Committee:	Date:	Classification:	Agenda Item Number:
Strategic	04/06/2015	Unrestricted	

Report of:	Title: Applications for Planning Permission
Director of Development and Renewal	**Ref No:** PA/14/03195- Full Planning Permission
Case Officer: Nasser Farooq	**Ward:** Canary Wharf

1. APPLICATION DETAILS

Location: Two Sites:
Site 1 Land at 3 Millharbour and
Site 2 Land at 6, 7 and 8 South Quay Square, South Quay Square, London

Existing Uses: A number of low-rise buildings, including a print works, an engineering company and a vacant Audi sales yard on Millharbour and the Great Eastern Enterprise Commercial Centre (totalling approximately 4,692 sqm of floorspace) and a cleared site to the north on Millharbour East.

Proposal: The demolition and redevelopment 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 proposes:
1,500 new homes in a mix of units and tenures (private, social-rented and intermediate);
a new primary school with nursery facilities;
further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary);
5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4);
two new public parks including play facilities, a new

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

Drawing and documents:

General drawings:
0204_SEW_MH_0001 00 and 0204_SEW_MH_0002 00

Masterplan drawings:
0204_SEW_MH_6000 01, 0204_SEW_MH_6001 01, 0204_SEW_MH_6002 00, 0204_SEW_MH_6003 00, 0204_SEW_MH_6004 00, 0204_SEW_MH_6005 00, 0204_SEW_MH_6006 00, 0204_SEW_MH_6022 00, 0204_SEW_MH_6047 00, 0204_SEW_MH_6301 00, 0204_SEW_MH_6302 00, 0204_SEW_MH_6303 00, 0204_SEW_MH_6304 00, 0204_SEW_MH_6305 00, and 0204_SEW_MH_6306 00

Millharbour East Drawings:
1501_HG_ME_1100 01, 1501_HG_ME_1101 01, 1501_HG_ME_1102 00, 1501_HG_ME_1103 00, 1501_HG_ME_1104 00, 1501_HG_ME_1105 00, 1501_HG_ME_1106 00, 1501_HG_ME_1107 00, 1501_HG_ME_1108 00, 1501_HG_ME_1109 00, 1501_HG_ME_1110 00, 1501_HG_ME_1111 00, 1501_HG_ME_1112 00, 1501_HG_ME_1113 00, 1501_HG_ME_1114 00, 1501_HG_ME_1115 00, 1501_HG_ME_1116 00, 1501_HG_ME_1117 00, 1501_HG_ME_1118 00, 1501_HG_ME_1119 00, 1501_HG_ME_1120 00, 1501_HG_ME_1121 00, 1501_HG_ME_1122 00, 1501_HG_ME_1123 00, 1501_HG_ME_1124 00, 1501_HG_ME_1125 00, 1501_HG_ME_1126 00, 1501_HG_ME_1127 00, 1501_HG_ME_1128 00, 1501_HG_ME_1129 00, 1501_HG_ME_1130 00, 1501_HG_ME_1131 00, 1501_HG_ME_1132 00, 1501_HG_ME_1133 00, 1501_HG_ME_1134 00, 1501_HG_ME_1135 00, 1501_HG_ME_1136 00, 1501_HG_ME_1137 00, 1501_HG_ME_1138 00, 1501_HG_ME_1139 00, 1501_HG_ME_1140 00, 1501_HG_ME_1141 00, 1501_HG_ME_1142 00, 1501_HG_ME_1143 00, 1501_HG_ME_1144 00, 1501_HG_ME_1145 00, 1501_HG_ME_1146 00, 1501_HG_ME_1147 00, 1501_HG_ME_1201 00, 1501_HG_ME_1202 00,

1501_HG_ME_1203 01, 1501_HG_ME_1204 01,
1501_HG_ME_1301 00, 1501_HG_ME_1302 00,
1501_HG_ME_1303 00, 1501_HG_ME_1304 00,

Millharbour West Drawings:
0204_SEW_MW_1100 01, 0204_SEW_MW_1101 00
0204_SEW_MW_1102 00, 0204_SEW_MW_1103 00
0204_SEW_MW_1104 00, 0204_SEW_MW_1105 00,
0204_SEW_MW_1106 00, 0204_SEW_MW_1107 00,
0204_SEW_MW_1108 00, 0204_SEW_MW_1109 00,
0204_SEW_MW_1110 00, 0204_SEW_MW_1111 00,
0204_SEW_MW_1112 00, 0204_SEW_MW_1113 00,
0204_SEW_MW_1114 00, 0204_SEW_MW_1115 00,
0204_SEW_MW_1116 00, 0204_SEW_MW_1117 00,
0204_SEW_MW_1118 00, 0204_SEW_MW_1119 00,
0204_SEW_MW_1120 00, 0204_SEW_MW_1121 00,
0204_SEW_MW_1122 00, 0204_SEW_MW_1123 00,
0204_SEW_MW_1124 00, 0204_SEW_MW_1125 00,
0204_SEW_MW_1126 00, 0204_SEW_MW_1127 00,
0204_SEW_MW_1128 00, 0204_SEW_MW_1129 00,
0204_SEW_MW_1130 00, 0204_SEW_MW_1131 00,
0204_SEW_MW_1132 00, 0204_SEW_MW_1133 00,
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0204_SEW_MW_1144 00, 0204_SEW_MW_1145 00,
0204_SEW_MW_1146 00, 0204_SEW_MW_1147 00,
0204_SEW_MW_1201 00, 0204_SEW_MW_1202 00,
0204_SEW_MW_1203 00, 0204_SEW_MW_1204 00,
0204_SEW_MW_1205 00, 0204_SEW_MW_1206 01,
0204_SEW_MW_1207 01, 0204_SEW_MW_1301 00,
0204_SEW_MW_1302 00, 0204_SEW_MW_1303 00,
0204_SEW_MW_1304 00, 0204_SEW_MW_1305 00,
0204_SEW_MW_1306 00, 0204_SEW_MW_1307 00,
0204_SEW_MW_1308 00

Landscape Drawings:
0204_SEW_MH_7000 00, 0204_SEW_MH_7001 00,
0204_SEW_MH_7002 00, 0204_SEW_ME_7100 00,
0204_SEW_MW_7100 00, 0204_SEW_ME_7200 00,
0204_SEW_ME_7201 00, 0204_SEW_ME_7202 00,
0204_SEW_ME_7203 00, 0204_SEW_MW_7200 00
and 0204_SEW_MW_7201 00.

Documents

- Environmental Statement Addendum April 2015
- Environmental Statement Addendum 2 19th April

2015

- Environmental Statement Non-Technical Analysis April 2015 prepared by Signet Planning
- BRE Daylight/ Sunlight Report dated October 2014 prepared by GVA
- Planning Statement dated November 2014 prepared by Signet Planning
- Energy Strategy dated 30.10.2014 rev 5 prepared by Hoare Lea
- Health Impact Assessment dated October 2014 prepared by Public Health by Design
- Obtrusive Light Assessment prepared by Hoare Lea Lighting
- Retail and Economic Assessment dated November 2014 prepared by Signet Planning
- Statement of Community Involvement October 2014 prepared by Signet Planning
- Sustainability Statement dated 30.10.2014 rev5 prepared by Hoare Lea
- Telecommunications and Electronic Interference
- Utilities Summary Report dated 5.11.14 prepared by Hoare Lea
- Millharbour Village Design and Access Statement 2014
- Flood Risk Assessment
- Transport Assessment dated November 2014 prepared by URS
- Environmental Statement
- BS5837 Arboricultural Report, Arboricultural Implications Assessment and Method Statement dated 4th September 2014 prepared by Arbor Cultural
- Pedestrian Level Wind Microclimate Assessment dated October 8th 2014 prepared by RWDI
- Ground Investigation Phase 1 dated February 2013 prepared by BWB
- Preliminary Ecological Appraisal January 2014 prepared by URS
- Phase 1 and 2 Preliminary geotechnical and geo-environmental assessment dated September 2014 prepared GB Card & Partners

Applicant: Millharbour LLP

Ownership: Millharbour LLP plus
LBTH (Highway between the two sites)

Historic None

Building:
Conservation Area: None

2. EXECUTIVE SUMMARY

2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) consolidated with alterations since 2011 including the National Planning Policy Framework and has found that:

2.2. The proposed redevelopment of this vacant brownfield sites for a residential-led development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the site's Millennium Quarter Site allocation within the Managing Development Document (2013).

2.3. The scale and form of the proposed tall buildings would successfully mediate between Canary Wharf and existing/consented buildings to the south of Marsh Wall. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets or strategic or local views.

2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality of accommodation provided, along with internal and external amenity spaces would provide an acceptable living environment for the future occupiers of the site.

2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.

2.6. The development, which has been designed to retain the existing educational uses and the provision of a 2Form primary school with a nursery is strongly supported and would help provide additional infrastructure on site to cater for educational needs arising from this and surrounding developments.

2.7. Transport matters, including parking, access and servicing are on balance considered acceptable. Whilst the parking is higher than the level sought by LBTH Transportation and Highways it is below the adopted policy requirements.

2.8. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM and Code for Sustainable Homes) are proposed. High quality landscaping and, subject to detailed design, biodiversity features are also proposed which should help ensure the development is environmentally sustainable.

3. RECOMMENDATION

3.1. That the Committee resolve to GRANT planning permission subject to:

3.2. Any direction by The London Mayor.

3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

a) A contribution of £431,714.00 towards employment, skills, training and enterprise.
b) A contribution of £30,021.00 towards End User
c) A contribution of £411,133.00 towards Carbon Offsetting
d) A contribution of £ (2%) of the total financial contributions would be secured towards monitoring.
Total Contribution financial contributions £890,325.00

Non-financial contributions

e) Delivery of 26.6% Affordable Housing comprising of 240 rented units and 85 Shared ownership units.
f) Phasing Plan to ensure timely delivery of affordable housing
g) Permit Free for future residents
h) S278 agreement for highway works including: financial contribution for loss of trees
i) Public Art
j) 72 Apprenticeships and work placements
k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
l) Public access retained for all public realm
m) Implementation and monitoring of Travel Plan
n) Delivery of public access route across site (2 and 3 Millharbour)
o) Delivery of education building shell and core
p) Alternative Employment uses
q) Viability Re-appraisal

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

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

3.6. Conditions

Prior to Commencement' Conditions:

1. Construction management plan

2. Risk Assessment
3. Feasibility for transportation by water
4. Surface water drainage scheme
5. Ground contamination
6. Tree Survey

Prior to completion of superstructure works conditions:

7. Location of ground floor cycle spaces
8. Secured by design measures
9. External materials
10. Biodiversity enhancement measures.
11. Public realm / landscaping details
12. Odour mitigation for A3 use
13. CCTV and lighting plan
14. Mechanical Ventilation to proposed schools
15. Wind mitigation measures
16. Section 278 agreement including
17. Relocation of Cycle docking stations/ Coach Parking
18. Waste Management Plan

Prior to Occupation' Conditions:

19. Contaminated land
20. Access strategy
21. Education uses
22. Management plan including hours for D1 Use
23. Delivery and servicing plan
24. Code for sustainable homes
25. Verification report on groundwater conditions

'Compliance' Conditions –

26. Permission valid for 3yrs
27. Hours of use of A3/A4
28. Restriction on Retail uses
29. Development in accordance with approved plans
30. Energy
31. Heat network
32. Renewable energy
33. Electric vehicle charging points
34. Very Good Internal Noise Standards
35. No Gates Means of Enclosure
36. Cycle parking
37. Lifetime homes

3.7. **Informatives**

1) Subject to s278 agreement
2) Subject to s106 agreement
3) CIL liable
4) Thames water informatives
5) Environmental Health informatives

6) London City Airport
7) Real time departure screens

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

4.1. The applicant is seeking planning permission for the comprehensive development of the sites to provide 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; commercial floorspace 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.

