

Committee: Strategic Development	Date: 4 th June 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jermaine Thomas	Ref No: PA/14/03281- Full Planning Permission
	Ward: Canary Wharf

1. **APPLICATION DETAILS**

Location: 50 Marsh Wall, 63-69 And 68-70 Manilla Street
London, E14 9TP

Existing Use: 50 Marsh W
all – BUPA Health and dental centre (D1 use
class)
63-69 Manilla Street – Etcetera Construction
company warehouse
68 -70 Manilla Street – Preston Automotive Ltd

Proposal: Application for demolition of all buildings on site to
enable redevelopment to provide three buildings
of 63, 20 and 32 storeys above ground comprising
685 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), re-
provision of open space, provision of a new
landscaped piazza and vehicular access, car
parking, cycle storage and plant (as amended).

**Drawing and
documents:** 1406-A-000-001,1406-A-000-002,
1406-A-000-005,1406-A-000-006,
1406-A-000-007, 1406-A-000-021
1406-A-000-040,1406-A-100-096 Rev 01,
1406-A-100-097 Rev 01, 1406-A-100-098 Rev 01
1406-A-100-098-m1, 1406-A-100-099 Rev 01
1406-A-100-100 Rev 01, 1406-A-100-100-m1 Rev 01
1406-A-100-100-m2 Rev 01, 1406-A-100-101 Rev 01
1406-A-100-102 Rev 01, 1406-A-100-103 Rev 01
1406-A-100-105, 1406-A-100-107,
1406-A-100-110 1406-A-100-113,
1406-A-100-114, 1406-A-100-117
1406-A-100-118, 1406-A-100-119,

1406-A-100-120 Rev 01, 1406-A-100-121 Rev 01
1406-A-100-122 Rev 01, 1406-A-100-125
1406-A-100-127 Rev 01, 1406-A-100-128 Rev 01
1406-A-100-130 Rev 01, 1406-A-100-131 Rev 01
1406-A-100-132 Rev 01, 1406-A-100-133 Rev 01
1406-A-100-141 Rev 01, 1406-A-100-142 Rev 01
1406-A-100-143 Rev 01, 1406-A-100-162 Rev 01
1406-A-100-163 Rev 01, 1406-A-100-164 Rev 01
1406-A-100-165 Rev 01, 1406-A-100-166
1406-A-200-001 Rev 01, 1406-A-200-002 Rev 01
1406-A-200-003 Rev 01, 1406-A-200-004 Rev 01
1406-A-210-001 Rev 01, 1406-A-210-002 Rev 01
1406-A-210-003 Rev 01, 1406-A-210-004 Rev 01
1406-A-220-001 Rev 01, 1406-A-220-002 Rev 01
1406-A-220-003 Rev 01, 1406-A-220-004 Rev 01
1406-A-250-001 Rev 01, 1406-A-300-001 Rev 01
1406-A-300-002 Rev 01, 1406-A-300-003 Rev 01
1406-A-300-004 Rev 01, 1406-A-400-001 Rev 01
1406-A-400-002 Rev 01, 1406-A-400-003 Rev 01
1406-A-400-004 Rev 01, 1406-A-400-005 Rev 01
1406-A-400-006 Rev 01, 1406-A-400-007 Rev 01
1406-A-400-008 Rev 01, 1406-A-400-009 Rev 01
1406-A-400-010 Rev 01, 1406-A-400-011 Rev 01
1406-A-400-012 Rev 01, 1406-A-400-013 Rev 01
1406-A-400-014 Rev 01, 1406-A-400-015 Rev 01
1406-A-400-016 Rev 01, 1406-A-400- Rev 01
1406-A-400-018 Rev 01, 1406-A-400-019 Rev 01
1406-A-400-020 Rev 01, 1406-A-400-021 Rev 01
1406-A-400-022 Rev 01, 1406-A-400-023
1406-A-400-024, 1406-A-400-025
1406-A-400-026, 1406-A-400-027
1406-A-400-028, 1406-A-510-001 Rev 01
1406-A-510-002 Rev 01, 1406-A-510-003 Rev 01
1406-A-510-004 Rev 01, 1406-A-510-005 Rev 01
1406-A-510-006 Rev 01, 1406-A-510-007
1406-A-510-008, 1406-A-610-001
1406-A-610-002, 1406-A-610-003
1406-A-620-001, 1406-A-620-002

Applicant: Darker Limited acting for Far East Consortium International
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 Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2. The proposed development exhibits clear and demonstrable over-development of the site by but not limited to:
- 2.3. The proposed development would have limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and excessive density.
- 2.4. The proposed development would have an insensitive relationship with the surrounding properties of Byng Street, Bellamy Close and the North Pole Public House, provide little visual relief, have an overbearing appearance from surrounding public realm and local views, and fail to provide a human scale of development at street level.
- 2.5. The proposed development would fail to interface with the surrounding land uses, prejudice future development of neighbouring sites and would not contribute positively to making places better for people.
- 2.6. The proposed development would result in unacceptable living conditions fail to provide, private amenity space, a child friendly public realm, accessible child play space, a sufficient quantum and welcoming communal amenity space, and as a consequence would not provide high quality residential accommodation and an inclusive environment.
- 2.7. The proposed development by virtue of the servicing arrangements, level of car parking provision, resulting trip generation, location of the school and development on public highway would, as a consequence result in congestion and highway safety concerns for all users.
- 2.8. The proposed development would result in a unacceptable school, unacceptable health facility not suitable for an NHS provider and as a consequence would not support the creation sustainable local communities.
- 2.9. Insufficient information has been provided to support the applicants Viability Report offering 15% affordable housing and the failure to maximise the delivery of Affordable Housing on site, and as a consequence would not appropriately meet the borough's identified housing need.
- 2.10. The benefits of the scheme, including but not limited to the redevelopment of the brownfield land and the provision of private and affordable housing, do not outweigh the harm identified above and, as a consequence, the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of overdevelopment of the site.

- 2.11. The above demonstrable negative local impacts cannot be addressed through the appropriate use of planning conditions or obligations and as a consequence substantially outweigh the desirability of establishing a new school.
- 2.12. The public benefits of the proposed land uses of the scheme would not outweigh the harm identified above and, as a consequence, the loss of public open space.
- 2.13. As such, the scheme is contrary to the Development Plan, in particular policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.
- 2.14. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.

3. RECOMMENDATION

- 3.1. That subject to any direction by the London Mayor, planning permission is REFUSED for the following reasons:
1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include but not limited to:
 - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and density;
 - ii. an insensitive relationship of the western building with the surrounding properties of Byng Street, Bellamy Close and the North Pole Public House, which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;

- iii. a failure to interface with the surrounding land uses, which as a result would prejudice future development of neighbouring sites and fail to contribute positively to making places better for people;
- iv. a failure to provide a child friendly public realm, private amenity space, accessible child play space, and a sufficient quantum and welcoming communal amenity space, would not provide high quality residential accommodation and an inclusive environment;
- v. a failure to provide appropriate servicing arrangements and the creation of the school would result in highway safety issues for all users;
- vi. a below standard school, health facility and residential accommodation would fail to support sustainable local communities;
- vii. an affordable housing offer of 15% which in the absence of sufficient information to support the applicants Viability Report would fail to maximise the delivery of Affordable Housing, and as a consequence not meet the Borough's identified housing need;

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

The above demonstrable negative local impacts cannot be addressed through the appropriate use of planning conditions or obligations and as a consequence substantially outweigh the desirability of establishing a new school.

- 3.2. Accordingly, it would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and is contrary to the Development Plan, in particular policies 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2. The proposed development would result in an unacceptable loss of local open space. This would be contrary to the National Planning Policy Framework and policies 7.18 of the London Plan (2015), SP04 of the Tower Hamlets Core Strategy (2010) and DM10 of the Tower Hamlets Managing Development Document which seek to protect and safeguard existing open space provisions.
3. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide two mixed-use buildings. The east building would be 63 storeys high (213.5m AOD) adjacent to Marsh Wall and 20 storeys high (78.5m AOD) adjacent to Bing Street above ground floor and mezzanine levels. The west building would be 35 storeys high (118.75m AOD) above ground floor and mezzanine levels.
- 4.2. The development comprises of the following uses:
 - 685 residential units (class C3)
 - 10,155sqm (GIA) hotel (class C1)
 - 2,438sqm (GIA) School and community hall (class D1)
 - 295sqm (GIA) Health Centre (class D1)
 - 200sqm (GIA) Café / Restaurant (class A3)
- 4.3. In relation to the 685 residential units, 15% of these would be affordable housing by habitable room. In dwelling numbers this would comprise 607 private units, 24 intermediate units, and 54 affordable rented units. 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	607	89	1461	85
Affordable rent	54	8	186	11
Intermediate	24	4	67	4
TOTAL	685	100	1714	100

Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	97	224	235	47	4
Affordable rent	0	14	18	14	8
Intermediate	0	9	11	4	0
TOTAL	97	247	264	65	12
Total as %	14	36	38.5	9.5	2

- 4.4. The proposal would also contain 3 basement levels containing car and cycle parking, refuse provisions and plant.

Site and Surroundings

- 4.5. The application site consists of two parcels of land that are separated by Manilla Street. The site has a combined area of approximately 0.4 hectares inclusive of the public highway.
- 4.6. The parcel of land to the west and south of Manilla Street is situated to the north of the two storey residential properties along Byng Street and to the east of the residential properties along Bellamy Close. To the north east corner of this parcel of land is the garage site fronting Manilla Street and the North Pole Public House which fall outside of the application site.
- 4.7. The parcel of land to the east of Manilla Street runs from Marsh Wall to the north down to Byng Street to the south. To the north of the site there is a change in level and existing Lenanton steps from Marsh Wall down to Manilla Street.
- 4.8. This parcel of land known as no. 50 Marsh Wall Street is an upside down L shape that has a wider frontage along Marsh Wall than Byng Street. The northern part of this parcel of land consists of Wayside Gardens which is local open space under the ownership of the LBTH.
- 4.9. The existing uses across the application site are light industrial warehouses, a residential unit and a BUPA health and dentist centre.
- 4.10. The site does not fall within a conservation area. However, the land is located within a flood risk zone.
- 4.11. Manilla Street also consists of eight public car parking spaces under the control of LBTH Parking Services under the control of LBTH Parking Services

4.12. The following plan shows the extent of the application site outlined in red.



4.13. The neighbouring site to the northwest corner is 40 Marsh Wall which has consent for a 39 storey hotel building. The hotel is currently under construction.

4.14. The neighbouring site to the east is 54 Marsh Wall. The site is occupied by a three storey building comprising a banking hall (Class A2) at ground floor level with commercial office space (Class B1) above and ancillary parking.

4.15. The properties to the west and south along Bellamy Close and Byng Street are generally two stories in height. Further along Byng Street the properties are 5 – 20 stories high.

4.16. The lower rise residential properties give a domestic character to the surrounding street and provide a sense of openness from the taller buildings along Marsh Wall.

Designations

4.17. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.

4.18. The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.

- 4.19. The part of the site located to the east of Manilla Street 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.
- 4.20. The part of the site to the west and south of Manilla Street falls outside of the Council's Local Plan as Site Allocation 17 (Millennium Quarter).
- 4.21. The site is within an Environment Agency designated Flood Zone 3 - 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.
- 4.22. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.23. The site is within the London City Airport Safeguarding Zone.
- 4.24. 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.
- 4.25. The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.
- 4.26. The site is also within the emerging Draft South Quay Master plan area. The master plan has been through public consultation and is afforded limited weight in the assessment of planning applications.

Environmental Impact Assessment

EIA Regulations

- 4.27. 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.
- 4.28. 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.
- 4.29. 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

- 4.30. An EIA Scoping Report was submitted to LBTH on 18th July 2014 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 11th August 2014 and the EIA was informed by this document.

Environmental Information

- 4.31. 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):
- Sunlight, Daylight, Overshadowing
 - Material Assets Archaeology
 - Transport
 - Microclimate – Air Quality
 - Microclimate – Wind
 - Ground Conditions, Hydrogeology and Contamination
 - Water resources, Hydrology and Flood Risk
 - Noise and Vibration
 - Ecology / Biodiversity
 - Socio-Economic
 - Residual effects, Interrelations, Cumulative and non-significant effects
- 4.32. 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.
- 4.33. 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.
- 4.34. 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.
- 4.35. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 4.36. Representations from a number of consultation bodies including the Environment Agency, Natural England and Historic England have been received, as well as representations from local residents about the environmental effects of the development.

- 4.37. 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.
- 4.38. 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 ES Chapter 3: Description of Development (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).
- 4.39. 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.
- 4.40. Where adverse Environmental 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

63 – 69 Manilla Street

- 4.41. **PA/04/01847**
Demolition of existing vacant warehouse storage and builders' office building and erection of part 4, part 7 and part 10 storey building with basement level to provide 5,512 sqm office floorspace, 165 sqm retail floor space and 11 flats consisting of (3 x 1 bed 6 x 2 beds and 2 x 3 beds) plus 10 car parking bays provision'.
Approved 01/05/2007
- 4.42. **PA/00/01675**
Erection of a 4-10 storey building comprising 5,608 sq. metres offices, 161 sq. metres retail and 11 flats. Includes construction of a pedestrian ramp and new steps from Marsh Wall to Manilla Street.
No Further Action 13/04/2011

68 – 70 Manilla Street

4.43. PA/09/01455

Demolition of existing buildings redevelopment to provide two buildings of between 6 and 9 storeys comprising 36 flats (5 x 1 bed, 18 x 2 bed, 13 x 3 bed) residential units and 175 square metres of commercial floor space (Use Class B1) including parking, cycle parking amenity space and associated development.

Refused on 12/11/2009

4.44. APP/E5900/A/09/2117930

Appeal against refused planning application PA/09/01455

Dismissed 17/06/2010

4.45. PA/11/02169

Change of use from B1(c) light industrial to a car park to provide parking spaces for approximately 30 car parking spaces, utilising existing site entrance.

Refused 6/12/11

50 Marsh Wall

4.46. PA/01/00392

Dual use of the existing building for office (Class B1) or health (Class D1) purposes

Approved 3/5/2001

Built

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

4.48. "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

4.49. "Hertsmere House (Colombus Tower)" PA/08/02709 granted 2nd December 2009, for demolition of existing building and erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping (Maximum height 242 metres AOD).

4.50. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sqm) comprising two towers with a maximum of 45 storeys (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 sqm 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 sqm).

- 4.51. "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.
- 4.52. "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.
- 4.53. "40 Marsh Wall" PA/10/1049 granted 15th November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.54. "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 sqm of floor space over a podium for use as 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sqm m, 2,892 sqm m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm 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)".
- 4.55. "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;

- 4.56. "Arrowhead Quay" PA/12/03315 planning permission granted on 19th February 2015 for the 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.
- 4.57. "1-3 South Quay Plaza" PA/14/00944. Planning permission granted on 31st March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.58. "Meridian Gate" PA/14/01428 planning permission granted on 6th March 2015 for the 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

- 4.59. "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 sqm m of café/retail floorspace (Use Classes A1-A3), 1781 sqm m of office floorspace (Use Class B1), 231 sqm 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 sqm 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.
- 4.60. "54 Marsh Wall" PA/14/002418 Application received for the 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.

- 4.61. Land at 3 Millharbour and Land at 6,7 and 8 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. The 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; 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.

Resolution to Grant

- 4.1. Land at 2 Millharbour PA/14/01246
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.
Resolution to grant following presentation to committee on 23rd April 2015.

Under consideration at appeal

- 4.2. North Pole Public House" PA/14/03218
Demolition of the existing building and creation of an 8 storey mixed use development comprising public house (Class A4) use on part ground and part basement and 9 residential units (Class C3) on the upper seven floors.
Appeal lodged for Non-Determination of the planning application

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)
National Planning Guidance Framework (March 2014) (NPPG)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2015**

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
- 3.18 Education uses
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.5 London’ visitor infrastructure
- 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
- 6.11 Smoothing traffic flow and tackling congestion
- 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. Tower Hamlets Core Strategy (adopted September 2010) (CS)

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

- SP07 Improving education and skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

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

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM7 Short Stay accommodation
- 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
- DM18 Delivering schools and early learning
- 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

5.7. **Supplementary Planning Documents include**

- Planning Obligations SPD (January 2012)
- Draft Planning Obligations SPD (March 2015)
- CIL Charging Schedule (April 2015)
- 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)

5.8. 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

5.9. 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

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:

Internal Responses

LBTH Education

6.3. The school is not acceptable in its current form and the provision of its accommodation is not suitable for LA maintained primary school provision.

6.4. The school is therefore not regarded as being of sufficient benefit.

6.5. No information has been received on the proposed arrangements for provision of the school accommodation. It is understood that it will be made available to the LA, but it is not clear if this is on a shell & core or finished basis. No proposals about lease terms have been provided.

6.6. The provision of this school accommodation is not without cost to the LA (CIL discount) Whilst it is recognised that additional school places are needed in this area, the proposals are not regarded as sufficiently good standard to merit the costs to establish a school.

