

Committee: Development	Date: 18 February 2016	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/15/02675 (full planning permission) Ref No: PA/15/02748 (listed building consent)
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road, London

Existing Use: Vacant

Proposal: Application for planning permission

Demolition of remaining buildings and structures and erection of a 67 storey building (240.545m AOD) with two basement levels, comprising 861 residential units (Use Class C3), 942sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking.

Application for listed building consent

Temporary dismantling of Grade II "Former West Entrance gate to West India Docks with Curved Walling" and re-installment in conjunction with redevelopment proposals.

Drawings: Application for planning permission

Site plans:

AP1001, AP1002, AP1003 rev 1, and AP1001 rev 3.

Floor Plans:

AP2001 rev 2, AP2002 rev 3, AP2003 rev 4, AP2004 rev 2, AP2005 rev 3, AP2006 rev 4, AP2007 rev 4, AP2008 rev 4, AP2008A rev 3, AP2009 rev 4, AP2010 rev 4, AP2011 rev 4, AP2012 rev 3, AP2013 rev 2, AP2014 rev 2, AP2015 rev 2, AP2016 rev 2, AP2017 rev 2, AP2018 rev 2, AP2019 rev 2, AP2020 rev 2, AP2021 rev 2, AP2022 rev 2, AP2023 rev 2, AP2024 rev 2, AP2025 rev 2, AP2026 rev 2, AP2027 rev 2, AP2028 rev 2, AP2029 rev 1, AP2030 rev 1, AP2031 rev 1, AP2032 rev 1, AP2033 rev 1, AP2034 rev 1, AP2035 rev 1, and AP2035 rev 1.

Enlarged Floor Plans:

AP4501 rev 3, AP4502 rev 3, AP4503 rev 3, AP4504 rev 3, AP4511 rev 2, AP4512 rev 3, AP4513 rev 3, AP4514 rev 1, AP4514 rev 2, AP4516 rev 2, AP4517 rev 1, AP4521 rev 1, AP4522 rev 2, AP4523 rev 2, AP4524, AP4525 rev 1, AP4526 rev 2, AP4527 rev 2, AP4528 rev 1, AP4531 rev 1, AP4601 rev 3, AP4602 rev 3, AP4603 rev 3, AP4604 rev 1, and AP4605 rev 1.

Elevations:

AP5001 rev 3, AP5002 rev 2, AP5003 rev 2, AP5004 rev 2, AP5003 rev 2, AP5004 rev 2, AP5007 rev 3, AP5008 rev 2, AP5009 rev 2, AP5010 rev 2, AP5101 rev 3, AP5102 rev 2, AP5103 rev 2, AP5104 rev 2, AP5105 rev 1, AP5106 rev 1, AP5107 rev 1, and AP5108 rev 1.

Sections:

AP7011 rev 4, AP7012 rev 2, AP7021 rev 2, AP7201 rev 4, AP7202, AP7203 rev 1, AP7204 rev 1, AP7205 rev 1, AP7205 rev 2, and AP7206 rev 2.

CGIs:

AP0101, AP0102 rev 1, AP0103 rev 1, AP0104, AP0105 rev 1, AP0106 rev 1, AP0107 rev 1, AP0108 rev 1, AP0109 rev 1, AP0110, AP0111 rev 1, and AP0112 rev 1.

Application for listed building consent:

AP1101.

Documents:

Application for planning permission:

- Design and Access Statement Volume 1, rev A, undated;
- Design and Access Statement Volume 2 - Landscape and Public Realm Statement, undated;
- Planning Statement, dated September 2015;
- Affordable Housing Report, October 2015;
- Tree Survey Report, ref 60318701, dated September 2015;
- Energy Statement, ref 70005558, dated September 2015;
- Sustainability Statement, undated;
- Statement of Community Involvement, September 2015;
- Open Space and Child Play Space Assessment, undated;
- Drainage/Utilities Statement, undated;
- Amenity and Play Strategy, undated;
- Bicycle Parking Strategy, undated;
- External Envelope, undated;
- Environmental Impact Assessment (Volumes 1 - 3),

- undated;
- Environmental Statement Non-Technical Summary, undated; and
 - Statements of Environmental Impact Assessment Conformity, dated 12/10/2015, 11/01/2016 and 03/02/2016.

Application for listed building consent:

- Listed Building Assessment, dated September 2015.

Applicant: Greenland Hertsmere (London) Ltd

Owner: Greenland Hertsmere (London) Ltd, Canary Wharf Management Ltd, and Canal & River Trust

Historic Building: Grade II former West Entrance gate to West India Docks with curved walling, Grade I quay walls, copings and buttresses to Import and Export Docks. Adjoins Grade II Cannon Workshops & Guardhouse and the Grade I North Quay Warehouses.

Conservation Area: West India Dock Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The proposal is located in both the Isle of Dogs and the Tower Hamlets Activity Areas which support residential led mixed used developments of this nature. In terms of housing, the scheme viably delivers 30% affordable housing through a hybrid combination of on-site, off-site and payment in-lieu, 33.6% of which will be the physical delivery of family sized units. Through the delivery 861 units, the scheme makes a significant contribution to the Councils housing targets.
- 2.2 In terms of impact, there will be some impact on surrounding properties in relation to sunlight and daylight, however these have been found to be minor adverse and on balance it is considered that the benefits of the scheme outweighs those impacts. There will be no loss of privacy and very little impact on the surrounding street network given that the scheme will be “car-free” other than the 9 spaces reserved for disabled parking.
- 2.3 In terms of design, through a series of amendments negotiated by the Local Planning Authority and the GLA, the scheme is now considered to sit comfortably within the townscape. Historic England considers the scheme to be an improvement on the previously approved proposal. Internal and external amenity is considered to be of an acceptable standard and the development delivers a high quality public realm.
- 2.4 On balance, it is considered that the scheme delivers the aspirations of the relevant planning policies.

3.0 RECOMMENDATION

Application for full planning permission

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

- Any direction by the London Mayor.
- The prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £19,250,000.00 payment in lieu of affordable housing
- b) £421,364.00 construction phase employment training
- c) £28,968.00 end-user phase employment training
- d) £204,660.00 carbon off-setting
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £19,904,992.00 plus monitoring contribution

3.3 Non-financial contributions:

- f) On-site affordable housing at Hertsmere House (96 units 12% of habitable rooms within the Hertsmere House site)
 - 9.3% Affordable rented (72 units)
 - 2.6% Intermediate rented (24 units)
- g) Off-site affordable housing at Dagleish Street (60 units 100% of habitable rooms within the Dagleish Street site)
 - 35.3% Affordable rented (27 units)
 - 54.6% Social rented (26 units)
 - 10.1% Shared ownership (7 units)
- h) Affordable housing review mechanism if the development does not commence within 2 years
- i) Car free
- j) Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 80 apprenticeships
- k) Mitigation of TV reception impact
- l) Car parking management plan
- m) Electric vehicle charging points
- n) LBTH Code of Construction Practice and Considerate Constructors Scheme

- o) Public access to public realm, including a Public Realm Management Plan
 - p) Communal Amenity and Play Space Management Plan
 - q) All reasonable endeavours to deliver the wider public realm vision
 - r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.6 Conditions:

Compliance

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for erection of fences and gates, painting.

Pre-commencement

- d) Crossrail safeguarding with respect of initial works only, concurrent working
- e) Archaeology - written scheme of investigation
- f) Land contamination

Pre-commencement (other than demolition of the remaining substructure, backfilling and construction of a below grade guide wall, capping beam and excavation of service trenches)

- g) Piling method statement, details of below ground works, Crossrail noise & ground borne vibration mitigation measures. Measures to prevent contamination of ground water. Measures to safeguard Crossrail and Thames water subsurface infrastructure. Crossrail concurrent working restrictions.
- h) Construction Management Plan including working hours, control of dust, air pollution and noise pollution, measures to minimise impact on adjoining residential and commercial occupiers, East London Family Court and Museum of Docklands.
- i) Construction Logistics Plan including feasibility & maximisation of waterborne transport
- j) Crane operation plan
- k) Method statement demonstrating how the development will safeguard the structural integrity of adjoining listed buildings

Pre- 3rd floor slab level

- l) Detailed drawings and samples of all external materials including 1:1 mock-up of typical section of elevation
- m) Landscaping and public realm:
 - 1. Soft landscaping
 - 2. Biodiversity improvement measures
 - 3. Hard landscaping
 - 4. Street furniture
 - 5. Play equipment
 - 6. Signage & wayfinding
 - 7. Lighting to public realm including lighting spill drawings
 - 8. CCTV and security measures
 - 9. Visitor cycle parking
 - 10. Wind mitigation measures
 - 11. Ground levels & thresholds – inclusive access
 - 12. Scheme of interpretation with historical information boards
 - 13. Public art
- n) Details of communal areas & roof gardens:
 - 1. Access routes
 - 2. Toilet facilities
 - 3. Play equipment
 - 4. Finishes and surfaces
 - 5. Planting
 - 6. Lighting
 - 7. Security & access control measures
- o) Details of surface water drainage & SUDs
- p) Details of internal cycle parking
- q) Details of wheelchair accessible and adaptable units
- r) Details of all mechanical equipment including ventilation to residential units and details of noise insulation to residential units
- s) Details of wintergardens
- t) Details of lighting (other than public realm) including aviation safety lighting
- u) Water supply infrastructure capacity study
- v) Secured by Design
- w) Radar mitigation scheme

Pre-occupation

- x) Energy efficiency measures (blinds, air-conditioning controls, resident guidance)
- y) Waste Management Plan and Delivery & Servicing Plan
- z) Travel Plan
- aa) Scheme to maximise active shopfronts and clear areas of glazing to ground floor and mezzanine levels, details of security shutters and signage strategy
- bb) Detail of noise mitigation and odour control to any A3 units
- cc) Details of opening hours for any A3/D2 units
- dd) Evidence of energy efficiency and sustainability strategy compliance and capability of connection to a future district heating network

3.7 Informatives

- a) Thames Water
- b) Environmental Health – Noise & Vibration

3.8 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

Application for listed building consent

3.9 That the Committee resolve to **GRANT** listed building consent subject to the following conditions:

3.10 Conditions

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Historic England to be notified 7 days prior to commencement
- d) Contracts for the carrying out of works to be submitted prior to commencement
- e) Full details of the specialist person or company to carry out the works, timetable for works
- f) Demolition works to be carried out by hand or by tools held in the hand other than power-driven tools
- g) Dismantled structure to be stored under cover in a secure place
- h) 1:20 scaled detailed drawings, sample panels of reconstructed brickwork
- i) Structure to be re-erected prior to first occupation of Hertsmere House
- j) No cleaning of masonry without prior approval of details

3.11 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is located within the northern part of the Isle of Dogs, to the north-west of the main Canary Wharf cluster. It is located on the eastern side of Hertsmere Road – a private road, accessible from East India Dock Road/Aspen Way and Westferry Road.

4.2 The site sits at the western end of West India Dock North, with the northernmost part of the site located within the West India Dock Road Conservation Area. The nearest heritage assets include the Grade II former West Entrance gate to West India Docks which is located within the south-western part of the site, the Grade I quay walls, copings and buttresses to Import and Export Docks, the Grade II Cannon Workshops & Guardhouse and the Grade I North Quay Warehouses.



