

Committee: Strategic	Date: 18 February 2016	Classification: Unrestricted	Agenda Item Number:
--------------------------------	-------------------------------------	--	----------------------------

Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jermaine Thomas	Ref No: PA/15/02671 - Full Planning Permission
	Ward: Canary Wharf

1. APPLICATION DETAILS

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

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

Proposal: Application for demolition of all buildings on site at
50 Marsh Wall, 63-69 and 68-70 Manilla Street to
enable redevelopment to provide three buildings
of 65 (217.5m AOD), 20 (79.63m AOD) and 34
(124.15m AOD) storeys above ground comprising
634 residential units (Class C3), 231 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),
provision of a new landscaped piazza, public open
space and vehicular access, car parking, cycle
storage and plant. Retention of 74 Manilla Street
as North Pole public house (Class A4).

The application is accompanied by an
Environmental Impact Assessment.

**Drawing and
documents:**

Submitted Plans

Revised Plans

1406-A-100-098 rev 01, 1406-A-100-098-m rev 01

1406-A-100-099 rev 01, 1406-A-100-101 rev 01
1406-A-100-106 rev 01, 1406-A-100-109 rev 01
1406-A-100-112 rev 01, 1406-A-100-115 rev 01
1406-A-100-121 rev 01, 1406-A-100-122 rev 01
1406-A-100-124 rev 01, 1406-A-100-125 rev 01
1406-A-120-106 rev 01, 1406-A-120-109 rev 01
1406-A-120-112 rev 01, 1406-A-120-115 rev 01
1406-A-120-124 rev 01, 1406-A-120-125 rev 01
1406-A-400-002 rev 01, 1406-A-420-001 rev 01
1406-A-420-002 rev 01, 1406-A-420-003 rev 01
1406-A-420-010 rev 01, 406-A-420-011 rev 01

000 series

1406-A-000-001, 1406-A-000-002
1406-A-000-003, 1406-A-000-004
1406-A-000-005, 1406-A-000-006

100 Series

1406-A-100-096, 1406-A-100-097
1406-A-100-100, 1406-A-100-100m
1406-A-100-102, 1406-A-100-103
1406-A-100-104, 1406-A-100-105
1406-A-100-105-m, 1406-A-100-130
1406-A-100-131, 1406-A-100-132
1406-A-100-133, 1406-A-100-135
1406-A-100-142, 1406-A-100-143
1406-A-100-144, 1406-A-100-163
1406-A-100-164, 1406-A-100-167

110 Series

1406-A-110-099, 1406-A-110-100
1406-A-110-100-m, 1406-A-110-101
1406-A-110-102, 1406-A-110-103
1406-A-110-121, 1406-A-110-122
1406-A-110-123, 1406-A-110-134
1406-A-110-142, 1406-A-110-143
1406-A-110-144, 1406-A-110-163
1406-A-110-164, 1406-A-110-165
1406-A-110-167

120 Series

1406-A-120-099, 1406-A-120-100
1406-A-120-101, 1406-A-120-102
1406-A-120-103, 1406-A-120-104
1406-A-120-105, 1406-A-120-105m
1406-A-120-130, 1406-A-120-131

1406-A-120-132, 1406-A-120-133
1406-A-120-135

200 Series

1406-A-200-001, 1406-A-200-002
1406-A-200-003, 1406-A-200-004
1406-A-210-001, 1406-A-210-002
1406-A-210-003, 1406-A-210-004
1406-A-220-001, 1406-A-220-002

300 Series

1406-A-300-001, 1406-A-300-002
1406-A-300-003, 1406-A-300-004

400 Series

1406-A-400-001, 1406-A-400-002 1
1406-A-410-003, 1406-A-410-010
1406-A-420-004, 1406-A-420-005
1406-A-420-006

500 Series

1406-A-510-001, 1406-A-510-002
1406-A-510-003, 1406-A-510-004
1406-A-510-005, 1406-A-510-006
1406-A-510-007, 1406-A-510-008
1406-A-510-009, 1406-A-510-010
1406-A-510-011, 1406-A-510-012
1406-A-510-013

School plans

1406-A-100-099 rev 00, 1406-A-100-100 rev 00
1406-A-100-100-m rev 00, 1406-A-100-101 rev 01
1406-A-100-102 rev 00, 1406-A-100-103 rev 00
1406-A-100-104 rev 00, 1406-A-100-105 rev 00
1406-A-100-105-m rev 00, 1406-A-120-099 rev 00
1406-A-120-100 rev 00,
1406-A-120-101 Alt 1 rev 00
1406-A-120-102 rev 00, 1406-A-120-103 rev 00
1406-A-120-104 rev 00, 1406-A-120-105 rev 00
1406-A-120-105m rev 00

Documents

Site Location Plan
Design and Access Statement

Planning Statement
Education Needs Assessment
Hotel Needs Assessment
Affordable Housing Viability Assessment
Energy and Sustainable Design Statement
Statement of Community Involvement
Environmental Impact Assessment (EIA)
Environmental Statement (ES) (Amended)
School Accommodation schedule

Applicant: Darker Limited acting for Far East Consortium International

Ownership: Applicant

Historic None

Building:

Conservation None

Area:

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Development Plan and other material considerations (including the NPPF) and has concluded that:
- 2.2. The proposed development exhibits clear and demonstrable over-development of the site by but not limited to:
- 2.3. The proposed development would have limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and excessive density.
- 2.4. The proposed development would have an insensitive relationship with the surrounding properties of Byng Street and Bellamy Close, provide little visual relief, have an overbearing appearance from surrounding public realm and local views, and fail to provide a human scale of development at street level.
- 2.5. The proposed development would fail to interface with the surrounding land uses, prejudice future development of neighbouring sites and would not contribute positively to making places better for people.
- 2.6. The proposed development would provide compromised communal amenity space, insufficient sense of ownership and limited quantum of private amenity space, poor doors to the affordable rent units and unacceptable levels of day lighting and sun lighting to the detriment of the living conditions of the future residents.
- 2.7. The proposed development would not implement the waste management hierarchy of reduce, reuse and recycle.

- 2.8. The benefits of the scheme, including but not limited to the redevelopment of the brownfield land and the provision of private and affordable housing, do not outweigh the harm identified above and, as a consequence, the proposal would fail to be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas. These are clear and demonstrable symptoms of overdevelopment of the site.
- 2.9. The above demonstrable negative local impacts cannot be addressed through the appropriate use of planning conditions or obligations and as a consequence substantially outweigh the desirability of establishing a new school.
- 2.10. As such, the scheme is contrary to the Development Plan in particular, policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.8, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.
- 2.11. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.

3. RECOMMENDATION

- 3.1. That subject to any direction by the London Mayor, planning permission is REFUSED for the following reasons:
1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include but not limited to:
 - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and density;
 - ii. its impact to the setting of the Maritime Greenwich World Heritage Site and the Grand Axis

- iii. an insensitive relationship of the western building with the surrounding properties of Byng Street and Bellamy Close which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
- iv. a failure to interface with the surrounding land uses, which as a result would prejudice future development of neighbouring sites and fail to contribute positively to making places better for people;
- v. a failure to provide sufficient private amenity space, sense of ownership within the cores, an appropriate welcoming quantum of communal amenity space, and a significant number of sunlight and daylight failures would not provide high quality residential accommodation;
- vi. a failure to implement the waste management hierarchy of reduce, reuse and recycle;

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

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

Accordingly, the proposal would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and is contrary to the Development Plan, in particular policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.8, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services,

amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide two mixed-use buildings. The east building would be 65 storeys high (217.5m AOD) adjacent to Marsh Wall and 20 storeys high (79.63m AOD) adjacent to Byng Street above ground floor and mezzanine levels. The west building would be 35 storeys high (124.15m AOD) above ground floor and mezzanine levels.
- 4.2. The development comprises of the following uses:
- 634 residential units (class C3)
 - 9,966sqm (GIA) hotel (class C1)
 - 3,443sqm (GIA) School and community hall (class D1)
 - 398sqm (GIA) Health Centre (class D1)
 - 200sqm (GIA) Café / Restaurant (class A3)
 - 394sqm (GIA) North Pole Public House (class A4)
- 4.3. In relation to the proposed 634 residential units, 25% of these would be affordable housing by habitable room. In dwelling numbers this would comprise 509 private units, 35 intermediate units, and 90 affordable rented units. This provision is set out below, as well as the mix by tenure.

Number and Percentage of units and habitable rooms by tenure

	Number of units	%	Habitable Rooms	%
Open Market	509	80%	1281	75%
Affordable rent	90	14%	329	19%
Intermediate	35	6%	94	6%
TOTAL	634	100	1704	100%

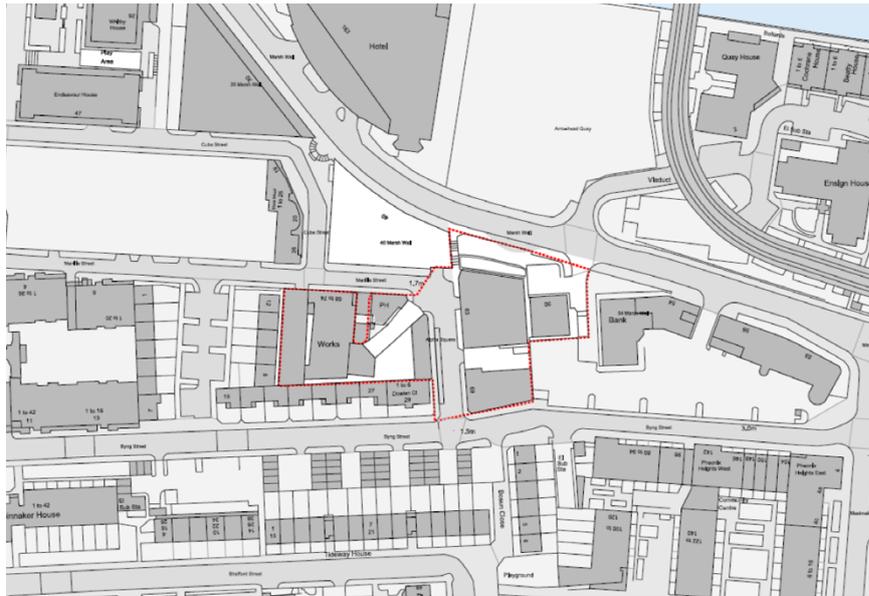
Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	52	193	213	51	0
Affordable rent	0	36	6	33	15
Intermediate	0	11	24	0	0
TOTAL	97	247	264	65	12
Total as %	14	36	38.5	9.5	2

- 4.4. The proposal would consist of the loss of the existing local open space provision known as Wayside Gardens and its replacement with a new public open space provision known as Alpha Square.
- 4.5. The development would also comprise of 3 basement levels which would contain the car and cycle parking space, refuse provisions and plant equipment.

Site and Surroundings

- 4.6. The application site consists of two parcels of land that are separated by Manilla Street. The site has a combined area of approximately 0.43 hectares inclusive of the discussed public highway.
- 4.7. The parcel of land to the west and south of Manilla Street is known 68-70 Manilla Street and the North Pole Public House. This part of the site is located to the north of the two storey residential properties along Byng Street and to the east of the residential properties along Bellamy Close. At the north east corner of this parcel of land wraps around the neighbouring garage site known as 72 Manilla Street.
- 4.8. The parcel of land to the east of Manilla Street known as 50 Marsh Wall and 63 – 69 Manilla Street runs from Marsh Wall to the north down to Byng Street to the south. To the northwest corner of part of this parcel of land is a change in level and the existing Lenanton steps which provide access from Marsh Wall down to Manilla Street. This parcel of land which has an upside down L shape has a wider frontage along Marsh Wall than Byng Street. The northern part of this parcel of land along Marsh Wall also consists of Wayside Gardens which is identified as a local open space and is under the ownership of the LBTH.
- 4.9. The existing uses across the application site are the North Pole Public House, light industrial warehouses, a residential unit and a BUPA health and dentist centre.
- 4.10. The site does not fall within a conservation area.
- 4.11. Manilla Street also consists of eight on-street public car parking spaces under the control of LBTH Parking Services.
- 4.12. The following plan shows the extent of the application site outlined in red.



- 4.13. The neighbouring site to the northwest corner is 40 Marsh Wall which comprises of a 39 storey hotel building.
- 4.14. The neighbouring site to the east is 54 Marsh Wall. The site is occupied by a three storey building comprising a banking hall (Class A2) at ground floor level with commercial office space (Class B1) above and ancillary parking.
- 4.15. The properties to the west and south along Bellamy Close and Byng Street are generally two stories in height. Further along Byng Street the properties however do increase in height to 5 – 20 storeys.
- 4.16. The low rise residential properties within the immediate vicinity give a domestic character to the surrounding street and provide a sense of openness from the taller buildings along Marsh Wall.

Designations

- 4.17. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of local plan policies.
- 4.18. The site is identified as an Area of Regeneration in the London Plan and forms part of the Isle of Dogs Activity Area.
- 4.19. The site is located within the South Quay Master Plan Area. The South Quay Master Plan SPD envisions a thriving dockside urban neighbourhood of varied densities integrated with the wider area and home to a diverse community.

- 4.20. The site is within an Environment Agency designated Flood Zone 3 - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.21. 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 is the view from the General Wolfe Statue in Greenwich Park.
- 4.24. The site is within the Crossrail Safeguarding Area as well as Crossrail SPG Charging Zone.

Environmental Impact Assessment

Legislation

- 4.25. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 4.26. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

Previous Application

- 4.27. An application for the site was previously made in November 2014 (PA/14/3281), which was accompanied by an ES. This application was subsequently withdrawn.

EIA Screening

- 4.28. A formal EIA Screening Opinion was requested from LBTH in July 2014 (PA/14/01972).
- 4.29. The EIA Screening Opinion was issued on 11th August 2014, and concluded that the proposed development is likely to have significant effects on the environment, and therefore that the development would be 'EIA development'.

- 4.30. This EIA Screening Opinion was in relation to the previous 2014 application.
- 4.31. No EIA Screening Opinion was requested or issued in relation to the current application.

EIA Scoping

- 4.32. Where a proposed development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope of the EIA. Whilst this is not a statutory requirement, it assists with agreeing the scope of the EIA with the local planning authority and consultees, prior to submission of the planning application.
- 4.33. A request for an EIA Scoping Opinion was received by LBTH, as the 'relevant planning authority' in September 2014. The EIA Scoping Opinion was issued by LBTH on 10th October 2014 (PA/14/02447).
- 4.34. This EIA Scoping Opinion was in relation to the previous 2014 application.
- 4.35. No EIA Scoping Opinion was requested or issued in relation to the current application.

Current Application

- 4.36. 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.
- 4.37. 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.
- 4.38. 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.

Environmental Statement

- 4.39. The Alpha Square planning application was subject to an EIA, and an ES has been prepared by JLL on behalf of the Applicant. The ES comprises the following documents:
- Volume I – Main ES;
 - Volume II – Townscape, Heritage and Visual Impact Assessment;
 - Volume III – Technical Appendices; and
 - Non-Technical Summary (NTS).

4.40. The ES assessed the effects on the following environmental receptors:

- Sunlight, Daylight and Overshadowing;
- Material Assets Archaeology;
- Transport;
- Microclimate - Air Quality;
- Microclimate – Wind;
- Ground Conditions, Hydrogeology and Contamination;
- Water Resources, Hydrology and Flood Risk;
- Noise and Vibration;
- Ecology/Biodiversity;
- Socio-Economic; and
- Townscape, Heritage & Visual Impact Assessment.