6.7. *[Officer comments: This is noted and discussed in detail later within this report. The Education Provision section of the report also provides greater detail of LBTH Education concerns with the school]*

LBTH Communities, Localities and Culture (CLC)

- 6.8. 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.
- 6.9. CLC also confirm that there is no play space within the vicinity of the site that could benefit from improvement works. The South Quay Master plan proposes play space however this is likely to be funded by CIL.
- 6.10. *[Officer Comment: The comments are discussed within the main body of this report. The failure to identify a play space for improvement would prevent Officers from securing off site play space contributions]*

LBTH Parks and open spaces

- 6.11. Parks object to the planning application as it would lead to the loss of public open space. Alpha Square is not a suitable replacement for the loss of Wayside Gardens, as it is essentially a pedestrian area facilitating the surrounding buildings. In addition, there would also be a significant biodiversity impact which is not mitigated against in Alpha Square.
- 6.12. *[Officer Comment: This is noted and discussed in detail later within the report]*

LBTH Environmental Health - Contaminated Land

- 6.13. Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with.
- 6.14. *[Officer Comment: The suggested condition would be secured in the event planning permission is granted]*

LBTH Environmental Health - Air Quality

- 6.15. Environmental Health has advised that an Air Quality Neutral Assessment is required and a construction/demolition Dust Management Plan should be provided for the development.
- 6.16. *[Officer Comment: The air quality has been fully considered within the submitted Environmental Assessment and above requested conditions will be imposed to ensure a construction management plan which includes measure to reduce the impact on air quality are fully adhered to in the event planning permission is granted]*

LBTH Environmental Health – Noise and Vibration

- 6.17. Environmental Health have advised that the development would need to be designed/constructed in such a way as to ensure that the indoor noise levels specified in BS8233 would be met; also to ensure that there is low probability of adverse comment as per 'Evaluation of Human Exposure to Vibration in Buildings', BS6472:2008.
- 6.18. *[Officer Comment: This is noted and compliance with the requested noise levels will be secured as conditions in the event planning permission is granted]*

LBTH Refuse

On street collection (1)

- 6.19. Collection of waste for a development of this size should be conducted away from the public highway due to the number of containers and frequency of collections for all the various services operating on site. The developers note contradicts this in terms of the laybys now being removed and the servicing of waste being conducted from street level, on the public highway.

Commercial waste (2)

- 6.20. Commercial waste should also be clearly stored and collected separately from residential waste.

Holding Area (3)

- 6.21. With regards to the Eastern building holding area, it proposed that waste collection vehicles are required to enter the lift in a forward gear to access a basement level with turning space, then return to street level facing the correct direction to exit the site, collecting the waste on its exit. If not, the vehicle would be required to reverse on to the site from Byng Street. Furthermore the length of the collection vehicle would overhang the public footway in this area when collections are made from the holding area. Officers would object to such an arrangement and clarification from a Highways perspective should be sought.

Container Numbers and frequency (4)

- 6.22. LBTH will shortly be adopting new capacity guidelines and working across the borough to enforce this as a requirement rather than a minimum or maximum waste container capacity, for all existing and new developments. It is therefore requested that the developer considers these guidelines to future proof the development. The guidelines essentially are more in line with British Standards and a recent waste composition analysis conducted externally for the borough, with the ambition to reduce residual waste capacity and increase dry recycling capacity; net container numbers / sizes

are affected minimally, changing mainly the ratio of residual to recycling containers with space for up to 8 days of storage with a 1x week collection

- 6.23. In this scenario the total no. of containers required for all the residential properties as a whole is 37x 1280 litre recycling bins and 63x 1100 litre residual waste bins (plus a food waste recycling / treatment strategy is needed as this amounts of 30% of LBTH waste (tonnes). With this and commercial waste concerns in mind, I believe the space considered in the holding areas is not suitable for the necessary containers to be stored for a once a week collection. Please can the developer consider this and detail how this will be resolved with the solutions proposal.

Solutions

- 6.24. The holding areas could be considered to be a contingency should the main service lifts for vehicles not be in operation. Therefore if all waste containers were stored and service in the basements the waste could be separated as per point (2), number of containers could be provided as per point (4) for a weekly collection and points (1 and 3) would also be resolved by means of the primary waste collection point being located in the basements.
- 6.25. *[Officer comments: The concerns raised are noted and discussed in detail later within the report]*

LBTH Highways

- 6.26. The applicant has submitted further revisions to the proposal which are considered to be a retrograde step when compared to the revised proposal presented just a month ago (and commented on below) and is contrary to all advice previously given regarding parking levels.
- 6.27. The proposal consists of three basement levels in the east building, served by one lift. This will have a severe effect on the proposed servicing from the basement (no details are given regarding the servicing plans with this proposal which is required to allow a full assessment) as servicing vehicles do not appear to be able to turn to enter and leave in a forward gear.
- 6.28. The extra travel distance of the sole lift will also increase wait time for it, leaving vehicles standing on the public highway for longer periods, which is unacceptable. Some of the blue badge spaces are now located in basement 3 and away from the lifts, which is not acceptable.
- 6.29. The applicant is now proposing 92 car parking spaces (without providing a break down how this is distributed between the various uses) which are not supported.
- 6.30. No justification or rationale is provided regarding this sudden increase and no assessment has been made on the local highway network with regards additional trip generation as a result of this amendment. This should have

accompanied these proposals. The location is well placed for public transport with a good PTAL and we would be looking for minimising general car parking on site as per the previous iteration of the scheme. This has been our position throughout this application.

- 6.31. It would also appear that the holding area for waste bins, which was provided under the previous iteration of the scheme has been removed. This will affect the waiting area of the car lift in the east building, which with a proposed increase in car parking could have a severe effect on vehicles entering and leaving the site.
- 6.32. The submitted plans confirm that the proposed coach parking outside of the hotel on Marsh Wall has now been redrawn again and once again is totally on the public highway. Our Highways Officer opposition remains to this as it has throughout the planning process for this application. The applicant is once again urged to follow the advice given throughout the planning process to talk to the neighbouring hotel regarding shared coach facilities. There is a coach bay being installed at that location which can be used by both developments. The proposed layby is outside of the red line of the application and should not be considered further as part of this application.
- 6.33. The plans still show elements of the development placed upon public highway, which is not acceptable.
- 6.34. There are still major transportation concerns with regards the school operation and the estimates for vehicle generation during the opening and closing hours.
- 6.35. The location of the primary school is not in an area which will encourage sustainable travel by parents.
- 6.36. The proposed school is likely to result in inappropriate parking which will raise safety issues for all road users including pedestrians and cyclists.
- 6.37. The proposed relocation of parking bays on the north side of Manilla Street will remove all public footway and this is unacceptable.
- 6.38. Highways Group object to the application.
- 6.39. *[Officer comment: The objection is noted and discussed further later in the report].*

LBTH Public Health Strategist

- 6.40. The Public Health Strategic is not aware that the NHS in Tower Hamlets has any plans for a facility on this site nor has this been raised at the NHS Tower Hamlets CCG Capital and Estates meeting.

- 6.41. Additional capacity in this area will be met in the short term by the creation of additional clinical space at the Barkantine Practice which contained in a PID which was agreed by PCOP.
- 6.42. In the longer term there will be a requirement for a new larger primary care facility in the South Quay Masterplan area.
- 6.43. The proposed size of this provision however is very small and certainly much smaller than any of the recently proposed primary care facilities which are in the region of 1000+ sqm.
- 6.44. It is not currently NHS Tower Hamlets CCG plan to propose new small surgeries, as this does not fit the anticipated delivery method based on clinical networks.
- 6.45. It has not been confirmed that the developer has been in contact with the NHS to confirm the proposed space would even comply with NHS specifications.
- 6.46. *[Officer Comment: The issues raised are noted and discussed later in the report]*

LBTH Bio-diversity

- 6.47. The application site consists of buildings and hard surfaces, but there are a number of trees and areas of shrubs and ruderal vegetation. The trees and shrubs are likely to support breeding birds. No bat roosts were found, but one of the buildings and some ivy-covered trees have the potential to support occasional summer roosts for bats. Small numbers of bats have been recorded foraging on the site.
- 6.48. Ideally, demolition and vegetation clearance should be undertaken during the winter, to prevent potential impacts on nesting birds and/or casually roosting bats. If the building with potential for roosting bats has to be demolished and/or the ivy-covered trees felled between March and October inclusive, the loose tiles should be carefully removed by hand
- 6.49. Overall, the loss of the existing trees and other vegetation would be a minor adverse impact on biodiversity.
- 6.50. Policy DM11 requires major developments to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). I can find very little detail of the proposed landscaping within the application documents. The mitigation section in the biodiversity chapter of the ES refers to a number of things which would contribute to LBAP targets. These include bio diverse green roofs and bat boxes. Other things which could contribute to LBAP targets include nest boxes for birds including swift and peregrine, and ensuring the landscaping provides a good supply of nectar for bees and other pollinators for as much of the year as possible.
- 6.51. A safeguarding condition would be required.

- 6.52. *[Officer Comment: The issues raised are noted and discussed later in the report]*

External responses

Crossrail Limited

- 6.53. Crossrail Limited does not wish to make any comments on this application.
- 6.54. *[Officer Comment: This is noted]*

Natural England

- 6.55. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes and has no objection.
- 6.56. *[Officer Comment: These comments have been noted]*

Canal and Rivers Trust (CaRT)

- 6.57. *The Canal and River Trust has no objection to the proposed development.*
- 6.58. *[Officer Comment: These comments have been noted]*

BBC Reception Advice

- 6.59. No comment received

Historic England

- 6.60. Do not wish to comment

London City Airport (LCY)

- 6.61. LCY has no safeguarding objection. However, in the event that during construction, crane 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. An informative regarding bird strike threat will also be added.
- 6.62. *[Officer Comment: This is noted and informative advising the applicant of the above matters would be added in the event planning permission is granted]*

English Heritage

- 6.63. English Heritage note the proposed mixed use development includes the creation of a tower of 63 storeys, reaching a height of 213+ metres AOD. This will create one of the tallest buildings in the Isle of Dogs. According to

the draft South Quay masterplan (page 35) taller buildings in the South Quay area should step down from the Canary Wharf Major Cluster. Similarly page 43 of the draft masterplan (1.a.ii) emphasises the need for a stepping down effect where development occurs near the baroque axis of the Greenwich Maritime World Heritage Site. This accords with the management guidelines of the World Heritage Site itself. The proposed tower will appear close to the line of this axis. A development of this scale would benefit from being considered within the parameters of the area's masterplan. In order to comply with this guidance a reduction in height for the tallest element of the development is likely to be required.

- 6.64. *[Officer Comment: The request for a reduction in height is noted and the acceptability of the height is discussed later within this report within the Heritage: Strategic Views section]*

English Heritage Archaeology (EHA)

- 6.65. 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.
- 6.66. In the event planning permission is granted EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.
- 6.67. *[Officer Comment: EHA have advised on the wording of the condition, which would be secured in the event planning permission is granted]*

Environment Agency (EA)

- 6.68. EA noted the site is located within Flood Zone 3 which is classified as having a high risk of flooding. In order for the development to be considered appropriate at this site the Sequential Test should be undertaken and you should be satisfied that the Sequential Test has been passed. For the site to pass the Sequential Test it must be demonstrated that there are no alternative sites available for this development at a lower risk of flooding. If the site does not pass the Sequential Test the planning application should be refused for this reason. There is a Sequential Test submitted within the WSP Flood Risk Assessment (dated November 2014) which you as the Local Planning Authority must be satisfied with. Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.
- 6.69. *[Officer Comment: This is are noted and the Council is satisfied with the sequential test. Appropriate conditions would be attached to any consent in the event planning permission is granted]*

London Fire and Emergency Planning Authority

- 6.70. The Brigade needs to confirm that the Access and Water Supplies for the proposed development are sufficient and meet the requirements in Approved Document B (B5, Section 15, 16 & 17) and British Standard 9990. The Brigade is satisfied with the proposals.
- 6.71. *[Officer Comment: This is noted will be further considered within the building control stage.]*

London Bus Services Ltd.

- 6.72. No comments received.

TFL London Underground

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

The Twentieth Century Society

- 6.74. No comments received

Network Rail Infrastructure Ltd.

- 6.75. No comments received.

Docklands Light Railway.

- 6.76. DLR stated that radio communications are an important part of safety and operation of DLR's railway. Safeguarding conditions are required to ensure that the development does not interfere with safe operation of the railway.
- 6.77. *[Officer Comment: The requested conditions would be attached to any consent in the event planning permission is granted]*

The Victorian Society

- 6.78. No comments received

Commission for Architecture and Built Environment CABE

- 6.79. No comments received.

Thames Water Utilities Ltd.

The Waste Comments

- 6.80. 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.

- 6.81. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.
- 6.82. 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.

Water Comments

- 6.83. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.84. [*Officer Comment: The comments have been noted and all requested conditions and informatives recommended would be attached in the event planning permission is granted*]

Greater London Authority

Employment floorspace

- 6.85. The loss of the small quantum of employment floorspace as part of this application is acceptable in strategic terms. It should be noted that a number of employment generating uses will be created on site through the hotel, café, school and health centre.

Hotel

- 6.86. London Plan policy 4.5 encourages the provision of visitor accommodation within the CAZ and London's Opportunity Areas. The provision of a 273 bedroom hotel is therefore considered acceptable.

Housing

- 6.87. The principle of housing on this site, as part of any redevelopment proposals, is strongly supported.

Social Infrastructure

- 6.88. The inclusion of a new primary school, as part of this application, with dual-use of its facilities by the community, is strongly supported in accordance with London Plan Policy 3.18.

Open Space

- 6.89. The loss of open space without the generous re-provision of publicly accessible open space, to include additional provision to serve the development itself, would not be acceptable. The provision of ground floor publicly accessible open space in the form of the proposed piazza is also supported. The proposal could deliver both quantitative and qualitative improvements to open space provision to off-set the loss of locally designated open space, and to meet the additional need arising from the development. However, the applicant should note comments regarding to design before the proposal can be considered acceptable with regards to open space provision.

Health Infrastructure

- 6.90. The application includes the provision of a 325sqm health centre, designed as an NHS operated facility capable of accommodating two General Practitioners. Whilst, the proposal therefore results in a loss in healthcare floor space it is acknowledged that, as an NHS operated centre, the replacement provision will be capable of meeting the full range of community needs. The proposal is acceptable, subject to the facility being secured by the Council.

[Officers Comment: The councils Senior Public Health Strategist has confirmed that the Clinical Commissioning Group (CCG)/NHS does not have any plans for a facility on this site. Sort terms plans seek to meet capacity at the Barkentine practice and in the longer term by a larger facility in the SQ Masterplan Area. Further, the proposed health care facility is too small to meet current demands.

Supporting uses

- 6.91. The provision of a small scale mix of uses as part of high density development within Opportunity Areas can help to meet the needs of local residents and activate the ground floor. The inclusion of retail, bar and restaurant space as part of this development is of an appropriate scale to be ancillary to the residential and hotel uses, provides active uses at ground floor, and is therefore supported.

Need for comprehensive development

- 6.92. The application boundary excludes, but immediately abuts, the existing North Pole public house. There is a strategic concern raised by the piecemeal redevelopment of the site, and as such both applicants are strongly encouraged to deliver a comprehensive re-development proposal. Should this not be feasible, as a minimum, it is critical that the applicant demonstrate how its proposal relates to the adjacent site, including improved visualisations of this important relationship, particularly focusing on the need to deliver quality public realm and an active ground floor.

- 6.93. *[Officer Comment: The strategic concerns from the GLA regarding the need for a comprehensive development and requirement for further information were acknowledged by the applicant. The applicant therefore submitted additional information in an attempt to address the concerns which are discussed later within the report]*

Affordable housing

- 6.94. In accordance with strategic policy, the applicant has prioritised family affordable provision, and as such 32 of the family units are identified as affordable, equating to 38% of total social housing provision.
- 6.95. Whilst an element of studio provision maybe acceptable, the applicant should note that Para 2.3.13 of Mayors Housing SPG states that such units should be of exemplary design and exceptional in the context of the overall housing provision, and should therefore be significantly reduced to better accord with the proportion secured on recent schemes within South Quay. In addition to a reduction in quantum, further details regarding the quality of these units is also required to demonstrate how key factors relating to residential quality have been maximised, including orientation, floor to ceiling height, number of units per core and flat layout.

Density

- 6.96. 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.
- 6.97. The proposal does raise a number of outstanding strategic concerns in relation to proportion of studio units, residential quality, open space and play space provision, and urban design. As such it is not possible to determine at this stage whether the proposal can be considered acceptable with regards to density.

Housing Quality and Design

- 6.98. A number of concerns regarding residential quality which need to be addressed exist, particularly in relation to the number of units per core and the proportion of north facing single aspect units.

Residential Quality – eastern building

- 6.99. The majority of the floors exceed the recommended number of units per floor. Whilst deviations from this standard are at times acceptable if other aspects of the residential quality are exceeded to compensate, the proposed number of floors where this occurs is excessive, and needs to be addressed through an amended floorplate. The single aspect units should only be located on the western or southern boundaries and not the north facing elevations.

6.100. The eastern building is approximately fifteen meters away from its closest point to the proposed tower at 54 Marsh Wall. While it is acknowledged that the buildings do not directly face each other, the council should ensure that its requirement regarding overlooking and privacy are appropriately addressed.

Residential Quality – eastern building

6.101. The quality of the western block is high, with no more than five units per floor, and a high proportion of dual aspect units, which is strongly supported. However, confirmation that all units meet the London Plan Minimum standards is required.

Child Play Space

6.102. The development will need to provide a minimum of 10sqm of door step play provision for every child under five, and identify facilities for older children. Given the number of children will reside in the western building, the applicant should disaggregate the play space provision, and child population, by block demonstrate that sufficient space will be provided to meet the needs of those residents located within the affordable element. There is a concern that the majority of private external space is associated with the eastern building, and opportunities for additional external play space as part of the western building should be explored. At this stage, it is not therefore possible to determine whether the proposal is acceptable with regards to play space provision.

6.103. *[Officer Comment: The concerns from the GLA regarding housing quality and child play space were noted. The applicant revised the scheme accordingly in an attempt to address the concerns which are discussed later within the report]*

Urban design

6.104. The detailed design of the school entrance should be developed. There is a concern that the current plans for the piazza include a set of steps positioned adjacent to the school and fronting the space. Such steps reduced the proportion of active frontage and overly dominate this space and should be reviewed. The proposed developers should work with the owners of the North Pole Public House to develop a comprehensive development.

6.105. The proposed planting on the widen staircase is a cause of concern, as it impacts on the legibility and prominence of the stepped route. The proposed loading bay along Byng Street and substation on Manilla Street would have a detrimental impact on the quality of the public realm. Whilst officers understand the constraints relation to the relocation of substations, locating and orientating them to reduce the amount of continuous poor frontage facing the public realm that needs to be fully considered.