4.2. In relation to the housing, 1175 is to be market, 85 intermediate units and 240 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	1175	78	3039	73
Affordable rent	240	16	854	21
Intermediate	85	6	249	6
TOTAL	**1500**	**100**	**4142**	**100**

Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open market	153	367	471	181	3
Affordable Rent	0	32	52	146	10
Intermediate	1	23	42	19	0
TOTAL	**154**	**422**	**565**	**346**	**13**
Total as %	**17**	**47**	**63**	**38**	**1**

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

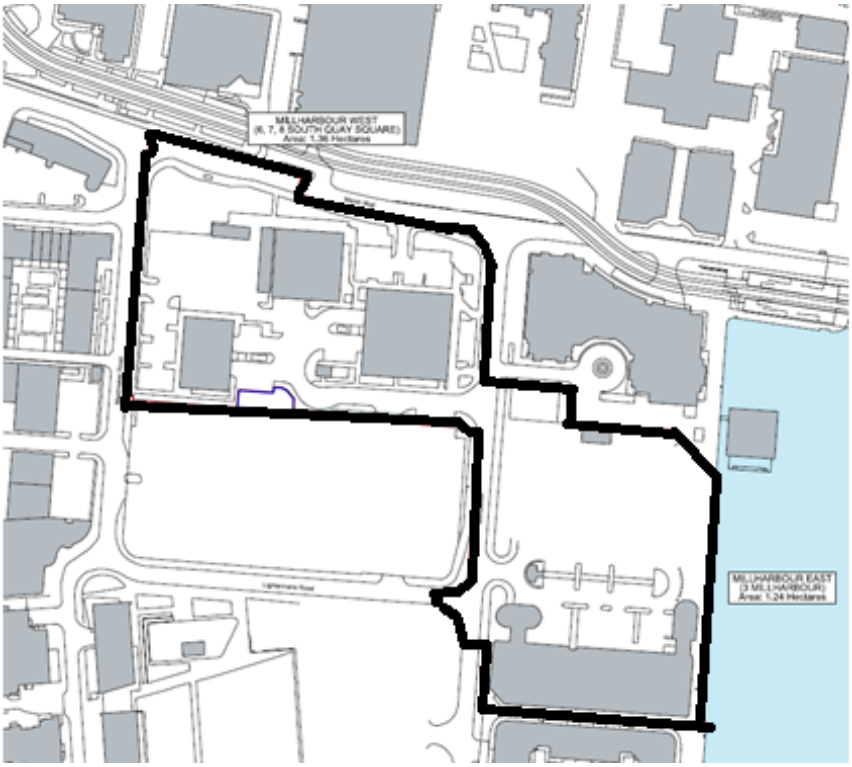
Site and Surroundings

4.4. The application site is located within the Isle of Dogs and involves 2.58 hectares of previously developed land. The site is located on two plots of land on either side of Millharbour ("Millharbour West" and "Millharbour East" respectively).

4.5. Millharbour West is bound by Marsh Wall to the north, the 2 Millharbour site to the south, Mastmaker Road to the west and the Millharbour East site and Pan Peninsular to the east.

4.6. Millharbour East is bound by Pan Peninsular to the north, the docks are to the eastern edge of the Site and Ability Place to the south. The western boundary of the Site is bound by Millharbour; the Millharbour West site.

4.7. The following plan shows the extent of the site.



4.8. To the south lies 2 Millharbour, referred to as 'Millharbour South'. This site along with the application site are shown in the following aerial photograph. The Council has been engaged in pre-application discussions for the redevelopment of all three sites as part of an Urban Design Framework ("UDF") known as 'Millharbour Village'. The main aim of the UDF was to ensure a holistic approach is taken for all three sites so they are developed comprehensively. Millharbour South has a resolution to grant planning permission following SDC on April 23rd 2015.

4.9. The following aerial view, shows the relationship of the three Millharbour village sites in relation to surrounding developments.

4.10. To the north of Millharbour East site lies Pan Peninsula, comprising two residential towers of 38 and 48 storeys. To the west of Millharbour West lies Phoenix Heights, a mixed-tenure residential building ranging in height from 3 to 23 storeys, situated at 4 Mastmaker Road.

4.11. A development referred to as 'Indescon Court' is located further to the south west off Lighterman's Road. It comprises a recently completed residential-led development set around a landscaped square.

4.12. Lincoln Plaza, comprising two towers of 12 and 32 storeys and a 10-storey 'Rotunda' building is currently under construction on the southern side of Lighterman's Road. This development will deliver a mix of residential, hotel/serviced apartments, leisure and commercial floorspace.

4.13. Smaller-scale and older commercial development, comprising two-storey 'warehouse' buildings, occupy land to the west of the Site. This site is currently being used as a school.

4.14. South Quay DLR station, located on Marsh Wall is situated to the north east of both sites, there are also four bus routes operating within close proximity of the Site.

4.15. The Site is currently occupied by a number of low-rise buildings, including a print works, an engineering company and a vacant Audi sales yard on Millharbour West (totalling approximately 4,034 sqm of floorspace) and the Great Eastern Enterprise Commercial Centre (totalling approximately 4,692 sqm of floorspace) and a cleared site to the north on Millharbour East.

4.16. The Great Eastern Enterprise Centre houses River House Montessori Primary School and the Lanterns Arts Nursery, Lanterns School of Performing Arts and the Lanterns Studio Theatre (hereinafter referred to as the "Montessori School" and "Lanterns School" respectively.

Designations

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

4.18. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The Allocation states that developments will include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for Millennium Quarter. The Allocation also sets out Design Principles for the site which is referred to later in this Report.

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

4.20. The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.

4.21. The site, as with the whole Borough, is within Air Quality Management Area.

4.22. The site is within the London City Airport Safeguarding Zone.

4.23. The site is within the London Plan Views Management Framework (LVMF), of particular relevance are the views from the General Wolfe Statue in Greenwich Park and the view of the tower of London and Tower Bridge from London Bridge.

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

Environmental Impact Assessment

<u>EIA Regulations</u>

4.25. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(as amended) as

an ‘urban development project’ and is likely to have significant effects on the environment.

4.26. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the ‘environmental information’ into consideration, and stated in their decision that they have done so.

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

EIA Scoping

4.28. An EIA Scoping Report was submitted to LBTH in December 2013 to seek a formal EIA Scoping Opinion. A formal EIA Scoping Opinion was issued by LBTH on 5th February 2014 and the EIA was informed by this document.

Environmental Information

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

- Air Quality
- Archaeology
- Built Heritage
- Ecology and Nature Conservation
- Ground Conditions
- Microclimate – Wind
- Noise and Vibration
- Socio-Economics
- Daylight, Sunlight and Overshadowing
- Townscape & Visual Impact
- Transport
- Waste Management
- Water Resources

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

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

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

4.33. LUC has confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

4.34. Representations from a number of consultation bodies including the Environment Agency, English Heritage and Natural England have been received, as well as representations from local residents about the environmental effects of the development.

4.35. The ES, other relevant documentation submitted with the planning application, clarification information, 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.

4.36. This application is for full planning permission. The contents and conclusions of the ES are based on the proposals illustrated in the Application drawings and discussed within Chapter 3: The Proposed Development of this ES (along with site baseline surveys; quantitative/qualitative assessment methodologies; and the specialist knowledge of the consulting team).

4.37. The ES, publicly available on the planning register, identifies the likely significant environmental effects (adverse and beneficial) from the construction phase (including demolition and other associated site preparation activities) and operation of the proposed development, before and after mitigation. The significance of the likely effects has been determined from the sensitivity of the receptor and the magnitude of the change.

4.38. Where adverse effects have been identified, appropriate mitigation measures have been proposed. Were the application to be approved, mitigation measures could be secured by way of planning conditions and/or planning obligations as appropriate. These matters are discussed further within the 'Material Planning Considerations' section of the report.

Relevant Planning History on the application site/surrounding area

Application site
Both sites

PA/09/01942

4.39. Redevelopment of both sites to provide a mixed use scheme including 9 buildings reaching between 7 and 46 storeys, comprising 1,643 residential units (Use Class C3), 44,938 sqm of office space (Use Class B1), 2,859 sqm of flexible retail space (Use Classes A1/A2/A3/A4/A5), 2,800 sqm community centre

(Use Class D1), 1,636 sqm leisure space (Use Class D2), 132 serviced apartments (Sui Generis), public open space, car parking and servicing areas, hard and soft landscaping areas, ancillary plant, and alterations to existing vehicular and pedestrian access.
Withdrawn 22/02/2010

Millharbour East

PA/98/00639

4.40. Great Eastern Enterprise Centre, 3 Millharbour, planning permission granted for the conversion of office space to health and fitness club.
Approved on 17/09/1998

PA/08/02623

4.41. Unit C, Great Eastern Enterprise Centre, 3 Millharbour, London, E14 9XP planning permission granted for the Change of use from business (B1) to education (D1) for a temporary period from 1st January 2009 to 31st March 2011.
Approved with a temporary consent 03/03/2009. This consent has now expired.

Millharbour West

PA/99/01516

4.42. Redevelopment to create two office blocks, 13 and 15 storeys high, comprising a total gross area of 65,683 sq.m. with a casino (970 sq. m.) in the basement of Building 6; ground floor retail units totalling 5.075 sq. m. floorspace; basement car parking (105 spaces); new access off Mastmaker Road and a central public piazza. (Outline application-Revised).
No decision made and application closed off.

PA/04/01186

4.43. Erection of a 21 storey building to be used for office purposes, a 10 storey 216 bedroom hotel, 5 retail units, 359 residential units in buildings between 8 and 22 storeys together with basement parking and servicing.
Application withdrawn

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

<u>Built</u>

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

4.46. “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.

<u>Consented / Implemented but not fully built out</u>

4.47. “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).

4.48. “Riverside South” PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sq.m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq.m).

4.49. “City Pride” PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239m AOD) 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.

4.50. “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.

4.51. “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.

4.52. “Baltimore Wharf” PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

4.53. “Indescon 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

(99.5m AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15m AOD). Use of the new buildings for 546 residential units (Use ClassC3) (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;

4.54. "Arrowhead Quay" PA/12/3315 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.

4.55. "1-3 South Quay Plaza" PA/14/944. 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.

4.56. "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

4.57. "30 Marsh Wall" PA/13/3161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sq m of café/retail floorspace (Use Classes A1-A3), 1781 sq m of office floorspace (Use Class B1), 231 sq m of community use (Use Class D1), 410 residential units (46 studios,198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sq m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle

parking and 50 car parking spaces at basement level accessed from Cuba Street.

4.58. "50 Marsh Wall, 63-69 And 68-70 Manilla Street
Application received 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 and A4), re-provision of open space, provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant (as amended).

4.59. "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.

Resolution to Grant

4.60. Land at 2 Millharbour
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.

5. POLICY FRAMEWORK

5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

5.2. For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)

5.4. **London Plan (consolidated with further alterations)adopted March 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 Facilities
4.1 Developing London's economy
4.2 Offices
4.3 Mixed use development and offices
4.7 Retail and town centre development
4.8 Supporting a successful and diverse retail sector
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.5 Decentralised energy networks
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood risk management
5.13 Sustainable Drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
5.18 Construction, excavation and demolition waste
5.21 Contaminated land
6.1 Strategic approach to transport
6.3 Assessing effects of development on transport capacity
6.4 Enhancing London's transport connectivity
6.5 Funding Crossrail and other strategically important transport infrastructure
6.9 Cycling

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

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

SP01 Refocusing on our town centres
SP02 Urban living for everyone
SP03 Creating a 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 Delivering Himes
DM4 Housing standards and amenity space
DM8 Community infrastructure
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity

DM12 Water spaces
DM13 Sustainable drainage
DM14 Managing Waste
DM15 Local job creation and investment
DM16 Office locations
DM18 Delivering schools and early education
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 – LBTH – January 2012
Draft Sustainable Design and Construction SPG (July 2013)
Shaping Neighbourhoods: Character and Context - draft (February 2013)
Housing Supplementary Planning Guidance (November 2012)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Sustainable Design and Construction (May 2006)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

5.8. **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
Millharbour Village Urban Design Framework

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

LBTH Parks and open spaces

6.3. No comments received.

LBTH Arboricultural Department

6.4. The 15 highway trees that are proposed to be removed provide considerable canopy cover/environmental benefits, and if removed, it will take many years to re- establish these benefits, even with a replanting ratio of 2-1. They are also Council assets if they are felled, equivalent replacement trees should be reflected in the planting scheme. These trees are important in the larger composition and it would be preferable if an engineering solution could be sought to retain them.

6.5. If retained, the highway trees situated in close proximity to the proposed development site should receive adequate protection to canopy and root zone during construction, possibly including the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment.

6.6. Of the remaining trees within the boundary of the proposed development, there are a number of healthy, mid aged trees, of good form (x13), that appear to be outside the footprint of proposed structures, that are worthy of retention. Trees with a diameter of breast height (DBH) of less than 75mm can be lifted and relocated.

6.7. Protection of existing trees should follow the measures set out in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations' Trees should be retained wherever feasible and appropriate.

6.8. *[Officer Comment: Conditions to ensure appropriate trees are planted and existing trees receive adequate protection during construction are recommended]*

LBTH Education

6.9. Education, Social Care and Wellbeing Directorate welcomes the proposed 2 forms of entry (FE) of primary school accommodation as part of this development. This will contribute to the supply of school places locally for families living in this area. The Local Authority has been involved with the proposal from an early stage and has had opportunities to comment on the proposal.

6.10. The school accommodation fits well in the available site area allowing good accessibility and providing an active street frontage. Two entrance points for

pupils are included which is good practice to prevent congestion at the start and end of the school day.

6.11. The internal accommodation is well laid out and conforms to current good design practice guidance. The classrooms are regular in shape and there is logical suiting of year group classrooms to facilitate the organisation of the school.

6.12. The internal accommodation is compliant with DfE Building Bulletin 99 standards and provides the appropriate amount of non-classroom spaces (hall, library, group rooms) as well as non-teaching support space.

6.13. There is ground floor external play area for the nursery and Reception classes which is directly accessible from the classrooms in accordance with good practice.

6.14. External play areas are on the 2 upper levels in the form of terraces. Whilst the split of the areas may involve some additional supervision for the school, the overall available area will allow for active play areas as well as areas for quiet play. There is sufficient space to include a MUGA (playcourt). The overall area provided at all levels broadly complies with the BB 99 standard for external area on a confined site.