4.41. In addition to this the following environmental information was submitted post submission:

- an updated Daylight, Sunlight and Overshadowing ES Chapter was submitted in December 2015; and
- Townscape, Heritage & Visual Impact Assessment Addendum was submitted in December 2015 in response to concerns raised by Historic England.

4.42. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. Where appropriate, reference was made to other relevant documents submitted with the planning application.

4.43. An Interim Review Report (IRR) was prepared and issued to the Applicants on 8th January 2016. The IRR raised a number of clarifications and potential Regulation 22 requests, to which the applicant was invited to provide a response.

4.44. Whilst many of the points constituted clarifications, there were a number of points where additional information was required - as set out below:

1) Schedule 4 (Part 1 (6) and Part 2 (5)) the EIA Regulations requires the ES to include a non-technical summary (NTS). The text in the NTS on sunlight, daylight and overshadowing is out of date as it refers to the previous 2014 application, and quotes specific figures from it. The NTS does not therefore provide an accurate summary of the ES submitted for this application, as required under Schedule 4 of the EIA Regulations. The NTS also does not provide the significance of the effects recorded for transport. The NTS does not therefore provide an accurate summary of the ES submitted for this application, as required under Schedule 4 of the EIA Regulations.

2) Schedule 4 (Part 1 (3 and 4) and Part 2 (3)) of the EIA Regulations states, that the ES must describe and assess the proposed

developments likely significant effects on the environment. The ES makes reference to full results of the wind tunnel - this has not been included as part of this planning application. A 'Statement of Conformity' was also submitted to consider changes to the proposed development since the previous assessment. However, the changes identified in the Statement of Conformity do not reflect those being sought. The Statement of Conformity cannot therefore be relied upon as it considers a different design. The likely significant effects are therefore unclear. The ES therefore does not meet the requirements of Schedule 4, and hence additional information is required.

- 3) Schedule 4 (Part 1 (4)) the EIA Regulations requires the ES to include a description of the likely significant effects, which should cover cumulative effects. Whilst the ES does include a cumulative assessment, it is noted that the following schemes were not included:
 - a. Cuba Street PA/15/2528 – submitted 7th September 2015;
 - b. 225 Marsh Wall PA/15/2303 – submitted 14th August 2015; and
 - c. Westferry Printworks PA/15/2216 – submitted 10th August 2015.

4.45. These schemes are considered to be 'reasonably foreseeable', and therefore need to be included within the cumulative assessment. The cumulative effects with Cuba Street are particularly important, given the sites proximity – approximately 10 m to the north-west. The ES therefore does not meet the requirements of Schedule 4.

4.46. A response to the IRR was provided by the Applicant in January 2016. This response is considered contain '*further information*' under Regulation 22 of the EIA Regulations, and therefore will be processed accordingly prior to committee i.e. advertised in the East End Life and consulted upon as required.

4.47. LBTH's EIA consultants have been employed to undertake an independent review of the response to the IRR.

Further Information

4.48. As the review is yet to be completed, it is currently unknown whether the submission provides the required additional information.

4.49. If the response to the IRR does not suitably address the issues raised, the ES is not considered to be complete, and the only option available to the Council is to refuse the application.

4.50. This is in accordance with Regulation 3(4) of the EIA Regulations which states that a local authority cannot grant permission for a project covered by the EIA Regulations unless it takes 'environmental information' into consideration. Environmental information is defined in Regulation 2(1) and

includes the ES. This is defined as a statement including information required by Schedule 4 of the EIA Regulations.

- 4.51. The suitability of the response to the IRR will be confirmed in the Update Committee Report.

Relevant Planning History on the application site

Application Site

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

4.52. **PA/14/03281**

Application for demolition of all buildings on site to enable redevelopment to provide three buildings of 63, 20 and 32 storeys above ground comprising 685 residential units (Class C3), 273 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3 and A4), re-provision of open space, provision of a new landscaped piazza and vehicular access, car parking, cycle storage and plant (as amended).

Withdrawn 03/06/2015

63 – 69 Manilla Street

4.53. **PA/04/01847**

Demolition of existing vacant warehouse storage and builders' office building and erection of part 4, part 7 and part 10 storey building with basement level to provide 5,512 sqm office floorspace, 165 sqm retail floor space and 11 flats consisting of (3 x 1 bed 6 x 2 beds and 2 x 3 beds) plus 10 car parking bays provision'.

Approved 01/05/2007

4.54. **PA/00/01675**

Erection of a 4-10 storey building comprising 5,608 sq. metres offices, 161 sq. metres retail and 11 flats. Includes construction of a pedestrian ramp and new steps from Marsh Wall to Manilla Street.

No Further Action 13/04/2011

68 – 70 Manilla Street

4.55. **PA/09/01455**

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

Refused on 12/11/2009

4.56. **APP/E5900/A/09/2117930**

Appeal against refused planning application PA/09/01455

Dismissed 17/06/2010

4.57. PA/11/02169

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

Refused 6/12/11

50 Marsh Wall

4.58. PA/01/00392

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

Approved 3/5/2001

North Pole Public House

4.59. PA/14/03218 (APP/E5900/W/15/3005798)

Demolition of the existing building and creation of an 8 storey mixed use development comprising public house (Class A4) use on part ground and part basement and 9 residential units (Class C3) on the upper seven floors.

Appeal Withdrawn 9/15/2001

Built / Near completion

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

4.61. "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.

4.62. "40 Marsh Wall" (PA/10/1049) Planning permission was 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.

4.63. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use

Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;

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

Consented / Implemented but not fully built out

- 4.65. "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).
- 4.66. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sqm) comprising two towers with a maximum of 45 storeys (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sqm together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sqm).
- 4.67. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.68. "Newfoundland" PA/13/01455 granted 10th June 2014 for the 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.
- 4.69. "Arrowhead Quay" PA/12/03315 planning permission granted on 19th February 2015 for the erection of two buildings of 55 and 50 storeys to

provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.

- 4.70. "1-3 South Quay Plaza" PA/14/00944. Planning permission granted on 31st March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.71. "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).
- 4.72. Land at 2 Millharbour PA/14/01246 The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys. New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping

Under consideration

- 4.73. "72 Manilla Street" PA/15/03369 Outline planning application for the demolition of existing garage and erection of a 13 storey building to accommodate a ground floor B1a office unit and 9 flats (3 x 3 bedroom and 6 x 1 bedroom) on the upper floors with all matters reserved (except for scale and layout).
- 4.74. "30 Marsh Wall" PA/13/03161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sqm m of café/retail floorspace (Use Classes A1-A3), 1781 sqm m of office floorspace (Use Class B1), 231 sqm m of

community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sqm m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.

- 4.75. "225 Marsh Wall" PA/15/02303 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 55 storeys comprising residential (Use Class C3), flexible office/community/retail (Use Class B1/D1/A1/A3), resident amenities, basement care parking, public realm improvements and other associated works.
- 4.76. "Cuba street" PA/15/02528 Redevelopment of the site to provide a residential-led mixed use development comprising two buildings of up to 41 storeys (136m AOD) and 26 storeys (87m AOD) respectively. Provision of up to 448 residential units, flexible retail/ community uses and ancillary spaces together with public open space and public realm improvements.
- 4.77. "Hertsmere house" PA/15/02675 Demolition of remaining buildings and structures and erection of a 67 storey building with two basement levels, comprising 861 residential units (Use Class C3), 949sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking.
- 4.78. "SQP4" PA/15/03073 Erection of a 56 storey building comprising up to 400 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

Withdrawn application

- 4.79. "54 Marsh Wall" PA/14/02418 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

- 4.80. Land at 3 Millharbour and Land at 6,7 and 8 South Quay Square PA/14/03195 - The demolition and redevelopment of sites at 3 Millharbour and 6, 7, and 8 South Quay with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. The development provides 1,500 new homes in a mix of units and tenures (private, social-rented and

intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4); two new public parks including play facilities, a new north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric; car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2015**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds

- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education uses
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.5 London' visitor infrastructure
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency

- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

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

Policies

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

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

Policies

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM7 Short Stay accommodation
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity

DM26 Building heights
DM27 Heritage and the historic environments
DM28 World heritage sites
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.7. **Supplementary Planning Documents include**

South Quay Masterplan (October 2015)
Draft Planning Obligations SPD (March 2015)
CIL Charging Schedule (April 2015)
Sustainable Design and Construction SPG (July 2013)
Shaping Neighbourhoods: Character and Context Draft (February 2014)
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)
SPG: Refuse and Recycling – Storage and Collection (Feb 2012)

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

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

Internal Responses

LBTH Education

- 6.3. The developer has proposed to make available accommodation for a 2 Form Entry (FE) school within the overall development. This does not arise from a site allocation.
- 6.4. It is welcome that the developer has agreed to contribute to the social infrastructure in the local area, recognising the Council's difficulties in areas where it does not own land itself which can provide additional school places.
- 6.5. There are still some outstanding design issues with the school which have not been resolved satisfactorily and it remains unclear how these matters can be resolved.
- 6.6. It is also proposed that the external recreation areas at first and fifth floor levels will be available for community use outside school hours. Whilst this is accepted as an established principle for school facilities, it is not yet clear in this case how this will be managed to operate successfully in terms of managing access and where the areas are laid out to meet the needs of primary school pupils they will be usable by groups other than that age range.
- 6.7. If this scheme approved, it is proposed that the developer would provide the Council with the "shell and core" school accommodation and the Council would fund and arrange the fit out to open the school. This is reflected in the CIL payment. In short, there is a cost to the Council in creating this school accommodation.
- 6.8. The proposed design of the school does have some limitations. However, the proposal for a school in this development would provide additional local capacity which would not otherwise become available. In the event that the proposal to provide school accommodation as part of the wider development is considered acceptable, further development of the design of the school and improvements would be secured by conditions.

LBTH Parks and open spaces

- 6.9. No objection. Parks confirm that the proposed replacement open space is acceptable to the park department, as it is larger and more accessible in a reasonable location. Should the proposal go ahead then we would wish to be involved in the design of the new site.

LBTH Environmental Health - Contaminated Land

- 6.10. There is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with.

LBTH Environmental Health - Air Quality

- 6.11. The energy centre is shown to have no significant impacts, however could it be clarified whether the proposed plant meets the GLA Nox emissions limits via condition.
- 6.12. The construction phase assessment classes the development as a Medium risk for dust impacts. Mitigation measures for such a development, in line with the THCOCP and The Control of Dust and Emissions from Construction SPG, must be included in a Construction Environmental Management Plan submitted prior to commencement. All None Road Mobile Machinery must comply with the GLA's New NRMM Low Emission Zone emissions limits and the plant must be registered on the NRMM register online.
- 6.13. The submitted report shows that the NO₂ Air Quality objective will only be exceeded at ground level on the Northern side of the East building which is used for a foyer/lobby and not required to comply with the objective. If any design changes take place then this area must remain as the foyer/lobby area and not be used for a sensitive use such as residential or school.
- 6.14. The rest of the development is predicted to be below the Air Quality Objective and therefore suitable for the proposed use of residential and school uses.

LBTH Environmental Health – Noise and Vibration

- 6.15. The Acoustic report is broadly acceptable; however it is important to reiterate that a scheme of such a scale of development must comply with all of the requirements and relevant acts.

LBTH Refuse

- 6.16. The Technical Waste officer objects to the proposed scheme for the following reasons.

Lift contingency (1)

- 6.17. A contingency plan is required for / when or if the lifts breakdown or require servicing. The introduction of a service lift which leads to a small holding area for waste is therefore advised.

Lift size / vehicles (2)

- 6.18. The maximum vehicle size for the proposed lifts would be 8.2m deep. The Supplementary guidance states that the largest vehicles which can serve large developments are 11m.
- 6.19. The Council acknowledge the Council cannot prevent the landlord from employing another registered waste carrier to collect and dispose of the residential waste but do not support such an approach, as it would result in residents paying for waste collection / disposal twice and prevent the Council from providing a statutory service.

LBTH Highways

- 6.20. The changes relating to the transportation aspects of the development proposed by the applicant are, on the whole welcomed.
- 6.21. No objection is raised with regards to car parking, cycle parking, servicing, school parking, public transport, public realm and travel plans.
- 6.22. The application is supported subject to the attachment of conditions and financial contributions of £500,000 for the additional pedestrian / cycle capacity across South Dock and £150,000 for Improvements to pedestrian / cycle infrastructure locally.

LBTH Public Health Strategist

- 6.23. No comments received regarding the proposed private health centre.

LBTH Bio-diversity

- 6.24. The application site consists of buildings and hard surfaces, but there are a number of trees and areas of shrubs and ruderal vegetation. The trees and shrubs are likely to support breeding birds. No bat roosts were found, but one of the buildings has the potential to support occasional summer roosts for small numbers of bats. Small numbers of bats have been recorded foraging on the site.
- 6.25. The loss of the existing trees and other vegetation would be a minor adverse impact on biodiversity.
- 6.26. Subject to a number of safeguarding conditions, the application is supported.

External responses

Crossrail Limited

- 6.27. Crossrail Limited does not wish to make any comments on this application.

Natural England

- 6.28. Natural England does not wish to make any comments on this application.

Canal and Rivers Trust (CaRT)

- 6.29. The Canal and River Trust has no objection to the proposed development.
- 6.30. Request for a financial contribution of £20,000 towards dockside improvements.

BBC Reception Advice

6.31. No comment received

London City Airport (LCY)

6.32. LCY has no safeguarding objection.

6.33. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.

NATS Safeguarding office

6.34. NATs do not raise any objection subject to a planning condition.

Historic England

6.35. Given the extent of the above policies designed to protect the setting of a World Heritage Site, and the highly visible nature of this tall building (eastern tower) in the setting of Maritime Greenwich and Grand Axis, we recommend that your council give considerable weight to the potential impact on setting.

6.36. The proposed works directly conflict with the policies of the Maritime Greenwich World Heritage Site Management Plan and the South Quay Masterplan where those documents describe the intention to step down development away from the centre of the Canary Wharf cluster.

6.37. Should the scheme be consented in its present form, it will set a new precedent for height at this location in the Isle of Dogs. It will be far closer than has previously been envisaged for a building of this height in the setting of the world heritage site, and at worst could result in a wall of development that will make future planning decisions of this nature more difficult for your council to control.

6.38. The above obstacles could be removed by reducing the height of the taller tower so that it forms part of the approved scale of development found elsewhere in the immediate area.

English Heritage Archaeology (GLAAS)

6.39. The proposed development lies in an area of archaeological interest. However, further work is not required to be undertaken prior to determination of this planning application.

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

Environment Agency (EA)

- 6.41. EA have no objections to the proposed development on flood risk grounds, as despite being located within Flood Zone 3a, the site is within an area defended from flooding from the Thames to a 1 in 1000 year standard of protection.
- 6.42. However, it is recommended that finished floor levels for the proposed development are set to the level of the 2100 tidal breach (no freeboard required). If this is not practical, then we would advise that flood resilience / resistance measures are incorporated up to the 2100 flood level.

Metropolitan Police Service

- 6.43. A number of recommendation should be adopted to assist the site in making informed decisions on how to design in security measures that will reduce its vulnerability to terrorist attack and mitigate any impact on the people, building and environs.

London Fire and Emergency Planning Authority

- 6.44. The Brigade is satisfied with the proposals.

London Bus Services Ltd.

- 6.45. No comments received.