Figure 1 – Site location plan

- 4.3 The site is currently vacant, with the 4 storey office building previously occupying the site demolished in 2015. It is not designated for any particular use as it is located outside the Canary Wharf Preferred Office Location which stretches to the south and east of the application site.



Figure 2 – Photograph of the application site prior to demolition

- 4.4 The setting of the application site is diverse in character, with low rise historic buildings to the north and west, and high-rise commercial developments to the south and east. The site forms part of the Tower Hamlets Activity Area and adjoins the northern boundary of the Canary Wharf Major Town Centre. It is also located within the London Plan’s Isle of Dogs Activity Area.
- 4.5 The site benefits from very good public transport accessibility (PTAL rating of 5) with convenient pedestrian access to a number of bus connections as well as the Canary Wharf Jubilee Line Station, four different DLR stations and, from late 2018, the Crossrail Station. The opening of Crossrail would improve the site’s public transport accessibility to an excellent standard – a PTAL rating of 6. There are also a number of Cycle Hire Stations within close walking distance and the Cycle Superhighway CS3 runs nearby.
- 4.6 The site is of little biodiversity value; however, the adjoining dock is designated as a local Site of Importance for Nature Conservation.
- 4.7 The following other designations also apply:
- Air Quality Management Area
 - London City Airport Safeguarding Zone
 - Crossrail Safeguarding Area
 - Crossrail SPG Charging Zone
 - Flood Zone 3

Planning History

- 4.8 Full planning permission ref PA/03/00475 and conservation area consent ref PA/03/00878, were granted by granted by the Council on 2nd March 2005 for:

Demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing.

The above consents had not been implemented within the statutory period.

- 4.9 Full planning permission ref PA/08/02709 and conservation area consent ref PA/08/00710 were granted by the Mayor of London on 2nd December 2009 for:

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).

This permission has been implemented with the site cleared to ground level.



Figure 3 – CGI of the extant scheme

Planning permissions and applications within the vicinity of the site

4.10 Cumulative schemes relevant to assessment of the proposal are listed below with full descriptions provided within Chapter 2 of the Environmental Statement:

- 1 Park Place ref PA/13/02344
- Newfoundland ref PA/13/01455 (S73 ref PA/15/00630)
- 15 Salter Street ref PA/09/02099
- Riverside South ref PA/07/00935 (S73 ref PA/08/02249)
- Heron Quays West 1 ref PA/13/01150 (reserved matters ref PA/14/01664)
- Heron Quays West 2 ref PA/13/03159 and PA/14/02617
- North Quay ref PA/03/00379
- City Pride ref PA/12/03248
- 30 Marsh Wall ref PA/13/03161
- Arrowhead Quay ref PA/12/03315
- 40 Marsh Wall ref PA/10/01049
- Former Blessed John Roche Secondary School ref PA/10/00161
- 63-69 Manilla Street ref PA/04/01847
- East India Dock Road ref PA/13/01432
- South Quay Plaza ref PA/14/00944
- Poplar Business Park ref PA/11/03375
- Indecon Court, 20 Millharbour ref PA/07/03282
- Wood Wharf ref PA/13/02966 (including reserved matters RM01-RM06)
- 2 Trafalgar Way ref PA/08/01321 (S73 ref PA/14/01771)
- Meridian Gate ref PA/14/01428
- 2 Millharbour ref PA/14/01246
- Millharbour Village ref PA/14/03195

Proposal

4.11 The planning application proposes erection of a high-rise, high-density residential development housing 861 residential units within a single tower along with ground floor retail uses (942sqm of A1-A3 or D2 use). Three levels of communal amenity areas would be provided along with improvements to public realm at ground level.



Figure 4 – CGI of the proposed development.

4.12 9 car parking spaces would be provided at basement level. There would be 1290 internal cycle parking spaces and 44 visitor spaces within the public realm.

4.13 The following mix of units would be provided:

	Affordable Rented		Intermediate		Market
	Borough Framework	Social Target	Shared Ownership	Intermediate Rent	
studio	-	-	-	-	78
1 bed	32	-	-	16	352
2 bed	24	-	-	8	294
3 bed	16	-	-	-	41
4 bed	-	-	-	-	-
Total	72	-	-	24	765

Figure 5 – Units mix within Hertsmere House

- 4.14 By habitable room, the proposal would include a total of 30% affordable housing overall, of which 12% would be located on-site, at Hertsmere House.
- 4.15 The proposals for Hertsmere House are put forward in conjunction with off-site provision at Dalgleish Street and a payment in-lieu to achieve 30% affordable housing provision overall. The Dalgleish Street scheme (ref PA/15/02674 is discussed as a separate item on this agenda).

	Affordable Rented		Intermediate		Market
	Borough Framework	Social Target	Shared Ownership	Intermediate Rent	
studio	-	-	-	-	-
1 bed	8	-	1	-	-
2 bed	19	-	5	-	-
3 bed	-	17	1	-	-
4 bed	-	9	-	-	-
Total	27	26	7	-	-

Figure 6 – Proposed units mix at Dalgleish Street (application ref PA/15/02674).

- 4.16 The listed building consent application is for dismantling and rebuilding of the Grade II listed gate piers and wall which would directly adjoin the proposed tower. The listed building needs to be dismantled and re-erected in order to facilitate erection of the Hertsmere House scheme.



Figure 7 – Photograph of the Grade II listed gate piers and wall.

5.0 POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan consolidated with alterations since 2011

- 1.1 - Delivering the strategic vision and objectives for London
- 2.9 - Inner London
- 2.10 - Central Activities Zone – strategic priorities
- 2.11 - Central Activities Zone – strategic functions
- 2.13 - Opportunity Areas and Intensification Areas
- 2.15 - Town Centres
- 2.18 - Green infrastructure: the multi-functional network of green and open spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.1 - Developing London's economy
- 4.2 - Offices
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4A - Electricity and gas supply
- 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
- 5.16 - Waste net self-sufficiency
- 5.17 - Waste capacity
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.1 - Strategic approach to transport
- 6.2 - Providing public transport capacity and safeguarding land for transport
- 6.3 - Assessing effects of development on transport capacity
- 6.4 - Enhancing London's transport connectivity
- 6.5 - Funding Crossrail and other strategic transport infrastructure
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.13 - Parking
- 6.14 - Freight
- 7.1 - Lifetime neighbourhoods
- 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
- 7.10 - 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 open space and addressing deficiency
- 7.19 - Biodiversity and access to nature

- 7.21 - Trees and woodlands
- 7.24 - Blue Ribbon Network
- 7.26 - Increasing the use of the Blue Ribbon Network for freight transport
- 7.27 - Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 - Restoration of the Blue Ribbon Network
- 7.30 - London's canals and other rivers and waterspaces
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- 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 (place of Canary Wharf)
- SP13 - Planning obligations

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- 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
- 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 environment
- DM28 - World Heritage Sites
- DM29 - Achieving a zero carbon borough and addressing climate change

5.6 **Other Material Planning Documents**

- Planning Obligations SPD (LBTH 2012)
- Revised Draft Planning Obligations SPD (LBTH 2015)
- Tall Building Advice Note (Historic England 2015)
- The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
- Draft Minor Alterations to the London Plan (GLA 2015)

- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Housing SPG (GLA 2012)
- Draft Interim Housing SPG (GLA 2015)
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Shaping neighbourhoods: play and informal recreation (GLA 2012)
- London View Management Framework (GLA 2012)
- London World Heritage Sites - Guidance on Settings SPG (GLA 2012)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Consultation on proposed changes to national planning policy (DCLG 2015)

6.0 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. The responses are summarised below with any material considerations raised addressed within the main body of the report.

Greater London Authority

ORIGINAL STAGE I REPRESENTATION

- 6.3 The principle of housing-led redevelopment of the site with ancillary retail space is acceptable, however, a number of serious strategic concerns are raised and consequently the proposal would not accord with the London Plan unless the identified issues are resolved.

Housing

- 6.4 The number of on-site intermediate units has been reduced following submission of the application raising concerns in terms of overall provision of affordable housing and the tenure split between intermediate and affordable rented accommodation. The number of on-site intermediate units, in particular smaller units, should be increased.
- 6.5 The Dagleish Street off-site proposal provides for a range of affordable tenures and prioritises the provision of family affordable accommodation. Given the scale of the development and the mix-tenure nature of the surrounding developments, the lack of private housing within the off-site does not raise concern. The site is considered to be suitable as a donor site.
- 6.6 In light of the on-site provision of affordable housing and given the twin-track submission of an application for the off-site provision, the principle of off-site affordable housing may be acceptable; however, it is not possible at this stage to determine whether this approach would deliver a greater overall quantum of affordable housing and whether the maximum reasonable amount is being proposed. The case for off-site affordable housing is weakened by inclusion of on-site affordable rented family sized units.
- 6.7 Given that the original planning submission included additional intermediate housing

on-site and in light of a second possible donor site identified through pre-application discussions, it is considered that the cash in lieu contribution is not appropriate and that other on-site and off-site options should be utilised. There are also concerns that a payment in lieu may not result in timely delivery of additional affordable homes - certainty should be given that any payment would be used to deliver additional affordable housing and a robust programme of delivery provided.

- 6.8 The applicant is required to increase the proportion of on-site affordable housing and/or bring forward the additional off-site development identified during pre-application discussions. The applicant's financial viability report needs to be robustly and independently assessed by the Council and shared in full with the GLA.

Density

- 6.9 The density of the development is significantly above the London Plan guidance and represents one of the highest density proposals submitted within the Isle of Dogs and South Poplar Opportunity Area. Whilst there is not an in-principle objection to high density developments, the strategic priority is that housing output is to be optimised taking into account, amongst others, the design principles of the London Plan. The Housing SPG makes clear that the design of high density proposals must be exemplary, and tested rigorously with regards to all aspects of quality and liveability, as well as the contribution to local place shaping. These is also a strategic concern regarding the significant quantum of emerging proposals and the potential barriers to the delivery of development, including the need to secure the social and physical infrastructure required to support the very significant growth.

Housing quality

- 6.10 While improvements were secured at pre-application stage, serious concern is raised with regard to residential quality, particularly the number of units per core, the approach to circulation, the proportion of single-aspect and north-facing units and the over reliance on management arrangements.
- 6.11 Given that a large proportion of the play and amenity space is provided within the curtilage of the building and the likely consequent impact on service charges, confirmation from a Registered Provider is required to provide sufficient comfort that the spaces would be utilised by all residents.

Urban design & heritage

- 6.12 Given the scale of the development, its prominence and density, the design needs to be of an outstanding quality. Whilst amendments were secured in response to GLA's concerns at the pre-application stage, there remain concerns that need to be addressed.
- 6.13 Whilst the height of the building is not in itself of concern, the proposed large floorplate creates very large elevations which despite their curvature still create a very large, bulky and inelegant building, of out character with its residential use.
- 6.14 The proposal's impact on the views identified in the London View Management Framework does not raise concern. The townscape, visual and built heritage impact assessment illustrates that the proposal would become part of the developing cluster on the Isle of Dogs and does not raise any concern. The building would not harm the setting of listed buildings within the Greenwich World Heritage Site or of listed buildings within Canary Wharf.