6.15. *[Officer Comment: These comments have been noted, the Education Team have also requested conditions on opening hours and boundary treatment which are recommended to this application]*

LBTH Environmental Health - Contaminated Land

6.16. Environmental Health Contaminated Land have 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.

6.17. *[Officer Comment: The suggested condition is recommended to this application]*

Environmental Health - Air Quality

6.18. Mechanical Ventilation is essential in the proposed school with the inlet drawing in air from a less polluted area to protect the health of the future pupils.

6.19. *[Officer Comment: The relevant mechanical ventilation is to be conditioned]*

Environmental Health – Noise and Vibration

6.20. No comments received.

6.21. *[Officer Comment: Whilst no comments have been received, this matter has been fully considered within the Environmental Statement, and in line with neighbouring consents conditions are recommended to ensure noise and*

vibration is appropriately controlled during construction and also during the operation of any noise generating commercial uses]

Communities, Localities and Culture (CLC)

6.22. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.

6.23. *[Officer Comment: Following the adoption of LBTH CIL, officers are unable to secure s106 contributions for these matters as they NOW are covered by CIL]*

Natural England

6.24. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

6.25. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

6.26. *[Officer Comment: These comments have been noted]*

Port of London Authority

6.27. No comments received.

6.28. *[Officer Comment: In line with surrounding sites, a condition requiring the feasibility of transport by freight is recommended to the consent]*

Canal and Rivers Trust (CaRT)

6.29. After due consideration of the application details, the Canal & River Trust has no objection to the proposed development, subject to the imposition of suitably worded conditions and the applicant first entering into a legal agreement to secure a financial contribution to wider area.

6.30. The suggested conditions relate to surface water discharge and a waterway wall survey. A planning obligation is sought to offset the impact of the development upon the dockside.

6.31. *[Officer Comment: These comments have been noted. The relevant conditions are recommended to the consent. In relation to the financial contribution, officers consider these now fall under CIL so the authority is now unable to secure it]*

London City Airport (LCY)

6.32. LCY has no safeguarding objection. However, in the event that during construction, cranage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.

6.33. *[Officer Comment: This is noted and an informative advising the applicant of this is recommended to this consent]*

Historic England

6.34. LVMF View 11B.2 includes Tower Bridge as seen from the south end of London Bridge. The proposed development will be visible within the frame of Tower Bridge's two towers. A possible outcome of this is a reduction in the legibility of the Towers as seen from London Bridge. This alteration of the bridge's setting is potentially harmful and needs to be fully understood before a decision can be made as to the scheme's justification.

6.35. The Council should ensure that the proposal will have the appearance of a background element and will not negatively impact on views of Tower Bridge. In order to achieve this, the kinetic views of the bridge between LVMF 11B.1 and 11B.2 should be analysed in greater detail, and the cumulative impact of consented schemes should be differentiated from those which have been proposed.

6.36. This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

6.37. *[Officer Comment: This is noted and is discussed within the heritage section of the report]*

Historic England Archaeology (EHA)

6.38. 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.

6.39. In the event planning permission is granted EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.

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

Environment Agency (EA)

6.41. Environmental Agency have recommended a condition requiring a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA).

6.42. The Environmental Agency have advised that If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

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

London Fire and Emergency Planning Authority

6.44. No comments received.

6.45. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary]*

Tower Hamlets Primary Care Trust

6.46. No comments received.

6.47. *[Officer Comment: Previously, the PCT have advised on a health contribution and this was covered within the s106 agreement. However, this is now covered by LBTH CIL]*

The Twentieth Century Society

6.48. No comments received

Network Rail Infrastructure Ltd.

6.49. No comments received.

The Victorian Society

6.50. No comments received

Thames Water Utilities Ltd.

<u>The Waste Comments</u>

6.51. 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.

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

Water Comments

6.53. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Supplementary Comments

6.54. To the east of the site within the boundary of the proposed development site is Millharbour Labs. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development.

6.55. [*Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission. The applicant has been made aware of the need to seek approval from Thames Water regarding proximity of buildings within 3m of public sewers]*

Greater London Authority

Housing

6.56. The principle of a housing-led redevelopment of this site to include 1,500 new homes is supported. However, there is a strategic concern regarding the significant quantum of emerging proposals and the potential barriers to the delivery of this development, which includes the need to secure the social and physical infrastructure required to support this very significant scale of growth.

School and community infrastructure

6.57. The re-provision of existing education floorspace is supported. However, in order to prevent void units, the applicant and the Council should provide further detail regarding the fall back position and which alternative users could be accommodated.

6.58. The inclusion of a new primary school as part of this application is strongly supported.

Open Space

6.59. The provision of public open space is strongly supported. The Millharbour Park East fully accords with the Blue Ribbon Network principles of the London Plan and helps provide a recreational setting to the dock.

Commercial Floorspace

6.60. The loss of the existing quantum of employment floorspace does not raise strategic concern. The proposed flexible floorspace including business use is supported.

6.61. *[Officer comment: the above comments on Housing, Social Infrastructure, Open Space and Commercial Floorspace have been noted and were relevant discussed further within the material planning section of the report]*

Retail

6.62. The inclusion of retail space as part of this development is of an appropriate scale to be ancillary to the residential and education uses and is therefore supported in accordance with London plan policy. The Council should restrict the overall quantum of flexible space to be provided as retail, in addition to limits on the size of individual units.

6.63. *[Officer comment: the overall size and quantum of the retail units will be conditioned to ensure they are off the sizes as shown on the submitted plans]*

Affordable housing

6.64. The viability of the scheme should be fully assessed at the local level to ensure that the maximum reasonable amount of affordable housing is provided in accordance with London Plan Policy 3.12.

Housing Choice

6.65. The applicant's approach to family housing provision appropriately prioritises affordable family homes and is supported.

6.66. A total of 154 studios are proposed, whilst the provision of studios is acceptable the applicant should review the proportion of studio units within the overall housing provision.

Density

6.67. The application includes the provision of two areas of public open space, as well as education facilities. The proposal responds positively to London Plan policies relating to housing quality and urban design. In this context, the density of the proposal does not in itself raise a strategic concern.

Housing Quality and Design

6.68. The applicant has responded positively to London Plan requirements regarding housing quality. All units meet London Plan space standards, and the approach to residential layout seeks to minimise the number of units per core as well as the proportion of single-aspect units.

Child Play Space

6.69. The applicant has submitted a comprehensive and innovative play strategy, for which it should be commended. The proposal incorporates 5,068sq.m of dedicated play space GLA is concerned that the illustrative design of the Child Play Space could be gated and controlled by the user, and will not be available for the children of the development. The GLA consider it is vital that this space be secured as fully publicly accessible as part of any future planning permission.

Urban design

Layout

6.70. The simple gridded Masterplan creates a legible and permeable environment that defines well-proportioned building plots, allows for the provision of generous public open spaces, keeps a good distance from surrounding buildings and sites, and knits in well with the existing street network.

6.71. Issues raised at pre-application stage regarding the poor quality of the space between buildings G3 and G4 have been resolved by linking the podium of both buildings. Servicing and back of house uses have been located within this element creating an efficient refuse strategy.

6.72. The overall approach of creating podium and plinth buildings, which shape and enclose the public realm, and provide private amenity space to residential towers above, oriented to maximise residential quality, is strongly supported and in line with the aspirations of the draft South Quay Masterplan. The use of the podiums within Millharbour West as educational facilities is particularly welcomed ensuring the surrounding public realm feels active and welcoming throughout the day. Officers commend the attention given to the design for the public facing edges of the development and particularly the school buildings.

Residential Quality

6.73. The footprints are generally well proportions, to provide eight units on each floor, a high proportion of dual-aspect units, and relatively shallow single-aspect units, none of which are either north or south-facing which is strongly supported. The only exception to this is building G3, which is oriented east-west. During pre-application stage substantial amendments were made to the form of this building, and the improvements made are acceptable.

6.74. The provision of communal amenity space either within the podium, or roof tops, is strongly supported, ensuring a large number of residents have access to private outdoor amenity space where younger children can play space safely.

Height and Strategic views

6.75. At pre-application stage, officers requested that the original footprint and height of building G3 was reduced, given issues with residential quality, and the

disproportionate height of the buildings. The applicant responded positive, and the subsequent reduction in massing is strongly supported.

6.76. Whilst the scheme's overall height is significant, the architects have ensured that the quality of the residential offer is high, that there is a good provision of public open space, all of which is well activated and defined by surrounding buildings, and that the architecture and materials are of the highest quality which is welcomed. The tall buildings' limited footprint also ensures these buildings are slender and elegant.

Strategic views

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

Blue Ribbon Network

6.78. The GLA have noted the need for improved bridge crossings and have advised that a financial contribution towards the delivery of improved bridge connectivity should be ring-fenced for the purpose of the bridge improvements

6.79. *[Officer comment: the above comments have been noted. In relation to financial contributions, since the adoption of LBTH CIL, it will be CIL which contributes to the delivery of infrastructure such as the bridge]*

6.80. The proposal includes an area of public open space located immediately adjacent to the dock, providing a new dockside park. This critical piece of infrastructure is strongly supported, and will maximizes the value to be gained from the sites location,

Inclusive design

6.81. The applicant has confirmed that all residential units will meet lifetime homes standards. The applicant has also stated that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users.

Climate Change – Adaption

6.82. Measures proposed sustainable drainage, use of low energy lighting, energy efficient appliances, smart meters, high levels of insulation, low water use and bio -diverse roofs. However, given the scale of development, the waste management plan should include further details on how recycling will be managed and promoted.

Climate Change- Mitigation

6.83. The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions. Further information should be provided on the proposed construction method for the buildings, and how this may affect the delivery of the targeted fabric specifications. It is critical that the approach to the buildings architectural design does no adversely impact on the proposals ability to meet London Plan energy policies.

6.84. Based on the information provided, the development does not achieve any carbon savings from energy efficiency alone, when compared to 2013 Building Regulations compliant development. To help understand the impact of any adjustments following discussions with Building Control, the applicant should confirm what the performance against Part L 2013 baseline is likely to be if the adjustments are agreed. Information should also be provided on how the design is being developed to minimise thermal bridges with a view to meeting Part L 2013 by efficiency measures alone.

6.85. Given the size and nature of the development, the applicant is expected to carry out dynamic thermal modelling to demonstrate that overheating and cooling demand reductions have been fully addressed in accordance with London Plan policy 5.9

District heating and renewables

6.86. Barkantine district heating network is located within the vicinity of the application site. The applicant has provided correspondence with the networks operator, EDF, confirming that the network currently does not have enough excess capacity to support a connection to the development, although opportunities to increase the system capacity are currently under investigation. The applicant should demonstrate that it has fully considered this option.

6.87. A plan showing how all domestic and non-domestic buildings are connected to a CHP should be provided.

6.88. The lack of suitable roofspace confirms a provision of PV panels is not included. This constraint has been demonstrated and is acceptable.

6.89. Overall the measures proposed result in a 33% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which falls considerably short of the target set out in the London Plan policy 5.2. The applicant should fully address all comments made above with the aim of achieving further carbon reductions before cash in lieu contributions can be agreed.

6.90. *[Officer comments: further information has been provided in respect of some of the information provided above and has been considered acceptable subject to robust conditions, which will be applied. Additional information has been submitted to the GLA in response to the EDF query, which includes an email from EDF confirming they are currently rethinking their strategy over South Quay]*

Transport

6.91. Given the currently good accessibility of this site, and the expected impact of Crossrail from 2018, a car free development (aside from parking to serve

occupiers of wheelchair accessible dwellings) would be appropriate at this location. Whilst the proposed parking levels are below the maximum levels set out in local planning policy, they are towards the upper end of the accessibility range, and are higher than those proposed on neighbouring sites.

6.92. *[Officer comment: the parking has since been reduced, as discussed in the transport section within the main body of this report]*

GLA/ Transport for London

Car Parking & Access

6.93. The applicant proposes 387 residential car parking spaces within the basement. Of these 367 would directly serve the 1,500 dwellings, this equates to a ratio of 0.24 spaces per unit (of which 20 will be 'Blue Badge'). Electrical Vehicle Charging Points will be provided in accordance with the London Plan minimum standards which is 20% active and 20% passive overall.

6.94. Given the currently good accessibility of this site, and the expected impact from Crossrail from 2018, a car free development would be appropriate within this location. Whilst the proposed parking levels are below the maximum levels set out in local planning policy, they are towards the upper end of the acceptable range, and are higher than those proposed on neighbouring sites. TfL is currently reviewing the applicant's data regarding the impact on Preston's Road roundabout and is currently unable to confirm whether the level of parking is acceptable. However, the applicant should note the need for and the ability to secure, the necessary mitigation contributions will be fundamental to TfL's assessment of the appropriateness of the parking proposed.

6.95. The Mayor's Supplementary Planning Guidance recommends that each wheelchair accessible unit is provided with a dedicated Blue Badge bay, which in this instance would equate to a provision of 150 spaces. This is considered to be an overprovision on this site. If the full complement of designated bays is not provided at first occupation, a parking management strategy should be provided to justify the level of Blue Badge Bays provided.

6.96. *[Officer Comment: In response to these comments the car parking has been reduced overall, from 382 spaces to 244, with the loss felt within the residential allocation which falls from 329 to 202. Consequentially, the disabled parking has fallen from 38 to 27 spaces. The overall resulting ratio within the residential is now 0.155 spaces per unit. In addition, a parking management strategy is recommended as a condition. The car club spaces will be secured via condition]*

Cycle Parking

6.97. The applicant proposes 3,304 cycle spaces are proposed. Further information should be provided on how these are allocated.