TFL London Underground

- 6.46. Response received confirming London Underground Infrastructure Protection has no comments to make on this application.

The Twentieth Century Society

- 6.47. No comments received

Network Rail Infrastructure Ltd.

- 6.48. Having considered the details of the application, Network Rail has no comments to make.

National Grid

- 6.49. National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.
- 6.50. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Docklands Light Railway

- 6.51. Buildings close to DLR 's infrastructure may be affected by noise and vibration from the existing railway. It is the developer's responsibility to ensure that occupiers are protected from these effects.
- 6.52. Due to the proposed height of the development, and the close proximity to the DLR viaduct, conditions are sought to protect the railway from potential risks and allow for its continued safe and efficient operation.

The Victorian Society

- 6.53. No comments received

Commission for Architecture and Built Environment CABE

- 6.54. No comments received.

Thames Water Utilities Ltd.

The Waste Comments

- 6.55. 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.
- 6.56. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.
- 6.57. Thames Water have advised there are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

Water Comments

- 6.58. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.

Transport for London

- 6.59. TfL are generally content with the alterations that the applicant has provided from the previous planning application as they have accepted TfL's recommendations
- 6.60. Further changes are however required which include minor amendments to cycle parking and providing adequate information on the parking allocation. In addition, a contribution towards additional

bus capacity should be secured in the section 106 agreement with appropriate CIL funding allocated towards improved dock crossing points.

Greater London Authority

Employment floorspace

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

Hotel

- 6.62. London Plan policy 4.5 encourages the provision of visitor accommodation within the CAZ and London's Opportunity Areas. The provision of a 231 bedroom hotel is therefore considered acceptable.

Housing

- 6.63. The principle of housing on this site to provide 634 new homes, as part of any redevelopment proposals, is supported.

Social Infrastructure

- 6.64. The inclusion of a new primary school to accommodate 420 pupils which allows for community use outside of school hours is strongly supported in accordance with London Plan Policy 3.18.

Open Space

- 6.65. The loss of open space without the generous re-provision of publicly accessible open space, to include additional provision to serve the development itself, would not be acceptable.
- 6.66. The provision of ground floor publicly accessible open space in the form of the proposed piazza is also supported. The proposal could deliver both quantitative and qualitative improvements to open space provision to off-set the loss of locally designated open space, and to meet the additional need arising from the development.
- 6.67. The detailed design of the piazza and the staircase should be secured by condition.

Health Infrastructure

- 6.68. The proposal would result in the loss of healthcare floorspace, however as the existing facility does provide private healthcare, it does not result in any strategic concern.

Supporting uses

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

Need for comprehensive development

- 6.70. The North Pole public house has been acquired and incorporated into the proposal. The retention of the public house which can play an important role in the social fabric of communities is strongly supported.
- 6.71. The inclusion of the public house will active frontage and further animate the piazza.
- 6.72. The applicant is therefore commended for its positive response to previous concerns.

Affordable housing

- 6.73. The proposal includes 125 affordable units, which represents 20% of overall housing provision (understood to be 25% when measured by habitable room). The applicant has submitted a financial viability report in support of its proposals, which is being independently assessed by the Council.
- 6.74. The affordable housing split is 72:38 when measured by units, which, whilst at the top end of the local policy requirements, is in broad accordance with strategic and local policy.

Housing choice

In comparison to the previous application, the applicant has reduced the number of studios from 187 to 52 which equates to 8% of the overall housing provision and 10% of market housing. The resulting improvement to the residential quality is also supported.

Density

- 6.75. There is not an in-principle objection to high-density developments; however the GLA have advised that there is strategic concern regarding the need to address potential barriers to the delivery of high density housing within the Isle of Dogs.
- 6.76. The application includes the provision of education facilities, and secures the delivery of a critical connection linking Byng Street and Marsh Wall, both elements are strongly supported. The application also includes the provision of ground floor publicly accessible open space and public realm; accords with strategic policies relating to residential quality; provides an appropriate

mix of residential units, an appropriate level of children's play space. In this context, the density of the proposal does not itself raise strategic concern.

Housing Quality and Design

- 6.77. The applicant has responded positively to concerns raised previously, particularly in relation to the number of units per core, and the proportion of north-facing single aspect units, and as such the proposal raises no strategic issues with regards to residential quality.

Child Play Space

- 6.78. The development will need to provide a minimum of 10sqm of door step play provision for every child under five, and identify facilities for older children.
- 6.79. Within the development a series of spaces are proposed, which are intended to provide play opportunities in addition to the general residential amenity, with a total of 2,026sqm identified for play provision. Additional play opportunities are provided in the piazza and the school outside of school hours. The applicant also intends to provide a financial contribution towards off site provision of play space for older children.
- 6.80. In response to previous concerns, the western building has been revised to include a fifth floor play deck, with mezzanine, comprising both internal and external amenity space, totalling 824sqm. The eastern building also includes communal play and amenity space in the form of a play room and the terraces on the first and twenty first storey, totalling 397sqm.
- 6.81. The revised approach to children's play space, which priorities provision within the western building, is strongly supported and accords with London Plan policy.

Urban design

- 6.82. The applicant has responded positively to concerns raised regarding the restrained and muted design of the previous proposal, and the overall approach to this space is supported. The integration of the public house and the existing building is integral to the overall success of the scheme.
- 6.83. The proposal designed with more active frontages and uses along Byng Street and Manilla Street than previous is welcomed.
- 6.84. The quality of the frontage along Marsh Wall is welcomed. The resulting animation from the residential and hotel lobbies, which both create a simple and strong building line will contribute to transforming the character of Marsh Wall into a good quality urban street, in accordance with the principles of the South Quay Master Plan. The removal of the combined taxi and coach drop off is welcomed.

Residential quality – eastern building

- 6.85. The number of studio units has been reduced significantly. The revisions address the concerns previously, all units accord with the London Plan space standards, and as such, the eastern building is acceptable with regards to residential quality.

Residential quality – western building

- 6.86. The residential quality is high, with no more than five units on floor, and a very high proportion of dual aspect units, which is strongly supported. The applicant has confirmed that all units meet the London plan minimum space standards.

Architectural Treatment

- 6.87. The appearance of the development is generally supported the quality of detailing and specification of materials will be critical to the appearance of the scheme. The Council is strongly advised to secure such details by condition.

Height and Strategic views

- 6.88. Whilst the development at (217.5m AOD) is significantly taller than the immediate contextual height, in particular the buildings to the west and south, given the rapidly changing context of the site, its proximity to the Canary Wharf tall building cluster, and its high accessibility, this height does not raise any strategic concern.
- 6.89. The strategic views assessment demonstrates that for all strategic views, whilst the proposed buildings are higher than the existing context, they are in keeping with the height of the proposed buildings within the vicinity of the site and will form part of an emerging cluster. The height of the development does not raise a strategic concern.

Inclusive design

- 6.90. As set out in the Mayor's Housing Standards Policy Transition Statement, the Council should secure compliance with building regulations M4(2) and M4 (3) by condition. Within the hotel, a provision of 10% wheelchair accessible rooms should be secured. An access management plan should be submitted.

Blue Ribbon Network and flooding

- 6.91. The site is located within flood zone three. The applicant should follow good practice and enclose any essential utilities within a flood-proof room, or enclosure.
- 6.92. The applicant should consider the use of green, brown or blue roofs, rainwater harvesting or direct discharge to the dock as an alternative to attenuation tanks.

Climate change

- 6.93. The overall measures result in 41% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations development, which accords with the London Plan emission target.
- 6.94. The applicant should address all concerns regarding energy efficiency, overheating, district heating and combined heat and power, before the strategy can be fully assessed, and compliance with the London Plan is verified.

Transport (car parking and deliveries)

- 6.95. The GLA support a restrained approach to car parking to minimise additional vehicular trips in this area. The applicant should confirm that the distribution of spaces across the building appropriately responds to the provision of wheelchair accessible homes. The applicant has committed to meeting London Plan standards on electric vehicle charging points, which is welcomed. The proposal should be subject to a permit free agreement.
- 6.96. The sharing of the existing coach bay with the adjacent 40 Marsh Wall development is acceptable. The frequency of coach trips expected at both hotels should be explored and it should be outlined what should happen if both hotels require the coach bay simultaneously.

Public Transport

- 6.97. The cumulative impact of the bus trips from this development, and others nearby, will require additional bus capacity to be provided, as many routes in this area already at capacity.
- 6.98. A contribution of £200,000 is therefore requested to be secured through section 106 contributions for bus services.

Cycling and walking

- 6.99. The total of 1,148 cycle parking spaces is welcomed. However, the applicant must ensure that the access and design of the storage facilities comply fully with London Cycle Design Standards.
- 6.100. The applicant has undertaken a PERS audit, which is welcomed. The provision of a route linking Marsh Wall and Manilla Street is strongly supported and should be secured by the Council through either section 106 or section 278 agreements.
- 6.101. The council should ensure that appropriate CIL funding is allocated towards the delivery of additional crossing points across South Dock.

Travel planning

6.102. Further details are required for framework construction logistics plan. A final and agreed version of the construction logistics plan, delivery and servicing plan, and a travel plan, should be appropriately secured by the Council.

Community infrastructure Planning

6.103. The site is located within the Isle of Dogs charging area where section 106 contributions for Crossrail of £607,926 will be sought.

6.104. The rate for the Tower Hamlets CIL is £35 sqm. The Mayor's CIL charge will be treated as a credit towards the section 106 liability referred to above. The Council must identify the full Crossrail sum within the section 106 agreement.

7. LOCAL REPRESENTATION

7.1. At pre-application stage prior to the submission of the first planning application PA/14/03281 the applicant undertook their own community consultation in the form of a Community Forum.

7.2. At application stage, a total of 1600 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	3	Objecting: 2	Supporting: 1
No of petitions received:	0		

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

Objections

- There are windows, balconies and doors on the west tower elevation which abuts and overlook neighbouring premises (72 Manilla Street).
- The proposal would not safeguard the future development potential of neighbouring site (72 Manilla Street).
- The loss of a historic and legal right of the way to the rear of a neighbouring site (72 Manilla Street).
- The proposal is for a huge development in small and overcrowded area.

Support

- The retention of the North Pole Public House enhances the scheme and provide links to history

8. MATERIAL PLANNING CONSIDERATIONS

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

9.0 Land Use

- General Principles
- Land Use Considerations
- Loss of open space
- Loss of employment space
- Residential
- Hotel
- Health provisions
- Retail provision
- Education provision
- Community provision
- Need for comprehensive development

10.0 Density / Quantum of Development

11.0 Design

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

12.0 Heritage

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

13.0 Housing

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

14.0 Amenity Space and Public Open Space

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

15.0 Neighbouring Amenity

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

16.0 Transport

- Trip rates
- Vehicle Access
- Car Parking
- Cycling and Walking
- Public Transport
 - Buses
 - DLR
 - Crossrail
 - Jubilee Line
- Demolition and Construction Traffic
- Servicing and Deliveries

17.0 Waste and Recycling

18.0 Energy and Sustainability

19.0 Environmental Considerations

- Air Quality
- Noise, Vibration and Odour
- Contaminated Land

20.0 Flood risk and water resource

21.0 Biodiversity

22.0 Television and Radio Reception

23.0 London City Airport Safeguarding Zone

24.0 Health

25.0 Impact on Local Infrastructure and facilities

26.0 Planning Contributions and Community Infrastructure Levy

27.0 Local Finance Considerations

28.0 Human Rights Considerations

29.0 Equalities Act Considerations

30.0 Conclusion

9. Land use

General Principles

- 9.1. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 9.2. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local

authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

- 9.3. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 9.4. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 9.5. The South Quay Masterplan SPD sets out the vision for the South Quay area which is to create a thriving dockside urban neighbourhood of varied densities integrated with the wider area and home to a diverse community.

50 Marsh Wall, 63 -69 Manilla Street

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

68-70 Manilla Street and North Pole Public House

- 9.9. This part of the site located to the west and south of Manilla Street and falls outside the Council's Tower Hamlets Activity Area.
- 9.10. The existing land use is for automotive repair and a public house, respectively.

Land use considerations

- 9.11. The proposed eastern tower located east of Manilla Street at 50 Marsh Wall and 63 -69 Manilla Street would result in the loss of employment space, local open space and provide a mix use residential building (Use class C3) with a hotel (Use class C1), retail provision café / restaurant (Use Class A3) and a private health facility (Use Class D1).

- 9.12. The proposed western tower located to the west and south of Manilla Street at 63-69 *Manilla Street* would result in the loss of employment space and provide a mix use residential building (Use class C3) with a primary school (Use class D1) and Community facility (Use class D1).
- 9.13. The existing North Pole public house (Use class A4) would be retained and brought back into use.
- 9.14. The area of land located between the proposed east and west towers which consist of a public highway (Manilla Street) would provide a new public realm and the replacement open space provision known as Alpha Square.

Loss of open space

- 9.15. The NPPF states 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 9.16. The London Plan Policy 7.18 (Protecting open space and addressing deficiency) states 'The loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.
- 9.17. Core Strategy Policy SP04 seeks to protect and safeguard all existing open space such that there is no net loss.
- 9.18. Managing Development Document Policy DM10(2) only allows development on open spaces in exceptional circumstances, where it provides facilities to ensure the function, use and enjoyment of the open space or where part of a wider development proposal there is an increase of open space and a better outcome is achieved.
- 9.19. The loss of the public open space, subject to its replacement with a better provision in terms of quantity and quality would be broadly acceptable in accordance with the NPPF and local plan policies.
- 9.20. The proposed development comprises of the replacement of 271sqm of Public Open Space at Wayside Gardens with 272sqm of Public Open Space within the proposed Alpha Square.

- 9.21. Wayside Gardens is public open space situated on Marsh Wall which is adjacent to a busy highway, not currently accessible for the public and as a consequence offers limited public benefit.
- 9.22. The replacement provision however, would be fully accessible, inviting and located in a more suitable location adjacent to a number of commercial and community uses as part of the new public realm offer of Alpha Square.
- 9.23. The proposed location and design of the replacement local open space provision set back from the North Pole public house would also ensure that the public house can be serviced without impeding on the quality and usability of the local open space.
- 9.24. Subject to safeguarding conditions securing bio diversity enhancements and detailed landscaping design, it is considered that the proposed replacement local open space provision would provide a better provision than the existing Wayside Gardens provision, in terms of quality and quantity.
- 9.25. The re-provision of the existing public open space provision is therefore considered acceptable in principle, in accordance with NPPF, London Plan Policy 7.18, Core Strategy Policy SP04 and Managing Development Document Policy DM10(2).

Loss of employment

- 9.26. Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition'.
- 9.27. Policy (DM15) Paragraph 2 also states 'Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere'.
- 9.28. The planning application form states that there are 20 full time employees (FTE) within the existing uses on the application site. The proposed development would result in the creation of 110 FTE within the hotel, 40 FTE within the school and a further 40 employment opportunities associated to the retail, leisure facility, concierge and health centre. The proposal as a consequence would result in a net increase in active and viable employment uses on site.
- 9.29. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. This however would be outweighed by the fact that the site is located within an Opportunity Area and Table A1.1 of the London Plan 2015 acknowledges that 'parts of the area have significant

potential to accommodate new homes and there is scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors’.

- 9.30. For the reasons stated above, the loss of existing employment uses is therefore considered acceptable in principle.