6.106. The quality of the frontage along Marsh Wall is welcomed. However, the inclusion of a combined taxi and coach drop off area intended to serve the hotel undermines this, creating a convoluted and cluttered public realm, which is a concern. The provision of the large canopy oversailing the footway also results in the footway feeling part of the foyer of the building, rather than being integral public realm, which is also a concern. The applicant is advised to address these issues and ensure the pedestrian experience along Marsh Wall is optimised and inherently public in nature.

6.107. *[Officer Comment: The concerns from the GLA regarding urban design were noted. The applicant revised the scheme accordingly in an attempt to address the concerns which are discussed later within the report]*

Architectural Treatment – eastern building

6.108. The appearance of the development is characterised by the distinctive profile of the eastern block and its glass and metal elevations. The hotel and western block follow the same language.

Height and Strategic views

6.109. Whilst the development at (213m AOD) is significantly taller than the immediate contextual height, in particular the buildings to the west and south, given the rapidly changing context of the site, its proximity to the Canary Wharf tall building cluster, and its high accessibility, this height may be considered acceptable if all other aspects of the design are of a high quality.

6.110. The strategic views assessment demonstrates that for all strategic views, whilst the proposed buildings are higher than the existing context, they are in keeping with the height of the proposed buildings within the vicinity of the site and will form part of an emerging cluster. The height of the development does not warrant a strategic concern.

6.111. *[Officer comment: The views of the GLA which focuses only on strategic impacts is noted and discussed further within the report]*

Blue Ribbon Network

6.112. 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.

Inclusive design

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

6.114. *[Officer comment: This is noted and discussed later within this report]*

Climate change

6.115. Further revisions and additional information is required before the strategy can be assessed, and compliance with the London Plan verified.

6.116. *[Officer comment: The applicant provided additional information and the GLA later confirmed there was no outstanding issues regarding energy matters as evidenced later in the report]*

Transport (car parking and deliveries)

6.117. The GLA support a restrained approach to car parking to minimise additional vehicular trips in this area. The lack of adequate on site servicing could give rise to pedestrian/ vehicle and cyclist/vehicle conflicts in Manilla Street and Byng Street, particularly in the context of a proposed primary school, as well as increasing localised highway congestion. Requirement to provide additional car club space and secure a car free agreement.

[Officer's comment: The comments above were received prior to an increase in the number of car parking spaces from 27 to 92 and are now out dated]

Transport (Trip rate and modal split)

6.118. Trip rate and mode split assessment within the transport assessment is generally reasonable, and therefore accepted. However, the Council should note that the applicant assessed all trips against an evening peak period of 18:00 to 19:00, which will not capture the school.

Public Transport

6.119. The cumulative impact of the bus trips from this development, and others nearby, will require additional bus capacity to be provided, as many routes in this area already at capacity. A contribution of £200,000 is therefore requested to be secured through section 106 contributions. The transport assessment predicts an additional 125 two way trips on the DLR during the morning peak. The demand on the DLR could be reduced by overcoming the some of the pedestrian and cycle severance caused by the dock areas. TfL and the council have therefore identified the need for bridge improvements.

Cycling and walking

6.120. The total of 1,223 cycle parking spaces is welcomed. However, the applicant must address the layout and design of the scheme to provide lifts, and ensure cyclists and pedestrians are segregated when entering the basement areas. The Council should also secure an appropriate contribution to ensure that the development is linked into local cycle

infrastructure. The improvements identified in the pedestrian (PERS) audit should be secured through section 106 or 278 agreements. The zig zag stair – ramp arrangement to replace the existing stairs to Marsh Wall is welcomed in principle for increasing accessibility to pedestrians and dismounted cyclists subject to resolving the design issues.

Construction and travel planning

- 6.121. The submission of the framework construction plan is welcomed, although it should be developed further to refer to the intended phasing of the development. Similarly, the content of the submitted framework travel plan should be revised to comply with TfLs guidance. All of the these plans, as well as a school travel plan, should be secured and monitored by the Council through the section 106 agreement

Community infrastructure Planning

- 6.122. The site is located within the Isle of Dogs charging area where section 106 contributions for Crossrail will be sought. The rate for Hotels is £84.00 per sqm GIA which would generate a contribution of £802,956. The rate for the Tower Hamlets CIL is £35 sqm. The Mayor's CIL charge will be treated as a credit towards the section 106 liability referred to above. The Council must identify the full Crossrail sum within the section 106 agreement.
- 6.123. *[Officer comment: The GLA comments are noted. However, it is of note that the highway aspects of the scheme have considerably changed since the initial stage 1 response. The following TFL comments as a result are more relevant and up to date]*

Transport for London

- 6.124. The number of spaces has increased from 14 in the last revisions (27 in the original application) to 92 or 87, according to which version of document a) is used. This is not supported by TfL. The PTAL level is good and this proposal is out of line with very low levels of general parking achieved with other sites in this area.
- 6.125. Consequently TfL does not agree with the assertion in document b) that “the baseline traffic volumes on Byng Street, Manilla Street and Cuba Street are low and will continue to be low with the proposed development traffic”. Marsh Street and Westferry roundabout too are not mentioned in b) which is surprising, but these parts of the network will be impacted by the increase in parking. Subject to further information, TfL is likely to require revisions to trip generation and modelling of the impacts on the latter two parts of the highway network before it can give any support to the parking revisions.
- 6.126. The applicant must supply a breakdown on which land spaces will have how many car parking spaces.
- 6.127. It is now proposed to have three basement levels in the east building, served by one lift. “This will have a severe effect on the proposed servicing

from the basement (no details are given regarding the servicing plans with this proposal which is required to allow a full assessment) as servicing vehicles do not appear to be able to turn to enter and leave in a forward gear. The extra travel distance of the sole lift will also increase wait time for it, leaving vehicles standing on the public highway for longer.

- 6.128. TfL are concerned about the retrograde step, the new location of some of the blue badge spaces is also inconvenient and less accessible in relation to lifts and access.
- 6.129. The proposed coach parking outside of the hotel on Marsh Wall (which is not clearly explained in plan c) has now been redrawn again and is once again totally on the public highway. This is regrettable and the applicant must supply Autotracks demonstrating that this has not impact on the bus stops, route tracks or on traffic on the opposite side of the road.
- 6.130. TfL and LBTH originally advised the applicants to talk to the operator at 40 Marsh Wall with a view to sharing the lay-by facility (although you would of course be able to use this anyway; contrary to the advice in document a) above, no lay-by that is on the highway can be 'managed by the hotel' as anyone can use it, anytime). A plan has recently been circulated by LBTH showing a plan that was accepted for a lay-by some metres west along Marsh Wall, when the Novotel hotel application was approved in c2013. It seems sensible to use this rather than push forward with a further coach parking facility so close to this one which causes problems for buses and keeping London moving.
- 6.131. TfL has no strategic objection; however, have a number of concerns with the finalised scheme, based on the information received which would need to be resolved before planning permission could be granted.
- 6.132. *[Officer's comments: The concerns raised by TfL are noted and generally supported by the LBTH Highway officer. Such matters are discussed in detail later within the report within the Transport Section.]*

7. LOCAL REPRESENTATION

- 7.1. At pre-application stage and during the course of pre-application discussions the applicant undertook their own community consultation in the form of a Community Forum.
- 7.2. At application stage, a total of 1592 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	8	Objecting: 8	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 discussed in the next section of this report. The full representations are available to view on the case file.

7.4. The following is a summary of the objections received with the officers response:

Objections

- Development should not be approved before South Quay master plan is out to ensure a coherent development of the area
- Development is disjointed as it does not include the North Pole Public House
- Loss of access to rear of site which has a legal unrestricted right of way
- The proposed classrooms and residential space directly abutting and overlooking our party wall
- The proposal fails to safeguard the future development of the garage site.

7.5. [Officer comments: The above concerns are discussed in full in the Material Considerations – Land Use: Need for a comprehensive development, section of the report]

- Submitted documents are inconsistent

7.6. [Officer comments: The inconsistencies were noted and addressed]

- The proposed development would result in significant congestion from the number of vehicle movement from the proposed uses
- Increased population will put additional strain on local facilities
- Overcrowding of the DLR
- Implications for the knock on effect onto West Ferry Road

7.7. [Officer comments: The above concerns are discussed in full in the Material Considerations – Highways and Transport section of the report]

- 63 storeys is out of context
- Excessive development on Manilla street adjacent to properties on Byng Street
- Density needs to be reduced

7.8. [Officer comments: The above concerns are discussed in full in the Material Considerations – Density / Quantum of Development and Design: Building Heights section of the report]

- Combination of developments along Marsh Wall will result in dark and ugly environment
- Block sunlight and daylight

7.9. [Officer comments: The above concerns are discussed in full in the Material Considerations – Sunlight and Daylight section of the report]

- Public space for people to rest and relax is significantly reduced
- Failure to provide play space for 10 to 15 year olds will lead to an increase in anti-social behaviour

7.10. [Officer comments: The above concerns are discussed in full in the Material Considerations – Public Open Space section of the report]

- Residential should not be proposed and instead some public amenities should be built

7.11. [Officer comments: The above concerns are discussed in full in the Material Considerations – Land Use: Residential Use section of the report]

- Noise, dust and disturbance from all the constructions along Marsh Wall

7.12. [Officer comments: The above concerns are discussed in full in the Material Considerations – Environmental Impacts section of the report]

- Proposed scale of the medical centre appears too small to be of any benefit

7.13. [Officer comments: The above concerns are discussed in full in the Material Considerations – Health Provision section of the report]

- Highway safety

7.14. [Officer comments: The above concerns are discussed in full in the Material Considerations – Highway and Transport section of the report]

8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the application that the committee must consider are:

9.0 Land Use

- General Principles
- Land Use Considerations
- Loss of open space
- Loss of employment space
- Residential
- Hotel
- Health provisions

- Retail provision
- Education provision
- Community provision
- Need for comprehensive development

10.0 Density / Quantum of Development

11.0 Design

- Policies
- Context
- Assessment
 - Building Heights
 - Setting and Local Views
 - Architecture
 - Grand Axis
 - Impact on neighbouring sites
 - Secure by design
 - Inclusive design
 - Micro climate
 - Conclusion

12.0 Education Provision

13.0 Health Provision

14.0 Housing

- Principles
- Affordable Housing Mix
- Quality of Accommodation
- Daylight and Sunlight

15.0 Amenity Space and Public Open Space

- Private Amenity Space
- Communal Amenity Space
- Public Open Space
- Child Play Space

16.0 Neighbouring Amenity

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

17.0 Heritage

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

18.0 Transport

- Trip rates
- Vehicle Access
- Car Parking
- Cycling and Walking
- Public Transport
 - Buses
 - DLR
 - Crossrail

- Jubilee Line
 - Demolition and Construction Traffic
 - Serving and Deliveries
- 19.0 Waste
- 20.0 Energy and Sustainability
- 21.0 Environmental Considerations
 - Air Quality
 - Noise, Vibration and Odour
 - Contaminated Land
- 22.0 Flood risk and water resource
- 23.0 Biodiversity
- 24.0 Television and Radio Reception
- 25.0 London City Airport Safeguarding Zone
- 26.0 Health
- 27.0 Impact on Local Infrastructure and facilities
- 28.0 Planning Contributions and Community Infrastructure Levy
- 29.0 Local Finance Considerations
- 30.0 Human Rights Considerations
- 31.0 Equalities Act Considerations
- 32.0 Conclusion

9. Land use

General Principles

- 9.1. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 9.2. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 9.3. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 9.4. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should

complement the international offer of the Central Activities Zone and support a globally competitive business cluster.

50 Marsh Wall, 63 -69 Manilla Street

- 9.5. The part of the site located to the east side of Manilla Street 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.
- 9.6. This part of the site also falls within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor. Local Open space in the form of Wayside Gardens along Marsh Wall also forms part of the site.
- 9.7. The existing land uses on 50 Marsh Wall is a BUPA and dental care centre (D1 use class). The existing land use of 63-69 Manilla Street is warehouse (Use class B8) and a residential dwelling (Use class C3).

63-69 Manilla Street

- 9.8. This part of the site located to the west and south of Manilla Street falls outside the Councils Local Plan as Site Allocation 17 (Millennium Quarter) and the Tower Hamlets Activity Area.
- 9.9. The existing land use is for automotive repair

Land use considerations

- 9.10. The proposed eastern tower located east of Manilla Street at 50 Marsh Wall and 63 -69 Manilla Street would result in the loss of employment space, local open space and provide a mix use residential scheme (Use class C3) with a hotel (Use class C1), retail provision café / restaurant (Use Class A3) and a health facility (Use Class D1).
- 9.11. The proposed western tower located to the west and south of Manilla Street at *63-69 Manilla Street* would result in the loss of employment space and provide a mix use residential scheme (Use class C3) with a primary school (Use class D1) and Community facility (Use class D1).
- 9.12. The area of land located between the proposed east and west towers which consist of a public highway (Manilla Street) would provide a new public realm known as Alpha Square.

Loss of open space

- 9.13. The NPPF states 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 9.14. The London Plan Policy 7.18 (Protecting open space and addressing deficiency) states 'The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.
- 9.15. Core Strategy Policy SP04 seeks to protect and safeguard all existing open space such that there is no net loss.
- 9.16. Managing Development Document Policy DM10(2) only allows development on open spaces in exceptional circumstances, where it provides facilities to ensure the function, use and enjoyment of the open space or where part of a wider development proposal there is an increase of open space and a better outcome is achieved.
- 9.17. The loss of the public open space, subject to its replacement with a better provision in terms of quantity and quality would be acceptable in accordance with the NPPF.
- 9.18. However, the loss of public open space and its replacement with Public Realm would be contrary to the London Plan, Core Strategy and Development Managing Development Document and constitute 'Departure' from the development plans'. Wayside Gardens is local open space that has a biodiversity value and is a pedestrian area facilitating the surrounding buildings. This differs to Public Realm which is simply a defined space that is publically accessible and is used for a number of reasons including access to buildings
- 9.19. Section 38 (Development Plan) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with development plans unless material considerations indicate otherwise.
- 9.20. The National Planning Practice Guidance states that planning (material considerations) is concerned with land uses in the public interest.

- 9.21. The acceptability of the loss of public open space in principle is therefore subject to, the public benefits of the proposed land uses of the development outweighing the loss of the public open space.

Loss of employment

- 9.22. Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states ‘the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition’.
- 9.23. Policy (DM15) Paragraph 2 also states ‘Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere’.
- 9.24. The planning application form confirms that there are 20 full time employees within the existing uses on the application site. The proposed development which includes a 11,023sqm hotel would result in the creation of 404 full time jobs. The proposal would therefore result in a net increase in active and viable employment uses on site.
- 9.25. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. However, , the site is located within an opportunity area and Table A1.1 of the London Plan 2015 which states ‘Parts of the area have significant potential to accommodate new homes and there is scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors’.
- 9.26. The loss of the existing employment uses is therefore considered acceptable in principle.

Residential (C3)

- 9.27. 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.”
- 9.28. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.

- 9.29. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 9.30. The proposed development would provide 685 residential units as part of a mixed use scheme and result in the loss of one residential unit. The proposal would result in a net increase of 684 residential units.
- 9.31. The introduction of a residential development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Hotel (C1)

- 9.32. The NPPF classifies a hotel as a main town centre use and states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre'.
- 9.33. London Plan policy 4.5 (London's visitor infrastructure) states that new visitor accommodation is in appropriate locations:
- beyond the Central Activities Zone (CAZ) it should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini.
- 9.34. Further to this, London Plan Policy 4.5 states that developments should:
- a) contribute towards the hotel provision target and ensure that at least 10 per cent of bedrooms are wheelchair accessible
 - b) be consistent with the strategic location principles set out above
 - c) not result in the loss of strategically important hotel capacity
- 9.35. The Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the borough by concentrating 'hotels, serviced apartments and conference centres, to attract visitors and promote tourism in the borough in the following locations:
- Central Activities Zone (CAZ)
 - City Fringe Activity Area
 - Canary Wharf Activity Area
 - Major and district centres

- 9.36. Policy DM7 of Managing Development Document 2013 parts 1 and 2 state that the acceptance of short stay accommodation uses should be assessed against the following criteria:
- a) Is the size proportionate to its location within the town centre hierarchy
 - b) Is there a need for such accommodation to serve the local economy
 - c) Could the development compromise the supply of new homes
 - d) Could it create an over-concentration of such accommodation or cause harm to residential amenity
 - e) Is there adequate road access and servicing for coaches
- 9.37. As previously mentioned, the proposed hotel use would fall within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The size of the hotel providing 273 bedrooms is considered proportionate to its location within the town centre hierarchy. The proposed hotel is part of a residential led scheme and as a result is not considered to compromise the supply of new homes or create an over concentration of short stay accommodation.
- 9.38. The submitted JLL 'Hotel Needs Assessment' confirmed that there was capacity for a new hotel on the Isle of Dogs due to expected annual GDP growth and tourism forecasts, proximity to City Airport, Canary Wharf, 02 and the Royal Albert Dock and the surrounding existing and proposed transport infrastructure.
- 9.39. The proposed hotel which would contribute to the hotel provision targets would also provide a minimum of 10 per cent wheelchair accessible rooms.
- 9.40. It is therefore considered that the proposed hotel use is acceptable in principle, subject to the hotel not harming residential amenity or resulting in any highway concerns.

Health Use (D1)

- 9.41. Similar to a hotel use, the NPPF classifies a Health Centre as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 9.42. London Plan policy 3.16 (Protection and enhancement of social infrastructure) states that 'development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. Facilities should be accessible to all sections of the community (including disabled

and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged’.

