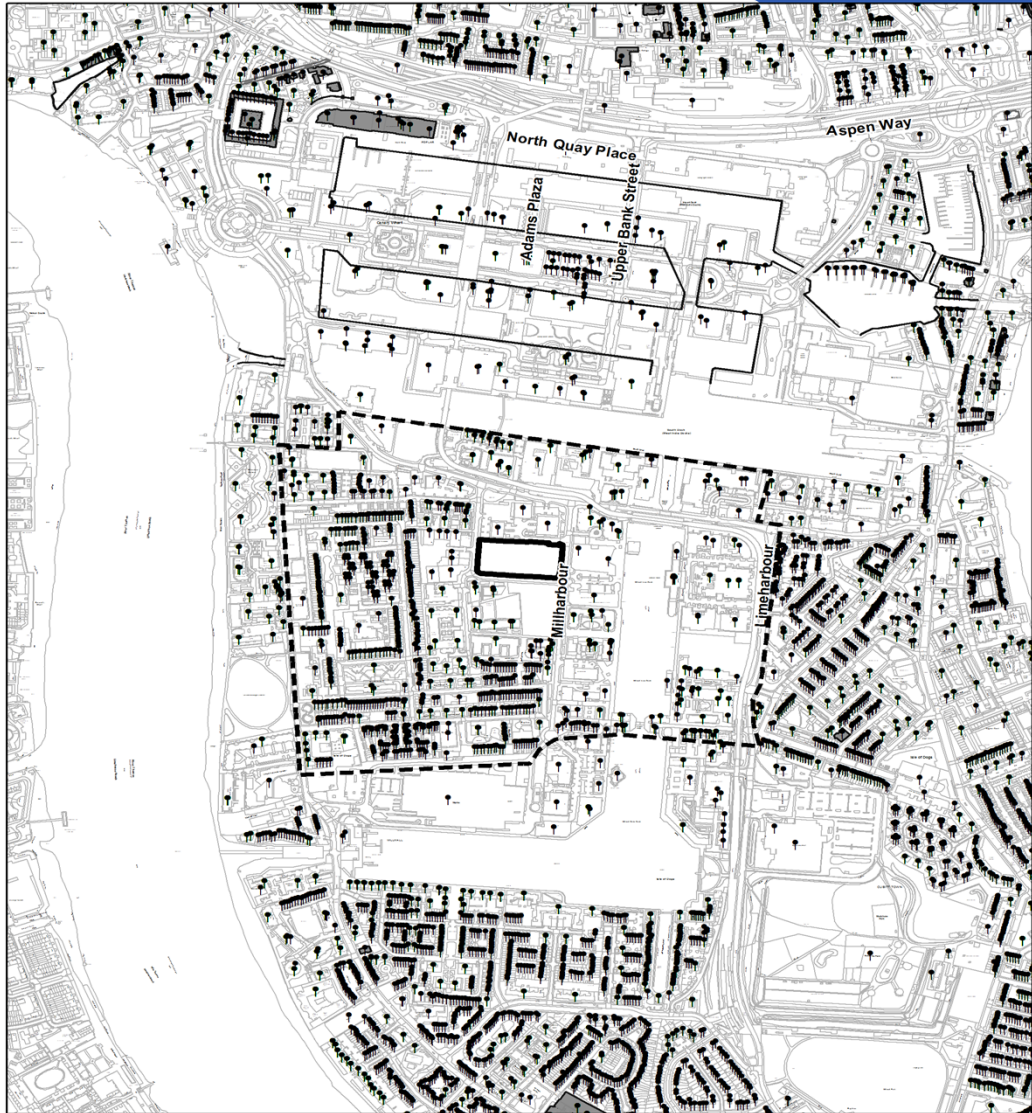
potential perceived and real impacts on the local communities, and in the longer term support community wellbeing and social cohesion.








- 8.305. Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.306. The community related contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.307. The contributions to affordable housing support community wellbeing and social cohesion.
- 8.308. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes.

## **9. Conclusion**

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

Planning Application Site Map Pa/14/01246



- |   |                                    |   |                            |   |                     |   |       |
|---|------------------------------------|---|----------------------------|---|---------------------|---|-------|
|  | Planning Application Site Boundary |  | Locally Listed Buildings   |  | Land Parcel Address |  | 020 m |
|  | Consultation Area                  |  | Statutory Listed Buildings |  | OSLine              |   |       |

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

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