Residential (C3)

- 9.31. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 9.32. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 9.33. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 9.34. The proposed development would provide 634 residential units as part of a mixed use scheme and result in the loss of one residential unit. The proposal would therefore result in a net increase of 633 residential units.
- 9.35. The introduction of a residential development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Hotel (C1)

- 9.36. The NPPF classifies a hotel as a main town centre use and states that ‘Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre’.
- 9.37. London Plan policy 4.5 (London’s visitor infrastructure) states that new visitor accommodation is in appropriate locations:
- beyond the Central Activities Zone (CAZ) it should be focussed in town centres and opportunity and intensification areas, where there is good

public transport access to central London and international and national transport termini.

9.38. Further to this, London Plan Policy 4.5 states that developments should:

- a) contribute towards the hotel provision target and ensure that at least 10 per cent of bedrooms are wheelchair accessible
- b) be consistent with the strategic location principles set out above
- c) not result in the loss of strategically important hotel capacity

9.39. The Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the borough by concentrating 'hotels, serviced apartments and conference centres, to attract visitors and promote tourism in the borough in the following locations:

- Central Activities Zone (CAZ)
- City Fringe Activity Area
- Canary Wharf Activity Area
- Major and district centres

9.40. Policy DM7 of Managing Development Document 2013 parts 1 and 2 state that the acceptance of short stay accommodation uses should be assessed against the following criteria:

- a) Is the size proportionate to its location within the town centre hierarchy
- b) Is there a need for such accommodation to serve the local economy
- c) Could the development compromise the supply of new homes
- d) Could it create an over-concentration of such accommodation or cause harm to residential amenity
- e) Is there adequate road access and servicing for coaches

9.41. As previously mentioned, the proposed hotel use would fall within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The size of the hotel providing 231 bedrooms is considered proportionate to its location within the town centre hierarchy. The proposed hotel is part of a residential led scheme and as a result is not considered to compromise the supply of new homes or create an over concentration of short stay accommodation.

9.42. The submitted JLL 'Hotel Needs Assessment' confirmed that there was capacity for a new hotel on the Isle of Dogs due to expected annual GDP growth and tourism forecasts, proximity to City Airport, Canary Wharf, 02 and the Royal Albert Dock and the surrounding existing and proposed transport infrastructure.

9.43. The proposed hotel which would contribute to the hotel provision targets would also provide a minimum of 10 per cent wheelchair accessible rooms.

- 9.44. It is therefore considered that the proposed hotel use is acceptable in principle, subject to the hotel not harming residential amenity or resulting in any highway and/or servicing concerns.

Health Use (D1)

- 9.45. Similar to a hotel use, the NPPF classifies a Health Centre as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 9.46. London Plan policy 3.16 (Protection and enhancement of social infrastructure) states that 'development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. Facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged'.
- 9.47. London Plan policy 3.17 (Health and Social Care Facilities) states 'Development proposals which provide high quality health and social care facilities will be supported in areas of identified need, particularly in places easily accessible by public transport, cycling and walking. Where local health services are being changed, the Mayor will expect to see replacement services operational before the facilities they replace are closed, unless there is adequate justification for the change'.
- 9.48. The Core Strategy Policy SP03 seeking to deliver a healthier, more active and liveable borough, where people have excellent access to a range of health, leisure and recreational facilities in accessible locations states in part (3) that the aspiration is to 'Provide a hierarchy of accessible, high quality health facilities, services and premises to meet the needs of the existing and future population.
- 9.49. Managing Development Document Policy DM8 (Community infrastructure) also states;
- (1) 'Health, leisure and social and community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use.
- (2) Where development proposals are likely to adversely impact on existing health, leisure and social and community facilities, the re-provision of the existing facility will be required as part of the redevelopment unless it can be

demonstrated that a new off site location would better meet the needs of existing users and complies with part (3) of this policy.

(3) The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately re-provided elsewhere in the borough.

(4) New health, leisure and social and community facilities should be located in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.

9.50. The site falls within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The proposed loss of an existing health care provision on site would therefore be acceptable in principle, subject to its replacement with a high quality, accessible health care provision or it being demonstrated there is no existing need.

9.51. The existing health centre on site is a private practice and does not meet any community or local need.

9.52. The replacement of the existing 464.5sqm private health centre with a new 398sqm private health centre would therefore not impact upon the needs of the community.

9.53. The loss of the existing private provision and the introduction of a new replacement private health centre would not have an adverse impact on local need and as a consequence is considered acceptable in accordance with the NPPF, London Plan and Local Plan policies.

Retail Provision (A3)

9.54. Similar to Hotels and Health care provisions, the NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

9.55. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:

- a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
- b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are

available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport

- 9.56. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 9.57. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.
- 9.58. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a) they do not result in an overconcentration of such uses; and
 - b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 9.59. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:
- a) adequate width and depth of floorspace has been provided for the town centre uses;
 - b) a shop front has been implemented in the first phase of development; and
 - c) appropriate servicing arrangements have been provided.
- 9.60. The proposed retail uses (Café / Restaurant) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the restaurant/ café use at 200qm would relate to the size, function and role of the THAA. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A3 use would also support the vitality and viability of the THAA and complement the only other retail provision on site which is to be brought back into use, the North Pole Public House.
- 9.61. It is therefore considered that subject to the café/restaurant shop front being implemented in the first phase of the development and appropriate servicing

arrangements being provided, the proposed retail use is acceptable in principle.

School Use (D1)

- 9.62. The NPPF states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties'.
- 9.63. Further to this, the NPPF also states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 9.64. London Plan policy 3.18 (Education facilities) states 'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no on-going or future demand'.
- 9.65. Further to this London Plan Policy 3.18 also states, 'In particular, proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations'. Whilst 'Development proposals that co-locate schools with housing should be encouraged in order to maximise land use and reduce costs'.
- 9.66. The Core Strategy Policy SP07 seeks to increase provision of both primary and secondary education facilities to meet an increasing population by: (b) identifying areas of search to deliver at least four new primary schools in the following places:
- Fish Island
 - Bromley – by – Bow
 - Popular Riverside
 - Cubitt Town / Millwall

- 9.67. The Managing Development Document DM18 (Delivering schools and early learning) states that 'the Council will deliver a network of schools and Children's Centres by:
- a) protecting schools and Children's Centres where they are considered suitable for their use and meet relevant standards;
 - b) safeguarding the potential for schools in accordance with site allocations;
 - c) only supporting the redevelopment of an existing school or Children's Centre where there is adequate re-provision on site or in accordance with any site allocation, unless it can be demonstrated that there is no need to retain the school or Children's Centre; and
 - d) supporting the development of schools or Children's Centres or extensions to existing schools or Children's Centres where:
 - i. a site has been identified for this use or a need for this use has been demonstrated;
 - ii. the design and layout take into account the relevant guidance;
 - iii. for existing schools, there is no net loss of school play space; and
 - iv. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 9.68. The proposed education provision would exist in the form of a two form entry primary school with the capacity to school a minimum of 400 pupils. The proposed school forms part of a large scale residential development where all of the proposed properties would be within walking distance. The creation of a new primary school located on Isle of Dogs within a mix use scheme is encouraged as it meets a specific need and maximises land use and reduces costs.
- 9.69. The proposed internal area of the school provided for teaching accommodation would be broadly in line with the BB 103 guidelines and as a consequence is considered acceptable. Although, it is noted that there are still design issues which have not been resolved satisfactorily with regards to the adjacency of the two reception classrooms, restricted access to external areas from one of the proposed receptions and the layout of the offices and support space. The requirement to address the above design flaws could be secured by condition.
- 9.70. The proposed school provision which is broadly supported by office would be given great importance (weight) and positive consideration in the assessment of this application to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.
- 9.71. The opportunity to deliver such a school would therefore not be resisted, unless 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.

9.72. The local impacts of the proposed scheme are discussed in detail later within the report.

Community Use

9.73. The NPPF paragraph 70 states to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

9.74. London Plan policy 3.16 (Protection and enhancement of social infrastructure) as previously discussed states that ‘development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments.

9.75. Whilst, Managing Development Document Policy DM8 (Community infrastructure) part 4 states;

- (4) New health, leisure and social and community facilities should be located in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.

9.76. The lower ground floor hall of the school would provide a community provision with toilets and kitchen area that would be available to the wider community outside of the operational hours of the school (i.e. evenings, weekends and bank holidays). The dual use of the school space would enhance the sustainability of communities and the proposed residential environment. The inclusion of a community use as part of residential led development is also considered to be an integrated approach and encouraged.

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

Need for comprehensive development

9.78. Section 7 (Requiring good design) of the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good

planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.

- 9.79. London Plan policy 7.1 (Lifetime Neighbourhoods) in the interest of place shaping states:
- b) Development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment and training opportunities, commercial services and public transport.
 - c) Development should enable people to live healthy, active lives; should maximize the opportunity for community diversity, inclusion and cohesion; and should contribute to people’s sense of place, safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of the community at all stages of people’s lives, and should meet the principles of lifetime neighbourhoods.
 - d) The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.
- 9.80. The part of the application site known as 68 – 70 Manilla Street and the North Pole Public House wraps around the adjoining garage site which is known as 72 Manilla Street (and which is subject to a separate outline planning application). The west and southern boundaries of this part of site also abuts the rear blank elevations of the existing residential properties along Byng Street and Bellamy Close.
- 9.81. The eastern part of the application site known as 63 – 69 Manilla Street and 50 Marsh Wall on the eastern boundary abuts a neighbouring development site known as 54 Marsh Wall.
- 9.82. The exclusion of the adjoining sites from the proposed development would result in piecemeal development.
- 9.83. The acceptability of such a piecemeal approach in principle is therefore subject to, the proposed development making better places for people, lifetime neighbourhoods and delivering high quality and inclusive design which interface with surrounding land.
- 9.84. The impact of the development on neighbouring sites is accordingly discussed in full within the design section of the report.

10. Density / Quantum of Development

- 10.1. Policies 3.4 of the London Plan (2015) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 10.2. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 10.3. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf across South Quay footbridge. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is PTAL 4 at the north west side of the site and PTAL 3 at the south east side of the site.
- 10.4. The density of the proposed development for the 634 residential units (1,708 habitable rooms) scheme calculated on a net residential area and the resulting density would be 4,712 habitable rooms per hectare.
- 10.5. The London Plan matrix advises for sites with a central location and PTAL of 4-6 a density range of 650 to 1100 habitable rooms per hectare may be appropriate. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.6. The proposed density of 4,712 habitable rooms per hectare would be 4 – 5 times greater than the London Plan density range of 650 to 1100 stated within the density matrix.
- 10.7. The SPG advises that development outside density ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:
 - inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - sub-standard dwellings (size and layouts);
 - insufficient open space (private, communal and/or publicly accessible);
 - unacceptable housing mix;
 - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;

- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

10.8. South Masterplan policy SQ1 (Housing Density) also states development seeking to exceed London Plan housing densities should:

a. robustly demonstrate:

- i. how it successfully mitigates its impacts; and
- ii. how it delivers the vision, principles and guidance of the South Quay Masterplan.

b. deliver exemplary design for housing and non-residential uses; and

c. provide the required infrastructure in accordance with the Local Plan and the London Plan.

10.9. An interrogation of this proposal against these standards in the London Plan Housing SPG and South Quay Master Plan is set out in the relevant sections throughout this report.

11. Design

Policies

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

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

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

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

11.5. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations. In this case

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

- 11.6. The South Quay Masterplan provides design guidance in the form of overarching place making principles which include:
1. Housing design (SQ1 & SQ3)
Development should deliver exemplary sustainable housing design to meet the needs of residents, Registered Providers of affordable housing and service providers.
 2. Connections & public realm (SQ2)
Development should frame and deliver high quality, legible and inviting movement routes, connections and public realm.
 3. Public open spaces (SQ2)
Development should contribute to the delivery of usable high quality public green open spaces with biodiversity value in coordination with neighbouring sites.
 4. Urban structure & frontages (SQ2 & SQ3)
Development should deliver a well-defined urban block pattern fronted by active frontages throughout, with a focus on non-residential uses facing onto Marsh Wall, open spaces and docksides with clear distinctions between public, communal and private spaces.

Local context

- 11.7. The site is situated within the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m Above Ordinance Datum "AOD").
- 11.8. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD) in July 2014.
- 11.9. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide. On the southern side of South Dock is the main east-west road, Marsh Wall. Along Marsh Wall there are number of recent developments and approvals including Landmark Towers, (145m high), Pan Peninsula (147m high) and the 40 Marsh Wall hotel (127.2m)
- 11.10. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 220m at SQP and 187m AOD at Arrowhead Quay). Meridian Gate to eastern side of Marsh Wall which is 53 storeys high (187.45m AOD) also has a planning consent.

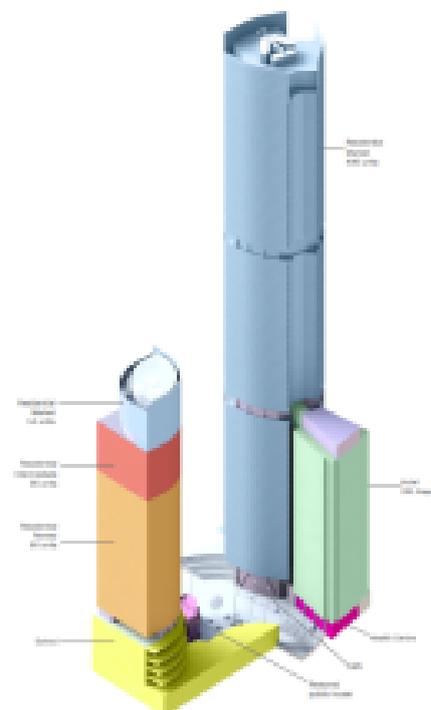
- 11.11. To the south of Marsh Wall, heights of the towers generally drop off relatively rapidly. The reduction in height is evidenced with the maximum heights of 40 Marsh Wall (127.2m AOD), Indecon Court (99m AOD), the former London Arena Site known as Baltimore Wharf (155m AOD) and recently consented 2 Millharbour (148m AOD).
- 11.12. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 30 Marsh Wall, South Quay Plaza 4, 225 Marsh Wall and Cuba Street. No significant weight however can be given to these proposals to justify any proposed heights, as they are yet to be presented at Committee for determination.
- 11.13. To the immediate south and west of the application site the existing residential dwellings along Byng Street and Bellamy Close are generally two storeys in height. Whilst, the south side of Byng Street is characterised by single storey garages and four storey residential buildings. The western and eastern ends of Byng Street comprise of 9 – 20 storey residential blocks.
- 11.14. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. City Pride marks the end of the South Dock and the two residential towers at Pan Peninsula represent landmark developments. Whilst the remainder of the sites south of Marsh Wall which were not previously designated as a land mark site or situated in a gateway location are more modest in scale, such as Landmark, 40 Marsh Wall and 2 Millharbour.
- 11.15. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

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

Eastern building

- 11.17. The proposed building to the east would consist of a 64 storey tower plus two ground floor level and two mezzanine floors. The east tower would therefore be 66 storey high (217.5 AOD) fronting Marsh



Wall, 67 storeys fronting Manilla Street and 23 storey high (76.63 AOD) fronting Byng Street.