- 6.15 The proposal would cause harm to the significance of the nearby listed buildings, chiefly through its effect on their setting, and harm the significance of the conservation area. Whilst this harm would be greater than the harm caused by the extant permission, due to the building's significant increase in bulk and form, the harm is considered to be less than substantial, in part by virtue of the existing and emerging surrounding context. At this stage it is not possible to determine whether the harm is sufficiently outweighed by the public benefits of the proposals.
- 6.16 Whilst landscaping proposals for the eastern and western edges of the site are praised, the southern and western edges are considered less successful in responding to the site's context.
- 6.17 The applicant has previously proposed additional improvements to land outside of its ownership, further to the north. These improvements should be secured in order to mitigate the impact of the development and ensure that appropriate levels of public realm improvements are delivered.

Other matters

- 6.18 The applicant is encouraged to incorporate further flood resilience and sustainable drainage matters.
- 6.19 Detailed energy efficiency and climate change comments were made.
- 6.20 With regard to transport, GLA reiterated Transport for London's comments set out below.

REVISED POSITION

- 6.21 Following the issue of Stage I response, the applicant provided clarifications and amended plans to address GLA's concerns. GLA Officers have confirmed the following:
- a) Outstanding energy concerns have been addressed and the proposal is acceptable with regard to climate change.
 - b) The reduction in the number of units per core and the splitting of cores within the upper levels has successfully addressed London Plan policy and the Mayor's Housing SPG in terms of residential quality.
 - c) Given the height of the building, the reduction in the plan form around the perimeter of the two 'petals' of 0.5m would have a significant beneficial townscape impact on the building's perceived mass and bulk. This is welcomed and addresses the previously raised concerns. On this basis GLA Officers would recommend to the Mayor that the scheme meets London Plan tall building and design policies.

Transport for London (TfL)

- 6.22 TfL welcomes the proposal being 'car free' aside from inclusion of 9 disabled spaces. However, a Car Parking Management Plan should be secured by condition because 7 of the spaces would be operated by a valet. Internal wheelchair access to the car park should be provided.

- 6.23 TfL are satisfied that there would not be an impact on the Underground or the DLR.
- 6.24 The proposed quantum and locations of cycle parking spaces for residents and visitors are acceptable. TfL raises questions about the detailed design, including whether cycle parking to the main store should be accessed through a bike stair track as this could be difficult to use and whether sufficient circulation space would be provided between rows of cycle storage units.
- 6.25 Adequate swept path analysis has been provided to show how delivery vehicles can navigate the site. Delivery and Servicing Plan and a Construction Logistics Plan should be secured by condition. The Construction Logistics Plan should include a feasibility assessment of waterborne transport.
- 6.26 Residential and Workplace Travel Plans should be secured through the S106.
- 6.27 S106 contribution of £200,000 is sought towards delivery of a 35 space cycle docking station which could be incorporated within the public realm of the site.
- 6.28 S106 contribution of £200,000 is sought to mitigate the impact of additional bus trips.
- 6.29 £87,390 is sought as a Crossrail top-up S106 contribution (uplift of 971sqm of retail).

Historic England

Comments on application for full planning permission

- 6.30 Historic England does not wish to raise any objections to the proposals.
- 6.31 The proposed design of the building, particularly of the base of the tower, is an improvement on the earlier approved schemes on this site.
- 6.32 Whilst, by way of height, scale and massing, the proposals would cause some harm to the neighbouring heritage assets, in the context of tall buildings already approved and constructed in this area and the improvements to the design of the proposed tower in comparison to the extent scheme, the harm would be moderate and lesser than that which would have been caused by the previously approved schemes on this site. The harm needs to be considered in the context of the NPPF and any associated public benefits which should include specific heritage benefits.
- 6.33 Historic England recommends that structural stability of nearby designated heritage assets is safeguarded by a condition. Improvements to the public realm are noted but a condition should ensure the protection and re-use of existing granite setts.

Comments on application for listed building consent

- 6.34 Directs the inclusion of detailed conditions to safeguard the heritage structure during demolition/dismantling and re-erection.

Environment Agency

- 6.35 The development would result in a 'more vulnerable' use within flood zone 3. This use is appropriate within flood zone 3 provided the site passes the Flood Risk Sequential Test (that there are no alternative sites available at a lower risk of flooding), that a Flood Risk Assessment is undertaken to ensure that part b of the Exception Test is met (that the development itself would not be at unacceptable risk and that it would not increase the risk elsewhere).

- 6.36 Although the site is located within flood zone 3a, it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance of flood even in any year. LBTH Strategic Flood Risk Assessment and Environment Agency's most recent modelling show the site to be outside of the areas impacted by flooding if there was to be a breach in defences. The proposed development is considered to be at a low risk of flooding.
- 6.37 The development is currently protected by a flood defence at the entrance to West India Dock and the current recommendation of the Thames Estuary 2100 study is for the height of the dock gate to be raised rather than raising the dock walls for each individual site, nonetheless, it is recommended to ensure that the proposed development would not preclude the future raising of dock walls should this be necessary.
- 6.38 EA request conditions to protect ground and surface waters from land contamination.

London Fire and Emergency Planning Authority

- 6.39 Fire fighting water supplies and pump appliance access appear satisfactory. Means of escape and fire service access and facilities within the building are to be assessed at Building Regulations stage.

Thames Water

- 6.40 No objection with regard to sewerage infrastructure capacity. The applicant is requested to incorporate a non-return valve or other suitable device to avoid the risk of backflow during storm conditions. Thames Water request that a piling method statement is secured by condition to safeguard underground sewerage infrastructure.
- 6.41 It is the responsibility of the developer to make proper provision for surface water drainage and that Thames Water approval is required for surface water drainage and ground water drainage discharges to a public sewer.
- 6.42 Water supply infrastructure impact study should be secured by condition because the existing water supply infrastructure has insufficient capacity to meet the additional demand of the proposed development.

Port of London

- 6.43 Transport of construction materials by water should be maximised with a suitable condition imposed.
- 6.44 Targets for river bus use should be included within the Travel Plans.

Natural England

- 6.45 No objection with regard of statutorily protected sites or landscapes.
- 6.46 Natural England's standing advice on protected species should be followed with impact on any local nature protection sites adequately assessed.
- 6.47 Incorporation of green infrastructure and biodiversity enhancements is encouraged.

Metropolitan Police

- 6.48 No objection. Details of Secured by Design measures should be secured by condition.

Greater London Archaeological Advisory Service (GLAAS)

- 6.49 Conditions are recommended to require a two-stage process of archaeological investigation comprising evaluation of the nature and extent of surviving remains followed, if necessary, by a full archaeological investigation.

Crossrail

- 6.50 Crossrail request conditions covering foundation design, noise, vibration, settlement and concurrent working to safeguard the construction and operation of the Crossrail railway.

Department for Communities and Local Government (DCLG) National Planning Casework Unit

- 6.51 No comments to make.

Canal & River Trust

- 6.52 No objections to the proposed development subject to imposition of conditions and/or a legal agreement.
- 6.53 The Daylight, Sunlight and Overshadowing section of the Environmental Statement does not address the impact of overshadowing on the West India Dock, in particular with respect of biodiversity and any future residential moorings. The Microclimate section does not consider the potential impact on the listed Cannon Workshops – Canal & River Trust seeks assurances that the roof would not be affected.
- 6.54 The energy statement does not consider the potential for the use of dock water for heating and cooling.
- 6.55 With respect of surface water drainage, conditions should ensure that oil interceptors and a settling tank are provided prior to discharge of water to the dock.
- 6.56 Feasibility study to maximise the potential for water borne transport of construction materials should be secured by condition.
- 6.57 A contribution towards waterscape and waterside areas, such as re-landscaping of the area between the site and the Museum of London Docklands, is sought.

London City Airport

- 6.58 No safeguarding objection subject to conditions being included to provide mitigation of radar shadowing impacts on the operation of the airport and to manage the height of cranes & scaffolding during construction.

NATS En-route PLC

- 6.59 Identified adverse impacts on radar infrastructure but is willing to withdraw its objection subject to conditions being included to require submission and implementation of a radar mitigation scheme and a crane operation plan.

LBTH Conservation and Design Advisory Panel

- 6.60 Pleased that the applicant has sought to address the concerns raised at pre-application stage and that in some areas the design evolution has sought to engage with the site's historic context. While room for improvement remains, the design of the lower parts of the building represents a better response to the site's context than the previous scheme.
- 6.61 The Panel remained unconvinced about the relationship of the proposed tower to the rest of the Canary Wharf cluster. While efforts have been made to relate the lower levels to the immediate context, little thought appears to have been given to how the mass of the building can complement its wider context of existing and proposed towers, other than by attempting to be different and iconic. The Panel also questioned the use of bronze coloured metal and the rationale of relating this to the character of historic brickwork. The panel noted the desire to give the building facades a pixelated appearance but questioned whether the use of shadow boxes would not instead contribute to a more uniform appearance. It was also thought that the prominence of various plant levels would compromise the quality of the facades and that stacking of units needs to be carefully considered to achieve the desired appearance during both day and night time.
- 6.62 The Panel welcomed the appointment of landscape architects and considered that the latest public realm design were more attractive than previously proposed.
- 6.63 The Panel were pleased about the improvements to the quality of residential accommodation, including through reductions to the depth of the floorplate and in the number of units accessed from each lift core. Some concerns remained about the number of north facing units with the Panel being of an opinion that the form of the building and the desire for it to be an iconic structure was compromising the ability to provide the best quality accommodation which should be expected in hyper-dense developments.
- 6.64 The Panel questioned the quality of the separate entrance for the affordable rented accommodation and the fact that it would also serve as access to the cycle storage for the affordable units.
- 6.65 While the Panel were pleased that the communal amenity and child play spaces would be equally accessible to all residents of the building, questions were raised about the degree to which the spaces would become active and interesting and whether the division of child play space into a number of separate rooms would not be at odds with the way children actually play. It was recommended that employment of specialist play spaces designers be considered. The Panel were of a view that the success of communal amenity and play spaces would be dependent on intensive management arrangements and questioned how this would work in practice.

LBTH Environmental Health – Contaminated Land

- 6.66 Requests that a condition be attached to ensure proper treatment of contaminated land.

LBTH Environmental Health – Air Quality

- 6.67 Air quality neutral requirements would be met. There would be no significant impacts arising from the operation of the energy centre or from traffic emissions.

LBTH Environmental Health – Noise & Vibration

- 6.68 Requests that the following matters are dealt with by condition, with relevant standards applied:
- a) Noise and vibration from operation of Crossrail
 - b) Noise & vibration from all plant including mechanical ventilation
 - c) Noise insulation to residential accommodation in light of proximity to City Airport flight path
 - d) Restriction on hours of construction
 - e) Construction Management Plan to minimise noise, vibration and dust

LBTH Transportation & Highways

- 6.69 No objection to the principle of the development.
- 6.70 The reduction in car parking proposed in comparison to the extant scheme is welcome as it would reduce traffic generation; however questions are raised whether 9 wheelchair accessible spaces would be enough for a development of this size. It is proposed that some of the vehicles would be parked by a valet, a Car Parking Management Plan should be provided to demonstrate how adapted vehicles are to be handled.
- 6.71 The overall quantum of cycle parking is acceptable, however a proportion of stands should be provided as Sheffield with provision also made for adapted and recumbent style cycles. Access to the store would be via a gullied stair, this is likely to be inefficient for this size of development and lift or ramp access should be explored.
- 6.72 The servicing would take place from within the site boundary, with car and cycle access points being separate – this arrangement is welcomed.
- 6.73 The following matters should be secured by condition or by a planning obligation:
- a) Car free agreement
 - b) Car and cycle parking facilities to be retained for the lifetime of the development
 - c) Parking Management Plan
 - d) Travel Plan
 - e) Servicing Management Plan
 - f) Demolition and Construction Logistics Plan

LBTH Sustainable Drainage

- 6.74 The applicant proposes to discharge as much surface water as possible to the dock with the remainder to the sewer network, the latter at 50% of the existing rate. This is acceptable. The proposed use of Sustainable Urban Drainage methods is limited and additional measures are encouraged with appropriate maintenance ensured.