- 9.43. London Plan policy 3.17 (Health and Social Care Facilities) states ‘Development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking. Where local health services are being changed, the Mayor will expect to see replacement services operational before the facilities they replace are closed, unless there is adequate justification for the change’.
- 9.44. The Core Strategy Policy SP03 seeking to deliver a healthier, more active and liveable borough, where people have excellent access to a range of health, leisure and recreational facilities in accessible locations states in part (3) that the aspiration is to ‘Provide a hierarchy of accessible, high quality health facilities, services and premises to meet the needs of the existing and future population.
- 9.45. Managing Development Document Policy DM8 (Community infrastructure) also states;
- (1) ‘Health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.
- (2) Where development proposals are likely to adversely impact on existing health, leisure and social and community facilities, the re-provision of the existing facility will be required as part of the redevelopment unless it can be demonstrated that a new off site location would better meet the needs of existing users and complies with part (3) of this policy.
- (3) The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately re-provided elsewhere in the borough.
- (4) New health, leisure and social and community facilities should be located in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 9.46. The site falls within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy).
- 9.47. The proposed loss of an existing health care provision on site would therefore be acceptable in principle, subject to its replacement with a high quality, accessible health care provision or it being demonstrated there is no existing need.

- 9.48. The quality and need of the health provision and its accommodation is also discussed in more detail within the 'Health Provision' section of the report.

Retail Provision (A3)

- 9.49. Similar to Hotels and Health care provisions, the NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 9.50. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 9.51. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 9.52. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.
- 9.53. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a) they do not result in an overconcentration of such uses; and
 - b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

- 9.54. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:
- a) adequate width and depth of floorspace has been provided for the town centre uses;
 - b) a shop front has been implemented in the first phase of development; and
 - c) appropriate servicing arrangements have been provided.
- 9.55. The proposed retail uses (Café / Restaurant) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the restaurant/ café use at 200qm would relate to the size, function and role of the THAA. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A3 use would also support the vitality and viability of the THAA and complement the only other retail provision with the immediate vicinity, the North Pole Public House.
- 9.56. It is therefore considered that subject to the café/restaurant shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail use is acceptable in principle.

School Use (D1)

- 9.57. The NPPF states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties'.
- 9.58. Further to this, the NPPF also states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 9.59. London Plan policy 3.18 (Education facilities) states 'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss

of education facilities should be resisted, unless it can be demonstrated that there is no on-going or future demand’.

- 9.60. Further to this London Plan Policy 3.18 also states, ‘In particular, proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations’. Whilst ‘Development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs’.
- 9.61. The Core Strategy Policy SP07 seeks to increase provision of both primary and secondary education facilities to meet an increasing population by: (b) identifying areas of search to deliver at least four new primary schools in the following places:
- Fish Island
 - Bromley – by – Bow
 - Popular Riverside
 - Cubitt Town / Millwall
- 9.62. The Managing Development Document DM18 (Delivering schools and early learning) states that ‘the Council will deliver a network of schools and Children’s Centres by:
- a) protecting schools and Children’s Centres where they are considered suitable for their use and meet relevant standards;
 - b) safeguarding the potential for schools in accordance with site allocations;
 - c) only supporting the redevelopment of an existing school or Children’s Centre where there is adequate re-provision on site or in accordance with any site allocation, unless it can be demonstrated that there is no need to retain the school or Children’s Centre; and
 - d) supporting the development of schools or Children’s Centres or extensions to existing schools or Children’s Centres where:
 - i. a site has been identified for this use or a need for this use has been demonstrated;
 - ii. the design and layout take into account the relevant guidance;
 - iii. for existing schools, there is no net loss of school play space; and
 - iv. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 9.63. The proposed education provision would exist in the form of a two form entry primary school with the capacity to school a minimum of 400 pupils. The proposed school forms part of a large scale residential development where all of the proposed properties would be within walking distance. The creation of a new primary school located on Isle of Dogs within a mix use scheme is encouraged as it meets a specific need and maximises land use and reduces costs.

- 9.64. The principle of a school provision on the application site is therefore given great importance and positive consideration to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.
- 9.65. The proposed education provision is therefore considered acceptable in principle, subject to, there being no demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.
- 9.66. The quality of the School accommodation is also discussed in detail within the 'Education Provision' section of the report.

Community Use

- 9.67. The NPPF paragraph 70 states to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 9.68. London Plan policy 3.16 (Protection and enhancement of social infrastructure) as previously discussed states that 'development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments.
- 9.69. Whilst, Managing Development Document Policy DM8 (Community infrastructure) part 4 states;
- (4) New health, leisure and social and community facilities should be located in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 9.70. The lower ground floor hall of the school would provide a community provision with toilets and kitchen area that would be available to the wider community outside of the operational hours of the school (i.e. evenings, weekends and bank holidays). The dual use of such a space would enhance the sustainability of communities and the proposed residential environment. The inclusion of a community use as part of residential led

development is also considered to be an integrated approach and encouraged.

- 9.71. The proposed community use adjacent to the THHA (edge of town centre location) is therefore considered acceptable in principle, subject to, the provision being a high quality form of social infrastructure.

Need for comprehensive development

- 9.72. Section 7 (Requiring good design) of the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.

- 9.73. London Plan policy 7.1 (Lifetime Neighbourhoods) in the interest of place shaping states:

- b) Development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment and training opportunities, commercial services and public transport.
- c) Development should enable people to live healthy, active lives; should maximize the opportunity for community diversity, inclusion and cohesion; and should contribute to people’s sense of place, safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of the community at all stages of people’s lives, and should meet the principles of lifetime neighbourhoods.
- d) The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

- 9.74. The part of the application site known as 68 – 70 Manilla Street wraps around the adjoining garage site fronting Manilla Street and the North Pole Public House (which is subject to a separate planning application). The west and southern boundaries of this part of site also abuts the existing residential properties along Byng Street and Bellamy Close.

- 9.75. The eastern part of the application site known as 63- Manilla Street and 50 Marsh Wall abuts the neighbouring site known as 40 Marsh Wall (which is subject to a separate planning application) and located on its eastern boundary.

- 9.76. The exclusion of the adjoining sites from the proposed development would result in piecemeal development.

9.77. The acceptability of such a piecemeal approach in principle is subject to, the proposed development making better places for people, lifetime neighbourhoods and delivering high quality and inclusive design which interface with surrounding land.

10. Density / Quantum of Development

10.1. Policies 3.4 of the London Plan (2015) 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.

10.2. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.

10.3. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is PTAL 4 at the north west side of the site and PTAL 3 at the south east side of the site.

10.4. The applicant submitted a 'Note on the proposed density' as part of the application. The note states that the density of the development was 4,275 habitable rooms per hectare.

10.5. The applicant's methodology is based on the number of habitable rooms in relation to the site area only. However, the London SPG states that density should be calculated by removing the % of the commercial development from the site area.

10.6. The proposed density for the 685 residential units (1710 habitable rooms) scheme calculated on a site area of 0.4 hectares and based on the fact 82% of development above ground is for residential use is 5,215.5 habitable rooms per hectare.

10.7. The application site consists of a public highway (Manilla Street) and associated footways that divides the site into two parcels of land. This area of land that cannot be developed on equates to approx. 144sqm. The site area of developable land is therefore 0.3856 hectares and not 0.4sqm.

10.8. The proposed density for the 685 residential units (1710 habitable rooms) scheme calculated on a developable site area of 0.3856 hectares and based on the fact 82% of development above ground is for residential use is 5,403.6 habitable rooms per hectare.

10.9. 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.

10.10. The proposed densities of 5,215.5 (including the highway within the calculations) or 5,403.6 habitable rooms per hectare (excluding the highway within the calculations) would both be 4 – 5 times greater than the London Plan density range of 650 to 1100 stated within the density matrix.

10.11. The SPG advises that development outside density 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.

10.12. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

11. Design

Policies

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

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

11.3. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having

regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

- 11.4. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 11.5. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is in part located within an Activity Area, which is the next one 'down' in the hierarchy.
- 11.6. 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...”

Local context

- 11.7. The site is situated within 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”).
- 11.8. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July 2014 to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD).
- 11.9. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide. On the southern side of South Dock is the 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 hotel (127.2m)

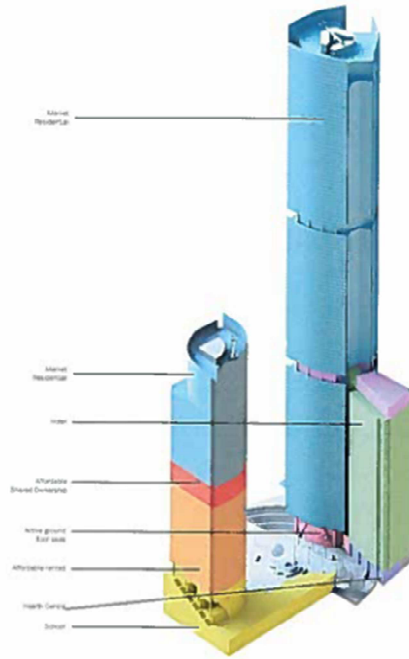
- 11.10. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 239m at SQP and 220m AOD at Arrowhead Quay). Meridian Gate to eastern side of Marsh Wall which is 53 storeys high (187.45m AOD) also has a planning consent.
- 11.11. To the south of Marsh Wall, heights of the towers generally drop off relatively rapidly. The reduction in height is evidenced with the maximum heights of 40 Marsh Wall (127.2m AOD), Indecon Court (99m AOD), the former London Arena Site known as Baltimore Wharf (155m AOD) and recently consented 2 Millharbour (148m AOD).
- 11.12. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 3 Millharbour 6, 7 and 8 South Quay Square, and 54 Marsh Wall. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.
- 11.13. To the immediate south and west of the application site the existing residential dwellings along Byng Street and Bellamy Close are generally two storeys in height. Whilst, the south side of Byng Street is characterised by single storey garages and four storey residential buildings. The western and eastern ends of Byng Street comprise of 9 – 20 storey residential blocks.
- 11.14. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn. 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'. City Pride marks the end of the South Dock and the two residential towers at Pan Peninsula represent landmark developments. Whilst the remainder of sites south of Marsh Wall and not designated as a land mark site or situated on gateway locations are more modest in scale, such as Landmark, 40 Marsh Wall and 2 Millharbour.
- 11.15. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

- 11.16. The proposal seeks the erection of two towers, known as the eastern building and western building. The proposed location of the buildings is shown in the following plan.

Eastern building

- 11.17. The proposed building to the east would consist of a 63 storey tower plus two ground floor level and two mezzanine floors. The east tower would therefore be 66 storey high (213.5 AOD) fronting Marsh Wall, 67 storeys fronting Manilla Street and 23 storey high (78.5 AOD) fronting Byng Street.



- 11.18. The 66/67 storey element would be designed with an asymmetrical pentagon floor print with the residential core at its centre while the 23 storey element is designed with a rhombus shaped footprint. The building blocks are linked with a slender building block that would comprise of a corridor and lifts.
- 11.19. The building would provide 503 Market residential units, a café / restaurant, hotel accommodating 273 rooms and a new health centre.
- 11.20. The lower ground floor accessible from Manilla Street would consist of a café, sky bar lobby and health centre. The hotel's bar, restaurant and kitchens, loading bay and the waste holding area would also be provided on this floor. The upper ground floor of the building would be accessed from Marsh Wall and comprise of a residential lobby and the Hotels reception and lounge bar.
- 11.21. The proposed mezzanine floor would consist of the hotel's restaurant, outdoor dining area, kitchen and conference room to the front of the building and 13 guest rooms to the rear. The external area to the east of the building would provide child play space for the residential units. The second mezzanine floor at the front of the building would provide three meeting rooms and internal child space that would have been linked to the first mezzanine floor, whilst the rear of the building would comprise of hotel rooms.
- 11.22. The proposed 1st floor up to the 19th floor consists of the residential accommodation to the north and the remaining hotel rooms to the south of the building. The residential element would provide 9 dwellings per floor.
- 11.23. The 20th floor would consist of a lounge bar and outdoors terraces which would be ancillary to the hotel and also available for use of the residents.

The plant of the proposed swimming pool positioned on the 21st floor is also located on this floor. The southern part (rear) of the building characterised by the rhombus footprint terminates at this height.

- 11.24. The middle section of the tower would comprise a gym area, swimming pool and void above the sky bar on the 21st floor and 9 dwellings per floor from the 22nd floor to the 40th floor.
- 11.25. The 41st and 42nd floor designed with a reduced floor print would provide 8 residential units in the form of duplex apartments. The remaining floors from the 43rd to the 61st floor would each provide 8 units with the exception of the 62nd and 63rd floor which would comprise of four duplex penthouses.
- 11.26. Three basement levels are also proposed which consist of refuse and recycling provisions, cycle parking, vehicle parking, plant and a large vehicle service lift.

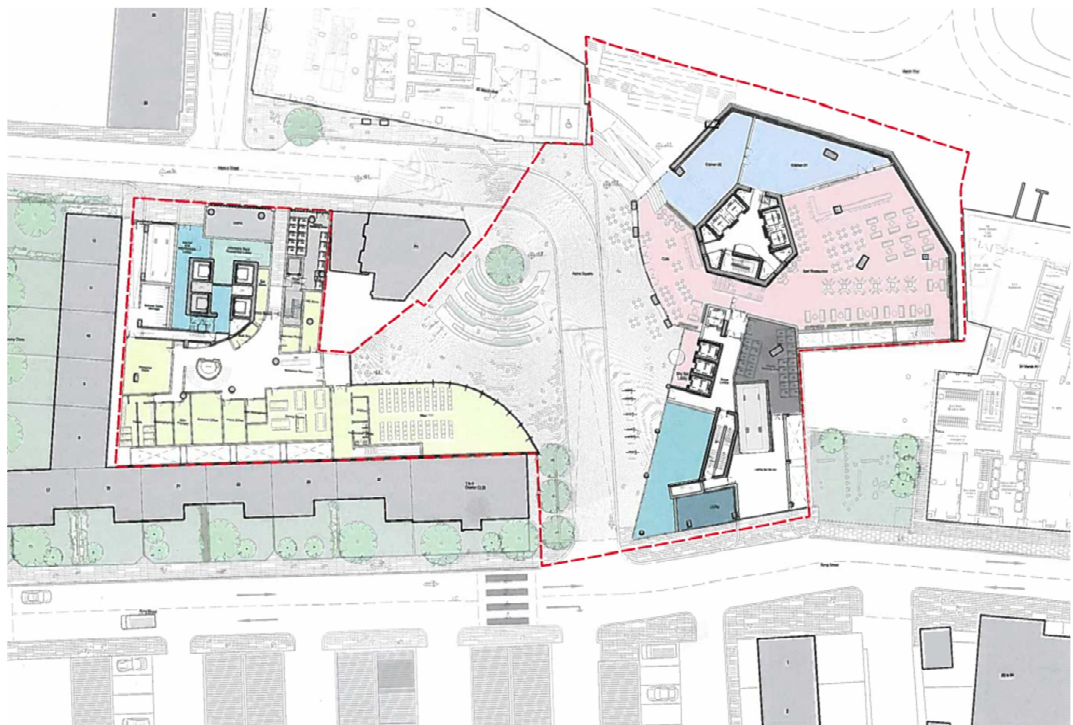
Western building

- 11.27. The proposed building to the west would consist of a 32 storey tower plus two ground floor levels and two mezzanine floors. The building to the west inclusive of the ground floor levels and mezzanines floors would read as 36 storey high (118.75m AOD) fronting Manilla street.
- 11.28. The buildings footprint would be L shaped at lower ground floor level, a rectangle form with a chamfered south west corner from the upper ground floor level to the 26th floor and oval shaped from the 27th to 35th floor.
- 11.29. The building would provide a primary school for up to 420 pupils with a community hall provision and 104 market residential units, 24 intermediate units and 54 affordable rent units.
- 11.30. The lower ground floor accessible from Manilla Street would consist of the main entrance to the school and associated hall and staff offices, a lobby to the market and intermediate units and separate lobby via a corridor to the affordable rent units. The separation of the affordable and market rented entrances would result in the creation of poor doors. The affordable rent lobby positioned to the centre of the site would not have an active frontage and would be accessed via a corridor adjacent to the refuse storage/holding area. The upper ground floor of the building provides classrooms and an external school playground on the roof of the lower ground floor.
- 11.31. The proposed mezzanine floor marks the beginning of the protrusion of tower element and up to the first floor would comprise of class rooms and external terraces for use by the school. The proposed second floor would provide internal play space, external communal play space and communal amenity space for the school.
- 11.32. The proposed 3rd floor up to the 34th floor would provide residential accommodation. The 27th floor would also provide a communal area and a terrace on the roof of the 26th floor where the footprint evolves from a

rectangular shape to an egg shape. None of the residential units would have any private amenity space.

Ground Floor Design

- 11.33. The application consists of a change of level from Marsh Wall down towards Manilla Street. The proposed development is designed to provide active frontages along both Marsh Wall and Manilla Street.
- 11.34. The proposed active frontages in the form of a residential lobby and hotel lobby along Marsh Wall would be located under an overhanging canopy. The building line of the hotel entrance to the east would also be set back further from the pavement edge and create a podium feature.
- 11.35. The existing Lenanton Steps at less than 2m wide would be increased in width to 20m along Marsh Wall and 11m adjacent to Manilla Street. The widening of the staircase would allow for the introduction of ramps and increase legibility. The Following is a plan showing site layout and the new widened Lenanton Steps.



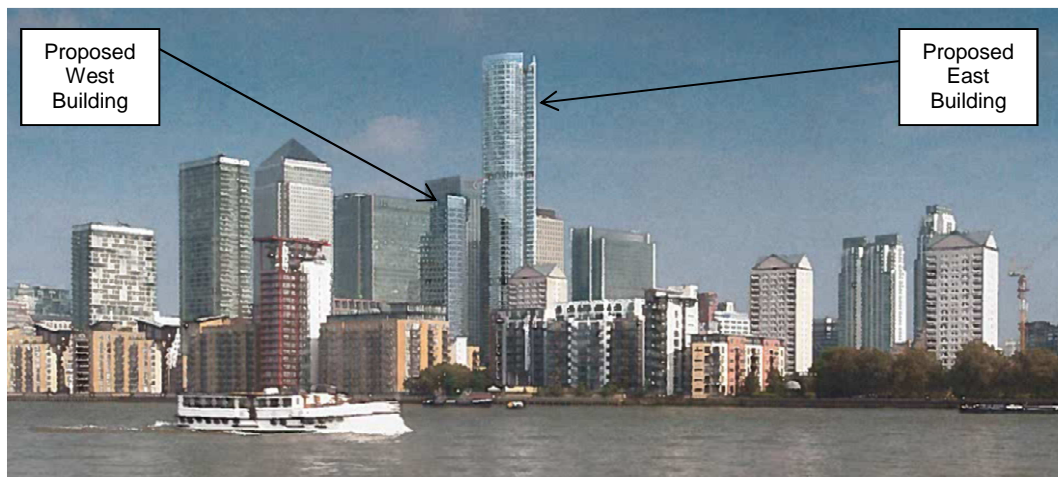
- 11.36. The proposal also includes the creation of a new public realm known as Alpha Square. The public realm is located to the east of the entrance to the school and the existing public house that falls outside the application site and west of the proposed Health Centre and entrance to the sky bar. The public realm is split by Manilla Street and consists of landscaping and cycle parking.