- 11.18. The 66/67 storey element would be designed with an asymmetrical pentagon floor print with the residential core at its centre while the 23 storey element is designed with a rhombus shaped footprint. The building blocks are linked with a slender building block that would comprise of a corridor and lifts.
- 11.19. The building would provide 493 Market residential units, a café / restaurant, hotel accommodating 231 rooms and a new health centre.
- 11.20. The lower ground floor accessible from Manilla Street would consist of a café, sky bar lobby and health centre. The hotel's bar, restaurant and kitchens, loading bay and the waste holding area would also be provided on this floor. The upper ground floor of the building would be accessed from Marsh Wall and comprise of a residential lobby and the Hotel reception and lounge bar.
- 11.21. The proposed mezzanine floor would consist of the hotel's restaurant, outdoor dining area, kitchen and conference room to the front of the building and 13 guest rooms to the rear.
- 11.22. The proposed first floor would provide three meeting rooms and internal child space that would have been linked to an external area to the east of the building also allocated for child play space for the residential units.
- 11.23. The proposed 2nd floor up to the 20th floor consists of the residential accommodation to the north and the hotel rooms to the south of the building. The residential element would provide nine dwellings per floor.
- 11.24. The 21st floor would consist of a lounge bar and outdoors terraces which would be ancillary to the hotel and also available for use of the residents. The plant of the proposed swimming pool positioned on the 21st floor is also located on this floor. The southern part (rear) of the building characterised by the rhombus footprint terminates at this height.
- 11.25. The middle section of the tower would comprise a gym area, swimming pool and void above the sky bar on the 22nd floor and nine dwellings per floor from the 23rd floor to the 41st floor.
- 11.26. The 42nd and 43rd floor designed with a reduced floor print would provide six residential units in the form of duplex apartments. The remaining floors from the 44th to the 62nd floor would each provide eight units. The 63rd and 64th floor would comprise of three duplex penthouses.
- 11.27. Three basement levels are also proposed which consist of refuse and recycling provisions, cycle parking, vehicle parking, plant and a large vehicle service lift.

Western building

- 11.28. The proposed building to the west would consist of a 34 storey tower plus two ground floor levels and one mezzanine floor. The building to the west inclusive of the ground floor levels and mezzanines floors would read as a 34 storey high building (124.15m AOD) fronting Manilla street.
- 11.29. The buildings footprint would be L shaped at lower ground floor level. The shape of the building would be of a rectangle form with a chamfered south west corner from the upper ground floor level to the 30th floor and oval shape from the 27th to 35th floor.
- 11.30. The discussed chamfered south west corner would be incrementally set further off the southern boundary per upper floor creating a tiered development.
- 11.31. The building would provide a primary school for up to 420 pupils with a community hall provision and 125 affordable residential units (35 intermediate units and 90 affordable rent units).
- 11.32. The lower ground floor of the building accessible from Manilla Street would consist of the two entrances to the school, associated school halls and staff offices, a lobby to the market and intermediate units and a separate lobby via a corridor to the affordable rent units. The separation of the affordable and market rented entrances would result in the creation of poor doors. The affordable rent lobby positioned to the centre of the site would not have an active frontage and would be accessed via a corridor adjacent to a void. The upper ground floor of the building provides classrooms and an external school playground on the roof of the lower ground floor.
- 11.33. The proposed upper ground floor marks the beginning of the protrusion of tower element (chamfered rectangle). The first floor to fourth floor would comprise of class rooms and external terraces with play decks. The proposed fifth floor would provide internal play space, external communal play space and communal amenity space within the school.
- 11.34. The proposed 6th floor up to the 33rd floor would provide residential accommodation. The 30th floor would provide a communal area and a terrace on the roof and is also where the footprint of the tower evolves from a chamfered rectangular shape to an oval shape.
- 11.35. The proposed residential units within the western tower would be designed with external private amenity space.

Ground Floor Design

- 11.36. The application consists of a change of level from Marsh Wall down towards Manilla Street. The proposed development is designed to provide active frontages along both Marsh Wall and Manilla Street.

11.37. The proposed active frontages in the form of a residential lobby and hotel lobby along Marsh Wall would be located under an overhanging canopy. The building line of the hotel entrance to the east would also be set back further from the pavement edge and create a visual relief and podium feature.

11.38. The existing Lenanton Steps at less than 2m wide would be increased in width to 20m along Marsh Wall and 11m adjacent to Manilla Street. The widening of the staircase would allow for the introduction of ramps and increase legibility and accessibility through the site. The following is a plan showing site layout and the new widened Lenanton Steps.



11.39. The proposal also includes the creation of a new public realm known as Alpha Square. The public realm is located to the east of the entrance to the school and the North Pole Public House, and west of the proposed Health Centre and entrance to the sky bar. The public realm is split into two by Manilla Street and consists of landscaping and cycle parking.

11.40. The part of the Alpha Square to the west of Manilla Street provides a new local open space provision which replaces Wayside Gardens.

Building Heights

11.41. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:

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

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



11.43. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The

heights are expected to be lower in Central Activity Zones and Major Centres and expected to 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.



11.44. Further to this, policy DM26 (2) of the MDD also sets out the following criteria that tall buildings must satisfy:

- a. 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;
- 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.
- c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements;
- 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;
- e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. Present a human scale of development at the street level;
- 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;

- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- 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;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

11.45. South Quay Masterplan SQ3.5 (Taller elements massing and design) also states that the developments should:

- a) Step down from the Canary Wharf Major Centre; and
- b) Accord with the latest Civil Aviation Authority heights guidance for the London City Airport.

11.46. The following is an assessment of the proposal against policies 7.7 of the London Plan, DM26 of MDD and the South Quay Masterplan SPD.

11.47. Within the Activity Area, the tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is approved at 155m AOD.

11.48. To the north of the application site is Arrowhead Quay site which has planning permission (PA/12/03315) for a 55 storey tower (187m AOD) adjacent to Quayside to the north and 50 storey tower (171m AOD) along Marsh Wall to the south. The reduction in height of the southern Arrow Head Quay tower adjacent to Marsh Wall in comparison to the northern tower was required in accordance with DM26 which seeks for building heights to step down from Canary Wharf Preferred Office Location.

11.49. The eastern building of the development at 217.5m AOD would be significantly taller than the approved southern tower of Arrowhead Quay (171m AOD) positioned north of the site and also 40 Marsh Wall (127.2m AOD) which was recently built and is located immediately to the west.

11.50. The planning statement argues that the heights of towers are acceptable, as the site is located in the heart of an emerging cluster and complies with local plan policies.

11.51. This emerging cluster which is being referred to by the applicant is located within the South Quay Masterplan area which seeks to create a thriving dockside urban environment. The South Quay Masterplan Figure 3.1 (Illustrative massing Masterplan) which presents a vision for the area based on the place making principles however, identifies the site only suitable for plinth development and not the taller elements/ developments which are recommended to be positioned elsewhere.

- 11.52. The proposed height of the eastern tower would be over 45m taller than the Arrowhead tower which was also not only a designated focal point in the former Millennium Quarter Masterplan but is actually situated due north and closer to Canary Wharf. The failure of the eastern building to respond to the height of the surrounding buildings especially Arrowhead and 40 Marsh Wall, as a consequence would result in a development that would fail to provide any form of transition down from Canary Wharf contrary to the town centre hierarchy (DM26).
- 11.53. This is a view shared by the LBTH Design officer and Historic England as both advised that the eastern tower would require substantial reductions in the proposed height to be considered appropriate.
- 11.54. The proposed eastern tower for the reasons discussed above and its disproportionate height, scale and form would be insensitive to its location, fail to provide a positive contribution to the skyline and result in adverse impacts on local character, surrounding buildings, urban grain, public realm, and strategic and local views contrary to the tall building criteria of policy DM26 of the MMD and policy 7.7 of the London Plan.
- 11.55. The western tower of the proposed development at 34 storeys (124.5m AOD) alternatively would be marginally smaller in height than the existing 39 storey hotel (127.2m AOD) at 40 Marsh Wall. The marginal reduction in height in comparison to the 40 Marsh Wall hotel however, would not constitute an appropriate step down in heights from Canary Wharf, as the proposal is also directly north of 2 – 3 storey residential properties along Byng Street and Bellamy Close. The proposed drop in height from 36 storeys to 2/3 storey between to adjoin site is therefore not considered appropriately transitional or acceptable.
- 11.56. The positioning of the western tower abutting the existing 2 storey residential units of Bellamy Close and Byng Street would also result in a development which would not be sensitive to setting and the context of its surroundings. The proposed development as a consequence would result in an unacceptably overbearing and dominant relationship to the existing neighbouring buildings.
- 11.57. The LBTH design officer raised similar concerns with the western tower stating "whilst there is a change in scale from Marsh wall, it's important to acknowledge the scale of the street and the buildings within its immediate context. The proposed tall building rises well above the immediate local context and raises concern around its appropriateness in its local setting. Officers are therefore unable to support the height of the western tower".
- 11.58. For the reasons above, it is considered that the proposed western tower by reason of its disproportionate scale, height, siting would also be insensitive to its location, fail to present a human scale of development at street level and result in adverse impacts on local character, surrounding buildings, urban grain, public realm, and strategic and local views contrary to the tall

building criteria of policy DM26 of the MMD and policy 7.7 of the London Plan.

- 11.59. The proposed east and west towers separately, and combined which only exacerbates the level of resulting harm, would therefore result in a development proposal which unacceptably fails to appropriately step down from Canary Wharf, deliver a transition in heights and satisfy the criteria for tall buildings contrary to policies DM26 of the MDD and 7.7 of the London Plan.
- 11.60. The implications of the proposed heights on strategic views are discussed in further detail within the Heritage section of the report.

Setting and Local Views

- 11.61. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence.
- 11.62. In this instance, the proposed public realm contribution is limited to two parcels of land severed by Manilla Street, as the site is surrounded by two storey dwellings to the south and west, a 39 storey hotel at 40 Marsh Wall to the north and 54 Marsh Wall to the east. Furthermore, the western parcel of public realm would be a replacement provision for the loss of existing Wayside Gardens provision on site and therefore would not contribute to the net increase of open space on site. The resulting quality and quantum of new public realm is therefore severely limited and compromised (see Public Realm Section of the report) which only exacerbates the fact that the proposal would appear incongruous within its setting and insensitive to its local context.
- 11.63. The eastern tower would be as discussed significantly taller than any of the surrounding buildings along Marsh Wall in the immediate vicinity and 90m taller than the Hotel at 40 Marsh Wall.
- 11.64. The resulting height viewed from Marsh Wall, and in particular Manilla Street which is situated at a lower ground level would result in an overbearing development that is insensitive to the surrounding area, even with taking into account the existing height and bulk of the existing 39 storey tower at 40 Marsh Wall.
- 11.65. The proposed height of the western tower during the Pre-application discussions prior to the submission of planning application (PA/14/03281) was initially 25 storeys and the officers raised concerns with such a height in this location abutting 2 storey dwellings and its impact on local views, especially from Bellamy Close and Byng Street.
- 11.66. The applicant contrary to the advice of council officers however, increased the height of the western tower by a further 10 storeys to off-set a reduction in the floor print of the eastern tower. The reduction in the footprint of the western tower was recommended by the GLA.

- 11.67. The western tower has been increased even further in height as part of this resubmission and as a consequence the design officer has again reiterated that the relationship of the western tower to the adjoining 2 / 4 storey residential buildings constitutes a major concern with regards to local views.
- 11.68. The applicant attempted to break down the mass of the western tower and improve the relationship to the neighbouring two storey buildings by incorporating a tiered design approach on the southern boundary. This approach however was not adopted on the western boundary and in turn the proposed sheer elevation built on the western boundary remains unacceptably.
- 11.69. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how incompatible a scheme of this scale is at the local level. For example, the image from the ES Volume II Townscape, Heritage and Visual Assessment included below shows how the proposed scale of the building would be out of context within its setting.

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



Architecture

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

Impact on neighbouring sites

- 11.72. The application site wraps around 72 Manilla Street, abuts two storey residential properties to the south and west and shares a boundary with the development site of 54 Marsh Wall to the east.
- 11.73. To the north of the site the proposed eastern building would comprise of a blank side elevation at ground floor level built on the boundary of 54 Marsh Wall.
- 11.74. The proposed residential units situated at upper floor levels of the eastern tower would also be broadly set off the eastern boundary by 6.5m to 10m. The shape of the neighbouring site at 54 Marsh Wall however which in part is also situated south of the application site would result in the proposed south east facing residential units being situated only 1m due north of neighbouring development site. The east facing windows of the proposed hotel rooms would also only be positioned 2m from the neighbouring site.
- 11.75. The requirement for the proposed residential units and hotel to secure outlook, sunlight and daylight over the neighbouring 54 Marsh Wall site is a serious cause of concern, as the neighbouring 54 Marsh Wall site is an identified development site within the South Quay Masterplan. In the absence of significant amendments or a joint up strategy with the developers of 54 Marsh Wall, it is considered that the proposal would not be compatible with the existing and potential neighbouring land uses.
- 11.76. The LBTH design officer and the GLA during previous pre-app discussions and planning application PA/15/02671 raised concerns for the need for a comprehensive development and advised that the neighbouring buildings (particularly the North Pole Public House and garage site) should form part of the wider development proposal.
- 11.77. The North Pole Public House was acquired by the applicant and as a consequence now forms part of the application site. The retention and re-opening of the public house (which would be secured by a legal agreement) would contribute to the development by providing an enhanced active framed edge to Alpha Square.
- 11.78. The inclusion of the North Pole Public House within the development however would not be sufficient to mitigate the harm caused by the scale of the western tower and its failure to reinforce or enhance the character of the neighbourhood.
- 11.79. In light of the above, it is considered that the proposal by virtue of the proposed scale, layout and positioning of uses would fail to interface with the surrounding land uses, constitute poor design and would not contribute positively to making places better for people. The development as a consequence would fail to achieve high quality design for the individual buildings, public and private spaces and wider area development schemes contrary to London Plan Policy 7.1 and the NPPF.

Secure by Design

- 11.80. Policy 7.3 of the London Plan and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 11.81. The Counter Terrorism Security Advisor advised that a number of recommendations should be incorporated into the scheme to assist the site in making informed decisions on how to design in security measures that will reduce its vulnerability to terrorist attack and mitigate any impact on the people, building and environs.
- 11.82. The adoption of the advised recommendations would be secured via condition. A condition would also be attached to ensure that the scheme also complies with Secure by Design Principles.
- 11.83. Subject to the attachment of conditions, the proposed development would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 11.84. Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 11.85. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed public realm would span over different floor levels due to the topography of the site. Nevertheless, the public realm 'Alpha Square' has been designed with the principles of inclusive design in mind.
- 11.86. This is evident with the level access entrances, a ramp on Lenanton Steps, inclusion of car parking for disabled users in the basements and a sufficient proportion of car parking spaces provided for blue badge users.
- 11.87. The child play space, in the form of the playground school at upper ground floor level of the western tower would now also be accessible from Manilla Street via a controlled access lift when the primary school is closed.
- 11.88. The external child play space at first floor level located to the east of the eastern tower would now also be accessed via a level access from the internal child play space within the eastern tower which is served by the main core.
- 11.89. The above amendments in comparison to previous PA/14/03281 scheme ensure that the development would be well connected with the surrounding area and would be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance

to 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

- 11.90. The proposed development would exhibit clear and demonstrable signs of over-development, in particular:
- 11.91. The proposal would provide limited and compromised public realm and would not have a high quality setting commensurate with buildings of such significant height which fail to sensitively relate to its context or successfully bridge the difference in scale between Canary Wharf and surrounding residential areas.
- 11.92. The towers by reason of their form and mass combined would provide little visual relief and would be overbearing along surrounding streets failing to create a human scale of development at street level.
- 11.93. The proposed buildings positioned abutting neighbouring sites and failing to provide a comprehensive development would prejudice the development potential of neighbouring sites by conflicting with surrounding their existing and potential land uses.