LBTH Waste Policy

6.75 The proposals are acceptable.

6.76 The following consultees did not provide representations:

- Georgian Group (formerly Georgian Society)
- BBC Reception Advice
- National Grid
- EDF Energy Networks
- Maritime Greenwich Heritage Site
- Historic Royal Palaces
- London Borough of Greenwich
- London Borough of Southwark
- London Borough of Newham
- Docklands History Group
- East End Preservation Society
- Inland Waterways Association
- Design Council (formerly CABE)

7.0 LOCAL REPRESENTATION

7.1 Public consultation took place in accordance with statutory requirements. This included a total of 685 letters sent to occupiers of neighbouring properties, a press advert published in East End Life and site notices displayed outside the application site.

7.2 15 letters of objection and 5 letters of support have been received from members of the public, raising the following issues:

7.3 In objection:

- a) Excessive height and bulk of the building, in particular given the juxtaposition against adjoining low rise heritage assets
- b) Adverse impact on surrounding heritage assets
- c) Development does not provide a gradual reduction in height away from Canary Wharf
- d) Not appropriate to rebuild the listed gate and wall
- e) Density in excess of London Plan policy
- f) Increased pressure on local infrastructure and facilities, including education and healthcare
- g) Transport impacts, including traffic congestion and parking stress
- h) Loss of daylight and sunlight to residential and commercial properties
- i) Overshadowing of restaurants and beer gardens as well as open space of West India Quay, overshadowing of Crossrail Station's roof garden

- j) Adverse impact on City Airport flight paths
- k) Adverse impact on Crossrail infrastructure
- l) Curved design of the tower out of character in Canary Wharf
- m) The tower should be in office rather than residential use
- n) Increase in the number of residents affecting the tranquillity of the area
- o) Loss of TV reception
- p) Adverse amenity impacts from glare, plant noise and light pollution
- q) New residential properties should not be air conditioned
- r) Increased flood risk as a result of basement excavation
- s) Insufficient private car parking provision
- t) Lack of direct public benefits
- u) Risk of structural damage to adjoining listed buildings
- v) Adverse amenity impacts during the course of construction including noise and dust
- w) Full assessment of wind impacts is required
- x) Public open spaces and restaurant & shops should be included as part of the development
- y) Adverse cumulative impacts

7.4 In support:

- a) Redevelopment of the site is welcome, provides a great regeneration opportunity for the area
- b) Ground floor commercial units would encourage visitors
- c) Beautiful, well thought through design, striking addition to the skyline
- d) The site particularly suited for high density development
- e) New homes, public open space and play space are welcome

7.5 The following issues raised are not material:

- a) Loss of view of Canary Wharf
- b) Rights of light issues
- c) Hertsmere Road should be adopted by the Council

7.6 Additionally 5 letters of objection were received from the following groups, companies and institutions, with issues raised summarised below:

a) One West India Quay Residents Association

Welcomes redevelopment of the site and supports proposed commercial uses but raises concern about the size of the proposal being out of character and the population density being too high. Concerned about overshadowing of West India Quay and impact on public services. Requests that new facilities should be ready prior to occupation.

b) Canary Wharf Group

Raises serious concerns about the proposed residential quality, lack of social infrastructure provision as part of the proposal and general overdevelopment of the site.

c) Ministry of Justice (East London Family Court)

Concerned about impact of construction works on the operation of the court, in particular noise and highways/servicing impact. Requests imposition of conditions to secure a Construction Traffic Management Plan. Concerned about views into the court building and its curtilage.

d) Museum of London Docklands

Concerned about the closure of the pedestrian route along the western side of the dock during construction works. Keen to ensure that structural integrity of the Grade I building is safeguarded, that the operation of the Museum is not disturbed during construction and that wind impacts are mitigated. Concerned about the potential for a floating concrete batching plant within the dock and overshadowing of the forecourt beer gardens and open spaces on the north side of the dock.

e) Credit Suisse

Concerned about impact of construction works, in particular noise, vibration, dust and air quality issues. Questions the noise and vibration assumptions within the Environmental Statement and whether the development can be implemented within the noise limits specified within the LBTH Code of Construction Practice.

Applicant's Consultation

7.7 The submitted Statement of Community Involvement describes the extent of public consultation that took place during the development of the proposals, prior to submission of the planning application. The engagement measures included neighbour consultation through flyers and letters, press publicity, meetings with local stakeholders and public exhibitions.

7.8 Two public exhibitions were held, on 27th & 28th March 2015 and on 3rd and 4th July 2015. The first exhibition was attended by 61 people while the second by 46 people.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. Land use
 2. Housing
 3. Townscape, heritage & design
 4. Amenity
- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, flood risk, EIA matters, planning obligations, as well as financial, health, human rights and equalities considerations.

Land Use

- 8.3 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives, introducing a presumption in favour of sustainable development. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.4 These economic, social and environmental goals should be sought jointly and simultaneously. The framework 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.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health.
- 8.6 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 39,314 of new homes over a ten year period (2015-2025). The minimum ten year target for Tower Hamlets is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.7 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided or retained in each place. The

relevant Managing Development Document policy is DM15. This policy supports the upgrading and redevelopment of employment sites outside of spatial policy areas provided that redevelopment does not result in the loss of active and viable employment uses.

- 8.8 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to:
- support the vitality and viability of the centre,
 - accommodate economic growth through intensification and selective expansion in appropriate locations,
 - support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
 - be of scale related to the size, role and function of the centre, and
 - be easily accessible by public transport.
- 8.9 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Further guidance is provided by policy DM1 of the Managing Development Document which directs evening economy uses to town centres, provided that they do not result in overconcentration.
- 8.10 The north of the Isle of Dogs forms a strategically significant part of London's world city offer for financial, media and business services and is recognised within the London Plan as part of the Central Activities Zone for office policy purposes. The Isle of Dogs Opportunity Area is anticipated to accommodate 110,000 additional workers and a minimum of 10,000 new homes. Parts of the Opportunity Area have significant potential to accommodate new homes. Retail provision in Canary Wharf has the potential to develop and serve a wider catchment, complemented by a broader range of civic, leisure and other town centre facilities.
- 8.11 The application site is located within the Tower Hamlets Activity Area, a transitional area between the Major Town Centre of Canary Wharf and the residential areas of Poplar and Limehouse. Policy SP02 of the Core Strategy encourages a vibrant mix of uses to be provided. The application site is in very close proximity to the Canary Wharf Town Centre and Preferred Office Location; however it does not form part of these spatial designations. The fact that the site is not located within the Preferred Office Location makes it suitable for a wider variety of uses, including residential. In terms of character, it is clear that the site does not form part of the core office cluster of Canary Wharf and that instead it is more closely related to the residential, hotel and evening economy cluster on the northern and north-western side of the dock. An important component of the Core Strategy vision for the area expressed through policy SP12 is to enable mixed use and residential development around the fringe of Canary Wharf.
- 8.12 The site had previously been in employment use; however, the 4/5 storey building which used to occupy the site has now been demolished pursuant to the extant consent for erection of a high-rise commercial building including office, hotel and serviced apartment uses as well as some retail and leisure uses in use classes A1-A5 and D2 (planning permission ref PA/08/02709). The office building was constructed as part of one of the earlier phases of post-war commercial development

within the Isle of Dogs, prior to the erection of the Canary Wharf office cluster. The quality of the office accommodation had been poor in comparison to that offered on the adjoining Canary Wharf Estate, with the site being generally underutilised in land use terms, making a limited contribution to the local area. Other than for an ancillary A2 financial use, no retail facilities were provided.

- 8.13 The office accommodation on the site would have provided approximately 408 full-time equivalent jobs. The proposed development would provide an equivalent of approximately 70 full-time jobs, less than have previously been accommodated on site. The Socio-economics chapter of the Environmental Statement suggests that 685 workers are expected per year throughout the construction works. Taking account of indirect employment, the construction phase would generate 874 jobs per year. Appropriate employment planning obligations have also been included, including a commitment to provide 80 apprenticeships. In terms of general economic impact, the gross annual direct expenditure by future residents of the scheme is projected to amount to £13,275,325 which would result in a moderate beneficial effect on the local economy, supporting the viability of nearby commercial uses including those within the Canary Wharf Town Centre. The spending by the future residents would also lead to indirect employment in retail, leisure and other service sectors.
- 8.14 The applicant argues that implementation of the extant consent for the office, hotel and serviced apartment scheme would not be viable. While no evidence has been presented, this is considered to be likely given that the proposed office floor plates would have been relatively small and constrained in comparison to the typical office provision within the Canary Wharf Estate.
- 8.15 Despite the fact the site has previously been in employment use and that a net reduction in the number of jobs supported by the site would occur, given that the site has been excluded from the Preferred Office Location designation and that an appropriate scale and quantum of ground floor and mezzanine commercial uses within use classes A1-A3 and D2 would be provided, it is considered that the development would be acceptable with regard to the aforementioned land use policies.
- 8.16 This highly accessible brownfield site provides a unique opportunity to make a significant contribution to the provision of new residential accommodation within the borough, including that of affordable housing. The proposal would not result in the loss of an active and viable employment use. The proposed uses would also be complementary to the role of the adjoining Canary Wharf Major Centre and Preferred Office Location. Given the unique character of the Canary Wharf Centre and that of the evening and night time economy cluster along the northern part of the dock, it is considered that the proposed flexible commercial uses would not result in unacceptable overconcentration of evening economy uses. The commercial uses would also increase the appeal of the area by providing amenity to office workers and, in this way, support the adjoining Canary Wharf Major Centre and Preferred Office Location.

Housing

Affordable Housing

- 8.17 In line with section 6 of the National Planning Policy Framework, the following London Plan policies guide the provision of affordable housing:

- policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing
 - policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure
 - policy 3.11 requires that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale, with priority given to provision of affordable family housing.
 - policy 3.13 states that the maximum reasonable amount of affordable housing should be secured, subject to viability and site constraints
- 8.18 The Council's policy SP02 of the Core Strategy sets an overall strategic target for affordable homes of 50% of new construction, with a minimum of 35% provision sought, subject to viability. The overall strategic tenure split for affordable homes is set as 70% affordable rented and 30% intermediate. This split is reiterated by policy DM of the Managing Development Document which also requires that affordable housing provision is to be calculated by using habitable rooms to allow for the most suitable mix of affordable housing.
- 8.19 Policy DM3 of the Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- a. It is not practical to provide affordable housing on-site;
 - b. to ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;
 - c. It can provide a minimum of 50% affordable housing overall, subject to viability;
 - d. It can provide a better outcome for all of the sites including a higher level of social rented family homes; and
 - e. Future residents living on all sites use and benefit from the same level and quality of local services.
- 8.20 In order to maximise the delivery of affordable housing and optimise the unit mix within the affordable tenure, a hybrid affordable housing offer is proposed. 30% of habitable rooms (aggregate) would be provided as affordable, delivered on-site, off-site and as a payment in-lieu. The on-site proportion would be substantial, with 12% of habitable rooms within Hertsmere House delivered as affordable.
- 8.21 Given the substantial on-site provision as part of the offer, a way of expressing the overall percentage of affordable housing is needed, so that the offer can be robustly compared against headline policy targets of 35% and 50% (subject to viability).
- 8.22 In simple terms, the on-site affordable housing fulfils affordable housing requirements with respect of 34% of the proposed tower. Thus 66% of the tower's affordable housing liability remains to be addressed off-site and as a payment in-lieu. When the two elements are combined and the on-site provision given appropriate weight, the scheme can be described (for comparison purposes) as delivering 35% policy target and 35% of affordable housing against the 50% target.