Building Heights

11.37. 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.

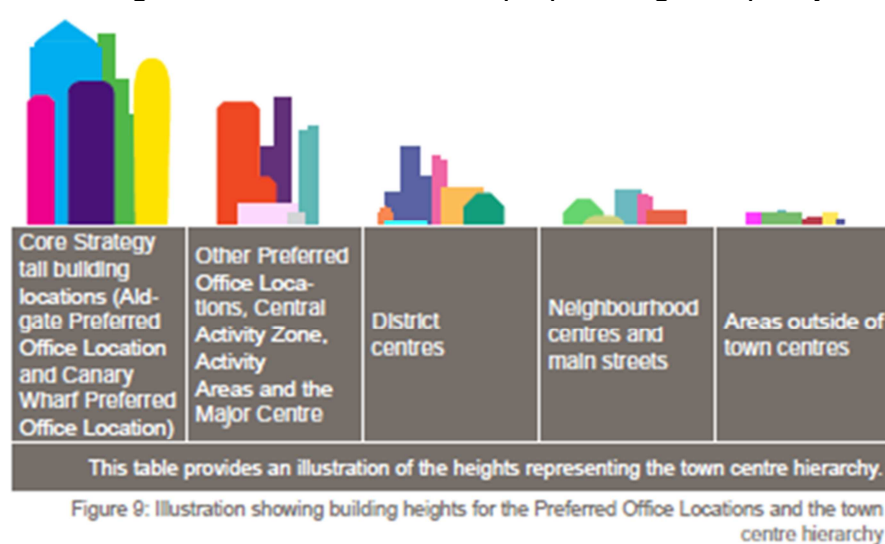
11.38. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.



11.39. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development

Document, which is located below and referenced within policy DM26 of the MDD. 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.

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



11.41. Within 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.

11.42. To the north of the application site is Arrowhead Quay site which has planning permission (PA/12/03315) for a 55 storey tower (188.4m AOD) adjacent to Quayside and 50 storey tower (172.4 AOD) along Marsh Wall. The reduction in height of the Arrow Head Quay tower adjacent to Marsh Wall was required in accordance with DM26 which seeks for building heights to step down from Canary Wharf Preferred Office Location.

11.43. The eastern building at 213.5m AOD would be significantly taller than the approved development to the north at Arrowhead Quay (172.4 AOD) and 40 Marsh Wall (127.2m AOD) currently under construction and located to the west.

11.44. The design officer raised concerns with the proposed height of the 63 storey tower and in response the applicant provided a document entitled 'Response to LBTH comments' dated March 2015. The submitted document argues that the approval of South Quay (220m AOD) was considered acceptable because the building with its slender design would successfully mediate between Canary Wharf and the existing/proposed buildings to the south of Marsh Wall, and as consequence a slender tower of a similar height on the application site should be acceptable.

11.45. The proposed height of South Quay, however, was considered acceptable not because of its slender form alone but the fact that the site is referenced as a focal point within the Millennium Quarter Masterplan suitable for a landmark building along with Pan Peninsula and Arrow Head Quay. Furthermore, the South Quay site is also located at a pivotal north/south and east/west axis suitable for a taller building.

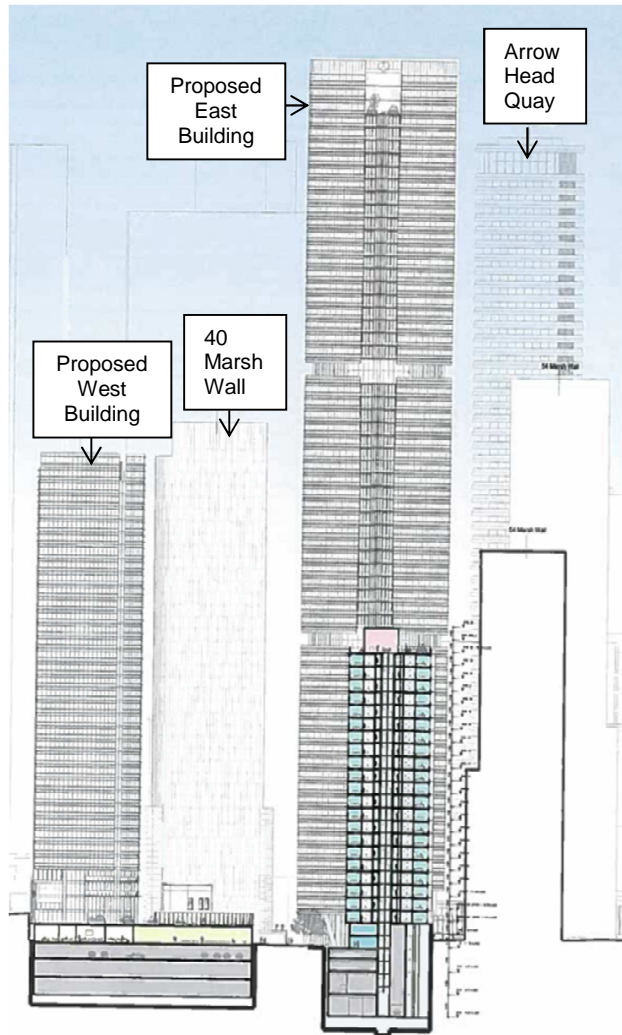
11.46. In contrast, the proposed eastern tower is neither located on an application site designated as a focal point within the Millennium Quarter Masterplan, pivotal axis or a gateway/ bookend to South Quay area.

11.47. The proposed height of the eastern tower over 30m taller than the Arrowhead tower which is also designated focal point in the Millennium Quarter Masterplan and closer to Canary Wharf, and as a consequence would unacceptably not provide any form of transition in accordance with the town centre hierarchy.

11.48. This is a view shared by the LBTH Design officer and English Heritage that both advise that the development would require substantial reductions in the proposed height to be considered appropriate.

11.49. The western tower at 118.75m A.O.D would result in a step down in height in comparison to the 39 storey hotel at 40 Marsh Wall. However, the proposed tower positioned abutting the existing 2 storey residential units located to the south and west would not be sensitive to the context of its surroundings and result in an unacceptably overbearing and dominant relationship.

11.50. The LBTH design officer also raised such concerns with the western tower stating "whilst there is a change in scale from Marsh wall, it's important to acknowledge the scale of the street and the buildings within its immediate context. The proposed tall building rises well above the immediate local



context and raises concern around its appropriateness in its local setting. Officers are therefore unable to support the height of the proposal.

- 11.51. The proposed towers would fail to provide a transition in height and as a result do not comply with the adopted Town Centre hierarchy approach set out in policy DM26 for the location of tall buildings.

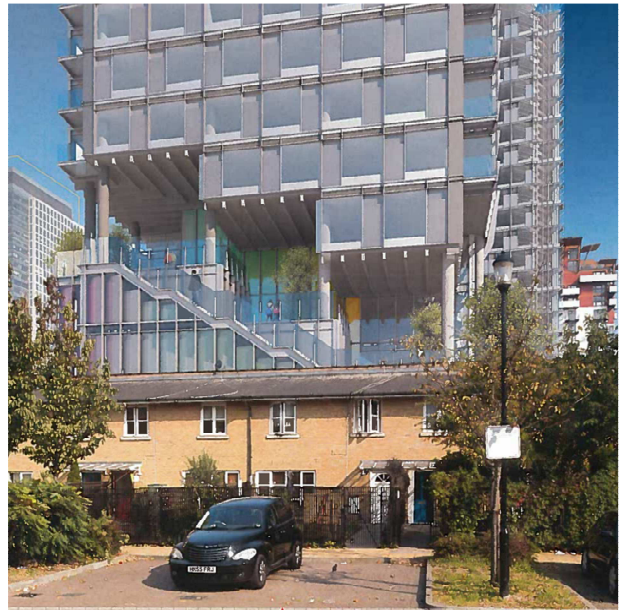
Setting and Local Views

- 11.52. 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.
- 11.53. In this case, the proposal is surrounded to the south and west by two storey dwellings and the 39 storey hotel at 40 Marsh Wall and to the east 54 Marsh Wall. The proposed public realm contribution is limited to the centre of site. The proposed public realm provision is also spilt into two parts due to the existence of Manilla Street. The quality and quantum of resulting spaces is therefore severely compromised (See Public Realm Section of the report). As a consequence, the proposal would appear incongruous with its setting and insensitive to its local context. This severance severely compromises the quality and quantum of the public realm (Please see Public Realm section of the report).
- 11.54. The 66/67 storey tower would be as discussed significantly taller than any of the surrounding buildings along Marsh Wall in the immediate vicinity and approx. 50% taller than the Hotel at 40 Marsh Wall that is currently under construction.
- 11.55. The resulting height viewed from Marsh Wall, and in particular Manilla Street which is situated at a lower ground level would result in an overbearing development that is insensitive to the surrounding area.
- 11.56. The proposed height of the western tower during the Pre-application discussions was initially 25 storeys and the officers raised concerns with such a height in this location abutting 2 storey dwellings and its impact on local views, especially from Bellamy Close and Byng Street.
- 11.57. Regardless, following a requirement to reduce the floor plate size of the eastern tower from the GLA, the applicant off set a reduction in the foot print of the east tower by increasing the height of the western tower by a further 10 storeys to provide a similar quantum of residential units overall.
- 11.58. Following the increase in height of the western tower, the design officer reiterated that the relationship of the western tower to the adjoining 2 / 4 storey residential buildings with regards to local views was now an event greater cause of concern.
- 11.59. In response to the design officers comments the applicant attempted to break down the mass of the western tower and improve the relationship to

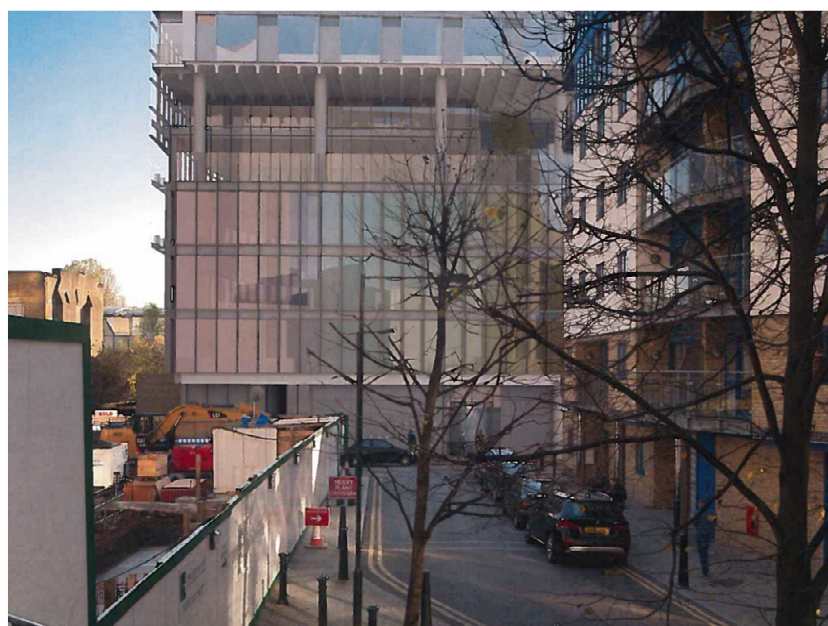
the neighbouring two storey buildings by incorporating terraces into the southern and western elevations.

11.60. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how incompatible a scheme of this scale is at the local level. For example, the view on page 85 of the ES Volume II Townscape, Heritage and Visual Assessment included below shows how the proposed scale of the building is out of context within its setting.

11.61. The proposed western tower and eastern tower (which includes the Hotel element fronting Byng Street), separately and combined, would fail to make an appropriate local response. The proposed developments also combined with the approved 39 storey hotel at 40 Marsh Wall would also intensify the overbearing impact on Manilla Street (which is to form part of the public realm offer) and the surrounding streets.



11.62. Furthermore, the development as seen in local views and characterised by vehicle entrances (and refuse provisions) would fail to provide active or engaging frontages at ground floor level of the hotel along Byng Street or the northern elevation of the western tower on Manilla Street.



Architecture

- 11.63. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevation treatment of the proposed buildings are of a high standard. The two towers of contrasting forms and designs would provide visual interest and contrast between each tower and with the commercial tall buildings within the Canary Wharf estate.

Impact on neighbouring sites

- 11.64. The application site wraps around the North Pole Public House and the garage site that fronts Manilla Street, abuts two storey residential properties to the south and west and shares a boundary with the proposed development site of 54 Marsh Wall to the east.
- 11.65. To the north of the site the proposed eastern building would comprise of a blank side elevation at ground floor level built on the boundary of 54 Marsh Wall.
- 11.66. The proposed residential units situated at upper floor levels of the eastern tower are designed to be set off the eastern boundary by 6.5m to 10m. However, the shape of the neighbouring site at 54 Marsh Wall which in part is situated south of the application site results in the proposed south east facing residential units being situated only 1m due north of neighbouring site. The east facing windows of the proposed hotel rooms would also only be positioned 2m from the neighbouring site.
- 11.67. The requirement for the proposed residential units and hotel to secure outlook and sunlight and daylight over the neighbouring site is a serious cause of concern. Moreover, although there is an existing application for the development of 54 Marsh Wall which is currently being assessed by officers, as the application is yet to be determined it would have limited weight as a material consideration in the assessment of this application. In the absence of a joint up strategy or legal agreement tying the developments together, it is therefore considered that the proposed development would not be compatible with the existing and potential neighbouring land uses.
- 11.68. The LBTH design officer and the GLA during the pre-app discussions also raised concerns for the need for a comprehensive development and advised that the neighbouring buildings (particularly the North Pole Public House and garage site) should form part of the wider development proposal. The applicant against the advice of the design officer and GLA proposed a redevelopment which excluded the garage site and North Pole Public House.
- 11.69. In response to the concerns raised by the GLA submitted the document 'Response to LBTH Comments' which discussed the relationship of the development to the North Pole Public House. The document states 'the pub forms a prow to the north west of the proposed space. Its return frontage is currently screened by light industrial units. The proposals reset this building line allowing the North Pole to frame the edge of the new public space'.

11.70. It is agreed by officers that the North Pole Public House would provide definition to the proposed Alpha Square while the existing retail use adjacent to the public realm would help activate the space. However, the proposed scale of western tower in comparison to the Public House, Manilla Street and surrounding properties of Byng Street and Bellamy Close as previously discussed would not reinforce or enhance the character of the neighbourhood.

11.71. Further to this, the relationship between the garage site and the western tower would be unacceptable, as the proposed school class rooms and residential units at the upper floor levels set back only 1.5m from the garage site would directly overlook and borrow light from the neighbouring site. In addition, the proposed western tower would prevent access to the rear of the garage site. Such a relationship would unacceptability prejudice the development of the neighbouring garage site (outlined below in black to the left of the PH) and its usability.



11.72. In light of the above, it is considered that by virtue of its layout, tenure and uses would fail to interface with the surrounding land uses, poor design would not contribute positively to making places better for people, and as a consequence the development would fail to achieve high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes contrary to London Plan Policy 7.1 and the NPPF.

Secure by Design

- 11.73. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 11.74. The Secure by Design officer has considered the proposed development and has raised concerns and the potential for issues surrounding anti-social behaviour and other crime generators
- 11.75. The proposed development as a consequence would not adequately provide a safe and secure environment contrary to policy 7.3 of the LP and policy DM23 of the MDD.

Inclusive Design

- 11.76. Policy 7.2 of the London Plan (2015), 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.
- 11.77. 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 would span over different floor levels due to the topography of the site. Nevertheless, the public realm 'Alpha Square' has been designed with the principles of inclusive design in mind.
- 11.78. This is evident with the level access entrances, a ramp on Lenanton Steps, inclusion of car parking for disabled users in the basements and a sufficient proportion of car parking spaces provided for blue badge users.
- 11.79. The child play space, however, in the form of the playground school at upper ground floor level of the western tower would not be accessible when the primary school is closed, as the proposed wheel chair accessible lift to access the playground is located within the main school building and as a consequence the only way to access the playground would be via the staircase adjacent to the school hall.
- 11.80. The proposed child play space at mezzanine level within the eastern tower would only be accessible by external staircases only.
- 11.81. The above shortcomings would as a consequence result in a scheme that would not be well connected with the surrounding area and would fail to provide a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances contrary to 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

- 11.82. The proposed development would exhibit clear and demonstrable signs of over-development, in particular:
- 11.83. The proposal would provide limited and compromised public realm and would not have a high quality setting commensurate with buildings of such significant height which fail to sensitively relate to its context or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.
- 11.84. The towers by reason of their form and mass combined would provide little visual relief and would be overbearing along surrounding streets failing to create a human scale of development at street level.
- 11.85. The proposed development would fail to present an active or engaging frontage on its southern façade of the hotel adjacent to Byng Street and northern façade of the western tower adjacent to Manilla Street due to the prominent location of the vehicle and servicing entrance.
- 11.86. The proposed buildings positioned abutting neighbouring sites and failure to provide a comprehensive development would prejudice the development of neighbouring sites conflicting with surrounding existing and potential land uses.