12. Heritage

- 12.1. The Environmental Statement (ES) assesses the likely effects of the proposed development on two strategic views within the London View Management Framework (11B.1 from London Bridge and 5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.
- 12.2. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites – Guidance on Settings SPG (2015) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 12.3. London Plan (2015) policies 7.11 and 7.12, policy SP10 of the Core Strategy 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.
- 12.4. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are ‘designated’ heritage assets, whilst it is considered that the potential archaeological remains are ‘non-designated’ heritage assets.

Strategic Views

- 12.5. The development has the potential to affect two views, which are designated as Strategic within the London View Management Framework; the London Panorama's from Greenwich Park (LMVF View 5A.1) and London Bridge (LMVF View 11B.1 & 11B.2).
- 12.6. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal will appear in the distance, to the left (north) of Tower Bridge and to the right (south) of the main tower cluster at Canary Wharf. It will have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.
- 12.7. The LVMF SPG describes the London Panorama from the General Wolfe Statue in Greenwich Park (Assessment Point 5A.1) as taking in the formal, axial arrangement between Greenwich Palace and the Queen's House, while also including the tall buildings on the Isle of Dogs. This panorama is located in the Maritime Greenwich World Heritage Site. Paragraph 146 of the LVMF SPG states that:
- "The composition of the view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London."*
- 12.8. The South Quay Masterplan Policy SQ4.1 states development located on the Maritime Greenwich Grand Axis should define the Grand Axis:
- i. in accordance with the most up to date guidance for the Maritime Greenwich World Heritage Site; and
 - ii. by stepping down in height and scale towards the Maritime Greenwich World Heritage Site.
- 12.9. With regards to the proposed height and how it would be viewed from the General Wolfe Statue in Greenwich Park and Historic England stated following taking into account the previously discussed Development Plan Policies:

"Given the extent of the above policies designed to protect the setting of a World Heritage Site, and the highly visible nature of this tall building in the setting of Maritime Greenwich and Grand Axis, we recommend that your council give considerable weight to the potential impact on setting.

In my view the proposed works directly conflict with the policies of the

Maritime Greenwich World Heritage Site Management Plan and the South Quay Masterplan where those documents describe the intention to step down development away from the centre of the Canary Wharf cluster.

Should the scheme be consented in its present form it will set a new precedent for height at this location in the Isle of Dogs. It will be far closer than has previously been envisaged for a building of this height in the setting of the world heritage site, and at worst could result in a wall of development that will make future planning decisions of this nature more difficult for your council to control. These obstacles could be removed by reducing the height of the taller tower so that it forms part of the approved scale of development found elsewhere in the immediate area”.

- 12.10. The recommendation to reduce the height of the East Tower by Historic England reaffirms officers position and as discussed in the ‘Building Heights’ section of this report.
- 12.11. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the left (west) of One Canada Square at a similar height. As shown in the following image.



- 12.12. The applicant’s HTVIA illustrates how the building will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs. When taking into account various cumulative schemes (including those consented since submission of the application) the proposed buildings from this view would fall within a cluster of buildings of a similar and greater height to an extent.
- 12.13. Nevertheless, as confirmed by the comments of English Heritage, its height would benefit from a significant reduction to safeguard the integrity and importance of the World Heritage Site.
- 12.14. The proposal is therefore considered contrary to the London View Management Framework (LVMF) SPG and the South Quay Masterplan.

Archaeology

- 12.15. The National Planning Policy Framework (Section 12) and the London Plan (2015 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 12.16. Historic England (archaeology) advises that there is a need for field evaluation to determine appropriate mitigation. A safeguarding condition would therefore secure a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 12.17. Subject to this condition, the impact of the development on archaeology is acceptable.

Surrounding Conservation Areas and Listed Buildings

- 12.18. 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.

13. Housing

Principles

- 13.1. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 13.2. The application proposes 634 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931.
- 13.3. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

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

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	52	193	213	51	0
Affordable rent	0	36	6	33	15
Intermediate	0	11	24	0	0
TOTAL	52	240	243	149	15
Total as %	0.8	37.5	38	23.5	0.2

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

Affordable Housing

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

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

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

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

13.9. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be

subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

- 13.10. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.
- 13.11. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 13.12. The affordable housing offer is 25% by habitable room on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants.
- 13.13. The Council’s financial viability consultants have confirmed that the submitted viability report was robust and the proposed development is not viable to provide up to 50%. The 25% affordable housing offer is therefore considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.
- 13.14. The affordable housing is being delivered at a 78:22 split between in favour of affordable-rented units over shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 13.15. The proposed percentage of shared ownership units is lower than required in both the London Plan and Core Strategy. In this instance, such a split is considered broadly acceptable, as this is a result of an over provision of affordable rented units which would be offered at LBTH borough framework levels for E14. This approach optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing.
- 13.16. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £234 per week, 2-bed flats at £245 per week, 3 bed flats at £295 per week and 4-bed flats at £299 per week inclusive of service charges.

Housing Mix

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

13.18. South Quay Masterplan policy SQ3.6 states that developments should also deliver a range of housing typologies in accordance with set design principles.

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

		Affordable Housing						Market Housing		
		Affordable Rented			Intermediate					
Unit size	Total Units	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %
Studio	52	0	0	0	0	0	0	52	10	0
1 Bed	240	36	40	30	11	31	25	193	38	50
2 Bed	243	6	7	25	24	69	50	213	42	30
3 Bed	149	33	37	30	0		25	51(3PH)	10	20
4 Bed	15	15	16	15	0	0		0 (4PH)		
5 Bed	0	0	0	0	0	0		0		
Total		90	100	100	35	100	100	509	100	100

13.20. The above table confirms that there is an under provision of one beds and two bed affordable rented units which is a consequence of an over provision family sized units (3 and 4 beds) at 54%, against the 45% requirement.

13.21. There is an over provision of one and two beds intermediate units due to the fact that there are no intermediate three beds or larger proposed. Given the fact that the scheme is located in a very high value part of the Borough and it is acknowledged that developers and Registered Providers are finding it challenging to keep intermediate units affordable in this location. In this instance, the proposed intermediate mix is supported.

13.22. The proposed market sale housing would also consist of an over provision of two bedroom units. This is considered acceptable however, as the advice within London Mayor's Housing SPG in respect of market housing argues that it is inappropriate to be applied crudely "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements".

Quality of residential accommodation

13.23. London Plan 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.

13.24. 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.

13.25. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards.

13.26. The proposed internal cores of the west building would serve no more than 6 affordable units per core. The proposed eastern building however would consist of 6, 8 units and 9 units per core. The existence of more than 9 units pre core would be contrary to standards as set out in the Housing SPG, which seeks to provide a reasonable level of sense of ownership for future occupiers.

13.27. The affordable rent family sized units are designed with separate kitchens and an additional WC as required.

13.28. The number of single aspect north facing units has been reduced to 5% of the scheme.

13.29. The applicant states that all of the residential units would be compliant with the Lifetime Homes Criteria and that 10% of the units would be wheelchair accessible/adaptable. The 10% would be distributed evenly across the 3 tenures to allow all tenures to contain at least 10%. The proposed 10% of the rented units would be built as wheelchair accessible and the 10% within the Intermediate and market sale units would be wheelchair adaptable.

13.30. The Housing officer supports such an approach, which would ensure that the accessible units are located within the rented tenure and the ones in the market sales tenure can be adapted based on need.

- 13.31. The details and layouts of the wheelchair adaptable units would be secured by way of condition to ensure that they would comply with the requirements of the Occupational Therapist.
- 13.32. The proposed residential units would not be unduly overlooked by neighbouring properties and subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height exceed 2.5m which is in accordance with relevant policy and guidance.
- 13.33. On balance, it is considered that the proposed residential accommodation would be generally well designed and would broadly comply to London Plan policy 3.5 and policies SP02(6) and SP10(4) of the Core Strategy.
- 13.34. The failure to comply with the housing objectives of the Housing SPG and London Plan, which seeks to limit the number of residential units to 8 per floor, provides another indicator that the site is being overdeveloped.
- 13.35. In the absence of confirmation of the level of sunlight / daylight to the proposed residential units and quantum and quality of private amenity space provision, it is considered premature to confirm if the proposed residential accommodation overall in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the Core Strategy.

Internal Daylight and Sunlight

- 13.36. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 13.37. 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."
- 13.38. 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.

- 13.39. 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.
- 13.40. 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

- 13.41. The baseline and cumulative scenario have been presented in the ES Sunlight and Daylight Report however, it is the cumulative scenario which residents would actually experience.
- 13.42. The independent consultants BRE, have provided their interpretation of the cumulative results summarised below:

Eastern building

- 13.43. There are locations on each floor which would receive less than the minimum recommended ADF.
- 13.44. The north elevation rooms which would face Arrowhead Quay would comprise of the most rooms which have very low levels of ADFs of 0.3% from the 3rd to 35th floor. Values below the recommended minimum would also still be present until the 46th floor, with the exception of the 42nd floor which has different room arrangements in this position.
- 13.45. The northwest corner of the building where rooms are recessed due to the building's design consistently have lower values. The bedrooms on the third floor at this corner would have levels of 0.5% and remain below the recommended minimum until the 28th floor.
- 13.46. The rooms positioned with the recessed area at the south of the building also have ADF values lower than the recommended minimum but to a lesser extent than the other rooms within the tower.
- 13.47. A total of over 200 rooms (Bedrooms / KLDs) within the Eastern Tower would not receive the recommended minimum amount of daylight.

Western Building

- 13.48. The proposed rooms in the West Tower receive much higher levels of daylight in comparison to the East Tower.
- 13.49. The failings include a living room on each floor up to the 11th floor falling below the recommended minimum ADF.

13.50. The information submitted is not considered comprehensive, as it appears that the daylight to kitchens and dining rooms elements of open plan Kitchen/Living/Dining (KDLs) rooms has not been accounted for. If all aspects of the room were considered it is anticipated that the ADF would consequently be lower.

Summary

13.51. The development has a number of rooms which do not achieve the British Standard recommendations for day lighting. In a highly obstructed environment with multiple high rise buildings, BRE confirm that it is unlikely that any building will achieve 100% compliance with day lighting standards.

13.52. The failure of over 200 rooms to receive the recommended minimum amount of daylight however is a major concern.

13.53. The margins and number of failures raise concerns regarding the quality of the accommodation provided which is another indication that the site is over developed.

Sunlight

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

13.55. The BRE Report suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west

13.56. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.

13.57. Within the East Tower such a design approach has been broadly adhered to as of the 9 KDLs or studios, only one per floor would be solely north facing between the 3rd to 34th floor. The building does not have any solely north facing KDLs or studios on the 35th to 41st floor and 44th to 63rd floors. The 42nd floor would only consist of 2 KDLs or studios with solely north east or northwest windows.

13.58. The west tower would consist of one KLD on the 25th and 28th respectively floor that face north and two studios and a LKD that face north west on the 32nd floor. All of the other living rooms would have windows that face east, west, south or south east.

13.59. Overall, it is considered that the development is successful at having a reasonable number of living rooms orientated to receive sunlight.

- 13.60. The individual values for annual probable sunlight hours and winter sunlight hours are not provided, Colours in the tower illustrations confirm that sunlight to the south-west and south-east facing elevations of Marsh Wall tower are obstructed. Main living rooms in that area would receive reduced amounts of annual probable sunlight hours.
- 13.61. The south-west facing living room windows within the East Tower would receive the recommended amount of winter sunlight, however some of the windows on the lower floors would receive around 20% of annual probable sunlight hours rather than the recommended 25%.
- 13.62. The south east facing elevations within the East Tower would also receive the recommended amount of annual probable sunlight hours, however some windows on the lower floors would receive less than the recommended 5% of winter sunlight hours, as a result of the proposed hotel.

Conclusions

- 13.63. Notwithstanding the impact from existing environment and surrounding tall buildings cumulatively, it is considered by officers that a significant number and margins of ADF failures would due to the design and layout of the buildings, especially the East tower. The above is therefore another indicator that the site is being over developed.

14. Amenity space and Public Open Space

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

Private Amenity Space

- 14.2. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 14.3. The application proposes external terraces within the west Tower and designated internal private amenity space in the east Tower. The provision of external private amenity space in the West Tower is welcomed.
- 14.4. The internal amenity space within the East Tower however is identified on plan but does not consist of a thermal separation, and as such, it would be

more appropriate to form part of the internal floor space calculations rather than an amenity space provision.

- 14.5. In assessing the acceptability of such a design approach as discussed above, it is of note the Housing SPD states:

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

- 14.6. The planning statement states that the wind conditions allow for external terraces on the west Tower only and not the east Tower. This argument however is contradicted by the fact that external spaces have been provided on the 21st floor, 42nd and 63rd floor of the east tower and high -level external amenity space is provided on the west tower. The design of the building is therefore considered to be the primary reason for the creation of a significant number of units designed without outdoor private amenity space within the East Tower, and not the wind conditions.
- 14.7. In light of the above, it is considered that there are no exceptional circumstances that warrant an over provision of internal floor space within the East tower and absence of private outdoor private amenity space.
- 14.8. The proportion of the number of units designed without private amenity space is also considered excessive. Whilst, the failure to provide an alternative form of private amenity space such as ventilated winter gardens only exacerbates the failings in the design of the scheme. Such failings that are attributed to the fact that the site is being over developed.

Communal Amenity Space

- 14.9. The South Quay Masterplan policy SQ3.7 states that a Development should deliver communal amenity space as a mix of typologies that are distinct from public open space, private amenity space and child plays pace.
- 14.10. 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 674sqm.
- 14.11. Paragraph 4.7 of the Managing Development Document states *‘communal amenity space should be overlooked, and support a range of activities*

including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology'

- 14.12. The East Tower would provide 817sqm of internal and external communal amenity space located on a sky garden on top of the hotel building which would be shared with hotel guests.
- 14.13. The West Tower would provide a total of 191sqm of communal amenity space that comprises of 56sqm at the 5th floor mezzanine level and 135sqm at 30th floor level.
- 14.14. The proposed quantum of communal amenity space is welcomed, however officers are concerned that the requirement for residents to go through the sky bar lobby and share the proposed amenity space with guests of the hotel would deter residents from accessing the provision and prevent the residents unacceptably having any sense of ownership for the proposed communal space within the East Tower.
- 14.15. For the reasons above, the quality of the shared amenity space is therefore considered to be of limited public benefit and unacceptable for the enjoyment of future residents.

Public Open Space

- 14.16. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 14.17. The proposed development would also result in the loss of Wayside Gardens which is considered to be public open space in accordance with the Core Strategy definitions located with Appendix One:

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

- 14.18. The applicant proposes to off-set the loss of Wayside Gardens with the creation of a new 272sqm public open space within Alpha Square.
- 14.19. Alpha Square would be split into two parcels of land either side of Manilla Street. The parcel of land to the west of the highway would provide the proposed replacement public open space adjacent to the Public House and entrance to the school. The public realm to the east of Manilla Street adjacent to the proposed café would include the proposed wider Lenanton steps and land fronting Marsh Wall.

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



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

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

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

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

14.25. The separation of Alpha Square by Manilla Street however would result in a scheme which fails to provide public spaces and public realm that is safe, playable, welcoming and enjoyable for children and their parents and carers contrary to Shaping Neighbourhoods: Play and informal Recreation SPG.