8.23 A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved. A revision mechanism has been secured as a planning obligations, to take account of changing market circumstances if the scheme does not commence within 2 years of the grant of planning permission. Officers are satisfied that the offer is the maximum that could be achieved without making the development undeliverable.

8.24 The following tables show the proposed tenure mix.

	Affordable Rented		Intermediate		Market
	Borough Framework	Social Target	Shared Ownership	Intermediate Rent	
studio	-	-	-	-	78
1 bed	32	-	-	16	352
2 bed	24	-	-	8	294
3 bed	16	-	-	-	41
4 bed	-	-	-	-	-
Total	72	-	-	24	765

Figure 8 – Tenure mix at Hertsmere House

	Affordable Rented		Intermediate		Market
	Borough Framework	Social Target	Shared Ownership	Intermediate Rent	
studio	-	-	-	-	-
1 bed	8	-	1	-	-
2 bed	19	-	5	-	-
3 bed	-	17	1	-	-
4 bed	-	9	-	-	-
Total	27	26	7	-	-

Figure 9 – Tenure mix at Dalglish Street

	Affordable Rented		Intermediate		Market
	Borough Framework	Social Target	Shared Ownership	Intermediate Rent	
studio	-	-	-	-	78
1 bed	40	-	1	16	352
2 bed	43	-	5	8	294
3 bed	16	17	1	-	41
4 bed	-	9	-	-	-
Total	99	26	7	24	765

Figure 10 – Aggregate tenure mix

8.25 The following tables show the rent levels for each tenure and site.

	Borough Framework (service charge included)	Social Target (service charge excluded)
1 bed	£202	£141.43
2 bed	£212	£149.74
3 bed	£225	£158.06
4 bed	£264	£166.37

Figure 11 – Rent levels at Dalgleish Street

	Borough Framework (service charge included)
1 bed	£234
2 bed	£245
3 bed	£295

Figure 12 – Rent levels at Hertsmere House

- 8.26 Off-site affordable housing would be delivered at Dalgleish Street. The planning application for the Dalgleish Street site is elsewhere on this agenda. The Dalgleish Street development would be 100% affordable: 43.3% of units would be provided as three and four bedroom flats at social target rents; 45% of units would be provided as one and two bedroom affordable rented flats at Borough Framework rents; while 11.7% of units would provide a mix of shared ownership accommodation.
- 8.27 With regard to mixed and balanced communities, the following plan shows the Dalgleish site in relation to two adjoining market-led schemes which were completed within the last 10 years. The two schemes currently provide 32% of affordable housing by habitable room. Following construction of the Dalgleish Street development, the proportion of affordable housing in the immediate vicinity would increase to 41% by habitable room.

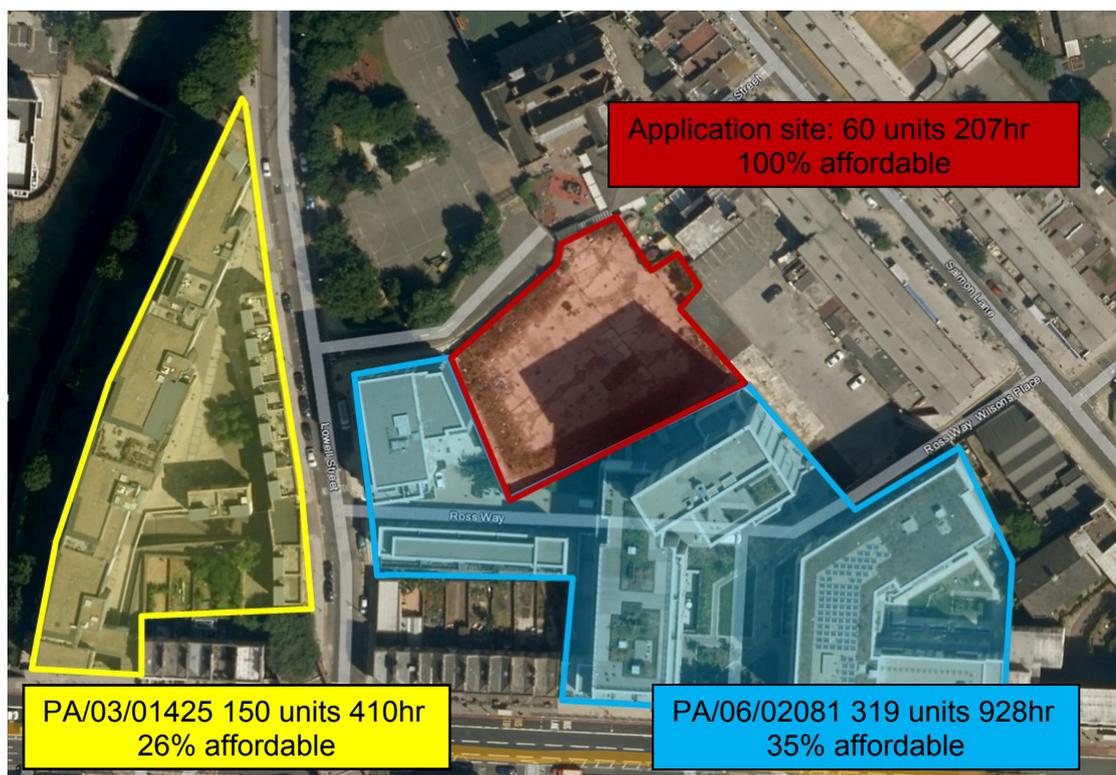


Figure 13 – Developments adjoining the Dalglish Street site.

- 8.28 While there would be no private units within the Dalglish Street development, because the site is surrounded by the two substantial market-led schemes, the proposed tenure mix would not prejudice the policy objectives of creating mixed and balanced communities. The proposal would not result in creation of a mono-tenure estate.
- 8.29 At ward level, according to the 2011 Census, 51% of households in the Mile End Ward live in affordable housing accommodation, against a borough average of 40% and a Greater London average of 24%. There are 5886 households within the ward and the addition of a further 60 households living in affordable accommodation would result in a negligible impact on the balance of tenures within the ward.
- 8.30 In terms of local service provision and amenities which would be available to the future residents of the Dalglish Street site, the site benefits from very good public transport access and is within short walking distance to two neighbourhood town centres; there are 5 primary schools within 500m walking distance, 5 secondary schools within 1500m walking distance, as well as a day nursery, a children’s centre and a pre-school playgroup. The local area benefits from good access to nature and recreational & play opportunities, with Regent’s Canal, Limehouse Basin and Limehouse Cut located nearby. Local open spaces include Stonebridge Wharf, Ropemakers Fields, Rectory Gardens, St Annes Churchyard and Mile End Park. The site is also within walking distance to the Canary Wharf Major Centre, a walk that would take approximately 20 minutes, either through Ropemakers Fields and along the Thames or along Commercial Road and West India Dock Road.
- 8.31 With regard to the financial contribution in-lieu of affordable housing, a contribution of £19,250,000.00 has been secured. This is estimated to allow delivery of 350 habitable rooms of affordable accommodation at a 70/30 tenure split of affordable rented at framework rents to intermediate shared ownership.

- 8.32 This financial contribution can be used in a number of ways. The Council has already started its own programme to build new affordable housing. There are a variety of income streams which will support this programme, and S106 contributions are a valuable part of this funding. There is a need for funding to supplement the Council's considerable resources from Right to Buy receipts, which can only be used to contribute 30% of any future newbuild scheme costs and which the Council is bound to spend by Government's fixed deadlines.
- 8.33 It is not possible to state exactly how or where this sum might be spent to achieve new affordable housing, but one output is likely to be new housing built on the council's own land which is currently surplus to requirements. Any new housing built using this funding is more likely to meet the Council's needs than any further on-site affordable housing provision at Hertsmere House. The funding will enable a range of properties to be built, including large family units which can be built in locations which are considered more suitable for families.
- 8.34 The tenure split of affordable rented to intermediate at Hertsmere House and Dalgleish Street would be 80%:20%, skewed toward affordable rented provision in comparison to the LBTH target of 70%:30% and the London Plan target of 60%:40%. Nonetheless, the proposed tenure split is considered to be acceptable as it focuses on meeting the highest priority needs of families on the Council's affordable housing register. The lower proportion of intermediate housing would not prejudice the objectives of the policy to an extent which would warrant refusal of the proposal.
- 8.35 Overall, the proposed housing offer is considered to accord with the aforementioned policies as it provides a better outcome through maximising provision of affordable housing including social rented family housing without prejudicing the objectives of creating mixed and balanced communities. Off-site housing would be provided in a sustainable location with good access to local facilities and amenities, without resulting in creation of an area where any single tenure predominates.

Unit Mix

- 8.36 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the tables below.

Unit size	Affordable Rented			Intermediate			Market		
	Units	%	Target	Units	%	Target	Units	%	Target
studio	-	-	-	-	-	-	78	10.2	-
1 bed	32	44.4	30%	16	66.7	25%	352	46.0	50%
2 bed	24	33.3	25%	8	33.3	50%	294	39.4	30%
3 bed	16	22.2	30%	-	-	25%	41	5.4	20%
4 bed	-	-	15%	-	-	-	-	-	

FFigure 14 – Unit mix at Hertsmere House

Unit size	Affordable Rented			Intermediate			Market		
	Units	%	Target	Units	%	Target	Units	%	Target
studio	-	-	-	-	-	-	-	-	-
1 bed	8	15.1	30%	1	14.3	25%	-	-	-
2 bed	19	35.9	25%	5	71.4	50%	-	-	-
3 bed	17	32.1	30%	1	14.3	25%	-	-	-
4 bed	9	17.0	15%	-	-	-	-	-	-

Figure 15 – Unit mix at Dalgleish Street

Unit size	Affordable Rented			Intermediate			Market		
	Units	%	Target	Units	%	Target	Units	%	Target
studio	-	-	-	-	-	-	78	10.2	-
1 bed	40	32.0	30%	17	54.8	25%	352	46.0	50%
2 bed	43	34.4	25%	13	41.9	50%	294	39.4	30%
3 bed	33	26.4	30%	1	3.2	25%	41	5.4	-
4 bed	9	7.2	15%	-	-	-	-	-	20%

Figure 16 – Aggregate unit mix

- 8.37 The unit mix within Hertsmere House would be significantly skewed towards provision of smaller units with few family units provided. This assists with the viability of the scheme and is considered to be acceptable given the high density of the high rise scheme and the area's character which is less suitable for family accommodation than low and medium rise parts of the borough. The deficiency in the proportion of family sized units within Hertsmere House would be offset by the fact that family sized housing provision is maximised at Dalgleish Street. The payment in-lieu of affordable housing would also allow the Council to focus on delivering larger family units in more suitable locations.
- 8.38 The total proportion of family units at Hertsmere House and Dalgleish Street combined would be 9%. It is estimated that this would increase to an aggregate of 12.05% if the proportion of family housing delivered through the payment in-lieu would be as dictated by policy. Within the affordable rented tenure, the Hertsmere House and Dalgleish Street combined would deliver 33.6% family units. This would increase to 36.92% with the estimated family housing to be delivered through the payment in-lieu.
- 8.39 A significant proportion of 2 bed units would be provided as 2 bed 4 person units. Such units, while not conventionally classified as family sized, do provide valuable residential accommodation for smaller families.
- 8.40 Given the above, it is considered that the proposed unit mix would be in broad accordance with the relevant policies.