12. Education Provision

- 12.1. Policy DM18 of the Managing Development Document DM18 (Delivering schools and early learning) seeks to deliver a network of schools and Children's Centres and supports the development of schools where:
- v. a site has been identified for this use or a need for this use has been demonstrated;
 - vi. the design and layout take into account the relevant guidance;
 - vii. for existing schools, there is no net loss of school play space; and
 - viii. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 12.2. The preamble of Policy DM18 in paragraph 18.7 also states the location of new schools and Children's Centres will be guided by the criteria listed under part (d) of the policy and Core Strategy Spatial Policy 06 (3). This provides a positive approach to the development of state-funded schools including free schools and academies, ensuring they are located where they can be easily accessed and that they provide a high quality teaching environment. All new buildings and extensions should aim to achieve BREEAM excellent standard as well as all current applicable standards published by the Department for Education, including Building Bulletins 98 and 99, and Independent Schools Standards and regulations.

Design Quality

- 12.3. The proposed two form entry primary school with the capacity of a minimum of 400 pupils would provide poor school accommodation. The entrance, administration and hall areas are on the lower ground floor with the teaching areas spread across four upper floors. The site is irregular in shape and this has not been satisfactorily overcome in the arrangement of the school accommodation. There is one internal circular staircase only which does not assist effective circulation of pupils around the school.
- 12.4. There is only a single point of access for all pupils, staff and visitors. With a maximum roll of 420 children, this will cause considerable congestion at the beginning and end of the school day. Management of the children arriving and leaving will have to be carefully arranged as well as consideration of where parents/carers would be able to wait for their children.
- 12.5. The total floor area of the 14 classrooms meets the standard required. However, some rooms are above standard and others are below so there is no uniformity across all the classrooms. 4 classrooms are below the standard of 55m² with 3 of these being only 46 or 47m² which is significantly under-size for a purpose designed building and restricts the effective use for a class of 30. A number of classrooms are irregular in shape and the 4 foundation stage classrooms (reception and year 1) do not have direct external access which is normal good practice.
- 12.6. Various aspects of the internal arrangement are poor. The children's toilets are not effectively distributed across the upper floors containing the classrooms. There are no toilets directly accessible from the Reception classroom which is usual practice. There would be a large area of toilets on the lower ground floor which would be at the furthest point away from the classrooms and is not conducive to the overall management of the school. There would be no toilets directly accessible from the external play area on the upper ground level which is good practice.
- 12.7. The applicant has endeavoured to provide internal accommodation consistent with the standards published in BB 103 (DfE Building Bulletin). However, the external area falls considerably short of the standard. The BB 99 standard for a school with 420 pupils on a confined site is 3,480 sqm. (BB 103 has a higher standard). The proposal includes external play area at the upper ground floor level of 479sqm which is approximately 14% of the total area required for a confined site. The three floors above the upper ground floor each have an external terrace. Two of these terraces are 40sqm and one is 64 sqm. To make a comparison, the two smaller terraces are below the area requirement for a classroom of 30 pupils. These terraces may provide some benefit as outdoor learning spaces for smaller groups, but they are small and present practical difficulties in usefulness for pupils' recreation at lunch and break times. This would not only be due to the limited number of children who can be accommodated at each terrace but also the need for additional members of staff to supervise multiple areas. There is no space for a playcourt or MUGA and suitable

existing open space in the immediate vicinity to be used in addition to the provision on site.

- 12.8. It is proposed that the arrangements for the pupils and staff to muster in the event of the evacuation of the building in Alpha Square. There would be a maximum of 420 pupils plus approximately 40 staff required to congregate in the public realm characterised with through access for vehicles. This would not offer a safe space for evacuation where children can be properly supervised to ensure all remain in the evacuation area until they can return to the building.
- 12.9. No information has been received on the proposed arrangements for provision of the school accommodation. The education Team are aware it could be made available to the LA, but it is not clear if this is on a shell & core or finished basis, Although, no proposals about lease terms have been provided.
- 12.10. The LBTH Education Department object to the proposed school due to the above design and operational issues.
- 12.11. The impacts of the proposed school on the highway network are to be discussed under the Highways and Transport section of the report to follow.

Conclusion

- 12.12. The design and layout of the proposed education facility would unacceptably fail to take into account the relevant guidance, as it would not meet the applicable standards published by the Department for Education, including Building Bulletins and Independent Schools Standards and regulations contrary to DM18 of MDD.
- 12.13. The level of changes required to ensure that the school accords to the required standards would require significant material changes to the proposal which could not be secured via planning conditions or obligations.
- 12.14. The proposed school is therefore not considered fit for purpose.

13. Health Provision

- 13.1. The NPPF, London Plan policies 3.16 and 3.17, Core Strategy policy SP03 and Managing Development Document Policy DM8 seek to resist the loss of social infrastructure where there is a need unless a high quality accessible replacement re-provision is secured.
- 13.2. The proposed development includes the replacement of an existing 464.5qm health centre with a 295sqm health centre (above ground floor level).
- 13.3. The applicant stated that the proposed loss of floor space would be mitigated by the fact, the existing BUPA provision on site is a private practice that does not meet local needs and the proposed replacement provision which

would be designed as an NHS operated facility for general practitioners, would meet community needs.

- 13.4. The LBTH Health Care Strategists has assessed the usability of proposed Health Care Facility and confirmed the proposed health centre would be too small to function as an NHS provider and as a result would fail to meet the needs of the local community.
- 13.5. The proposed Health Care provision positioned over two floors and in the absence of any details of accessible lifts would also result in the creation of social infrastructure which would not be accessible for all.
- 13.6. On balance, it is considered that although the replacement of a private Health Care facility with a new community provision is welcomed, the failure to provide a health centre suitable for an NHS provider and accessible for all users would unacceptably not support the creation of sustainable local communities and an inclusive environment.
- 13.7. The failure to provide a health care facility of a suitable size, is another indicator that the site would be over developed.

14. Housing

Principles

- 14.1. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 14.2. The application proposes 685 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 2015 is 3,931.
- 14.3. Policy 3.3 of the London Plan 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.
- 14.4. The following table details the housing proposed within this application.

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	97	224	235	47	4
Affordable rent	0	14	18	14	8
Intermediate	0	9	11	4	0
TOTAL	97	247	264	65	12

Total as %	14	36	38.5	9.5	2
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- 14.5. 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

- 14.6. 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.
- 14.7. 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.
- 14.8. 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.
- 14.9. 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.

- 14.10. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.
- 14.11. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 14.12. The affordable housing offer is 15% 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.
- 14.13. The submitted Viability report does not take into consideration the CIL credit awarded for providing a school on site which would be deductible from the finally CIL Payment or the increase in the number of car parking spaces from 27 to 93. The monetary value of providing a school would need to be confirmed by an independent consultant and agreed with the applicant.
- 14.14. The application has been scheduled to be presented to the June Committee, as a result officers did not have sufficient time to instruct a valuation exercise to confirm the cost of providing a school on site. In the absence of confirmation of the cost of providing the school and the resulting CIL credit, it is considered that there is insufficient information to confirm if the 15% affordable housing offer is viability tested.
- 14.15. The 15% affordable housing provision in the absence of comprehensive viability testing would therefore be contrary to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3. Even should the Viability Report be independently confirmed to be robust in evidencing the maximum delivery of 15% affordable housing, other benefits of the scheme do not outweigh the failure of the site to contribute to affordable housing given the design issues discussed above, contrary to point 4.4 of policy SP02 of the Core Strategy.
- 14.16. The affordable housing is being delivered at a 74:26 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 14.17. The proposed percentage of shared ownership units is lower than required in both the London Plan and Core Strategy, however, as this is a result of an

over provision of social rented units the tenure split would be broadly acceptable.

14.18. The applicant has confirmed that the affordable rented units are offered at the LBTH borough framework rent levels for the postcode E14. Officers consider an appropriate balance has been reached which optimises affordable housing whilst also seeking to maximise the affordability of that housing.

14.19. 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

14.20. 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).

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

		Affordable Housing						Market Housing		
		Affordable Rented			Intermediate					
Unit size	Total Units	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
Studio	97	0	0	0	0	0	0	97	16	0
1 Bed	247	14	33	30	9	38	25	224	37	50
2 Bed	264	18	26	25	11	46	50	235	39	30
3 Bed	65	14	26	30	4	16	25	47 (3PH)	7.5	20
4 Bed	12	8	15	15	0	0		4 (4PH)	0.5	
5 Bed	0	0	0	0	0	0		0		
Total		54	100	100	24	100	100	607	100	100

14.22. Within the scheme, the two, three and four bedroom affordable rented units in general meet with policy requirements.

- 14.23. The proposed over provision of intermediate 1 beds would result in a shortfall in 2 bed and 3 bed intermediate units. A reduction in the number of two and three bedroom units within the intermediate section to an extent is also justifiable in this area, as 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 often therefore considered that a greater proportion of one bedroom units would be acceptable.
- 14.24. The proposed market sale housing would also consist of an over provision of one beds (including studios) and two bedrooms. However, as the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "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".

Quality of residential accommodation

- 14.25. 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.
- 14.26. 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.
- 14.27. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards.
- 14.28. The proposed internal cores serving 9 residential units within the eastern tower would exceed the recommended 8 flats per core contrary to the objectives of the Housing SPG and not provide the required sense of ownership for future occupiers. Whilst the proposed central cores would also not benefit from any natural light.
- 14.29. The Housing officer has raised concerns that the affordable rent family sized units are designed with an open plan living space and not a separate kitchen.
- 14.30. The proposed eastern and western towers would consist of 33 and 13 single aspect north facing windows, respectively. While, a number of north facing

corner units of the western tower have secondary windows positioned to overlook neighbouring sites.

- 14.31. The proposed development would provide 69 wheelchair adaptable units across the private, intermediate and affordable rent units which equates to 10% of the entire development in accordance with the Lifetime Homes standards. The details and layouts of the wheelchair adaptable units would be secured by way of condition to ensure that they would comply with the requirements of Access Officer and Occupational Therapist.
- 14.32. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height exceeds 2.5m which is in accordance with relevant policy and guidance.
- 14.33. On balance, it is considered that the failure to provide a reasonable sense of ownership to the cores, separate living spaces for the affordable rented units combined with the proposed number of single aspect north facing units results in residential development that is not well designed and contrary to LP policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 14.34. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 14.35. 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."
- 14.36. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 14.37. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 14.38. 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

14.39. The baseline and cumulative scenario have been presented in the ES Sunlight and Daylight Report, however, it is the cumulative scenario which residents will actually experience..

14.40. The independent consultants BRE, have provided their interpretation of the cumulative results summarised below:

Eastern building

14.41. All of the average daylight factors for the four studios fall short of the recommended values for living rooms in BS8206, ranging between 0.3% and 1.1%. The 0.3% ADF is very low value for a studio and raises a serious issue as studios do not benefit from other habitable rooms which could be better lit.

14.42. Four of the six living/kitchen/diners assessed would fall short of the recommended minimum value for living rooms, ranging between 0.5% and 1.3%. Whilst, five of the eight bedrooms would fall short of the recommended minimum value for ADF in bedrooms ranging between 0.3% and 0.9% which has a lower recommended minimum ADF of 1%.

14.43. Values of ADF and no-sky line would be anticipated to increase further up the building. However, it is notable that there are still rooms falling outside the guidelines. For example, on the 21st floor a studio and a bedroom which directly face arrowhead quay both have ADFs of 0.7.

Western Building

14.44. With regards to the third floor, one living/kitchen/diner of the six falls slightly outside the recommended minimum ADF for living rooms with an ADF of 1.3% and four of the twelve bedrooms would fall outside the recommended minimum ADF for bedrooms ranging between 0.5% and 0.6%. All of the rooms on that floor notably fall below the guidelines which are in close proximity to the development at 40 Marsh Wall. The rooms in other parts of the building however are well lit, as they do not currently face other existing or proposed high rise developments. On balance, it is therefore considered that the ADF values of the proposed tower overall would be acceptable.

14.45. The amount of daylight received by the windows would be anticipated to increase further up the building within the same block of room layouts. There are differences in room layouts between the three floors analysed, as they are each an example of room layouts for a group of floors.

14.46. On the 12th floor four rooms do not achieve the recommended minimum ADF. These comprise of two bedrooms and two living/kitchen diners. Three

of the rooms are in the same area of the building facing 40 Marsh Wall and one of them is a living/kitchen diner with an ADF of 1.0%. The other two are bedrooms with ADFs of 0.7 and 0.6 respectively. The fourth room is a particularly large living/kitchen/diner facing east, which is only just below the recommended ADF at 1.4%.

- 14.47. On the 18th floor, four rooms (three living/kitchen/diners and one bedroom) do not achieve the recommended minimum ADFs. The living/kitchen/diner results are relatively low between 0.6% and 0.8%. The bedroom has an ADF of 0.8.
- 14.48. On the 25th floor, one bedroom and two living/kitchen/diners do not receive the recommended minimum ADFs. In the case of the living rooms, this is largely due to the room design, which extends deep into the interior of the building and in part angles away from a direct view of the windows.
- 14.49. On the 31st floor, one bedroom does not receive the recommended minimum ADF at 0.8%. However, all of the room would have a view of the sky.

Summary

- 14.50. The development has a number of rooms which do not achieve the British Standard recommendations for day lighting. Given a highly obstructed environment with multiple high rise buildings, BRE confirm that it is unlikely that any building will achieve 100% compliance with day lighting standards.
- 14.51. Nevertheless, the margins of failure combined with the previously raised housing issues would not be acceptable.

Sunlight

- 14.52. 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.
- 14.53. The BRE Report suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west
- 14.54. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.
- 14.55. Such an approach is evidenced by the fact within the eastern building of the eight kitchen/living/diners or studios on each floor only two studios have windows solely facing north. The other six have windows facing east, west, south-east or south-west.

- 14.56. The Western building has different room layouts on different groups of floors. All of the living rooms on floors 3-11 have living room windows facing east, west, south or south-east. On levels 12-17, one out of five living rooms face north only. On levels 18-24, two out of seven living rooms do so. On levels 25-30 only one out of seven do so whilst on levels 31-33, two rooms out of six face primarily north-east but due to the profile of the building only one would have a window facing approximately east.
- 14.57. The individual values for annual probable sunlight hours and winter sunlight hours are not provided, Colours in the tower illustrations confirm that sunlight to the south-west and south-east facing elevations of Marsh Wall tower are obstructed. Main living rooms in that area would receive reduced amounts of annual probable sunlight hours. The south-west facing living room windows would be primarily obstructed by the other tower of the development. The worst case window shown on this elevation appears to receive around 15% of annual probable sunlight hours, but to receive the recommended amount of winter sunlight. The lowest floors on the south-west elevation are worst affected, with some receiving fairly minimal amounts of annual probable sunlight hours. These windows would be obstructed by other developments in the vicinity.

Conclusions

- 14.58. Notwithstanding the existing environment and surrounding tall buildings, it is considered by officers that the reason for some of the significant ADF and daylight failures would be unacceptably due to the height of the towers, level of development on the site and the creation of single aspect north facing habitable rooms / studios.

15. Amenity space and Public Open Space

- 15.1. 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

- 15.2. 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.
- 15.3. The application proposes a designated internal private amenity space to all of the flats in compliance with the above policy standard. The amenity space

is illustrated on plan but does not consist of a thermal separation, and as such, it is considered that they would be considered as part of the floor space rather than a form of amenity space.

15.4. Whilst the Housing SPD states:

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

- 15.5. It is considered that there are no exceptional circumstance that warrants an over provision of internal floor space instead of the provision for outdoor private amenity space, Given that there are a number of similar tower developments approved with the provision of private amenity space. Secondly, the policy provides that only a proportion of the dwellings may not have private amenity space and not all. In this case, all the proposed dwellings would have no private amenity

Communal Amenity Space

- 15.6. 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 725sqm.
- 15.7. 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*’
- 15.8. The proposal would provide approximately 457sqm of communal amenity space (245sqm on the east building sky garden, and 160sqm of internal and 52sqm of external space in the western tower. The proposed quantum of communal amenity space is unacceptable.
- 15.9. The proposed external amenity space positioned due north of the western tower would also receive limited sunlight and daylight. Whilst, officers are also concerned that the requirement to go through the bar/lobby which would be managed by the hotel to access the shared amenity space in the eastern tower would deter residents to access the provision at any time and prevent the residents having a sense of ownership for the space.

15.10. For the reasons above, the quantum and quality of the shared amenity space is therefore considered to be of limited public benefit and unacceptable for the enjoyment of future residents.

Public Open Space

15.11. 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.

15.12. The proposed development would also result in the loss of Wayside Gardens which is 287.3sqm of public open space in accordance with the Core Strategy definitions located with Appendix One:

All open space that offers opportunity for play, recreation and sport or is of amenity value including land, as well as areas of water such as rivers, canals lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

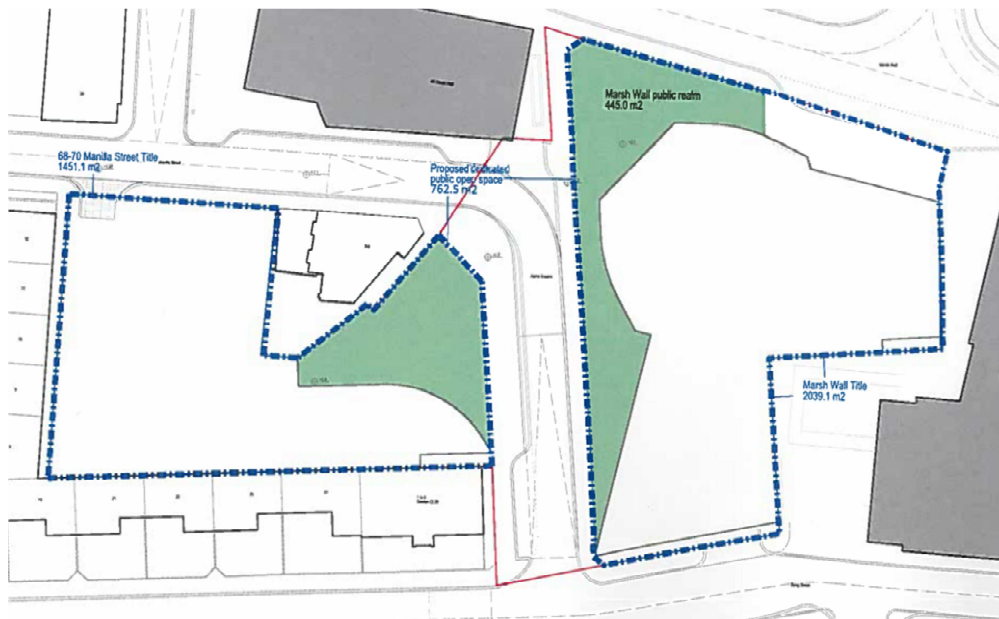
15.13. The applicants approach as stated in the submitted planning statement is to replace Wayside Gardens with the creation of Alpha Square which is 1,207.5sqm of new public realm positioned between the two proposed towers.