14.26. The failure to provide a child friendly public realm is a serious cause for concern, unless such failures can be mitigated by an adequate provision of child play space being provided elsewhere on site. The quality and quantum of the proposed child play space is discussed later within the report.

14.27. The division of Alpha Square by a highway also results in the creation of only one aggregated public open space on the west side of the site which is

identified as mitigation (replacement provision) for the loss of Wayside Gardens. The proposed development as a consequence would only provide 681sqm of additional public space across the site. The above net increase of public space on site would be insufficient to allow for towers of such heights and density to appropriately breathe.

14.28. Although, it is considered LBTH CIL contributions to an extent mitigate insufficient levels of open space on site. The inability for the site to provide adequate new open space provisions on site in response to the proposed density and heights is another indicator that the site is being over developed.

14.29. On balance, it is therefore considered that although the proposed Alpha Square would provide an attractive and pleasant contribution to the local area, its failure to provide the required quantum of high quality public realm above and beyond what is required to mitigate the loss of Wayside Gardens for the future occupants of such a high density scheme would compromise its merits.

14.30. The proposed public benefits of the public realm offer are therefore considered insufficient to add weight to justifying the creation of such a high density development on site.

Child play space

14.31. 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.

14.32. The South Quay Masterplan policy SQ3.10 states that development should deliver child play spaces as a mix of onsite usable play space typologies, which are distinct from public open space, communal and private amenity space, as:

- a) series of ground floor outdoor play spaces for children aged 0 - 11; and
- b) outdoor play space for young people aged 12+ within the lower levels of the plinth and/or podium elements.

14.33. The scheme is predicted to contain 148 children (0-15 years of age) using LBTH yields and 172 children using GLA guidance. The following is a breakdown of the expected number of children per age group:

- 0-4 years 65
- 5-11 years 61
- Over 12 years 46

14.34. In accordance with London Plan Guidance a total of 1711sqm of play space is required for all three age groups.

14.35. The applicants approach is for the younger age groups to be provided on site and the older group to be accommodated on site and within the surrounding area.

14.36. The development therefore proposes 2026sqm of play space for all age groups (including the school playground and internal play space) and a financial contribution for additional play space and choice for over 12 year olds.

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

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

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

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

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

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

14.40. The submitted Design and Access statement also fails to identify an existing nearby play space for improvement or a suitable off site location for a new child play space provision for over 12 year olds. The proposed child play space provision consequently can only be assessed on the acceptability of the child play provided on site only.

14.41. The proposed quantum of child play space provided on site (2026sqm) would exceed the required level of child space for all age groups (1711sqm).

This proposed larger development (>500 residential units) would therefore appropriately provide a suitable quantum of onsite play provision in accordance with development plan policies.

14.42. The applicant states that the 0-4 age group would have access to doorstep play in each building. The east building would provide 187sqm of internal play space and of 146sqm of part external play space. The west building alternatively would provide 223sqm of play space for children aged 0-4 years.

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

14.44. The Shaping Neighbourhoods: Play and informal Recreation SPG also states:

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

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

14.46. The inclusion of 805sqm of child play space for the 5 – 11 and over 12 age groups in the form of the school playground to be used outside of the schools operational hours is an approach supported by 'Children and Young People's Play and Information Recreation' SPG which states:

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

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

"3.8 In new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play, careful consideration should be given to these options, including the need for

supervision and any restrictions that this might put on the use of the facilities”

- 14.48. The use of the playground on the roof of the school and access arrangements via a control access lift however would have the potential to limit accessibility to the play space, conflict with the management of the school and community provision and times of access and usability.
- 14.49. The proposed dual use of the playground to include child play space outside of the operational hours of the school, as a consequence would only be acceptable subject the implementation of a robust management plan which addresses the above concerns.
- 14.50. Subject to the implementation of a robust management plan, it is considered that on balance the proposal would provide an appropriate provision for play and informal recreation for all age groups on site, despite the fact that no ground floor play space is provided, in accordance with the expected child population generated by the scheme and an assessment of future needs.

15. Neighbours Amenity

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

Daylight, Sunlight and Overshadowing

- 15.2. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 15.3. As a result of the application site existing conditions that comprise of small buildings, the neighbouring properties have very good levels of daylight/sunlight at present and any development would therefore be likely to result in a significant reduction in daylight/sunlight.
- 15.4. Given a number of these neighbouring sites however are subject to developments proposals and located within the South Quay area which has a rapidly changing context, there is a necessity to strike balance between safeguarding neighbours existing living conditions and meeting the aspirations of the South Quay Master plan SPD. In accordance with the independent advice received, officer consider it appropriate to calculate whether habitable rooms in neighbouring buildings would meet minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.

- 15.5. Surrounding the application site is a number of residential properties that could be impacted upon by the development. These properties have been tested as part of the application and the results have been independently reviewed on behalf of the Council as shown below.

Daylight

- 15.6. 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.
- 15.7. As outlined above however, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings would 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 and the Council's independent consultant agree with the view presented within the Waldrams Daylight/ Sunlight study, on behalf of the applicant that the most appropriate test for this is Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.
- 15.8. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 15.9. 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.
- 15.10. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- *19-26 Cuba Street*
 - *North Pole, 74 Manilla Street*
 - *29 Byng Street*
 - *1-7 Bellemy Close*
 - *Tideway House*
 - *4-38 Trafford Street*
 - *1 Bosun Close*
 - *4 Mastermaker Road and Phoenix Heights North*
 - *Beatty House*
 - *Cochrane House*

- 100 – 120 Phoenix Heights West
- Discovery Dock Apartments

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

19-26 Cuba Street – Moderate to major adverse

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

15.13. The rooms worst affected for daylight distribution (no sky line) are the same as those worst affected for vertical sky component. Single aspect rooms facing east see the largest losses, with the southernmost losing the most and all rooms being outside the guidelines. The bedrooms on the ground floor, the most affected rooms, lose between 72.1% and 86.5% of the current view of sky.

North Pole, 74 Manilla Street – Moderate to major adverse

15.14. The site is located between the eastern and western towers. Two of the existing windows with losses of more than 40% are in excess of 80, with VSC values reduced to around 3% and 3.5%, respectively.

29 Byng Street Moderate to major adverse

15.15. The property is part of a three storey block of flats located to the south of the site. The non-habitable rooms windows on the eastern facing elevation overlooking Manilla Street would lose 72.5% to 75.4% of the existing vertical sky component. The south facing habitable windows would not be affected.

1-7 Bellemy Close – Moderate adverse

15.16. The windows identified as W25 to W33 would result in 7 of 11 windows experiencing over 40% losses in VSC. Windows on the first floor of this particular property experience losses of around 27%, and windows on the second floor between 33% and 36.1% losses.

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

4-38 Strafford Street – Minor adverse

15.18. Most of the windows experience very small losses. The windows already have a VSCs of 6.5% or less and therefore result in very small actual loss but substantial percentage loss. Having said that, most of the results are within the BRE guidelines.

Tideway House – Moderate to major adverse

- 15.19. The windows on the second floor VSC values are reduced from between 2.5% and 3% to 1%. The existing overhang restricts the view of the sky and reduces the potential for good light in any event.
- 15.20. The ground floor window would experience losses of between 29.3% and 50%. The first floor windows would have losses of 26.4% and 41.5% and the top floor window would lose 28% and 45.8% contrary to BRE guidelines.

1 Bosun Close – Minor adverse

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

4 Mastermaker Road and Phoenix Height North – Minor adverse

- 15.22. Three windows experience losses of over 30% which are located to the end of the west facing elevation.
- 15.23. Two windows, one of which is a bedroom would fall outside of the guidelines for daylight distribution (no sky line). The losses of 22.7% and 27.2% respectively are not far outside the guidelines.

Beatty House – Minor to Moderate adverse

- 15.24. The development would result in significant loss of VSC to some of the windows.
- 15.25. Some of the windows of Beatty House are however already very obstructed by large buildings and therefore have very low vertical sky components. The rooms that experience the highest loss of VSC would already be dependent on electric lighting.

Cochrane House - Minor to Moderate adverse

- 15.26. The building is similar to that of Beatty House with regards to its location and degree of existing obstruction. There is one very high individual loss of 60% but again, this only had a VSC of 2.5% to begin with.

100 – 120 Phoenix Heights West – Moderate adverse

- 15.27. The 7 windows that face site would experience a loss of 30.6% and 43.8% of VSC. Two windows fall outside the guidelines for no-sky line with losses of 26.1% and 30.9%.

Discovery Dock Apartments – Negligible impact

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

Sunlight

15.29. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

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

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

19 – 26 Cuba Street – Major Adverse

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

74 Manilla Street – Minor Adverse

15.32. Two windows would be affected and would not retain the recommended amount of annual probable sunlight hours.

Beatty House – Minor Adverse

15.33. When secondary windows are excluded, 15 of the windows are relevant in the consideration of sunlight. Two windows would fall outside of the guidelines for the loss of winter sunlight, albeit continue to receive the recommended amount over the whole year.

Cochrane House

15.34. When secondary windows are excluded, 17 of the windows are relevant in the consideration of sunlight. Two windows would fall outside the guidelines

for the loss of winter sunlight, albeit continue to receive the recommended amount over the whole year.

Discovery Dock Apartments West

15.35. All the windows are within the BRE guidelines.

Conclusion

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

Cumulative Assessment

15.37. The impact on windows of 1 Boson Close, 74 Manilla Street, 29 Byng Street, Beatty House and Cochrane House would be similar in the cumulative scenario to that of the isolated scenario.

19-26 Cuba Street - Moderate to major

15.38. The building would experience substantial increase in the impact to some windows in the middle of the block, particularly where balconies are present. For example, one window would result in a loss of 85.7 from 28.6% and another window would lose all of its light resulting in a loss of 100% from 90.9%. The sky line losses also see a large increase in most cases.

1-7 Bellamy Close - Major adverse

15.39. The building would experience a substantial increase in adverse impact to some windows. Six windows would remain within the BRE guidelines. The cumulative impact would be major adverse but again this is primary due to other developments.

4-38 Stafford Street - Major adverse

15.40. The building would experience an increase in impact. Six windows which already receive negligible amounts of daylight would remain with the BRE guidelines. The other windows would experience cumulative losses between 22.8% and 66.7%. The cumulative impact would be major adverse but again this is primary due to other developments.

Tideway House

15.41. Tideway House experiences an increase in adverse impact, however not as substantial as that to 4-38 Stafford Street, as the development has more significant impact on its own.

4 Mastmaker – Minor adverse

- 15.42. The building would see a substantial increase in impact, as those windows that previously experienced very small loss ratios would now experience larger impacts and in most all cases fall outside the BRE Guidelines. The impact is minor adverse but this is due to the other developments.

Discovery Dock West

- 15.43. Discovery Dock West would be subject to a significant increase in impact as 64 of 122 windows would fall outside the BRE guidelines, albeit losses of between 20 and 30%. Very little impact is attributed to the proposed scheme.

100 to 120 Phoenix Heights West

- 15.44. The cumulative impact on 100 to 120 Phoenix Heights West varies greatly with the orientation of the windows and in a few cases would result in some windows falling outside the guidelines.
- 15.45. The changes to sunlight in the cumulative scenario are generally small for all of the properties, with limited difference to those shown in the existing/proposed scenario.

Overshadowing

- 15.46. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”.
- 15.47. The majority of the amenity areas within the rear of surrounding properties are already significantly over shadowed whilst a number of neighbouring dwellings do not have rear amenity space, such as those abutting the site situated along Byng Street and Bellamy Close.
- 15.48. The shadow study indicates that transient overshadowing effects would be limited as the building shadows move around over the course of the day. The GIA assessment and conclusion of minor adverse impact is supported.

Privacy

- 15.49. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 15.50. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

- 15.51. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 15.52. Notwithstanding the previous officer assessment, it is considered that the combination of the proposed towers alone, and coupled with the hotel at 40 Marsh Wall would give rise to adverse impacts in terms of visual amenity and sense of enclosure from the surrounding streetscene and public realm, in particular from Manilla Street, Byng Street and Bellamy Close.

Landscaping and Biodiversity

- 15.53. 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.
- 15.54. The Council's Biodiversity officer has advised that the application site consists of buildings and hard surfaces, but there are a number of trees and areas of shrubs and ruderal vegetation. It is considered these trees and shrubs are likely to support breeding birds. One building also has the potential to support occasional summer roosts for bat while a small numbers of bats have been recorded foraging on the site.
- 15.55. On balance however, it is considered that the loss of the existing trees and other vegetation would be a minor adverse impact on biodiversity.
- 15.56. Subject to safeguarding conditions securing biodiversity mitigation and enhancement measures, the proposed development is considered acceptable in regards to biodiversity in accordance with policy SP04 of the CS.

16. Highways and Transportation

Policy Context

- 16.1. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 16.2. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and

road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 16.3. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 16.4. The site has a good public transport accessibility level (PTAL) of 4.
- 16.5. The proposed development was subject to a number of discussions at pre app stage and during the life of the previous application.
- 16.6. The latest revision includes the creation of 38 car parking spaces within the basements of the development. The western tower would provide 10 car parking spaces. The eastern tower would provide 28 car parking spaces.

Car Parking and access

- 16.7. The proposed parking within the site is now for residential use only plus one mini bus space for the school. The west tower would comprise of 10 spaces, of which 6 are for allocated for accessible use for residents who have a registered blue badge. The east building would alternatively comprise of 28 spaces, of which 5 are accessible.
- 16.8. Although officers would support in this location zero parking (other than accessible parking), the proposed car parking provision is considered appropriate as it falls below the stated maximum levels in accordance with policy.
- 16.9. The car parking spaces in the West Tower and one in the East however would not be accessible whilst the buildings are being serviced. A car park management plan in conjunction with a service management plan would therefore be required showing how the car parks would function when a service vehicle is on site. The submission of the above plans could be secured by condition.
- 16.10. The proposed additional blue badge spaces located on the public highway would aid visitors access the development, particularly the proposed health centre which is welcomed.

Servicing and deliveries

- 16.11. The servicing is proposed to take place within the car parking basements with access being taken from a single lift in each building. As discussed previously, there are still concerns regarding the interaction between service vehicles and private residential vehicles utilising the same space.

- 16.12. The highways officer as a consequence reaffirmed that further details should be secured by condition to confirm how servicing would take place in the event one of the lifts is out of order and that comments should be sought from the Waste Management officer regarding the acceptability of the Waste Management Plan.
- 16.13. The waste management plan is reliant on a private company undertaking all waste removal which would mean that the applicant could control the times of collections more accurately and ensure the correct vehicle are utilised for the lift. Such an approach would require a full service management plan to be secured by condition. The suitability of such an approach in a waste management perspective and not highway perspective is discussed in detail later within the report.
- 16.14. The requirement for end users to sign up to the service management plan to ensure co-ordination and consolidation of deliveries wherever practical would be secured by condition.

Public Highways and parking

- 16.15. The proposal requires the removal of eight on street parking bays. The applicant has proposed for the relocation of the car parking spaces outside of the application site and on the existing footpath on the northern side of Manilla Street that forms part of the public highway. Highways officers raised no objection to their relocation, which would be secured via a highways agreement.
- 16.16. The existing coach parking bay adjacent to 40 Marsh Wall and which falls outside of the application site would serve the proposed hotel.
- 16.17. The use of the existing layby situated in front of 40 Marsh Wall on the public highway which is publically accessible is supported by TfL and Highways officer.