Housing Quality

- 8.41 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime. Additionally, policy DM3 requires that affordable housing should be built to the same standards and should share the same level of amenities as private housing.
- 8.42 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private amenity space for all new homes. Policy DM25 requires a good level of amenity for the future occupiers including through provision of adequate daylight and sunlight, outlook and privacy
- 8.43 The 'National Space Standard' was introduced by the Government from 1st October 2015. The requirements of the standard are consistent with those of the London Plan and Managing Development Document with respect of gross internal area; however, the minimum floor to ceiling height has been reduced from 2.5m to 2.3m for at least 75% of the Gross Internal Area.
- 8.44 The internal areas of the proposed flats would be generous, with all of the flats meeting and exceeding the minimum floorspace standards. The submitted floor plans demonstrate that all necessary furniture and storage can be comfortably accommodated within the proposed layouts. Very generous 2.6m high floor to ceiling heights would be provided at all floor levels, providing housing quality in excess of the baseline Housing SPG standards.
- 8.45 Following amendments to the internal division of the access cores, the building would be divided into two independent access cores, with a typical western core housing 9 units per floor and the typical eastern core housing between 6 and 7 units per core. Given that a lower proportion of family housing would be provided, the number of residents per core would be lower than that which would normally be expected. The access corridors would be of a generous width.

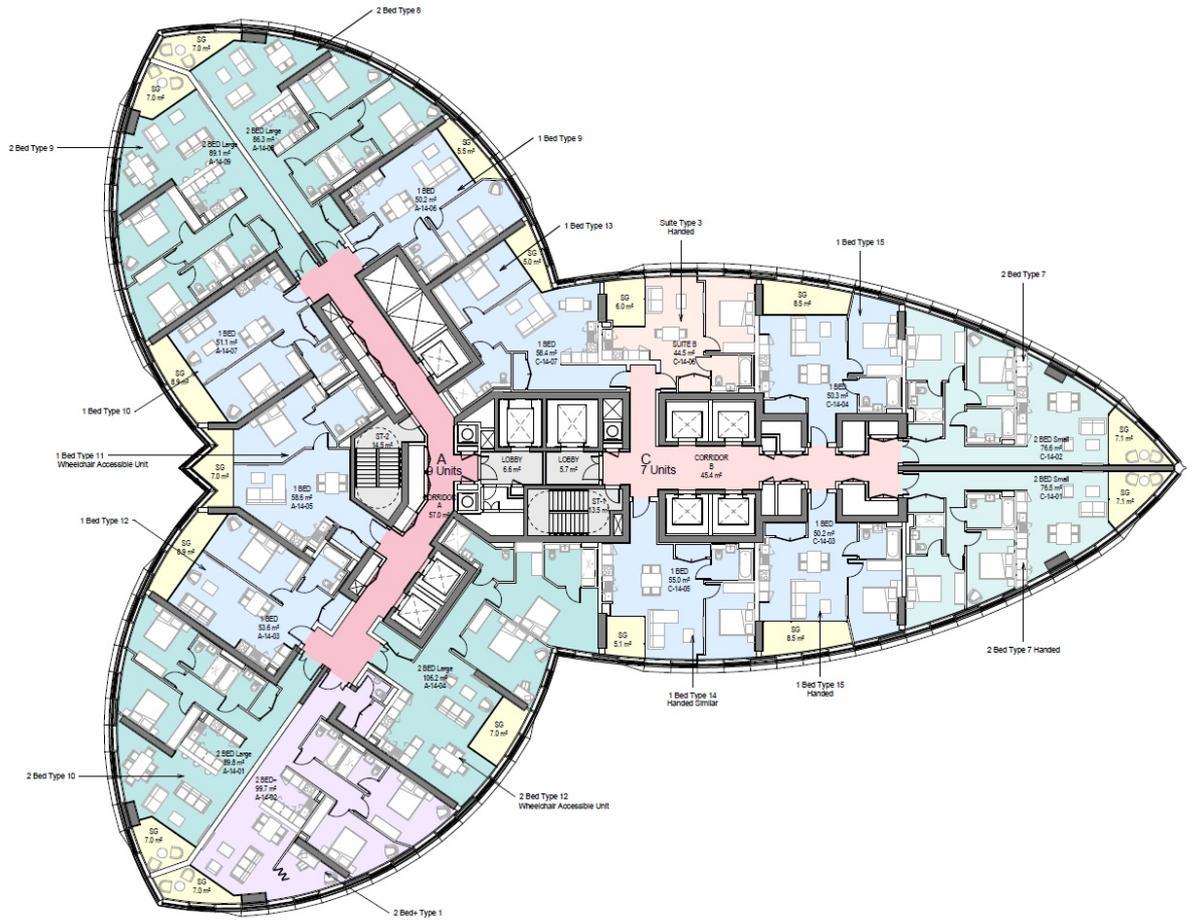


Figure 17 – Typical floor plan.



Figure 18 – Example of typical unit layout.

- 8.46 Given the unique curved shape of the building, none of the flats can be considered as conventionally dual aspect – which is defined in the Housing SPG as a home with open-able windows on at least two external walls. These could be opposite or adjacent around a corner. Nonetheless, the curvature would allow for some benefits of dual aspect accommodation to be enjoyed by the future residents – these would include better daylight, sunlight for longer periods and better ventilation. The curvature of the elevation would be such that 6 units per floor (37.5%) would effectively enjoy 90 degree outlook and daylight. The number of north facing single aspect units has been minimised with between 2 and 3 north facing units per floor, normally one bedroom or studio units (between 12.5% and 18.75%).
- 8.47 All of the proposed units would benefit from appropriate outlook and privacy. Private amenity space would be provided in the form of wintergardens which would have drainage provisions and would be treated differently to the rest of the living accommodation. The use of wintergardens would appropriately maximise the usability of the private amenity space in winter and during windier months. Each unit would benefit from sufficient private amenity space, in accordance with policy requirements.
- 8.48 With regard to daylighting, 37 rooms out of 587 rooms analysed in the new development would not achieve the recommended minimum average daylight factor for bedrooms and living rooms. These comprise 8 bedrooms and 29 living kitchen diners. Some of the rooms would be only marginally below the recommended minimum with the rooms with the lowest quality of daylighting located at the south-eastern junction of two petals, where window areas are smaller, the building itself causes an obstruction and the window faces other tall buildings. Generally the development would be very well daylit with areas below the British Standard minimised, this is in part due to significant proportion of glazing in the elevations but also the open aspects and large separation distances from other tall buildings.
- 8.49 Sunlight provision to new dwellings would be generally good, although 95 rooms would not receive the recommended annual and winter sunlight hours. Another 12 rooms would not receive the recommended winter sunlight but would receive sufficient annual sunlight. In the Council's consultant's view, the sunlight provision would not be unreasonably poor for the buildings outlook, given the degree of obstruction already provided by the surrounding buildings.
- 8.50 Following discussions with Council's and GLA's officers, the applicant has introduced minor amendments to the floor layouts which are likely to marginally improve the daylighting conditions overall. The sunlighting conditions are likely to remain as assessed.
- 8.51 Appropriate background noise surveys have been carried out as part of the Environmental Statement. Given the potential for disturbance from air traffic noise and plant noise, conditions have been included to require submission of full details of noise insulation measures. The applicant has indicated that all fenestration would be triple glazed to achieve the required standards.
- 8.52 Overall, the proposed housing quality would be of a high standard, commensurate with the density of the scheme. The housing quality would be the of the same standard for all of the tenures.

Communal amenity space and play space

- 8.53 Policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 8.54 Policy DM4 advises that LBTH child yields should be applied to ensure that 10sqm of useable child play space is provided per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.55 Using the LBTH child yield calculations, the development is anticipated to yield 101 children (59 under 5s, 29 of 6-10 year olds and 13 11-15 year olds). Approximately half of the children would live within the affordable rented accommodation. To meet policy requirements, 1,010sqm of play space is required for all of the three age groups, in addition to 901sqm of communal amenity space (a total requirement of 1,911sqm).
- 8.56 The amenity deck at level 35, including a pool, gym, cinema, library and a resident's bar is not included within the communal amenity calculations as it would not be accessible to the residents of the affordable rented accommodation – this is due to the significant service charge impact which would result. Nonetheless, some weight should be placed on the amenity value of the 35th floor space to the future occupiers of the market and intermediate tenure units.
- 8.57 The majority of play space and communal amenity space would be provided at 3rd floor level in the form of an amenity deck and roof gardens. Some play and amenity areas would also be provided at 2nd floor level and at ground level, within the public realm landscaping scheme. The total play and communal amenity space available to all of the tenures would be 2,346sqm, in excess of the 1,911sqm required by the policy. It is also likely that further outdoor play space would be provided as part of the wider public realm vision.



Figure 19 – Plan of 3rd floor communal amenity and play space.

- 8.58 The communal amenity and play space at 3rd floor level would consist of various, distinct elements with areas allocated for children of all age groups as well as for general communal amenity use. The details of the proposal are set out within the Amenity and Play Strategy submitted with the application - the indicative proposals have been prepared by Gillespies. A condition has been included to require the Council's approval of full details of the proposed spaces, including finishes and quality of access routes, play equipment, all finishes and surfaces, toilet facilities, planting, lighting, security and access control measures.
- 8.59 The floor to ceiling height of the 3rd floor level would be 4.5m to maximise daylight and sunlight and provide an airy & open character to the space. Given the 3rd floor location and the lack of nearby buildings causing an obstruction to the north, east and west as well as the large separation distance from the office building to the south, the amenity deck would have a very high quality of outlook which should, to some extent, compensate for the fact that a large proportion of the space would be internal, semi-internal or covered. The semi-internal spaces would benefit from retractable glazed walls which can be pulled to one side to open the rooms within the warmer months and to provide greater flexibility. The spaces have been subject to microclimate testing and would not be unduly windy as evidenced in the submitted Environmental Statement.