15.14. However, as previously discussed in the Land Use section of this report, the loss of public open space and its replacement with another type of open space (i.e. Public Realm such as Alpha Square) would be contrary to the development plans.

15.15. In light of this, it is considered that the loss of Wayside Gardens should not only be considered against the proposed public realm provision of Alpha Square but also the public benefits of the wider scheme.

15.16. Alpha Square would be split into two parcels of land either side of Manilla Street. The parcel of land to the west of the highway would provide an aggregated public realm adjacent to the Public House and entrance to the school. The public realm to the east of Manilla Street adjacent to the proposed café would include the proposed wider Lenanton steps and land fronting Marsh Wall.

15.17. The following plan illustrates the allocated ground floor public realm provision in green.



15.18. The design of Alpha Square has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.

15.19. The benefits of the creation of Alpha Square include the creation of a new civic space that would strengthen local permeability and enhance connectivity by providing a very large legible route from South Dock to Byng Street and beyond.

15.20. The design strategy for Alpha Square ensures that the buildings facing the proposed public realm have an active frontage and enable a visual connection with the Square. Such a strategy would maximise activity and animation within the space.

15.21. The widening of Lenanton Steps is also welcomed as it would result in the removal of a narrow and unwelcoming external set of stairs that previously did not benefit from natural surveillance. The number of landscaping features on Lenanton Steps would also be kept to a minimum to maximise visibility between Marsh Wall and Alpha Square.

15.22. The division of Alpha Square by Manilla Street and the location of its pockets of public realm adjacent to the public highways of Manilla Street and Marsh Wall, however, would fail to provide public spaces and public realm that is safe, playable, welcoming and enjoyable for children, and their parent and carers as well as required for young people contrary to Shaping Neighbourhoods: Play and informal Recreation SPG.

15.23. The failure to provide a child friendly public realm is a serious cause for concern, unless such failures can be mitigated by an adequate provision of child play space being provided on site.

- 15.24. The overall quantum of public open space at 1,207.5sqm (including the expanded Lenonton Steps and the land adjacent to Marsh Wall) would also only equate to approx. 33% of the ground floor plain being allocated to public realm. The proposed level of public space for a development of such heights and density is not considered sufficient for the buildings to appropriately breathe.
- 15.25. Although, it is considered LBTH CIL contributions to an extent mitigate insufficient levels of open space on site. The inability for the site to provide adequate open space provisions on site is another indicator that the site is being over developed.
- 15.26. On balance, it is therefore considered that although the proposed Alpha Square would provide an attractive and pleasant contribution to the local area, its failure to be child friendly and provide the required quantum of high quality public realm for the future occupants for this high density scheme would compromise its merits.
- 15.27. The proposed public benefits of public realm of Alpha Square is therefore considered insufficient to add weight to justifying either the creation of a high density development on site or the loss of local open space (Wayside Gardens).

Child play space

- 15.28. 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.
- 15.29. The scheme is predicted to contain 120 children (0-15 years of age) using LBTH yields. The following is a breakdown of the expected number of children per age group:
- 0-4 years 53
 - 5-11 years 39
 - Over 12 years 28
- 15.30. In accordance with London Plan Guidance a total of 1200sqm of play space is required for all three age groups.
- 15.31. 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.
- 15.32. The development therefore proposes 1472sqm of play space for 0-4 and 5-11 year olds (including the school playground and internal play space) and a financial contribution can be secured for the over 12 year olds play space.

15.33. With regards to the provision for off-site play space the 'Children and Young People's Play and Information Recreation' SPG states:

4.40 "Whilst the Mayor will expect provision to be made on site, off-site play provision including the creation of new provision, improvements to existing play facilities and/or an appropriate financial contribution secured by legal agreement towards this provision may be acceptable in accordance with Policy 3.6 where it can be demonstrated that there are planning constraints and that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents"...

"Larger development proposals (over 5 hectares or 500 dwellings) will be expected to make suitable on-site play provision and for this provision to be planned as an integral part of masterplan preparation (Policy 3.7)"

15.34. The 'Revised draft planning obligations supplementary planning document' 2015 in regards to Children's Play Space also states:

"In exceptional circumstances, it may not be possible to provide the required indemnified play space on site. In such circumstances, an equivalent financial contribution will be sought to fund off site provision of, or improvements to, an existing adjacent or nearby playground".

15.35. Moreover, it is of note that any financial contributions for child play space are now restricted to site-specific matters and therefore can no longer be pooled in accordance with the 'Revised draft planning obligations SPD'.

15.36. The submitted Design and Access statement fails to demonstrate the planning constraints that prevent the delivery of child space for over 12s on site, identify existing nearby play space for improvement or a suitable off site location for a new child play space provision.

15.37. The proposed quantum of child play space provided on site (1472sqm) would also exceed the required level of child space for all age groups (1200sqm). It is therefore considered that there is no justification to why this larger development (>500 residential units) cannot, as expected make a suitable on site play provision.

15.38. The CLC have also confirmed that there is no existing adjacent or nearby playground or site suitable for improvement works.

15.39. In any event, officers therefore cannot request or accept financial contributions to fund off-site child play provisions to mitigate the absence of onsite play space.

15.40. The applicant states that the 0-4 age group would have access to door step play which would be provided in each building. The east building would provide 190sqm of internal play space and 306sqm of external play space

for children aged 0-4 years in a series of landscaped podia. While, the west building would provide 163sqm of internal play space and 71sqm of external play space for children aged 0-4 years.

15.41. The inclusion of door step play space in both buildings is welcomed in accordance with the London Plan and The Shaping Neighbourhoods: Play and Informal Recreation SPG.

15.42. The Shaping Neighbourhoods: Play and Informal Recreation SPG also states:

‘3.4 if children and young people are to have the chance to play out in the fresh air, to be physically active and to socialise with friends and peers, they need access to out of doors space. The first step to securing this is ensuring there is sufficient physical space, of quality in the neighbourhoods where children live’.

15.43. The provision of internal play space, however, would fail to achieve such aspirations. As such, the acceptability of the proposed internal play space would be subject to it being part of a wider play space strategy and there not being a significant deficiency in outdoor play space on site.

15.44. As discussed in the ‘Inclusive Design’ element of this report, the outdoor podium play space for the 0-4 age group to the eastern building would only be accessible via only an external staircase which would unacceptably prevent parents with push chairs, wheel chair users and the less able persons accessing the provision. This would be unacceptable as young children are dependent on their parents or carers to get to and from places for play.

15.45. The inclusion of 742sqm of child play space for the 5 – 11 age groups in the form of the school playground to be used outside of the schools operational hours is an approach supported by ‘Children and Young People’s Play and Information Recreation’ SPG which states:

‘3.26 School facilities and school playing fields can provide an important contribution to high quality play spaces for a range of community activities, such as pre or after school cultural and other sports activities. Where possible, children should be allowed access to use them outside school hours. Maximum use of schools after school hours or at weekends can contribute to reducing deficiencies in play provision, providing children with greater choice for play activities, respond to the needs of working parents as well as supporting educational attainment’.

15.46. Whilst, the Children and Young People’s Play and Information Recreation’ SPG also supports the provision of play space on roofs as it states:

“3.8 In new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play, careful

consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities”

- 15.47. In this instance, however, as the proposed school playground located on a roof is not served by an external access arrangement and would require access through the school (adjacent to the main hall which would provide a community provision), officers are concerned that the proposed access arrangements of the play space would result in management issues, conflict with the management of the school and community provision and limit the times of access and usability.
- 15.48. Similar to the external play space podium at the eastern tower, the school playground on the roof would not be accessible for all users (when the school is closed).
- 15.49. The proposed dual use of the playground to include child play space outside of the operational hours of the school, as a consequence of the management and access issues and exclusion of disabled children would not be acceptable, as an alternative form of child play.
- 15.50. This is a view supported by the Children and Young People’s Play and Information Recreation’ SPG which states:

“3.14 Disabled children and young people have the right to play and be included in their local communities but this will only be achieved if the barriers to accessible play are identified and overcome. The guidance Playing Outdoors? Disabled children’s views of play pathfinder and playbuilder play spaces provide an overview of disabled children’s perceptions of play spaces. It identifies access into and around play spaces as one of the most significant barriers that excludes disabled children from play spaces”.

- 15.51. The proposed child play space strategy consisting of external play space that would not accessible for all, resulting management issues, reliance on a significant quantum of indoor play and no on site play space for 12 years and over, coupled with the fact Alpha Square is not child friendly as previously discussed, would fail to provide an appropriate provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.
- 15.52. Such significant and wide ranging failures are an indication of the over development of the site.

16. Heritage

- 16.1. 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.

- 16.2. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites – Guidance on Settings SPG (2015) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 16.3. London Plan (2015) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 16.4. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

Strategic Views

- 16.5. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama’s from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1 & 11B.2).
- 16.6. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge 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.
- 16.7. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen’s House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:

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

- 16.8. With regards to the proposed height generally and how it would be viewed from the General Wolfe Statue in Greenwich Park English Heritage stated:

“according to the draft South Quay masterplan (page 35) taller buildings in the South Quay area should step down from the Canary Wharf Major Cluster. Similarly page 43 of the draft masterplan (1.a.ii) emphasises the need for a stepping down effect where development occurs near the baroque axis of the Greenwich Maritime World Heritage Site. This accord with the management guidelines of the World Heritage Site itself. The proposed tower will appear close to the line of this axis. A development of this scale would benefit from being considered within the parameters of the area's master plan. In order to comply with this guidance a reduction in height for the tallest element of the development is likely to be required”.

- 16.9. The requirement to reduce the height of the towers by English Heritage is in accordance with officers opinion as discussed previously in the ‘Building Heights’ section of this report.
- 16.10. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of One Canada Square at a similar height. As shown in the following image.



- 16.11. 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. When taking into account various cumulative schemes (including those consented since submission of the application) the proposed buildings from this view would fall within a cluster of buildings of a similar and greater height to an extent.
- 16.12. Nevertheless, as confirmed by the comments of English Heritage, its height would benefit from a reduction to safeguard the integrity and importance of the World Heritage Site.

Archaeology

- 16.13. The National Planning Policy Framework (Section 12) and the London Plan (2015 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.
- 16.14. English Heritage (archaeology) advises that there is a need for field evaluation to determine appropriate mitigation. A condition is therefore recommended to require a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 16.15. Subject to this condition, the impact of the development on archaeology is acceptable.

Surrounding Conservation Areas and Listed Buildings

- 16.16. 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.

17. Neighbours Amenity

- 17.1. 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

- 17.2. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 17.3. As a result of the application site consisting of low level buildings 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.
- 17.4. However, given these neighbouring sites are subject to developments proposals and located within the South Quay area with a rapidly changing

context, there is a necessity to strike balance between safeguarding neighbours living conditions and meeting the aspirations of the draft South Quay Master plan. 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.

- 17.5. This view is partly supported by the knowledge that the wider area formed part of the Millennium Quarter Masterplan (2000).
- 17.6. 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

- 17.7. 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.
- 17.8. 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 recent officers and the Councils 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 daylit appearance.
- 17.9. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 17.10. 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.
- 17.11. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:

- 19-26 Cuba Street
- North Pole, 74 Manilla Street
- 29 Byng Street
- 1-7 Bellemy Close
- 4-38 Strafford Street
- 1 Bosun Close
- 4 Mastermaker Road
- 100 – 120 Phoenix Heights West
- Discovery Dock Apartments
- Tideway House – Moderate to major adverse
- Beatty House – Moderate adverse

17.12. The results of the independent consultants 'BRE' are summarised below:

19-26 Cuba Street – Moderate to major adverse

17.13. All of the windows analysed facing east or south, lose substantial amounts of daylight and only the windows angled away from the site, on the north east elevation, remain within the guidelines.

17.14. The rooms worst affected for daylight distribution (no sky line) are the same as those worst affected for vertical sky component. Single aspect rooms facing east see the largest losses, with the southernmost losing the most and all rooms being outside the guidelines. The bedrooms on the ground floor, the most affected rooms, lose between 68.1% and 83.3% of the current view of sky.

North Pole, 74 Manilla Street – Moderate to major adverse

17.15. The site is located between the eastern and western towers. Two of the existing windows with losses of more than 40% are in excess of 80, with VSC values reduced to around 5%.

29 Byng Street Moderate to major adverse

17.16. The property is part of a three storey block of flats located to the south of the site. The non-habitable rooms windows on the eastern facing elevation overlooking Manilla Street would lose around 70% of the existing vertical sky component. The south facing habitable windows would not be affected.

1-7 Bellemy Close – Moderate adverse

17.17. The windows identified as W25 to W33 would result in 7 of 10 windows experiencing over 40% losses in VSC. Windows on the first floor of this particular property experience between 26% and 27% losses, and windows on the second floor between 33% and 35% losses.

17.18. The building has a sizable overhang at eaves level, which means that second floor windows have lower VSCs than the first floor both before and after the development and incur larger proportional losses.

4-38 Trafford Street – Minor adverse

17.19. Most of the windows experience very small losses. The windows already have a VSCs of 6% or less, and therefore a very small actual loss results in a substantial percentage loss. Regardless, most of the results are within the BRE guidelines.

1 Bosun Close – Minor adverse

17.20. The windows facing west would have a view of the development to the side. Only one of 9 windows analysed would fall outside the BRE Guidelines.

4 Mastermaker Road – Minor adverse

17.21. Two hundred and forty eight windows were assessed and three windows experience losses of over 30% which are located to the end of the west facing elevation. Fifty three windows would also experience loss of more than 20%. However, four of these would retain a vertical sky component of more than 27% and would therefore comply with guidelines. 49 of the windows would therefore fall outside the guidelines.

100 – 120 Phoenix Heights West – Minor to moderate adverse

17.22. The 7 windows that face site would experience a loss of 29.11% and 41.38% of VSC. Two windows fall outside the guidelines for no-sky line with losses of 25.4% and 30.5%.

Discovery Dock Apartments – Negligible impact

17.23. The loss of daylight to all the windows would comply with the BRE guidelines.

Tideway House – Moderate to major adverse

17.24. The windows on the second floor VSC values are reduced from between 2.5% and 4.23% to between 0.78% and 1.02%. The existing overhang restricts the view of the sky and reduces the potential for good light in any event.

17.25. The ground floor window would experience losses of between 30.73% and 52.69%, the first floor windows losses of 25.71% and 40.87% and the top floor window losses of 31.53% and 45.24% contrary to BRE guidelines.

Beatty House – Moderate adverse

17.26. Some of the windows of Beatty House are already very obstructed by large buildings and therefore have very low vertical sky components. The rooms that experience the highest loss of VSC will already be dependent on electric lighting.

Sunlight

17.27. 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.

17.28. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

- *19 – 26 Cuba Street*
- *74 Manilla Street*
- *Beatty House*
- *Cochrane House*
- *Discovery Dock Apartments West*

19 – 26 Cuba Street – Major Adverse

17.29. Excluding bedrooms, kitchens and secondary windows, 20 windows are relevant in the assessment of sunlight and daylight. Of these, 12 windows achieve the BRE guidelines for sunlight either by retaining the recommended amount of sunlight after the development, or due to the window already receiving a negligible amount of sunlight. 8 windows fall outside the guidelines, as they lose more than 20% of their existing sunlight hours. The losses are considered substantial.

74 Manilla Street – Minor Adverse

17.30. A single window would be affected and the impact is considered minor.

Beatty House – Minor Adverse

17.31. Two windows are affected and only for winter sunlight hours, one of the windows also retains a value of winter sunlight hours just outside the guidelines.

Cochrane House

17.32. All the windows are within the BRE guidelines.

Discovery Dock Apartments West

17.33. All the windows are within the BRE guidelines.

Conclusion

17.34. The proposed development assessed in isolation would in detrimental impacts in terms of Daylight or Sunlight to existing residents. However, a cumulative assessment would be more relevant here given the number of large developments within the vicinity that have consent. The results of the cumulative assessment are discussed below.

Overshadowing

17.35. 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”.

17.36. The majority of the amenity areas within the rear of surrounding properties are already significantly over shadowed whilst a number of neighbouring dwellings do not have rear amenity space, such as those abutting the site situated along Byng Street and Bellamy Close.

17.37. The proposed development will not adversely impact these properties.

Cumulative Assessment

17.38. With adding the impact of the consented developments to the proposed scheme under consideration, it is clear that many existing residents would experience a large overall loss of light. Major Adverse impact would occur to 19-26 Cuba Street, 1-7 Bellemy Street, 4 – 38 Stratford Street, Tideway House, Beatty House and Cochrane House, albeit the consented developments are the major cause more than the proposed development.

17.39. This can be established by looking at the loss of light due to the proposed development assuming the consented developments have already been built. Some of the properties show a reduction in impact in the future baseline assessment because the consented developments will have already blocked the daylight in question. 29 Byng Street, 4 Mastmaker Road, TidewayHouse, Beatty House, Cochrane House and 100-120 Phoenix Heights West all show a reduction in impact. 19-26 Cuba Street, 4-38 Stratford Street and 1-7 Bellamy Close show adverse impacts. These windows have been rendered more reliant on daylight across the proposal site by consented developments blocking light from other directions.