School

- 16.18. Policy DM20 (Supporting a sustainable transport network) states that 'development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network'.
- 16.19. The preamble of DM20 also states 'a key objective of the London Plan is to ensure everyone has safe and convenient access to jobs, services and facilities. Core Strategy Spatial Policy 08 provides the overarching policy to realise this objective by seeking to create a hierarchy of transport interchanges across the borough, ensuring capacity of public transport networks meets current and future demand and improving public transport in identified growth areas. DM20 requires new development to demonstrate that it is integrated with the transport network and to contribute towards new transport infrastructure and improvements where necessary.

- 16.20. The applicant submitted a more comprehensive revised estimate of the number of vehicles that would be likely to be generated as a result of the drop off / pick up activities of the school. The reduced estimations are welcomed.
- 16.21. The proposed school would also now be designed with two entrances to split the arrival departure points. The imposition of an eastbound one way street system which would be secured via a highways agreement would also help control the movement of vehicles associated with the school run.
- 16.22. The Highways officer supports the development of the proposed school on site with regards to highway safety.
- 16.23. Subject to the above discussed mitigation measures, it is considered that the proposed development would minimise congestion and dangerous movements, and highway safety issues in accordance to Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD.

Cycling and walking

- 16.24. The proposed cycle provision of 1,148 would exceed the London Plan 2015 standards.
- 16.25. The absence of short stay facilities on the western side of the site would be mitigated by an over provision on the eastern side. Albeit, it is considered that this is to the detriment of the scheme as such facilities should have been located adjacent to the school.
- 16.26. The details of the type of cycle stands proposed including dimensions of the stores would be secured by condition.
- 16.27. A condition would also be attached to ensure that the means of access to the cycle stores complies with the London Cycle Design Standards and the cycle parking provisions for staff include changing and washing facilities.
- 16.28. The applicant has undertaken a PERS audit which is welcomed. The provision of a route linking Marsh Wall to Manilla Street is strongly supported and would be secured via a section 106 / section 278 agreement.

South Quay Footbridge

- 16.29. This and other South Quay developments (their residents, workers and visitors) would place a further burden onto the heavily used bridge across South Quay. Accordingly, Tower Hamlets in conjunction with other parties such as TfL are seeking pooled contributions towards the introduction of a second footbridge across South Dock to improve north-south connectivity in the area.

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

Public Transport

Buses

- 16.32. The development is likely to generate additional demand on the bus network in peak hours, particularly along the Wesferry Road corridor, which currently operates in excess of its planned capacity. Without appropriate mitigation, capacity constraints on this key corridor are expected to increase in the context of the cumulative impact of future development of the Isle of Dogs.
- 16.33. In line with London Plan policy 6.1, appropriate financial mitigation would be secured via section 106 to mitigate the impact on local buses services and enhance bus capacity.

DLR

- 16.34. The proposed development is within 50m of DLR's. Safeguarding conditions would be attached to ensure that the DLR infrastructure would be appropriately safeguarded from the proposed temporary works of development.

Jubilee and Crossrail

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

Demolition and Construction Traffic

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

Travel Plans

- 16.37. Draft Travel Plans have been submitted for all uses and these are welcomed. Full travel plans would be secured via condition to any planning permission which may be granted.
- 16.38. The highways officer advises that the School Travel Plan should be discussed with the LBTH School Travel Adviser prior to its submission to

ensure that the proposals secure an exemplar sustainable school whilst embedding a 'no driving to school' culture.

17. Waste

17.1. Policy SP05 (Dealing with waste) of the Core Strategy states that developments should implement the waste management hierarchy of reduce, reuse and recycle, by:

- a) Ensuring that local residents reduce and manage their waste effectively.
- b) Requiring non waste developments to appropriately design and plan for waste storage and recycling facilities.
- c) Requiring all developments to reduce and reuse waste from construction and demolition
- d) Supporting developments that use recycled materials

17.2. Policy DM 14 of the MDD states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle. Major development should provide a Waste Reduction Management Plan.

Lift contingency

17.3. The proposed towers would be serviced on site with a large vehicle lift providing access to the basement levels. The submitted waste management plans does not identify a contingency plan for / when or if the lifts breakdown or require servicing.

17.4. The Waste and Recycling officer advised that a contingency plan would be required to demonstrate the appropriateness of the proposed provision. The waste officer also advised that such a contingency plan could have involved the installation of a service lift which leads to a small holding area for waste should be proposed.

17.5. The applicant however did not propose any form of contingency plan as part of the waste strategy and as a consequence, it is therefore considered that the proposal would not be of an appropriate design and plan for waste management, storage and recycling facilities contrary to Core Strategy policy SP05 and Managing Development Document policy DM14.

Lift size / vehicles

17.6. The maximum vehicle size for the proposed lifts would be 8.2m deep. The Refuse and Recycling – Storage and Collection Supplementary guidance states that the largest vehicles which can serve large developments are 11m.

17.7. The Waste and Recycling Officer acknowledges that the Council cannot prevent the landlord from employing another registered waste carrier to collect and dispose of the residential waste. Nevertheless, it's considered that such an arrangement would prevent the Council providing from providing a statutory service and also result in residents paying for waste collection / disposal twice.

Commercial waste

17.8. The proposed waste storage would comprise of 3 waste streams which is welcomed, as it would allow for both commercial waste and residential waste to be stored separately.

17.9. The absence of information confirming how the residential waste would be physically stored separately from the commercial waste however is considered unacceptable.

17.10. In light of the above issues and objections by the waste and recycling officer, it is considered that the proposed development would not implement the waste management hierarchy of reduce, reuse and recycle contrary to Core Strategy policy SP05 and Managing Development Document policy DM14.

Energy & Sustainability

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

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

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

17.13. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent 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.

- 17.14. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy and seeks to focus on reducing energy demand through energy efficiency measures, supplying the energy as efficiently as possible (CHP system) and integrating renewable energy technologies (PV array). The current proposals would incorporate measures to reduce CO2 emissions by 40.8%.
- 17.15. The submitted Energy and Sustainability Statement (Grontmij – September 2015 Version 6) identifies that the applicant has held preliminary discussions with Barkantine Heat and Power Company relating to a connection to the Barkantine District Heating Network, with negotiations relating to a connection on going. A safeguarding condition would be attached to ensure that an updated district energy strategy is submitted with a preference for a connection where feasible, in accordance with London Plan policy 5.6 which seeks developments to connect to an existing district heating system where available.
- 17.16. The CO2 emission reductions currently proposed fall short of the 45% reduction requirements of policy DM29. The LBTH Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:
- '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'*
- 17.17. The cost of a CO2 shortfall is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 17.18. For the proposed scheme, a financial contribution of £113,040 for carbon offset projects would be secured via a section 106 agreement.
- 17.19. 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 non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which show the scheme would be designed to achieve a BREEAM Excellent rating for both the school and offices. This is welcomed and would be secured via Condition.
- 17.20. The GLA raise no strategic concerns with the proposed energy strategy.
- 17.21. Subject to safeguarding conditions and s106 agreement, the proposed development would comply with the NPPF, climate change policies as set

out in Chapter 5 of the London Plan 2015, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29.

Environmental Considerations

Noise, Vibration and odour

- 17.22. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 17.23. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 17.24. The proposed development would be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 17.25. The documentation has been reviewed by the Council's Environmental Health Noise and Vibration officer who have confirmed they have no objections, subject to safeguarding conditions to ensure the relevant standards are met.
- 17.26. Noise from the A1-A3 uses and general deliveries and servicing on site would be controlled by an "hours of use" condition.
- 17.27. In relation to odour, a safeguarding noise/sound insulation condition would ensure that any food /drink use with a kitchen extract system would not result in odour nuisance and any internal noise transmission between the gym and residential uses.

Air Quality

- 17.28. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 17.29. The LBTH Air Quality officer reviewed the Environmental Statement and confirmed that the Energy centre is shown to have no significant impacts.

- 17.30. A condition would be attached to ensure that the proposed plant meets the GLA Nox emissions limits stated within the GLA's Sustainable Design and Construction Supplementary Planning Guidance document.
- 17.31. The construction phase assessment classes the development as a Medium risk for dust impacts. The submission of a Construction Environmental Management Plan, which would secure mitigation measures for the development in accordance with the THCOCP and the Control of Dust and Emissions from Construction SPG, would be secured by condition.
- 17.32. The Air Quality report shows that the NO2 Air Quality objective would only be exceeded at ground level on the Northern side of the East building. This area however is not be subject to the air quality objective however, as it would be used for a foyer/lobby.
- 17.33. The remainder of the development is predicted to be below the Air Quality Objective and therefore is considered suitable for the proposed use of residential use and school.
- 17.34. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Microclimate

- 17.35. 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.
- 17.36. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 17.37. The wind levels at ground level are generally suitable however, some mitigation and landscaping measures would be required to confirm suitable wind conditions can be provided in the event planning permission was to be granted. The landscaping measures would be secured by condition.

Demolition and Construction Noise and Vibration

- 17.38. The Environmental Statement acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by the mitigation methods such as siting stationary noise sources

away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods etc., which would be employed to ensure that the noise levels are acceptable.

- 17.39. A series of conditions, including Demolition / Construction Traffic Management Plans and Environmental Plans, would 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

- 17.40. 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.
- 17.41. The Council's Environmental Health Contamination 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. The requested conditions would be attached accordingly.

Flood Risk and Water Resources

- 17.42. 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.
- 17.43. 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.
- 17.44. The application is supported by a Flood Risk Assessment (FRA) and the Environment Agency advise that their most recent study shows that the site is unlikely to flood even in a breach of tidal defences. The FRA demonstrates the development will not increase the risk or severity of 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.
- 17.45. 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. Such measures would be secured by condition. 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.

17.46. Subject to safeguarding conditions, it is considered that the proposed development would comply with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Television and Radio Service

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

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

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

17.49. Due to the orientation of satellite dishes and the existing shadows cast on One Canada Square however, there would be negligible effects on both.

17.50. Any minor adverse effect on DLR communications would also be mitigated through the section 106.

London City Airport Safeguarding Zone

17.51. London City Airport have raised no safeguarding objection to the scheme subject to conditioning the 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

17.52. 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.

17.53. 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.

17.54. 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.

17.55. The proposed development would promote sustainable modes of transport, improve permeability through the site and provide local open space and sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

17.56. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.

17.57. 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.

17.58. 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.

17.59. 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.

17.60. The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

17.61. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

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

17.63. The development is predicted to have a population yield of 1213, 148 of whom will be aged between 0-15 (172 children using GLA guidance) and are predicted to generate a demand for 80 school places (age 5-15). The development is also predicted to generate jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. In the event planning permission is granted, a LBTH CIL contribution of £12,995,304.47. The development costs of the on-site school would be off set against the above payment.

17.64. The applicant has also offered 25% affordable housing by habitable room with a tenure split of 78:22 of affordable rented at LBTH rent levels and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy.

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

OTHER

Financial Considerations

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

17.66. 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.

17.67. 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.

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

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

17.70. As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL is estimated to be around £2,677,894.08. The Council’s own CIL is estimated at £13,218,667.46 (without any relief) or £1,785,462.69.

17.71. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

17.72. Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £930,699 in the first year and a total payment of £5,584,196 over 6 years.

Human Rights Considerations

17.73. 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:-

17.74. 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".

17.75. 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.

17.76. 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.

17.77. 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.

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

17.79. 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.

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

Equalities Act Considerations

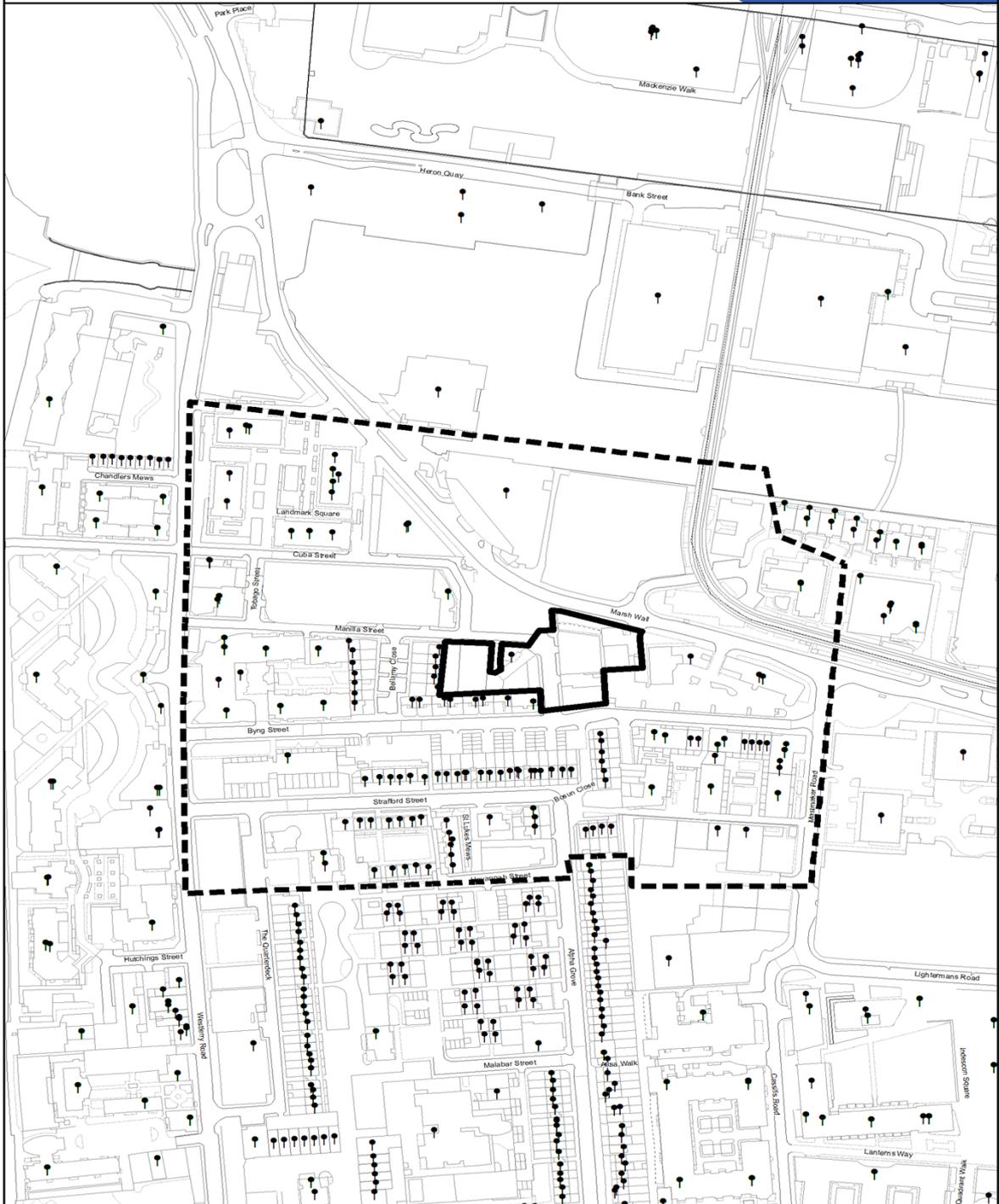
17.81. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard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

18. Conclusion

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

Planning Application Site Map
PA/15/02671



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 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.
© Crown copyright and database rights 2016 Ordnance Survey, London Borough of Tower Hamlets 100019288