6.98. *[Officer Comment: A total of 3,304 cycles are proposed, these are located within the basements for residents and employees. This will be broken down into 1,590 spaces in the eastern block and 1,714 in the western block. A further 110 cycle spaces will be available for staff and students of River House Montessori School*

(split between basement and ground level) and 66 spaces for the new primary school situated on ground level. The final details will be conditioned]

Trip Rate & Modal split (assessment of impacts)

Vehicular

6.99. TfL advise that due to the cumulative impacts of other developments and the congested nature of the only two roundabouts connecting the network to the Isle of Dogs, TfL considers that junction modelling would be required along with public transport capacity assessment. However, they note multi-modal trip generation assessment is reasonable and confirm that TfL will seek mitigation measures / contributions to maintain or enhance the surrounding transport network.

6.100. *[Officer comment: The TA submitted with the planning application takes into account cumulative flows from the list of cumulative developments that was provided in the ES. This is considered acceptable]*

Public Transport - DLR

6.101. The development will generate additional DLR trips in the AM peak and PM peaks respectively. The section of DLR northbound between South Quay and Heron Quays is the busiest link on the South Route (Lewisham - Canary Wharf). Although the introduction of Crossrail services at Canary Wharf from 2018 is expected to provide additional public transport capacity, from 2031 onwards, with the levels of planned development on the Isle of Dogs, TfL expects congestion to return.

6.102. This reinforces the importance of providing new links across the dock area between South Quay and Canary Wharf as they would alleviate the need for short trips on the bus and DLR network by encouraging walking and cycling.

6.103. TfL also recommends that the applicant installs real-time departure screens in the building cores to promote sustainable travel choices.

6.104. *[Officer comment: a way-finding strategy is recommended to be secured by condition, in relation to the real-time departure screens this is recommended as an informative on the consent]*

Public Transport - Buses

6.105. TfL has identified bus capacity constraints at this location during the AM peak and is seeking a contribution of £200,000 towards additional bus capacity in the local area to be included within the Section 106 agreement.

Public Transport - walking & cycling

6.106. TfL strongly supports Tower Hamlet's aspiration to deliver additional dock crossing points connecting the South Quay area with the Canary Wharf estate. Such links would not only alleviate the pressure on the existing footbridge but improve wider pedestrian/cycle connections and create a direct route to the eastern entrance to Canary Wharf station at Montgomery Square. In accordance with London Plan policies 6.1, 6.4, 6.7, 6.9 and 6.10 and to expedite the

construction of the bridge, TfL encourages the Council to secure a contribution from this and other development within the local area, unless and until such time as the Borough's Community Infrastructure Levy (CIL) is adopted.

6.107. In addition, TfL suggests that the applicant should contribute towards the implementation of Legible London signage in the immediate vicinity of the site. Legible London is a wayfinding initiative to encourage walking and cycling and the applicant should note that a pair of signs costs approximately £15,000.

6.108. *[Officer comment: LBTH CIL has been adopted and this will help facilitate a new bridge]*

Public Transport - cycle hire

6.109. In accordance with London Plan Policy 6.9 and in order to mitigate the cumulative impact of this development with the South Quay area, TfL support the proposed siting of a cycle hire station within the applicantion site. The applicant should provide plans to identify the actual proposed position and the location, plus costs of installation, should be secured within the s106 agreement.

6.110. *[Officer comment: The relevant contribution has been secured within the s106 agreement]*

Travel planning

6.111. The applicant has submitted a framework travel plan which refers to both the residential and retail elements of the scheme. The final travel plans should be secured, enforced, monitored and reviewed as part of the Section 106 agreement.

6.112. *[Officer comment: The travel plans are to be secured by condition and monitored within the s106 agreement]*

Freight

6.113. The residential units will be serviced from the basement accessed from Mastmaker Road. Servicing for the retail units will be accommodated at ground level with delivery times controlled through active management to reduce conflict pedestrian movement. A Delivery and Servicing Plan (DSP) has been provided and TfL considers the content acceptable and requests that the final document is secured by condition.

6.114. Given the scale of development, a framework Construction and Logistic Plan (CLP) is required. The CLP should include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed.

6.115. *[Officer comment: The DSP and CLP are recommended as conditions should planning permission be granted]*

Other measures

6.116. TfL will require the provision of a Construction Logistics Plan, Car Parking Management Plan, Travel Plan and Servicing Plan as conditions on any grant of planning permission.

6.117. *[Officer comment: These matters are recommended to be secured by condition]*

Crossrail SPG

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

CIL

6.119. In accordance with London Plan policy 8.3, Community Infrastructure Levy, the Mayor commenced CIL charging for developments permitted on or after 1 April 2012. For development within the borough of Tower Hamlets, the Mayoral charge is £35 per square metre

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

LBTH Highways

Car Parking and Impact

6.121. The site is located within an area which has a PTAL rating ranging from 3-5, with the majority of the site covered by a PTAL of 4. This represents a 'good' level of public transport accessibility as rated by TfL. However, it should be borne in mind that PTAL assessments do not take into account the interchange facilities offered by the local public transport infrastructure and, because of the easy access to the DLR, Jubilee Line, Buses and the forthcoming Crossrail it could be considered that the public transport access is better than many other areas with a PTAL of 4 in London. This area of Docklands is also considered able to facilitate higher density accommodation, which reflects the fact that public transport is considered excellent.

6.122. The applicant has responded to some of the issues raised below (not all) and these comments relate to the major changes. There has been a reduction in car parking levels from 389 to 244. This represents a similar ratio of residential parking to the recently approved planning application at the adjacent site. This reduction is welcomed but Highways continue to have concerns regarding the quantum of residential development in this area and would prefer to see parking levels reduced even further but recognise that the proposed levels are within the current LBTH and London Plan maximum standards.

6.123. *[Officer comment: it is considered difficult to demand a reduction in parking spaces especially given the level of parking accords with Council policy. In addition, a parking management strategy is to be secured by condition. As such, officers on balance, consider the proposed level acceptable*]

Cycle parking

6.124. The proposals will offer improved pedestrian and cycle access through the site. Highways require a condition to be attached to any permission requiring approval of a plan showing the location of cycle parking and type of stand.

6.125. *[Officer comment: A condition is recommended to ensure an acceptable provision of cycle parking is provided for the various uses within the development]*

Servicing

6.126. All servicing is proposed to take place within the site boundary and not on public highway. This will either be from the basement in the western block or at grade level in dedicated areas.

6.127. A Service Management Plan will be required as a condition should any planning permission be granted. Pedestrian, cycle and vehicle access.

6.128. A safety audit has been carried out on one of the basement accesses to the site as well as tracking diagrams for that access. The audit concluded that some work was required to ensure the crossing was safe and the applicant will carry out these recommendations. The first tracking diagram supplied showed that a vehicle exiting the site would overhang the footway of the adjacent public highway but this has since been revisited and revised tracking drawings, showing that two vehicles can pass on the service road / car park access as well as avoid the overhanging problem identified by the first diagram, have been supplied and this seems acceptable.

6.129. Highways raise concerns regarding vehicles crossing from one site to the other against the one way working in Millharbour. Should planning permission be granted a management plan will be required as an additional condition to those listed blow which shows that signing / marking on the internal service road will indicate that vehicles must turn left when entering into Millharbour.

6.130. *[Officer comment: This is noted and the relevant condition is recommended]*

Trip Generation

6.131. The Transport assessment considers only 11 sites for cumulative assessment which results in projected traffic flows on the roads assessed for this application. This is significantly lower than that projected in the other assessments which have correctly included a larger number of schemes for cumulative assessment.

6.132. *[Officer Comment: the cumulative schemes have been considered within the ES and are considered correct. In addition, since these comments the parking has been reduced significantly which will have less impact on trip generation]*

Public Transport

6.133. The proposed scale of development will have an effect on public transport capacity in the area. The TA contends that the increase will not result in any over

capacity issues and suggests that the greatest increase in trips on the DLR will be northbound in the AM peak.

6.134. Given the proximity of South Quay station to the development, it is expected that the majority of this additional demand will access the DLR from this station. This increase will place additional pressure on the already heavily congested northbound DLR platform at South Quay in the AM peak. The applicant suggests in the TA that Crossrail is expected to reduce use of the DLR and Jubilee Line in the area from 2018.

6.135. TfL has indicated however that, given the levels of planned development on the Isle of Dogs, congestion on the DLR will return from 2031 onwards.

6.136. The pedestrian route from the site to Canary Wharf and the Crossrail Station includes the footbridge over South Dock. The Pedestrian Comfort Level (PCL) audits submitted as part of recent local applications show that based on existing flows, this bridge would need to be widened substantially to provide an acceptable PCL and that the congestion will worsen as a result of the additional trips generated by committed development in the area. The bridge has been classed as 'uncomfortable' in the morning peak and one or more additional bridges has been identified as being necessary to relieve current congestion levels on the DLR between South Quay and Herons Quay and to improve pedestrian access between Canary Wharf and developments around Marsh Wall. Delivery of a second South Dock footbridge, which allows pedestrian and cycle access, would help relieve overcrowding on the existing footbridge by providing an alternative crossing and additional capacity will help in alleviating this somewhat. It would also alleviate the severe congestion at South Quay station by enabling redistribution of flows generated by the development

6.137. Should Planning Permission be granted a financial contribution towards the provision of addition crossing points will be required.

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

6.139. *[Officer comment: These are noted and the relevant conditions are recommended should planning permission be granted. In relation to the financial contribution towards the new bridge, as this application is to be determined with LBTH CIL, the CIL contribution can be used for infrastructure like the new bridge]*

LBTH Refuse

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

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

Commission for Architecture and Built Environment CABE

6.142. No comments received.

Secure by Design officer

6.143. Further discussions are taking place with the applicant in relation to secure by design.

6.144. *[Officer comments: This is noted and officers are satisfied that any Secure by Design matters can be addressed via an imposition of a condition]*

7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place as part of the Urban Design Framework and also during the course of pre-application discussions.

7.2. At application stage a total of 6336 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	16	Objecting: 12	Supporting: 1
No of petitions received:	0		

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

Support

- Proposal will not have an adverse transport impact
- Proposal will transform area and attract more amenities

7.4. *[Officer comment: these comment shave been noted]*

Objections

- The proposal should be held in abeyance until a Masterplan is developed for the area
- The height is unacceptable and would disrupt Canary Wharf skyline;
- Lack of green space;
- Lack of supporting amenities, facilities and access to the site;
- The increased population would put further undue strain on schools, hospitals and transport infrastructure including the Jubilee Line and pedestrian bridge across South Dock;

- The proposal would increase noise and vibration to surrounding properties;
- The proposal would create noise, disturbance and dust during construction;
- Further strain on refuse collection
- Loss of light and privacy to neighbouring properties and overshadowing;
- Loss of value to neighbouring properties;
- Loss of view to neighbouring properties;
- Adverse impact on wind tunnelling;
- No external child play space
- Loss of trees
- Site should be used for offices to balance the number of residential uses
- Insufficient parking proposed with an adverse impact on the local highway network
- Inappropriate location for the two vehicle access points.
- The Environmental Statement is not robust enough
- Existing School should be part of the s106

7.5. (*Officer comment: The proposed height, density, scale, massing and height are addressed in Chapter 8 of this report as is the effect on local and strategic views, public realm, the impact on local services and infrastructure, noise and vibration, daylight/sunlight, privacy and overshadowing.*

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

7.7. *Loss of value and loss of view to neighbouring properties is not normally considered a material planning consideration.*

7.8. *The Council is preparing a South Quay Masterplan SPD, to ensure that development in the Marsh Wall area comes forward in a planned and appropriate manner. It is currently out to consultation, and as such it has limited weight as a planning consideration, and given the Council has a duty to determine planning applications in a timely manner, it cannot prevent the determination on otherwise acceptable applications until the Masterplan is adopted.*

7.9. *The Environmental Statement has been reviewed independently on behalf of the Council and following submission of further information in response to comments from the Councils consultant, its conclusions are considered robust. This is discussed in the material planning section of this report.*

7.10. *In relation to the educational use, s.106 obligations should only be imposed where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Officers consider the ring-fencing of s106 for an existing use, would fail the above mentioned tests.*

7.11. *In relation to construction phase impacts, the Council considers that these matters can be appropriately resolved/mitigated against through conditions such as a construction management plan)*

8. MATERIAL PLANNING CONSIDERATIONS

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

- General Principles/ Land Use
- Urban Design
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

GENERAL PRINCIPLES/ LAND USE

8.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.

8.3. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

8.4. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).

8.5. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.

8.6. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the

area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within a Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.

Loss/Gain of Commercial Floorspace

8.7. The proposal will result in the loss of 4,034sqm of B1 floorspace within Millharbour West and the loss of 4,692sqm of D1 floorspace within Millharbour East.

8.8. In relation to the B1 floorspace, policy DM15(1) of the MDD normally seeks 12 months marketing evidence to demonstrate the site is not suitable for continued employment use due to its location, viability, accessibility, size and location. However, paragraph 15.4 of the MDD states '*The Council seeks to support employment floor space in suitable locations; however a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The Council recognises that the nature of uses proposed on site allocations requires a change from the existing uses. As such part (1) of the policy does not apply to site allocations.*' As this site, is part of the Millennium Quarter site allocation an assessment against policy DM15(1) of the MDD is not required.