17.40. BRE confirmed that the neighbouring consented developments which are residential in nature would also be affected by the proposal as summarised below:

- Arrowhead Quay - Moderate Adverse
- 54 Marsh Wall – Moderate to major adverse
- Cuba Street – Minor to moderate

17.41. The ADF results suggest that all but two of the rooms assessed are in excess of their target daylight levels use. Those which are below with development in place are already below their suggested targets in the baseline.

17.42. Therefore, on balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

Privacy

17.43. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.

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

Visual amenity / sense of enclosure

17.45. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

17.46. However, as discussed previously by officers, it is considered that the combination of the proposed towers, coupled with the hotel at 40 Marsh Wall would give rise to adverse impacts in terms of visual amenity or sense of enclosure from the high network and public realm, in particular from Manilla Street.

Landscaping and Biodiversity

17.47. 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.

17.48. The Council's Biodiversity officer has advised that the application site consists of buildings and hard surfaces, but there are a number of trees and areas of shrubs and ruderal vegetation. It is considered that the trees and shrubs are likely to support breeding birds. No bat roosts were found either, however, one of the buildings and some ivy-covered trees have the potential to support occasional summer roosts for bat while a small numbers of bats have been recorded foraging on the site.

- 17.49. The Biodiversity officer also advised that the vegetation clearance should be undertaken during the winter, to prevent potential impacts on nesting birds and/or casually roosting bats. If the building with potential for roosting bats has to be demolished and/or the ivy-covered trees felled between March and October inclusive, the loose tiles should be carefully removed by hand.
- 17.50. The biodiversity enhancement measures are recommended to be secured by the imposition of a condition.
- 17.51. 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.

18. Highways and Transportation

Policy Context

- 18.1. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 18.2. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 18.3. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 18.4. The site has a good public transport accessibility level (PTAL) of 4.
- 18.5. The proposed development was subject to a number of discussions at pre app stage and during the life of the application. TfL and LBTH Highway have confirmed that the latest revisions are a retrograde step when compared to previous proposal and contrary to their advice provided.
- 18.6. The latest revision includes the creation of 92 car parking spaces within the basements of the development. The western tower would provide 9 spaces. The eastern tower would provide 83 car parking spaces.

Car Parking and access

- 18.7. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 18.8. The proposed development proposing 92 car parking spaces in an area with a PTAL level of 4 would not limit car use by restricting car parking provision.
- 18.9. The proposed eastern building comprising of three basement levels would be served by only one lift and vehicle access point. The requirement for a single lift and access point to serve 83 car parking spaces would have a severe impact on the servicing arrangements of the building. The resulting level of usage of the lift and its requirement to travel further now across four floors also would increase waiting times and unacceptably lead to vehicles queuing on the public highway.
- 18.10. Such issues would also arise at the western building, although to a much lesser extent, as a lower level of car parking provision is proposed.
- 18.11. The location of some of the blue badge spaces within basement 3 and set well away from the lift would not be suitably designed to meet the needs of disabled users.
- 18.12. The previous iteration of the proposal provided 15 accessible spaces only which was considered acceptable by LBTH Highways and TfL. However, no justification or rationale was submitted to the LPA explaining the increase of the on-site car parking provision from the original 27 to 92 spaces and no assessment has been made regarding the resulting impact on the local highway network with regards additional trip generation.
- 18.13. It is therefore considered that there is insufficient information to confirm whether the development proposals and associated trip generation can be accommodated on the surrounding highway network.



Servicing and deliveries

- 18.14. The proposed layout and design of the basements would unacceptably prevent servicing vehicles entering and leaving the site in a forward gear and result in large vehicles overhanging the footway, a requirement for large vehicles to reverse into or out of the service area and as a consequence highway safety issues.

18.15. The general acceptability of the proposed servicing arrangements is discussed later within the report.

Public Highways and parking

18.16. The proposal requires the removal of eight on street parking bays. The applicant has proposed the relocation of the car parking spaces outside of the application site and on the existing foot path on the northern side of Manilla Street which forms part of the public highway.

18.17. The proposal includes the creation of a layby on Marsh Wall which is on the public highway and outside of the application site.

18.18. Whilst, some of the proposed seating area of 'Alpha Square' would be located on public highway.

18.19. Such concerns were raised with the applicant on a number of occasions by the LBTH Highways, however, the matters remain unresolved.

18.20. The Highways officer as a result strongly objects to the loss of public footway for the laybys on Marsh Wall and Manilla Street, general repositioning of the car parking spaces and the positioning of seating.

18.21. It is of note that the Parking Section also object to the loss of car parking spaces and would not seek to secure a financial contribution to mitigate their loss either.

18.22. Further to this, there is an existing layby situated in front of 40 Marsh Wall on the public highway which is publically accessible and could accommodate and serve the proposed hotel. The creation of an additional layby along Marsh Wall which would result in a requirement to relocate existing bus stops is also not supported by TfL.

School

18.23. Policy DM20 (Supporting a sustainable transport network) states that 'development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network'.

18.24. The preamble of DM20 also states 'a key objective of the London Plan is to ensure everyone has safe and convenient access to jobs, services and facilities. Core Strategy Spatial Policy 08 provides the overarching policy to realise this objective by seeking to create a hierarchy of transport interchanges across the borough, ensuring capacity of public transport networks meets current and future demand and improving public transport in identified growth areas. DM20 requires new development to demonstrate that it is integrated with the transport network and to contribute towards new transport infrastructure and improvements where necessary.

- 18.25. The operation of the school on such a small site would result in a number of transportation concerns.
- 18.26. The proposed school by reason of its positioning would not be in an area which would encourage sustainable travel by parents. Further to this, no agreement is in place to relocate the existing eight car parking spaces located in close proximity to the entrance to the school.
- 18.27. The estimated vehicle generation during the opening and closing hours of the school coupled with the limited capacity of Manilla Street would therefore lead to inappropriate levels of parking and congestion in the area.
- 18.28. In light of the above, the highway officer confirmed that proposed school would result in major highway safety problems during term times at the times of opening and closing.
- 18.29. The proposed school on the site in its current form would therefore fail to ensure everyone has safe and convenient access to jobs, services and facilities and result in highway safety issues terms contrary to Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD.

Cycling and walking

- 18.30. The development would provide 1,223 cycle parking spaces in align with the requirement of the London Plan. Lifts have been provided in each block to access the cycle storage as an alternative to gullied stairs.
- 18.31. The GLA stage 1 response confirmed that TfL would welcome the submission of pedestrian audit, and the improvements it identifies as necessary. The proposed zig zag stair ramp arrangement to replace the existing stairs to Marsh Wall is also welcomed in principle, as it would increase permeability.
- 18.32. The applicant would also be required to contribute towards improved way finding in the area through legible London Signage.

South Quay Footbridge

- 18.33. 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.
- 18.34. It is also noted that the development would place a burden on Marsh Wall pedestrian and cycling infrastructure.
- 18.35. In light of the above, TfL requires a contribution to deliver a new pedestrian /cycle bridge across South Quay.

Public Transport

Buses

- 18.36. The development is likely to generate additional demand on the bus network in peak hours, particularly along the Wesferry Road corridor, which currently operates in excess of its planned capacity. Without appropriate mitigation, capacity constraints on this key corridor are expected to increase in the context of the cumulative impact of future development of the Isle of Dogs.
- 18.37. In line with London Plan policy 6.1, appropriate financial mitigation is required towards enhancing bus capacity in
DLR
- 18.38. Transport for London encourage real time information displays within the reception areas of the proposed development be secured as this will assist the delivery of the travel plan mode share targets.
- 18.39. Alternatively, no financial contributions have been requested towards increased capacity of the DLR or underground network.

Jubilee and Crossrail

- 18.40. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail.

Demolition and Construction Traffic

- 18.41. If the application was to be approved, the impact on the road network from demolition and construction traffic could be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

19. Waste

On street collection

- 19.1. Collection of waste for a development of this size should be conducted away from the public highway due to the number of containers and frequency of collections for all the various services operating on site. The developers note contradicts this in terms of the laybys now being removed and the servicing of waste being conducted from street level, on the public highway.

Commercial waste

- 19.2. The proposed commercial waste would unacceptably not be clearly stored and collected separately from residential waste.

Holding Area

- 19.3. With regards to the Eastern building holding area, it is proposed that waste collection vehicles are required to enter the lift in a forward gear to access a basement level with turning space, then return to street level facing the correct direction to exit the site, collecting the waste on its exit.
- 19.4. It is considered that a large vehicle would not be able to turn around at the basement levels if the car parking space would be in use. The proposed arrangement would therefore unacceptably result in the requirement for a vehicle to reverse on to the site from Byng Street.
- 19.5. The length of the collection vehicle would also unacceptably overhang the public footway in this area when collections are made from the holding area.

Container Numbers and frequency (4)

- 19.6. LBTH will shortly be adopting new capacity guidelines and working across the borough to enforce this as a requirement rather than a minimum or maximum waste container capacity, for all existing and new developments.
- 19.7. The guidelines are more in line with British Standards and a recent waste composition analysis conducted externally for the borough, with the ambition to reduce residual waste capacity and increase dry recycling capacity; net container numbers / sizes are affected minimally, changing mainly the ratio of residual to recycling containers with space for up to 8 days of storage with a 1x week collection.
- 19.8. The proposed level of space of the holding areas would not be suitable for the necessary containers to be stored for a once a week collection.
- 19.9. The Waste and Recycling Officers object to proposed waste and recycling arrangement.

Energy & Sustainability

- 19.10. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the

mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

19.11. The London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

19.12. 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. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

19.13. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent.

19.14. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install 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.

19.15. The submitted proposals have followed the energy hierarchy and seek to minimise CO₂ emissions through the implementation of energy efficiency measures (7.3% reduction), use of a centralised CHP system (33.9% reduction) and renewable energy technologies (2.4%) (30.8kWp / 160m² PV array). The CO₂ emission reductions proposed are supported and would result in a circa 40.2% reduction against the Building Regulations 2013.

19.16. Based on the current proposals there is a shortfall to policy DM29 requirements by 4.8% which equates to 59.15 tonnes of regulated CO₂. The Energy Statement identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development.

19.17. 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 2015 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.'

- 19.18. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 19.19. For the proposed scheme it is recommended that a figure of £106,470 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 19.20. The GLA raise no strategic concerns with the proposed energy strategy.
- 19.21. In terms of sustainability, the submitted BREEAM pre-assessment demonstrates how the development is currently designed to achieve an Excellent rating for the Hotel and School. The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

Environmental Considerations

Noise, Vibration and odour

- 19.22. 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.
- 19.23. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 19.24. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 19.25. The submitted Environmental Statement Chapter 14: Noise and Vibration and the JLL Non-technical summary considers existing noise levels from a variety of noise sources; include rail, car and aircraft.
- 19.26. 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.

- 19.27. The documentation has been reviewed by the Council's Environmental Health Noise and Vibration officer who have confirmed they have no objections, subject to safeguarding conditions to ensure the relevant standards are met.
- 19.28. 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.

Air Quality

- 19.29. Policy 7.14 of the London Plan 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 would prevent or reduce air pollution in line with Clear Zone objectives.
- 19.30. The LBTH Air Quality officer reviewed the Environmental Statement and confirmed that dust monitoring inclusive of chemical composition and a construction/ demolition dust management plan would be required via condition. Further to this, it is considered that the ground floor of the building fronting Marsh Wall would not be suitable for a sensitive use such as a school or residential dwelling. The positioning of the hotel and residential lobby in this location is therefore supported. Whilst, an air quality Neutral Assessment would also be required if planning permission was to be granted.
- 19.31. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and any impacts would be outweighed by the regeneration benefits that the development would bring to the area.
- 19.32. 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

Microclimate

- 19.33. 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.
- 19.34. 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.

- 19.35. The wind levels at ground level are generally suitable; however some mitigation and landscaping measures would be required to confirm suitable wind conditions can be provided in the event planning permission was to be granted..

Demolition and Construction Noise and Vibration

- 19.36. The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods etc., which would be employed to ensure that the noise levels are acceptable.

- 19.37. 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

- 19.38. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.

- 19.39. 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

- 19.40. 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.

- 19.41. 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.

- 19.42. 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.
- 19.43. 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.
- 19.44. 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

- 19.45. 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.
- 19.46. 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.
- 19.47. However, due to the orientation of satellite dishes and the existing shadows cast on One Canada Square there would be negligible effects on both.
- 19.48. If the application was to be approved, any minor adverse effect on DLR communications would also be mitigated through the section 106.

London City Airport Safeguarding Zone

- 19.49. 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

- 19.50. 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.
- 19.51. 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.
- 19.52. 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.
- 19.53. The previously discussed shortcomings of the child play, public realm, communal space, limited public benefit from the health centre and a failure to reduce car dependency would as a consequence promote public health within the borough contrary to London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

- 19.54. 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 Draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 19.55. 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.
- 19.56. 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.
- 19.57. 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.

19.58. The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. 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
- Education

19.59. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

19.60. The proposal would also be subject to an LBTH Community Infrastructure Contribution.

19.61. The development is predicted to have a population yield of 1250, 120 of whom will be aged between 0-15 (94 in accordance with the London calculator) and are predicted to generate a demand for 55 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. In the event planning permission is granted, a LBTH CIL contribution of £15,767,727. The development costs of the on-site school and health facilities would be off set against the above payment.

19.62. The applicant has also offered 15% affordable housing by habitable room with a tenure split of 74:26 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and the information submitted is considered insufficient to confirm that it maximises the affordable housing levels in accordance with relevant policy.

19.63. The developer would also be required 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, in the event the application was to be approved.

OTHER

Financial Considerations

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

- 19.64. 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.
- 19.65. 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.
- 19.66. In this context “grants” might include New Homes Bonus.
- 19.67. These are material planning considerations when determining planning applications or planning appeals.
- 19.68. 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 £2,385,576.88,
- 19.69. 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.
- 19.70. Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,004,615.00 in the first year and a total payment of £6,027,689.00 over 6 years.

Human Rights Considerations

- 19.71. 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:-
- 19.72. 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".
- 19.73. 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.
- 19.74. 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.
- 19.75. 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.
- 19.76. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 19.77. 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.

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

Equalities Act Considerations

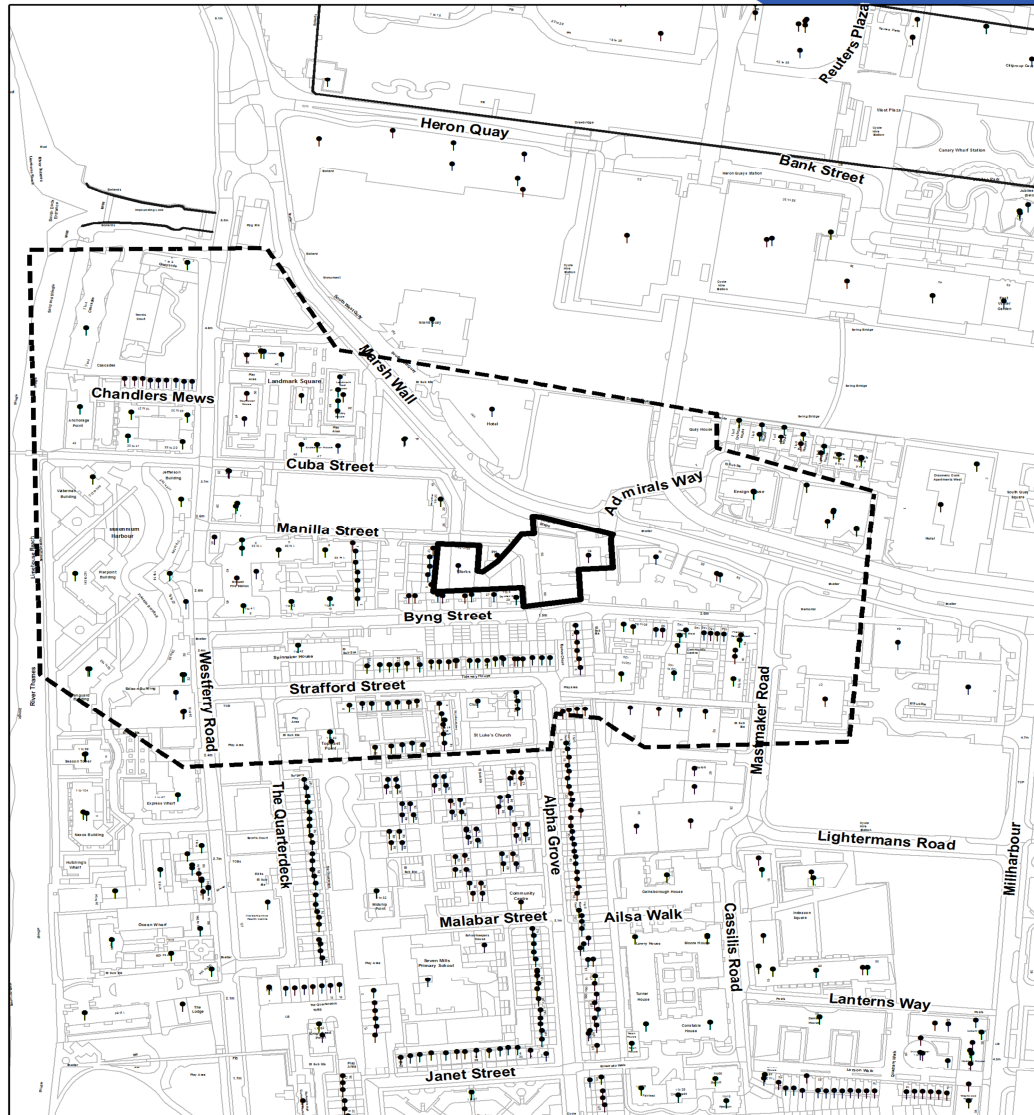
19.79. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard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

20. Conclusion

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

Planning Application Site Map
Pa/14/03281



- | | | | |
|------------------------------------|----------------------------|---------------------|--------|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address | 0 20 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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1:3,500