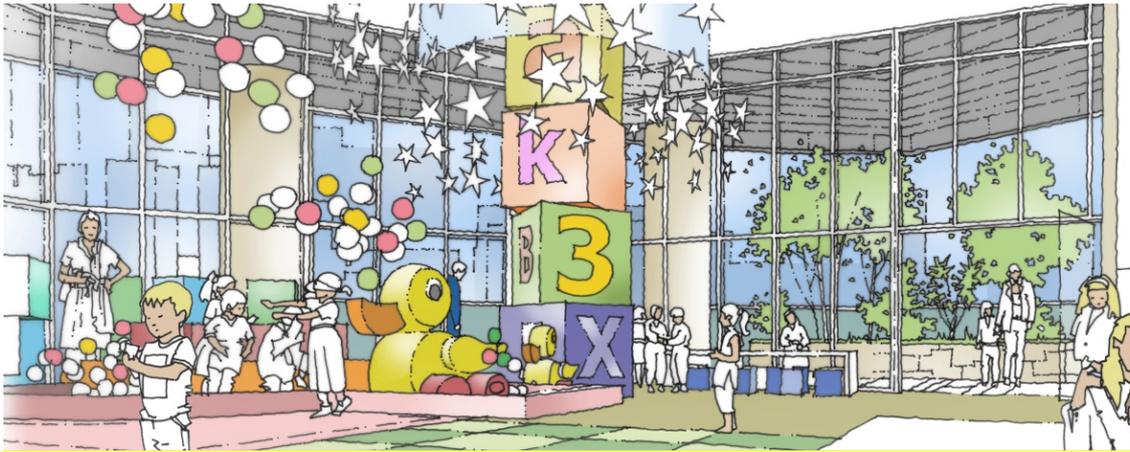


Figure 20 – Artist impression of a semi-internal room with retractable glazing at 3rd floor level.

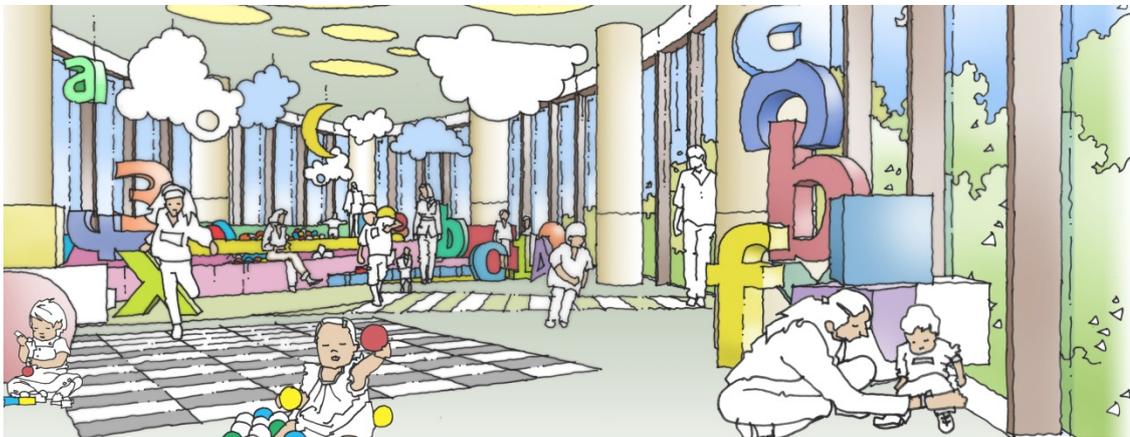


Figure 21 – Artist impression of internal play space at 2nd floor level.

- 8.60 Given that that the play and amenity spaces would be more management intensive than would normally be the case, a planning obligation has been included to secure submission of and compliance with a Communal Amenity and Play Space Management Plan. Such a plan would be legally binding and deal with issues such as maintenance, access by residents of all tenures, booking of rooms for private events (for residents only), management of play space, cleaning, opening hours and safety and security. Subject to the planning obligation and conditions, officers consider that the proposal would provide a high quality living environment and play space for the future residents, in accordance with the relevant policies.

Density

- 8.61 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.62 The Housing SPG defines optimising density as developing land to the fullest amount consistent with all relevant planning objectives. The policy acknowledges that it is not

appropriate to apply the matrix mechanically 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. Effectively, density is the outcome of the interplay of a range of policy considerations rather than an end in itself.

- 8.63 The net application site area, shown below with a purple outline (excluding existing publicly accessible areas, access routes and footways), measures approximately 0.37 hectare. The site adjoins the Canary Wharf Major Centre, is within the Tower Hamlets Activity Area, benefits from a central context, and very good public transport accessibility - PTAL score 5 (expected to be PTAL 6 with the arrival of Crossrail). In areas of PTAL 5/6 and central setting, the density matrix supports densities of up to 1,100 habitable rooms per hectare. The proposed density would be 5,814 habitable rooms per hectare, in excess of the suggested range.



Figure 22 – Plan showing the extent of landscaping works.

- 8.64 For comparison purposes and as put forward by the applicant, if the actual size of the application size is taken into account, including areas where significant improvements to the quality of the public realm would be delivered, the site would measure approximately 0.52 hectares (as shown with a red outline on the above plan). This results in a density of 4,137 habitable rooms per hectare. The quality of the proposed landscaping scheme is discussed elsewhere within this report.

- 8.65 Should the areas of the wider public realm vision be included, the site would measure approximately 0.67ha (area outlines in red and areas outlined in green). This results in a density of 3210 habitable rooms per hectare, although it should be noted that the wider public realm vision area is strictly an additional benefit of the scheme – in itself it does not constitute a reason for the granting of planning permission as it is not necessary to make the development acceptable in planning terms.
- 8.66 While the commitment to from the applicant to make all reasonable endeavours to deliver the wider public realm vision would be legally binding, as the commitment would be strictly an additional benefit over and above from what can reasonably be expected to make the development acceptable in planning terms, members are advised to place more weight on the second density figure of 4,137 habitable rooms per hectare. For comparison purposes, the approved density for the Newfoundland scheme (ref PA/13/01455) is 2,738 hr/ha while that for the City Pride scheme is 5,803 hr/ha.
- 8.67 The Housing SPG advises that small sites have specific opportunities and constraints with regards to density. When establishing the appropriate density for small sites, special attention should be given to factors influencing the setting of a development site, including existing streetscapes, massing and design of the surrounding built environment. Where the density of surrounding buildings is above the appropriate range in the matrix, a small site can be developed to the higher end of the appropriate density range. In both cases detailed urban form analyses may suggest that higher or lower densities are necessary to respect local context.
- 8.68 The Housing SPG stresses that the particular concern of the policy is to ensure that the quality of housing output is not compromised by the need to make the most efficient use of land. Developments should secure appropriate residential quality, have regard to local context, and optimise the relationship between transport and land use to secure sustainable development. The SPG is clear that density can be considered to be an outcome of policies intended to address these concerns rather than a concern in its own right – actual density calculation of an acceptable development is a product of all of the relevant design factors, if they are all met, the resultant figure is what it is and is arguably irrelevant.
- 8.69 The SPG states that greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. This is to fully realise the scope of sustainable development, taking full advantage of locations with good public transport accessibility.
- 8.70 Furthermore, the SPG advises that development outside the prescribed ranges would require demonstration of exceptional circumstances (taking account of relevant London Plan policies) and states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated, proposals should normally be resisted. The SPG 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 different aspects of development which should be assessed, with the following symptoms of overdevelopment avoided:
- inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - sub-standard dwellings (size and layouts);
 - insufficient open space (private, communal and/or publicly accessible);
 - unacceptable housing mix;
 - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - unacceptable increase in traffic generation;

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

8.71 A high residential density does not, in itself, make a scheme undesirable in planning terms and it is not uncommon for development schemes in the northern part of the Isle of Dogs or within the City Fringe to significantly exceed the density range suggested by the matrix. All of the above aspects of the development have been rigorously assessed elsewhere within this report and found to be acceptable. The proposed development does not exhibit symptoms of overdevelopment and is considered to appropriately optimise the development potential of the site, in line with policy requirements.

8.72 In conclusion, the main arguments as to why the site is considered to be particularly suitable to be developed at density in excess of that suggested by the matrix are as follows:

- a) The site is located within the Tower Hamlets Activity Area and the Mayor of London Isle of Dogs Opportunity Area. It adjoins the Canary Wharf Major Centre and Preferred Office Location. Canary Wharf is a globally important business district.
- b) With the opening of Crossrail the site would enjoy excellent public transport accessibility and, as such would be a sustainable location for a high quantum of new residential units. Use of public transport would be maximised with motor traffic minimised. Proximity to Canary Wharf would encourage walking, while Cycle Superhighway CS3 would provide a direct cycle route to the City and the West End.
- c) The proposed tower would enjoy particularly generous breathing space. This would be provided by the dock, the adjoining open spaces and the low rise heritage assets nearby. The distances to other buildings and in particular other mid to high-rise buildings would be significant. Significant public realm works have been included as part of the proposal, maximising the public benefits.
- d) In urban design terms the site is highly suitable for a tall building. The tower would be of a high architectural quality, providing a marker at the end of the dock. The distinctive design would provide visual interest. The tower would also form part of an established cluster of tall buildings.
- e) Opportunity Areas are expected to make a particularly strong contribution towards meeting London's housing needs. The development would provide a significant contribution towards the Council's housing targets, including through provision of a significant quantum of affordable housing – on-site, off-site and as a payment in-lieu. The unit mix within Hertsmere House would be suitable given the site's location, with family housing maximised off-site and through payment in-lieu.
- f) The residential quality of the development would be high, in many instances exceeding the baseline requirements of the Housing SPG. Communal amenity, including play space, would be of a high quality for a high rise building.
- g) The heritage impacts of the proposal would be moderate, with the setting of the nearest heritage assets appropriately addressed by the lower sections of the building.

h) The overall regenerative benefits of the proposal would be substantial.

Heritage, Design & Townscape

Policy background

- 8.73 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.74 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.75 Chapter 7 of the London Plan as well as the Council's policy SP10 set out broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. These aims are to be realised through the detailed development management policy DM24 which aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 8.76 Furthermore, policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.77 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.78 With respect of tall buildings, policy 7.7 of the London Plan provides criteria for assessing tall and large scale buildings that are defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor.
- 8.79 Tall and large buildings should:
- a) *a 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*
 - b) *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
 - c) *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;*

- d) 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*
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- f) have ground floor activities that provide a positive relationship to the surrounding streets*
- g) contribute to improving the permeability of the site and wider area, where possible*
- h) incorporate publicly accessible areas on the upper floors, where appropriate*
- i) make a significant contribution to local regeneration*

8.80 The policy adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration.

8.81 Policy DM26 of the Managing Development Document identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy; achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.

8.82 With regard to heritage matters, the National Planning Policy Framework emphasizes the importance of preserving and taking opportunities to enhance heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. Paragraph 131 of the NPPF states that in determination of planning applications, local planning authorities should take account of:

- Desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

8.83 Listed Buildings, World Heritage Sites and Conservation Areas are designated heritage assets. Paragraph 132 of the NPPF states that great weight should be given to the conservation of such assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

8.84 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.

8.85 The Core Strategy policy SP10 aims to protect and enhance borough's conservation areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual character. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality,

sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM23, DM24 and DM27 of the Managing Development Document.

- 8.86 Further to the above policy requirements, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty for the local planning authority to pay special regard to the desirability of preserving or enhancing the appearance and character of conservation areas. Section 16 of the Act requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest and section 66 of the Act requires that special regard is paid to the desirability of preserving the setting of listed buildings.
- 8.87 Paragraph 17 of the Planning Policy Guidance (PPG) states that whether a proposal causes substantial harm is a judgement for the decision maker, having regard to the circumstances of the case and the National Planning Policy Framework. The PPG goes on to state that in general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm rather than the scale of the development that is to be assessed.
- 8.88 Furthermore, a proposal may harm or enhance significance or it may be neutral. It may have a combination of these effects. Differing and often conflicting heritage impacts accruing from the proposals are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.