8.9. The existing D1 floorspace is made up of two local organisations providing a range of education uses: the 'Riverhouse Montesorri' and the 'Lanterns Schools'. Both are located within the Great Eastern Enterprise building on Millharbour East.

8.10. It would appear from the planning register that the Riverhouse Montessori received temporary planning permission to locate within the application site in 2008 (under planning reference PA/08/02623) which expired on 31st March 2011. The purpose of the temporary consent as outlined within the 2008 application was *'to provide temporary accommodation for the school whilst [a] long term premises are established'.*

8.11. The second educational use 'Lanterns Schools' was located to the site during the redevelopment of the nearby Lanterns Court. It would appear a planning application was not submitted for the re-location of the site. Searches from the planning records have not conclusively confirmed why this was the case. There is a possibility planning permission was not required due to planning application 'PA/98/00639' which gave consent in 1998 for the conversion of office space to health and fitness club meaning planning permission for the D1 use could already be lawful at the time of Lanterns School moving to the site.

8.12. In relation to the proposal, the applicant is seeking to re-provide the existing D1 uses within the development and provide an additional 2FE primary school with a nursery. The resulting D1 floorspace measures 13,525sqm which is an increase from 8833sqm from the existing floorspace. By re-providing the education facilities the proposal accords with policy DM18 of the Managing Development Document.

8.13. The NPPF states that:

"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."

8.14. Furthermore, Policy Statement – planning for schools development clearly states that:
"There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework."

8.15. 8.13. Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:

"Proposals for new 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."

8.16. The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.

8.17. Part 2, of strategic policy SP07 of the CS, seeks to increase the provision of both primary and secondary education facilities to meet an increasing population. Part 3, of the policy sets out the criteria for the assessment of new primary schools and states that:
"Primary schools should be located to be integrated into the local movement routes, the neighbourhood they serve, and be easy to access on foot or by bicycle."

8.18. Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.19. DM18 of the MDD sets out criteria for the assessment of new schools and states that they should be located where:-
i. a site has been identified for this use or a need for this use has been demonstrated;
ii. the design and layout accords with relevant standards;
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.

8.20. The proposal is for the creation of new two form entry primary school (Use Class D1) which is not located on an allocated school site. Policy advises that the location of new schools will be guided by the criteria listed above.

8.21. Given the site is not allocated for an education use, consideration has been given to the need for a new primary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. The population is rising due to both rising birth rates and new residential developments.

8.22. The development has been designed to accommodate the schools within Millharbour West which is to be developed first and enable the schools to decant directly from Millharbour East without there being a break in Educational use. This approach is supported by officers.

8.23. Officers also strongly support the re-provision of the existing D1 floorspace along with a new 2FE school with nursery, which will go some way in providing the additional social facility.

8.24. Given, at least one of the schools does not benefit from planning permission, although may be immune from enforcement action and both are located within a site allocation, the applicant has requested a fall back that 4,349 sqm of the educational floorspace could also be used in full or part as D1 or D2 leisure floorspace, in the event the existing operators are unable or choose not to be re-located within the development.

8.25. Whilst the fall back option is not considered unreasonable, the preference from officers and the GLA is for the applicant to fully exhaust the option to re-locate the existing schools. However, given the overall, quantum of D1 floorspace proposed is in excess of the existing floorspace, and this would continue to be the case even if the 4,349sqm was to be used for alternative D1/D2 uses officers consider the fall back option to be reasonable in this instance.

8.26. In addition to the above uses the applicant is proposing a further 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4) to be located within different parts of the site. The location of these uses has been considered within the UDF to provide commercial uses whilst also animating the public realm serving the development.

8.27. The inclusion of these units with the provision of a mixed use development is expected within the Tower Hamlets activity area, as described in policy DM1 of the Managing Development Document.

Proposed residential use

8.28. London Plan Policy 3.3 ‘Increasing Housing Supply’ recognises the pressing need for new homes in London, and Table 3.1 of the Further Alterations to the draft London Plan (FALP) sets an even more ambitious target for the Borough of delivering approximately 39,314 new homes over a ten year period and around 3,931 new homes per year.

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

8.30. It is considered that the provision of a residential development on this site is acceptable in policy terms and would provide a positive contribution towards borough and London-wide housing provision, for which there is a 'pressing need'.

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

8.32. The active uses at ground floor with residential above are also in accordance with the objectives of the policy DM1 (Tower Hamlets Activity Areas) and is in accordance, in respect of the land use, with the Site Allocation.

8.33. The principle of the proposed land uses is therefore supported.

Density/Quantum of Development

8.34. Policies 3.4 of the London Plan and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

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

8.36. PTAL is a series of calculations which effectively measure a combination of how close public transport services are from a given point and the frequency of services (i.e walking times plus waiting times). PTAL ratings range from levels 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

8.37. 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 has been calculated at various points on both sites. The majority of Millharbour West has been calculated as PTAL 4 with a small portion PTAL 5. Millharbour East has been calculated between PTAL 4 (northern area) and PTAL 3 to the south.

8.38. The combined site area is 2.6 hectares and the application proposes 1500 residential units (4142 habitable rooms) based on the GLA Housing supplementary planning guidance the proposed density equates to 1785 habitable rooms per hectare (647 units per hectare) and 1593 habitable rooms based on the total habitable rooms divided by the site area.

8.39. 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, for sites within PTAL 2 to 3 a density level of 300-650hr/ha may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.

8.40. Advice on the interpretation of density can be found in the SPG which reads as follows:

> *"…the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."*

8.41. The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

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

- detrimental impacts on visual amenity, views or character of surrounding area.

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

URBAN DESIGN

Policies

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

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

8.45. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

8.46. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

8.47. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case the site is within an Activity Area, which is the next one 'down' in the hierarchy.

8.48. The Local Plan Site Allocation for Millennium Quarter seeks comprehensive mixed-use development to provide a strategic housing development and sets out a number of design principles which are drawn from the Millennium Quarter Masterplan (2000). The design principles include:

- "Respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment and its dockside location; specifically it should step down from Canary Wharf to the smaller scale residential areas south of Millwall Dock;

• Protect and enhance the setting of other surrounding heritage assets including the historic dockside promenade;

• Development should be stepped back from the surrounding waterspaces to avoid excessive overshadowing and enable activation of the riverside;

• Create a legible, permeable and well-defined movement network…"

8.49. As identified in the London Plan, the Blue Ribbon Network is spatial policy covering London's waterways and water spaces and land alongside them. Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to ensure:

• that development will provide suitable setbacks, where appropriate from water space edges;

• development adjacent to the Network improves the quality of the water space and provides increased opportunities for access, public use and interaction with the water space.

Local context

8.50. The site is situated with the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m AOD).

8.51. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved in July to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m.

8.52. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide.

8.53. On the southern side of South Dock is a main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, 145m high, Pan Peninsula 147m high and an approval for a hotel at 40 Marsh Wall for a 38/39 storey hotel.

8.54. 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 at Arrowhead Quay). Meridian Gate further east along Marsh Wall has consent for a tower measuring 187m.

8.55. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including 30, 50, and 54 Marsh Wall. However, since they have yet to reported to Committee, significant weight cannot currently be given to these proposals.

8.56. To the south of Marsh Wall, heights drop off relatively rapidly, with the maximum height at Indescon Court behind the application site currently being constructed at 99m. The most notable exception to this drop in height is the proposed development at the former London Arena Site (now known as Baltimore Wharf) where, a 44 storey building is currently being constructed with a height of 155m. Further south of Marsh Wall, the height drops to as little as 4 stories in height, generally buildings serving residential uses.

8.57. It is possible to draw some conclusions about the townscape in this area. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. Along Marsh Wall, there is a transition in heights from City Pride marking the end of the South Dock, with more modest towers at Landmark, the approved hotel at 40 Marsh Wall and the two residential towers at Pan Peninsula.

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

The Proposal

8.59. The proposal seeks the erection of four buildings of varying heights within two sites. Millharbour East has one building (G1) and Millharbour West has three buildings (G2, G3 and G4)

8.60. The proposed buildings are shown in the following plans.

Building G1

8.61. Building G.1 is a podium building with two towers. The building is subdivided into four parts reflecting the different heights proposed:

Block	Storeys	Height
G1.1	45	144.5
G1.2	14	49.7
G1.3	39	125.7
G1.4	10	38.6

8.62. The above plan shows the locations of the four blocks. The central area "G1" is a podium with servicing underneath and an amenity deck above.

8.63. A total of 615 residential units are proposed within this building (548 private and 67 rented). In addition,138sqm of A1/A2 and A3 uses are proposed at ground floor and mezzanine level, and 1,019sq metres of D2 floor space are proposed within the lower three floors.

8.64. Buildings G2, G3 and G4 are all located on Millharbour West.

Building G.2

8.65. Building G2 is located on north eastern part of Millharbour West and consists of two towers 39 and 35 storeys measuring 131.3 and 118m high respectively.

8.66. The basement is designed to accommodate a theatre potentially for Lanterns Studio, and the ground floors to fourth floor are primarily designed to accommodate the educational uses, Riverhouse Montessori and Lanterns studio both of which are currently located on the adjoining Millharbour East site.

8.67. A total of 404 residential units are located within G2 of which 319 are private and 85 Intermediate units.

Building G.3

8.68. Building G.3 is located on the north western corner of Millharbour West and consists of a single 45 storey tower. At 146.6m high it is the tallest building proposed within the development.

8.69. G.3 is proposed to be entirely private consisting of 308 residential units.

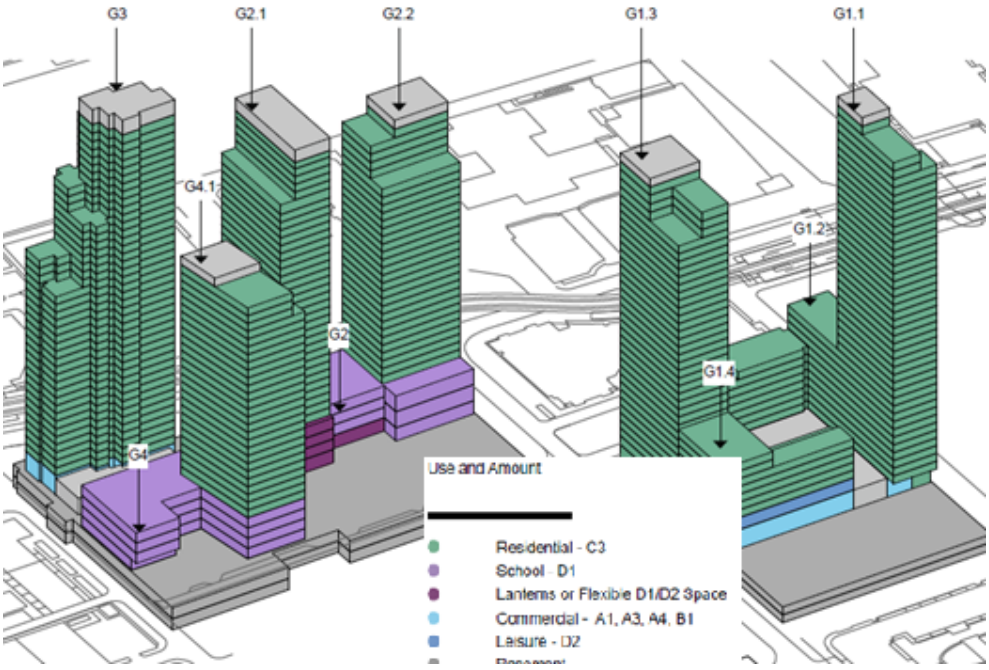
Building G4

8.70. Building G.4 is located in the south western corner of Millharbour West and again, consists of a single 32 storey tower, with a height of 106m.

8.71. The ground up to third floor is to consist of a new 2 Form primary school and nursery.

8.72. The tower is to provide 173 residential units, all of which are to be rented.

8.73. The following plan shows the locations of these buildings.



8.74. The applications approach to the design has been informed by the Urban Design Framework (UDF), which in turn has informed the emerging South Quay Masterplan. The design of this application has marginally evolved from the UDF. The main changes being alterations to the design of G.3 to lessen the impact on Mastmaker court. The heights of the buildings have also increased in some instances and fallen down in others.

8.75. The following images show the UDF scheme (2013) and the evolution to the current proposal.

8.76. Officers are strongly supportive of the collaborative approach to the development of these sites as part of the UDF.

Ground Floor Design - Millharbour West

8.77. The ground floor of Millharbour West consists primarily of four residential cores with the three cores to buildings G2 and G3 accessed directly from Marsh Wall and G4's core accessed from a new north south route.

8.78. The new route is to complete a new route from Glengall Bridge to Marsh Wall, which is currently designed to pass across Indescon Court and 2 Millharbour.

8.79. The remaining areas of G2 and G4 are currently designed for the three education uses proposed within the site.

8.80. G3 is to contain retail uses on the north western part of the building and some indoor child playspace to the eastern part of the building.

8.81. Access to the basement levels for the entire site is to be from Mastmaker Road via a ramp between Buildings G3 and G4.

8.82. The south eastern part of the site is designed as a pocket park focussed primarily on Child Play.

8.83. The Ground floor of Millharbour East consists of four residential cores each located towards the four corners of the roughly rectangular building. The remaining area is focussed on retail/restaurant uses aimed at animating the docks to the east, the proposed Millharbour East Park to the South, Millharbour to the West and a single office type unit to the north fronting Pan Peninsular Square.

8.84. The ground floor units are all serviced within a centrally located servicing area which is access from the north of the site via a new route from Millharbour.

8.85. The ground floors of both sites, have been carefully considered within the Urban Design Framework and follows the approach suggested within the Emerging South Quay Masterplan to provide active frontages and animate the dock edges. Officers consider the approach to the ground floor acceptable.

Building Heights

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

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

8.87. The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which the application site is located), district centres, neighbourhood centres and main streets, and areas outside town centres.

8.88. Furthermore, policy DM26 sets out criteria for assessing tall buildings. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.

8.89. For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.

8.90. The proposal consists of 6 tall buildings which measure in excess of 100m in height.

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

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

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

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

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

8.93. Reference is made to the sites context as outlined above. The proposed tallest buildings are to be 106,118,126,131,145 and 147m high respectively. These are the maximum heights for each block, with some buildings varying in height.

8.94. In relation to the Town Centre Hierarchy the sites falls within the Activity Area, where a transition in building heights is expected from the Central Activity Zone of Canary Wharf.

8.95. In relation to the Activity Area, the tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is approved at 155m AOD. 2 Millharbour (PA/14/01246) has a resolution to grant planning permission has two buildings at 129 and 148m high.

8.96. South Quay Plaza and Arrowhead Quay located to the north east and northwest of the site (much closer to the CAZ) are proposed to be 238 and 220m high respectively.

8.97. As such, when taking into account the heights within the CAZ (up to 250m) the proposed development is considered to reflect an acceptable transition.

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

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

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

8.99. The design has been extensively consulted on during pre-application and application stage. It is widely acknowledged that subject to detailed conditions the proposed buildings will be of high quality. The architecture is discussed further within this report.

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

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

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

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

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

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

8.103. The proposed development has a number of retail units at ground floor level which are appropriately located to create activity at street level. In addition, some of the buildings include podiums, with taller elements appearing in the background.

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

8.104. The proposed development includes two pocket parks which measure 0.4 and 0.52 hectares in size. In addition, each building has its own communal and child playspaces. Overall, as discussed later within this report officers consider the approach to private and communal amenity space to be of sufficiently high quality and acceptable.

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

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

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

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

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

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

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

8.108. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements.

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

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

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

Local Views

8.111. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence. In this case, the proposed buildings are surrounded by significant amount of public realm, providing 'breathing' space for the buildings.

8.112. Within many local views (Glengall Bridge, Preston's Road Footbridge and Blackwall Dock) the proposed tallest buildings appear at a similar height of Pan Peninsular forming a small cluster of residential buildings different in scale and mass to those of the Canary Wharf estate. Within other views for instance those containing Wood Wharf and South Quay Plaza, within cumulative schemes the proposed towers are considered to fall within the prevailing character of the area.

8.113. The proposed materials are in keeping with the approach taken within nearby developments and ensure the proposed buildings are likely to integrate within their local contexts. As such, the scheme is considered to make an appropriate local response as illustrated in some of the local views.

8.114. The impact of the proposal on Strategic views is discussed further within the heritage section of this report.

School Design

8.115. The replacement schools have been designed in conjunction with the requirements of the existing operators on the Millharbour East site. They are designed with two entrances and broadly spacious environments, with their own play areas.

8.116. The new primary school and nursery has been designed in accordance with the latest education standards and discussions with the Education team. The design includes separate entrances and their own play area.

8.117. Overall, the design is considered acceptable.

Architecture

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

8.119. The scheme has been designed by two architectural firms Hawkins Brown and Studio Egret West. Where buildings have more than one tower on a podium each firm has been responsible for a separate part of the building.

8.120. The resulting elevations of the buildings is carefully considered with each façade/ building informed by its location within the wider area, for instance the façades by the dockside, are proposed to have a greater proportion of glazing than the block facing Millharbour which consists of Reinforced Concrete. Other materials to be used include glazed brick slips, terracotta tiles, timber louvers and glass.

Secure by Design

8.121. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.

8.122. The applicant has had discussions with the Councils Secure by Design during the course of the pre-application discussions. Whilst no comments have been received. A condition is recommended to ensure compliance with secure by design standards.

8.123. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Microclimate

8.124. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.

8.125. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The comfort criteria, seeks to define the reaction of an average pedestrian to wind.

8.126. The criteria set out six pedestrian activities and reflect the fact that less active pursuits require more benign wind conditions. The six categories are sitting, standing, entering/leaving a building, leisure walking, business walking and roadway/car-park, in ascending order of activity level. In other words, the wind conditions in an area for sitting need to be calmer than a location that people

merely walk past. The distinction between leisure walking and business walking is that in the business scenario, where pedestrians are on site because their livelihood depends upon it, they will be more tolerant of stronger winds.

8.127. A total of 208 receptors across the site for all wind directions were tested. These included locations in the ground level areas in and around the Site, the podium and covered amenity spaces, roof terraces and balconies. 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. Some mitigation measures have been incorporated into the design and further mitigation measures are recommended within the Wind Report and these will be secured by conditions.

Inclusive Design

8.128. Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

8.129. One of the key disadvantages of the site as existing is the confusing layout and poor segregation of private and public areas. In addition, in terms of wayfinding the existing layout is confusing with poor public realm and a large proportion of the site in hard standing area.

8.130. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.

8.131. Entrances provide level access, outdoor spaces are either level or gently sloping and the car parking is accessible to disabled users and a sufficient proportion of carparking spaces would be reserved for blue badge users. Wayfinding strategies could be designed with less-able and less-mobile pedestrians in mind. Communal amenity spaces are accessible to less-able users.

8.132. The proposed new homes are also to be conditioned to comply with 'Lifetime Homes' standards, and provide for 10% of housing units to be wheelchair adaptable (or wheelchair accessible for the affordable rent tenure) across a range of tenures and unit sizes.

Design Conclusions

8.133. In terms of detailed design, materials and finishes, the proposed development has followed extensive pre-application discussions with the adjoining site via the Urban Design Framework and individually within the pre-application process. The resulting design is considered to be of high quality that would form a cohesive development that will integrate to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

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

Heritage

8.135. The environmental statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.

8.136. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

8.137. London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

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

Strategic Views

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

8.140. 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. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11B.1 and that its outer profile should not be compromised.

8.141. The Townscape and Visual Impact Assessment (TVIA) analysis shows that the proposal will appear in the distance between Pan Peninsula and to the southernmost tower. The (TVIA) suggests because of its design quality and heights, which due to the site being east of Tower Bridge appear much lower

than the overall height of the tower Overall, the proposal will have a beneficial impact on the LVMF view and the setting of Tower Bridge. Officers consider that the proposal development which along with cumulative schemes would appear within the backdrop, however the overall impact would be neutral.

8.142. The LVMF view 11B.2 shows the development fall within the background of Tower Bridge. Along with cumulative schemes the resulting impact is considered acceptable.

8.143. From both views (11B.1 and 11.B2) the proposal will not detract from the setting from the Tower of London World Heritage Site.

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

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

8.145. The TVIA includes a fully rendered view of the proposal from assessment point 5A.1, which demonstrates the impact of the proposals. The proposed buildings fall within the Canary Wharf cluster. When taking into account various cumulative schemes (including those consented since submission of the application) the proposed buildings will fall comfortably within a cluster of buildings of a similar and greater height. As such, it is considered that the proposed development will not detract from the integrity and importance of the World Heritage Site.

Archaeology

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

8.147. English Heritage (archaeology) advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that subject to a condition to agree and implement a Written Scheme of Investigation, no objections are raised.

Surrounding Conservation Areas and Listed Buildings

8.148. It is considered that, having regard to the distance between this site and surrounding heritage assets (including Grade 1 and Grade II Listed dock walls and Coldharbour, West India Dock and Narrow Street Conservation Areas), along with the cumulative effect of consented tall buildings in the Tower Hamlets Activity Area, the proposal would not have an unduly detrimental impact on the setting of these assets.

Housing

Principles

8.149. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "…. housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."

8.150. The application proposes 1500 residential units as part of a mixed use scheme. The site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan is 3,931 following the adoption of the further Alterations to the London Plan in March 2015.

8.151. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

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

	Studio	**1 bed**	**2 bed**	**3 bed**	**4 bed**
Open market	153	367	471	181	3
Affordable Rent	0	32	52	146	10
Intermediate	1	23	42	19	0
TOTAL	**154**	**422**	**565**	**346**	**13**
Total as %	**17**	**47**	**63**	**38**	**1**

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

Affordable Housing

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

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

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

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

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

8.158. The affordable housing proposed is 26.6% by habitable room, with all to be located on-site. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed delivers the maximum level of affordable housing that can viably be achieved.

8.159. The affordable housing is being delivered at a 77/23 split between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. In this particular instance,

when taking into the discussions that have taken place in relation to maximising the level of affordable housing, the proposal which seeks to maximises the rented accommodation and in particular the family sized units (which equate to 65% of the total rented), it is considered an appropriate balance has been achieved.

8.160. The affordable rented units are offered at the LBTH Borough Framework rent levels for this postcode at the point of occupation. This is considered to be an appropriate balance which again seeks to optimise affordable housing whilst also seeking to maximise the affordability of that housing.

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

Housing Mix

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

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

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
STUDIO	154	0	0	0%	1	1	0%	153	13	0%
1 BED	422	32	13	30%	23	27	25%	367	31	50.00%
2 BED	565	52	22	25%	42	49	50%	471	40	30.00%
3 BED	346	146	61	30%	19	22	25%	181	15	20%
4 BED	13	10	4	15%	0	0		3	0	
5 BED	0	0	0	0%	0	0		0	0	
6 BED	0	0	0		0	0		0	0	
	1500	**240**	**100%**	**100%**	**85**	**100%**	**100%**	**1175**	**100%**	**100%**

8.164. Within the scheme, the applicant has sought to provide less one and two bedroom units in the rented tenure in favour of providing more family sized affordable housing. The family sized rented accommodation equates to 65% of the total rented units against a policy target of 45%. Given there is a significant

demand for family sized units the proposed mix within the rented section considered acceptable. It is also noted that the consequential impact of a larger number of family sized units in terms of child play space and education impacts has been accommodated within the design of the development.

8.165. The unit mix within the intermediate tenure is broadly policy with a 27% provision of one beds against a target of 25% and a 49% provision of two beds against a policy target of 50%. Lastly, 19% family sized units are provided against a target of 25%.

8.166. The private housing component of the development whilst broadly compliant is off policy by a few percentage points. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements". The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

8.167. The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

8.168. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

8.169. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

8.170. All of the proposed flats meet or exceed the London Plan minimum internal space standards, numerous residential cores are proposed to accord with objectives of the Housing SPG by providing a sense of ownership.

8.171. The flats are to be designed in accordance with the Lifetime Homes standards and 10% of units will be wheelchair adaptable and this is to be secured by condition. The majority of 3 bedroom units have separate kitchens or can be adapted to have separate kitchens. This is considered acceptable. The

proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality.

Internal Daylight and Sunlight

8.172. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.

8.173. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

8.174. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

8.175. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.

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

Daylight

8.177. The submitted ES includes Average Daylight Factor (ADF) levels available to the rooms within the proposed development. The testing has taken into account the 2 Millharbour scheme submitted under PA/14/01246.

8.178. The report shows that the majority of the buildings benefit from acceptable levels of ADF. In respect of bedrooms the ADF results demonstrate that in respect of the proposed bedrooms 91% of them will be lit to in excess of 1.0% ADF.

8.179. In terms of living rooms the analysis shows that 75% will be daylit in excess of the BRE minimum recommendation of 1.5% ADF. In overall terms 86% of rooms exceed ADF requirements.

8.180. The DD results demonstrate that the 75 % of all the rooms will achieve in excess of 74% of their area beyond the no-sky line.

8.181. The daylight has been reviewed independently, by DPR who have commented further on those that do not meet the guidance. They have advised in most instances, the deep inset balconies contribute to the lower levels of daylight and that this should be factored into the consideration. They have also advised that that where units fail the ADF test they have relatively good NSL.

8.182. DPR have also highlighted a number of instances where ADF is very low and the rooms affected by this would require supplementary electric lighting for most of the time.

8.183. When considering the number of units (1500), the number of habitable rooms (4142 habitable rooms), as well as the setting of the site within a dense urban environment, officers consider the resulting daylight to future residents on the whole to be broadly acceptable.

Sunlight

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

8.185. Following a review of the applicants report DPR have advised that the applicants report provides the sunlight results and shows that 60% of the habitable rooms have 25% annual probable sunlight hours or 5% winter sunlight hours. It is inevitable that not all rooms will have these levels of sunlight due to the self-obstruction from other blocks and from living rooms being set back behind balconies limiting the availability to receive sunlight during the full course of the day even if otherwise unobstructed by other buildings.

8.186. On balance therefore, the sunlight results are considered appropriate for buildings for this type in a dense urban location.

Shadow Analysis

8.187. The ES chapter assesses shadow to a number of community areas further round and within the site and gives the percentage of those areas that will achieve two hours or more of sunlight on 21 March.

8.188. Of the areas tested, parts of the G4 Public Ground level Amenity and the G2.1/2.2 Access Deck will have low levels of sunlight on 21 March and will be effectively permanent shaded spaces during the winter months. During summer the sunlight is expected to be better. There are reasonable good levels of sunlight to other amenity spaces particularly the G2.2 podium amenity and the

G4 high level amenity. The ES chapter states that the overall impact on shadowing is moderate to adverse and DPR have agreed with this view as part of their advice to the Council..

8.189. Officers consider overall, the results to be acceptable given the open spaces are broadly in line with the locations set out within the emerging South Quay Masterplan and that the impact on these spaces is from developments to the south of the site, not necessarily those of the application site.

Amenity Space and Public Open Space

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

Private Amenity Space

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

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

Public Open Space

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

8.194. The following plan shows the allocation of the ground floor public realm. The two pocket parks are circled.

8.195. 

8.196. The western space is primarily designed as child play space, whilst the Eastern Park is to be more 'open' in feel and helps animate the docks to the east of the location.

8.197. The total area of the ground floor pocket parks is approximately 0.96 hectares, which is considered a substantial amount of space, will provide a location for a variety of recreational uses. It is also noted the GLA strongly support the provision of these spaces.

8.198. The spaces are designed to an extremely high quality and take into account the historic granary structures which were present on the site.

8.199. Overall, officers consider that the approach taken in relation to the quality of public realm to be of sufficiently high quality and are confident it will provide an attractive and pleasant contribution to the local area.

Communal Amenity Space

8.200. 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 1540sqm.

8.201. A total of 1934sqm of communal amenity space is provided within the development, and this is located within the four blocks at podium or roof level terraces.

8.202. The proposed space has been designed to a high quality and is purposely located away from the two pocket parks to provide a more private space for the residents.

8.203. As such, overall, officers are supportive of the approval to communal amenity space which is suitably located and exceeds policy requirements.

Child Play Space

8.204. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents. The scheme is predicted to contain 450 children (0-15 years of age) using LBTH yields, and 507 children based on the GLA yields. As such, 4504 sqm of play space is required (based on LBTH yields). The GLA equivalent requirement is 5068sqm. A breakdown by age bracket is provided below (based on LBTH yields):

- 178 children who are between 0 to 3 requiring 1781sqm of space;
- 183 children who are between 4 to 10 requiring 1832sqm; and,
- 89 children who are aged between 11 to 15 requiring 891sqm.

8.205. The application has been accompanied with a comprehensive playspace strategy which has been commended by the GLA within the stage 1 response. The strategy has considered surrounding areas in accordance with the GLA Playspace guidance and sought to utilise various locations within the four blocks and two pocket parks to provide a substantial amount of high quality playable space to cater for the proposed development. Each location has been carefully considered with particular age group in mind.

8.206. The proposed playspace measures 5068sqm meeting the GLA requirement and exceeding the LBTH standard by 564sqm. This space does not include the playspace provided as part of the two schools which in accordance with guidance could be used to contribute to the overall child play space requirements.

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

Noise and Vibration

8.208. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often

create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

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

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

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

8.212. This has been reviewed by the Councils Independent consultants as part of the ES review, who have confirmed no objections are raised subject to conditions ensuring the relevant standards are met.

Air Quality

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

8.214. The Air Quality assessment suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.

8.215. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.

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

Neighbouring amenity

8.217. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting

conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

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

8.219. As a result of the application site being low rised, 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 to neighbouring sites.

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

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

8.222. 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 by Delva Patman Redler (DPR), these are discussed below.

Daylight

8.223. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.

8.224. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive. It is for that reason that officers consider the most appropriate test is Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.

8.225. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
- 1.5% - Living Rooms
- 1.0% - Bedrooms

8.226. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

8.227. The following properties have been tested for Daylight and Sunlight based on usage and proximity to the site:

- 4 Mastmaker Road
- Indescon Court Phase II, Lincoln Plaza Indescon Court - East Block
- Indescon Court 1
- 31-39 Millharbour (Ability Place)
- Pan peninsular
- Discovery Dock East

8.228. The daylight/sunlight assessment considers the existing built scenario, includes a comparison with the massing as set out within the Millennium Quarter Masterplan and a cumulative assessment including the assessment

4 Mastmaker Road

8.229. The scheme will cause substantial VSC reductions to windows in this property with the majority of reductions being more than 40% from existing and many being more than 50% and higher. There will also be higher reductions in NSL to some rooms on all floors.

8.230. In relation to ADF, the results are considered to be good and it appears as though the ADF levels are likely to be suitable for most of the rooms.

8.231. However, as the site is within the Millennium Quarter Masterplan area (MQMP), the further tests have identified that there are no rooms that will have worst results than the Master Plan scheme and that there will be significant improvements in both VSC and NSL. The fact that there are significant improvements in daylight mean that the Councils independent consultants agree with the applicant that the impact can be considered to be major beneficial when considered with the Master Plan scheme.

8.232. When considering the development at 2 Millharbour and the MQMP, the ADF results show that of the windows tested, 22 will be left with an ADF of between 1%-1.49%. 19 will be left with ADF of between 0.5%-0.99% and 11 will be left with an ADF of between 0%-0.49 %. Therefore, there will be 40 windows that will have a level of ADF below the minimum recommended level in any event but the actual reductions are small.

8.233. Therefore, on balance, it is considered that the overall impact is minor adverse when compared to the baseline condition.

Indescon Phase II

8.234. In the existing scenario the results for Indescon Phase 2 (and East and Tower Blocks) show significant failures of the VSC standard, Reductions are substantially between 30%-40% although there are some rooms on the second floor with losses of between 50%-70%.

8.235. To balance this, DPR have advised the rooms will have very good levels of NSL and therefore the perception of open outlook will be maintained.

8.236. Similarly, when considering the MQMP, only one window tested will experience a reduction in the VSC of more than 20% from the MQMP scheme and no windows will experience a worsening of NSL results.

8.237. The ADF results in this building are generally good and above minimum standard, with only a small number of exceptions.

8.238. On balance, DPR agree with the applicant that the impact is major beneficial in relation to the MQMP scheme.

8.239. When considering the effect with the MQMP and 2 Millharbour. The ES chapter shows that of the 98 windows tested 63 will experience a reduction of between 20%-29.9% and 6 will experience a reduction of between 30%-39.9%. For NSL results, of the 52 rooms tested, 5 will experience a reduction of between 20%-29.9% and none are worse than this.

8.240. The ADF results show that 12 rooms will be left with ADF of between 1%-1.49% and 5 will be left with ADF of between 0.5%-0.99%. All rooms experience a reduction in ADF from the baseline condition.

8.241. On balance, DPR have advised the Council that they do not agree with the applicant's assessment that the impact would negligible and consider it to be minor adverse.

Indescon 1

Comparison with Existing Site

8.242. The VSC results for this property show the majority of windows not meeting the VSC standard although, in general, these are between 20%-30% and most of these are nearer 20% reduction. There are some windows with losses of over 40%. The NSL results for this property will remain good and the rooms will appear to have an open aspect to occupants within the rooms.

8.243. The ADF results show substantial compliance with the required levels of ADF and this, coupled with the NSL results, mean that the rooms will appear to have adequate daylight in the proposed condition even though reductions will take place. As such, DPR consider these results to be a moderate adverse impact.

8.244. When considering the MQMP scheme, the ES chapter shows that there will be no windows in the Indescon 1 scheme that experience a reduction in VSC or NSL or more than 20% from the Master Plan scheme result. This is because the scheme proposal involves construction of towers with gaps between improving the long distance sky visibility as seen from the Indescon properties.

8.245. The ADF results for these properties are generally good and above minimum standard. DPR therefore agree with the applicant that the impact when compared with the MQMP is major beneficial.

8.246. When considering the MQMP, DPR have advised that there will be no windows in the Indescon 1 scheme that experience a reduction in VSC or NSL or more than 20% from the Master Plan scheme result. This is because the scheme proposal involves construction of towers with gaps between improving the long distance sky visibility as seen from the Indescon properties.

8.247. When considering 2 Millharbour, The ES chapter shows that the VSC of the 393 windows tested, 21 will experience a reduction of between 20%- 29.9%, 30 will experience a reduction of between 30%-39.9% and 51 will experience a reduction of more than 40%.

8.248. For NSL, of the 160 rooms tested, 12 will experience a reduction of between 20%-29.9%, 4 will experience a reduction of between 30%-30.9% and 7 will experience a reduction in more than 40%. However, a large number of rooms will see an increase in daylight distribution as well.

8.249. For the ADF results, there are 25 rooms with only ADF of between 1%-1.49% and 23 with an ADF of between 0.5%-0.99%. This is a reasonably high proportion of the total, almost half, although when considering bedrooms, the results are better than reported.

8.250. The ES chapter does not give an overall effect for this property but DPR consider the overall effect to be moderate adverse.

31-39 Millharbour

8.251. The ES Daylight/ Sunlight report have advised that with the exception of results for the ground floor the scheme proposal will fail the VSC standards for most windows on the upper floors. However, the NSL results are generally very good with only small reductions. There are two rooms on the third floor with a reduction of NSL of more than 20% from existing but this is exacerbated by self-obstructing features on the building.

8.252. The ADF results for the building are generally good and as such, based on the existing scenario a major adverse impact is expected.

8.253. When considering the MQMP and 2 Millharbour. The ES chapter shows that of the 269 rooms tested, 155 will experience a reduction of between 20%-29.9%

and 64 rooms will experience a reduction of between 30%-39.9%. To balance that, none of the rooms will experience a reduction in NSL of more than 20% from existing.

8.254. Of the 86 rooms tested, 11 will experience an ADF of between 1%-1.49% and one will only experience an ADF of below 1%. On balance, DPR agree with the applicant that the impact compared to the baseline scheme is minor adverse.

8.255. The improvements in NSL appear to balance the reductions of VSC. Officers also note residents of this development will have direct access to the proposed park on Millharbour East, which also to an extent balances the loss of daylight.

Pan Peninsula

8.256. In the existing environment, the scheme proposal will cause substantial failures of the VSC standards for this property with many rooms having large reductions of more than 50% from existing and very few rooms having reductions of less than 20% from existing.

8.257. The VSC results that will be left would be relatively low to most windows on the 1st, 2nd and 3rd floors and some windows on floors above that.

8.258. The NSL results show noticeable reductions with some rooms on the 1st and 2nd floor, and individual rooms on the 3rd, 4th and 5th floor, experience reductions in NSL of more than 30% from existing. There are a number of other rooms that will experience a reduction in NSL of between 20%-30%.

8.259. In mitigation the ADF results are generally good and will be almost fully compliant with living room standards better.

8.260. Therefore, whilst there will be a very noticeable reduction in VSC and noticeable reductions in NSL, the rooms will have adequate illuminance for their proposed room use. The NSL results are not inappropriate for a dense urban location such as this. Overall, DPR consider these results to be a major adverse impact.

8.261. When considering the cumulative schemes and MQMP, The ES chapter shows that of the 325 windows tested, 19 will experience a reduction of between 20% to 20.9%, 18 will experience a reduction of between 30%-39.9% and 23 will experience a reduction of more than 40%. The report notes that reductions only take place in kitchens beneath overhang structures and therefore, whilst the reductions appear large, the actual reductions in daylight are small. This is balanced by the NSL which show that no rooms will experience a reduction of more than 20% from existing compared to the baseline scheme.

8.262. The ADF results show that 29 rooms will be left with an ADF of between 1%-1.49% and four rooms will experience an ADF of less than 1%. The ES chapter identifies that there are improvements in both NSL and ADF to many of the rooms.

8.263. On balance, therefore, DPR agree with the applicant that the impact is minor adverse in comparison with the baseline scheme.

Discovery Dock East

8.264. During the course of the application, additional testing was carried on Discovery Dock East, the results show the 59 rooms would see a VSC reduction between 20-29%, 39 rooms would see a reduction between 30-39% and lastly 10 rooms would see a VSC reduction of more than 40%. In all cases, the rooms that meet ADF values would continue to do so following the development, with the exception of 9 livingrooms which currently fail to achieve the 1.5% ADF target.

8.265. The applicant has provided further tests which show a mirrored scheme on the development site between the application site and Discovery Dock East. In this scenario just four habitable rooms fail the VSC test. In all four scenarios the failures are less than 29%. This outlines that Discovery Dock East is likely to be affected in any case should a development come forward on the hoarded off site.

8.266. Overall, whilst there are failures, officers are satisfied that Discovery Dock East will continue to receive sufficient daylight.

8.267. As part of the Urban Design Framework, the current proposals have been designed in collaboration with the adjoining site to the south to ensure both developments achieve an acceptable level of Daylight. Officers support this approach and the resulting designs.

8.268. Overall, it is considered that the proposed development has been sensitivity designed to ensure existing residents receive a realistic amount of daylight and sunlight.

<u>Sunlight</u>

8.269. 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 probably sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

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

8.271. Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

8.272. The only property that has been assessed for sunlight in relation to the proposed scheme without 2 Millharbour is 4 Mastmaker Road. The ES chapter shows that

there will be improvements in sunlight compared to the baseline condition and I agree with the applicant that the impact is major beneficial.

Pan Peninsula

8.273. When considering the existing scenario, there will be noticeable reductions in both annual and winter sunlight to this property. A number of windows on each floor will fail the annual sunlight standard but all except two windows meet the winter sunlight standard. The windows with the lower APSH results will be those where the sunlight is obstructed by overhanging balconies and this is evidenced by the much better sunlight results for less obstructive windows alongside. On balance the results are not inappropriate for a dense urban location and the compliance with winter sunlight standards means that the building will be suitably sunlit during the winter months. DPRI would consider these results to be a major adverse impact.

Comparison with Millennium Quarter Master Plan

8.274. The results for Pan Peninsula show that there are some reductions to winter and total APSH compared to the baseline condition with 122 out of 182 windows tested meet the requirements. The ES chapter states that the effect is negligible to major adverse, but DPR consider an appropriate assessment is that it is minor to moderate adverse.

4 Mastmaker Road

8.275. When comparing the existing site, the annual sunlight standard will not be met for most of the windows on each of the floors with quite large reductions in sunlight occurring, with over 40% reduction to many of the windows. However, all but one of the windows will be left with levels of winter sunlight above the minimum recommended level and most of the windows will be left with 90% winter sunlight or higher. The sunlight levels themselves are not inappropriate for an urban location and this, together with the good winter sunlight results means that the property will be reasonably sunlit by standards of other urban properties. DPR consider these results to be a major adverse impact.

8.276. In relation to the MQMP, The ES chapter shows that there are reductions in annual and winter APSH of more than 20% from existing to 41 of the 59 windows tested. Of these, 17 will experience a reduction of more than 40% from existing annual APSH and 8 will experience a reduction of more than 40% from winter APSH. However, there is an increase in sunlight to some windows. The ES chapter states that the impact is beneficial to major adverse. I would consider this to be moderate to major adverse.

Privacy

8.277. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the new buildings with the existing buildings and also within consented schemes such as 2 Millharbour.

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

Visual amenity / sense of enclosure

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

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

Landscaping and Biodiversity

8.281. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

8.282. The applicant has considered biodiversity within the ES and has provided extensive information within the Design and access statement.

8.283. The proposal includes two pocket parks with significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. The biodiversity enhancement measures are recommended to be secured by the imposition of a condition.

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

Highways and Transportation

Vehicular Access

8.285. Vehicular access to Millharbour West is proposed via a ramp situated on Mastmaker Road at ground level between blocks G.3 and G.4. This is considered acceptable. The access will be conditioned to ensure the ramp is able to accommodate vehicles waiting to enter and exit the site to avoid potential congestion on Mastmaker Road.

8.286. Following comments from the Councils Transportation and Highways department a stage 1 safety audit has been carried out. The report outlines subject to

mitigation, which will be covered via a condition, the entrance to Millharbour West can be safely designed.

8.287. The access to Millharbour East is via a new road accessed from Millharbour to the north of Block G1 and Pan Peninsular. Concerns have been raised over the safety of this route, and in response the applicant has provided a swept path analysis which identifies how two large goods vehicles can pass. The design is in accordance with the Manuals for Streets and have been reviewed by the Councils Transportation officer who is satisfied with the details provided, the final management of deliveries is to be secured via a delivery and service management plan. The plans also show how vehicles can turn within the site to avoid them reversing back onto the Highway.

8.288. Concerns have also been raised over the appropriateness of the vehicle entrance to the south of the existing residential entrance of Pan peninsula. The entrance has been reviewed by officers who consider it to be appropriately siting and not to have an adverse impact on the visual amenity of Pan Peninsula, given it will be suitably screened by an existing line of trees which distinguish the boundary of the two sites.

Car Parking

8.289. The site has a PTAL of between 3 and 5, and the proposal is for 1500 dwellings, the majority of the site is within PTAL 4 and as such, the maximum car parking provision would therefore be 459 spaces based on the local plan standards. The development now proposes 244 spaces including 27 disabled parking.

8.290. The development originally proposed 382 spaces so the reduction in spaces is supported by officers. LBTH Transportation and Highways have a preference for less parking on site, however given the proposed parking is below policy requirements and given the various mitigation measures proposed by the applicant they have advised the reduction in parking is welcomed.

8.291. Given the development is losing 100 spaces the net increase in parking of 144 overall is considered acceptable.

Vehicular Trip Rates

8.292. The application proposes 244 new parking spaces. The Transport Assessment suggests this will lead to around 50 vehicular trips during the morning peak time and 38 during the evening peak times. The morning will be focussed on vehicles leaving the site, whilst in evening they would concern vehicles returning to the site.

8.293. When taking into account the increase in vehicles trips, TfL and the Councils Transportation and Highways team have advised that the two junctions leading into the Isle of Dogs are at near capacity. As such, any increase will have an impact. This is also a significant concern shared by the local residents. However, with the policy emphasis on the Isle of Dogs as a ‘opportunity area’ and the sites allocation within the Millennium Quarter to provide a strategic

housing development it is considered there will be an inevitable impact on local transport which will need to be mitigated through developments. In this case, and further infrastructure works will need to be undertaken

8.294. Overall, it is considered that the submitted Transport Assessment (TA) is a credible assessment that allows robust conclusions to be drawn. Furthermore, the evidential base of the TA is proportionate to the likely effects of the development.

Cycling and Pedestrians

8.295. A total of 3,304 cycle spaces are to be provided within the development. . This is in accordance with relevant standards. The type and location of the spaces will be conditioned to ensure they are suitably sited and retained for the duration of the development.

8.296. Due to the cumulative impact of future development in the South Quay area and the expected number of residents, office workers and visitors, there would be additional pressure on TfL's cycle hire scheme ("boris bikes"). Accordingly, the applicant in discussion with TfL have identified space within their site for the provision of around 40 cycles. This will be funded by the development and is to be secured within the s106 legal agreement.

South Quay Footbridge

8.297. 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 supporting a second footbridge across South Dock to improve north-south connectivity in the area. This is a priority within the emerging South Quay Masterplan and the LBTH CIL pooled could be used to help fund this bridge.

Public Transport

Buses

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

DLR

8.299. TfL advises that there is sufficient capacity is available on DLR trains to accommodate trips to and from this development. The collection of LBTH CIL could be used to provide additional wayfinding signage.

8.300. A condition will also be imposed for the applicant to provide a wayfinding strategy within the site, to potentially reduce the number of trips on the DLR.

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

Jubilee and Crossrail

8.302. The capacity of Canary Wharf Underground station together with the Crossrail Station when opened is sufficient to accommodate trips from this site.

Demolition and Construction Traffic

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

Public Highways works

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

Waste

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

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

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

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

8.308. The applicant during detailed pre-application discussions was advised by the Council's Waste Officer that given the large number of units, a 'compaction system' is preferred. This system compacts refuse into collection parcels which would take less time to collect. The Councils Waste officer has advised that this approach has not been adopted and is unlikely to be adopted until 2017.

8.309. The proposal has been designed with both Millharbour East and West capable of storing the facilities to enable compaction to take place. This is welcomed by officers.

Energy & Sustainability

8.310. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

8.311. The climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

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

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

8.313. 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. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

8.314. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.

8.315. The applicant is also required to comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.

8.316. The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures and use of a centralised CHP system. The CO2 emission reductions proposed are supported and would result in a circa 33% reduction against the Building Regulations 2013.

8.317. The Councils Energy and Sustainability officer has recommended a condition be applied relating to the CHP energy strategy to ensure that the scheme is compliant with London Plan policy 5.6 and connects to an existing district heating system where available. This is recommended to be secured should consent be granted.

8.318. The Energy strategy identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects

8.319. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a 'cash in lieu' contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '…carbon di-oxide that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a 'cash in lieu' contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'

8.320. For the proposed scheme, £411,133 has been agreed for carbon offset projects. This would be secured within the S106 agreement.

8.321. The overall approach to reducing carbon dioxide is supported and in accordance with relevant policies and is recommended to be secured by condition and within an s106 agreement.

8.322. The submitted Sustainability Statement includes a Code pre-assessment and BREEAM pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating and BREEAM Excellent rating. This is supported and recommended to be secured by way of condition.

Environmental Considerations

Air quality

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

8.324. In this case, the development provides a level of car parking below the Council's parking standards, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions.

8.325. Subject to a condition to ensure that mitigation measures for nitrogen dioxide (NO_2) and particulate matter (PM_{10}) are in place for the residential units and other sensitive receptors; the scheme, once complete, is not objectionable in air quality terms.

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

Operational noise, vibration and odour

8.327. Subject to appropriately worded conditions, the developments impact interms of noise and vibration levels within the proposed residential units would be acceptable.

8.328. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance and any internal noise transmission between the gym and residential uses could be controlled by a condition requiring noise/sound insulation. Noise from the A1-A3 uses could also be controlled by an "hours of use" condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.

Demolition and Construction Noise and Vibration

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

8.330. A series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, will seek to minimise the effects and ensure that all works are carried out in accordance with contemporary best practice if planning permission is granted.

Contaminated Land

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

8.332. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

Flood Risk and Water Resources

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

8.334. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use. As part of that Allocation, a Sequential Test had been undertaken. There have been no material changes in policy or site circumstances to question the continued validity of the conclusions of that test. Accordingly, in accordance with the NPPG a further Sequential Test is not required to support this application.

8.335. The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advice that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity flooding elsewhere. The Environment Agency advise that the proposed finished floor level (of the ground floor) be set at 300mm above the level of a 1 in a 100 year flood event taking account of climate change. The applicant has confirmed that the ground floor finished floor level is above 5m AOD which meets the Environment Agency's requirements. Were the application to be approved, this could be conditioned appropriately.

8.336. In relation to surface water run-off, Sustainable Drainage system measures could be employed to reduce surface water discharge in accordance with relevant policy and guidance. A condition is recommended to secure this. Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.

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

Television and Radio Service

8.338. The impact of the proposed development on the television reception of surrounding residential areas has been considered and no adverse impacts are considered necessary. This is because the existing terrestrial TV shadows cast by several of the nearby towers, such as 25 Churchill Place and the Reuters Building, have greatly reduced the length of the predicted shadow from the Proposed Development.

London City Airport Safeguarding Zone

8.339. The application site is located close to the London City Airport Safeguarding Zone and the proposal includes tall buildings. Therefore, an assessment of the proposal on the Zone is necessary. London City Airport have raised no safeguarding objection to the scheme subject to appropriate conditioning relating

to heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause airstrikes.

Health Considerations

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

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

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

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

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

Impact upon local infrastructure / facilities

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

8.345. The NPPF requires that planning obligations must be:

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

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

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

8.348. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.

8.349. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015. The consultation will be carried out between the 27th April 2015 and the 1st June 2015, for a period of five weeks which is in line with the Council's Statement of Community Involvement.

8.350. The boroughs four main priorities remain:

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

8.351. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.352. The development is predicted to have a population yield of 3019, 450 of whom will be aged between 0-15 and are predicted to generate a demand for 162 school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

8.353. As outlined in the following section LBTH CIL is now applicable to the development, and along with the onsite schools, the CIL will help mitigate these impacts.

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

- Enterprise and Employment Skills and Training;
- energy; and,
- a 2% monitoring contribution.

8.355. The applicant has also offered 26.6% affordable housing by habitable room with a tenure split of 77/23 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is

considered to maximise affordable housing levels in accordance with relevant policy.

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

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

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

Heads	**s.106 financial contribution**
Employment, Skills, Construction Phase Skills and Training	£431,714.00
End User	£30,021.00
Carbon off-setting	£411,133.00
Monitoring	£17,457.00
Total	**£890,325.00**

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

Other

Financial Considerations

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

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

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

8.361. Section 70(4) defines "local finance consideration" as:

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

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

8.363. These are material planning considerations when determining planning applications or planning appeals.

8.364. 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. The approximate CIL contribution is estimated to be around £3,931,249.52.

8.365. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm).The site is within the Isle of Dogs charging area and the contribution should be confirmed by the borough.

8.366. In this case when considering the existing B1 floorspace to be loss 8,726sqm which is replaced with 5,820sqm of commercial floorpace, there is no net increase in commercial floorspace and as such, no Crossrail top up is required in this instance.

8.367. The New Homes Bonus (NHB) 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. For the first year the NHB is expected to be in the region of £2,256,984 and over the six year period around £13,541,906.

8.368. This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £26,396,628 of which £6,020,920 is likely to be the social housing relief. The resulting CIL is £19,375,708. If the local authority take up the state school than the CIL payment will be reduced in accordance with the CIL regulations as a ‘cash in lieu’ payment.

Human Rights Considerations

8.369. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

8.370. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.371. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.372. Were Members not to follow Officer’s recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

8.373. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

8.374. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.375. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Act Considerations

8.377. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,

3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.378. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.379. The affordable housing supports community wellbeing and social cohesion.

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

9. Conclusion

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

Planning Application Site Map
PA/14/03195

Planning Application Site Boundary

Consultation Area

Locally Listed Buildings

Statutory Listed Buildings

Land Parcel Address

OSLine

0 20 m

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

1:5,000