Analysis

- 8.89 The Environmental Statement accompanying the application contains a Townscape, Visual and Built Heritage Assessment which identifies and describes the heritage assets likely to be affected by the proposal and includes verified view photomontages showing local and more distant townscape views. This information has informed the assessment of the proposal, along with input from the Council's Conservation Officer and from Historic England.
- 8.90 The application is partially located within the West India Dock Conservation area and includes a Grade II listed former entrance gate to West India Docks. There is a large number of listed buildings in the immediate and the wider vicinity. The nearest heritage assets are highlighted on the below map:

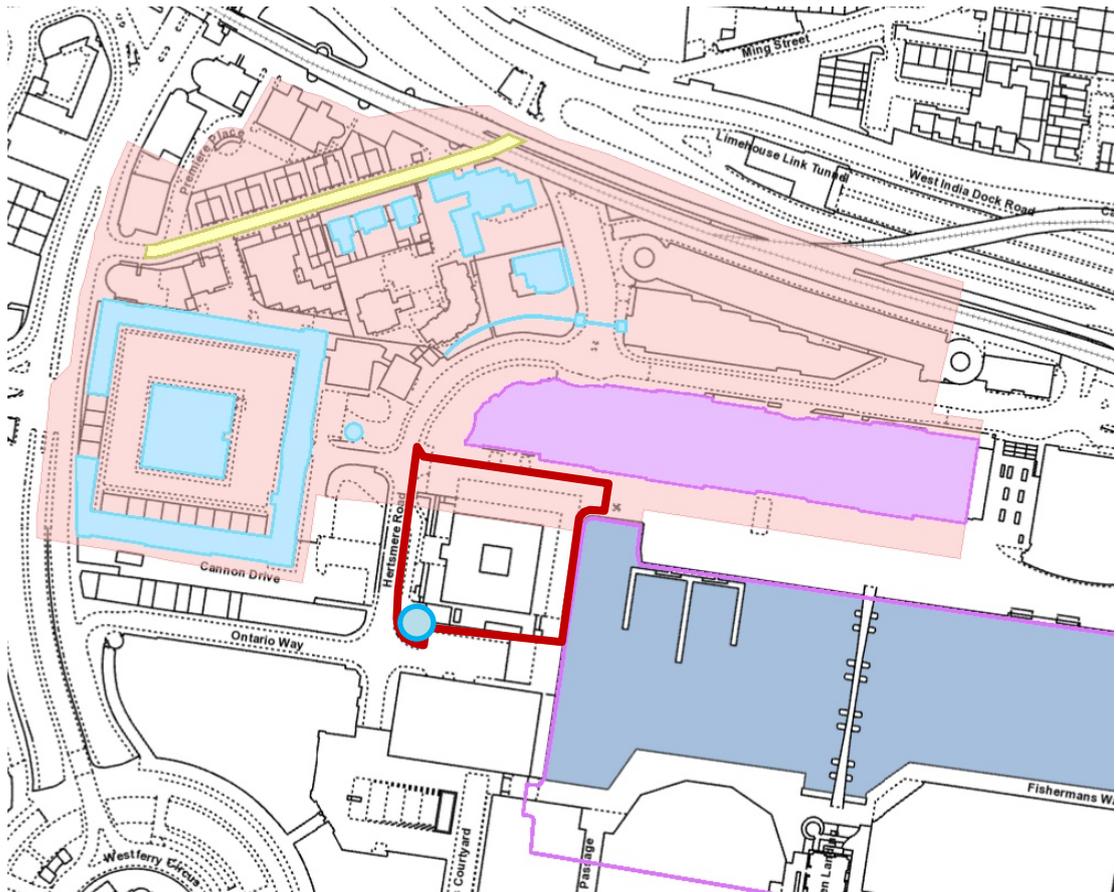


Figure 23 – Adjoining heritage assets.

8.91 All of the relevant heritage assets are identified in the Environmental Statement with the following lists providing a summary of the nearest heritage assets:

- a) West India Dock Conservation Area
- b) Grade II listed former west entrance gate to West India Dock which lies within the site
- c) Grade I warehouses and general offices at the western end of North Quay
- d) Grade I quay walls, coping and buttresses to Import and Export Docks
- e) Grade II Cannon Workshops, to the east
- f) Grade II Guardhouse, outside Cannon Workshops
- g) Grade II entrance gates to West India Docks, to the north (including railings)
- h) Grade II former excise office, to the north (including railing and gatepiers)
- i) Grade II Salvation Army hostel and constable's cottages at 10, 12, 14, 16 and 18 Garford Street, to the north-east of the site.
- j) Locally listed carriageway of Garford Street

8.92 All of the relevant heritage assets are identified in the Environmental Statement with the following lists providing a summary of the most relevant heritage assets, located further away from the application site:

Conservation Areas:

- a) Narrow Street
- b) Lansbury
- c) St Anne's Church

- d) St Matthias Church Poplar
- e) Limehouse Cut
- f) Brickfield Gardens Conservation Area
- g) All Saints Poplar Ground
- h) Lowell Street
- i) Regent's Canal

Listed buildings:

- a) Grade II* Church of St Matthias
- b) Grade II St Matthias's Vicarage
- c) Grade I Church of St Anne's with Grade II churchyard walls, railing, gates and gate piers, garden wall to the former church rectory, war memorial and pyramid monument

World Heritage Sites:

- a) Greenwich Maritime World Heritage Site

8.93 The below photograph shows the site prior to demolition of the office building with the Grade I listed warehouse to the right.



Figure 24 – Photograph of the site prior to demolition.

- 8.94 The site is constrained by the designated heritage assets which surround it, most importantly the Grade I listed warehouses and dock wall as well as the Grade II listed Canon Workshops, together with the broader West India Dock Conservation Area.
- 8.95 The robust industrial character of the historic warehouses dominates the appearance of the dock side and gives the area its distinctive character. It is this robust industrial character which the proposals, both for the building and associated landscaping, must respect.

8.96 The below CGI illustrates the appearance of the proposed tower from the North Quay.



Figure 25 – CGI of the proposed scheme viewed from the North Quay

- 8.97 The site benefits from an extant planning permission for a tall building of a similar height but of a slimmer profile and a more slender silhouette in comparison to that currently proposed (ref PA/08/02709). The height of the extant scheme is 242m AOD while that currently proposed is 240.545m. One Canada Square's height is 245.75m AOD.

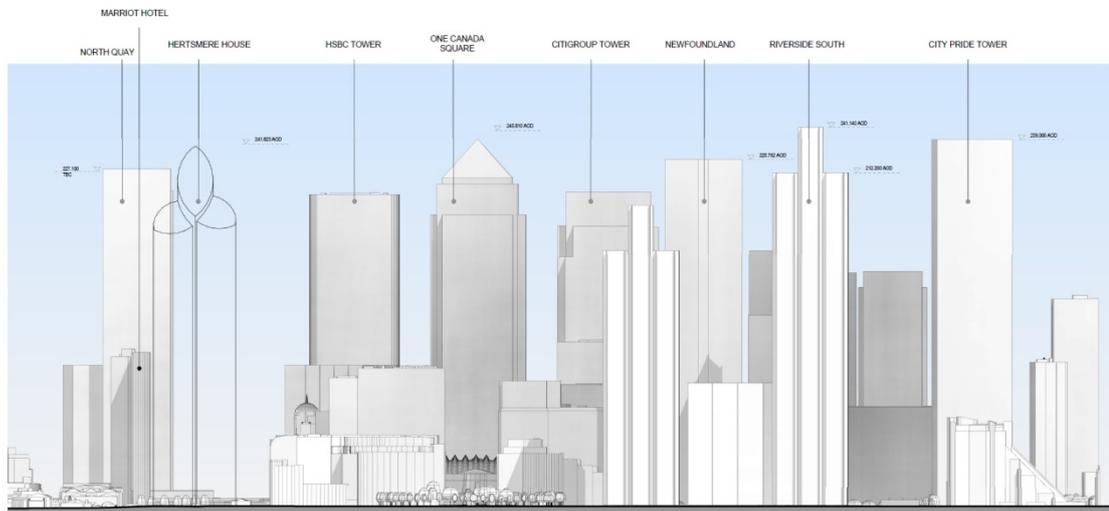


Figure 26 – Section through existing and extant schemes within Canary Wharf. (Hertsmere House shown in outline)

- 8.98 The height of the proposed scheme would be marginally lower than that of the extant scheme and is considered to be appropriate in relation to the cluster - maintaining a similar approach to heights which has been adopted with the Newfoundland and City Pride schemes which also consist of a marker tall building located at the end of a dock. The scheme would be lower than One Canada Square and its roof form and vertically broken up massing created by the three petal form would acceptably provide for a degree of transition away from the centre of the cluster.
- 8.99 The elevations would be glazed, utilising vision glass and shadow boxes. A degree of pixellation would be created through the residential use, differentiating the appearance of the building from that which would be typical of office towers within the Canary Wharf cluster. The pixellation and accentuated metalwork with projecting fins separating each floor level would give the building a robust, distinct appearance and character, providing a subtle transition from the office towers to the south to the residential and heritage areas to the north. To ensure the high quality of materials and detailing, a condition is attached to require construction of a full scale mock-up of a typical section of the elevation.
- 8.100 The tower would consist of distinct bottom, middle and top sections. The lower levels would provide a stronger, more sympathetic response to local heritage assets and giving a human scale to the scheme as perceived from within the immediate public realm. A distinct top of the building would be created by stepping down from east to west, similarly to the extant scheme but in characteristic trefoil form.
- 8.101 In plan, the building is divided into three petals of which the longest one addresses the dock. The longest east-west petal is less wide than the extant scheme; however the addition of the two petals facing south-west and north-west add to the bulk of the building, in particular when viewed from the west.

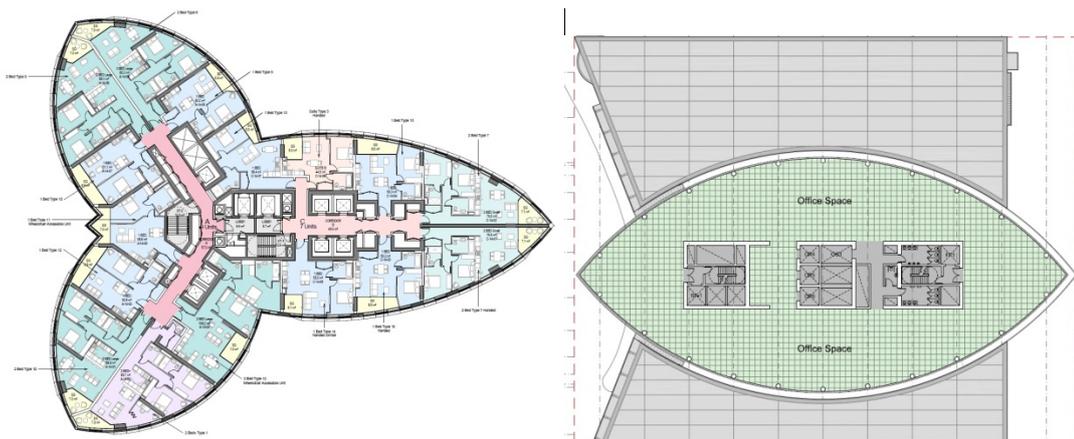


Figure 27 – Typical floor plan proposed (left) and extant (right)

8.102 The following two images show the scale of the proposed building in comparison to the extant scheme, the hotel on the North Quay, the HSBC Tower and One Canada Square.

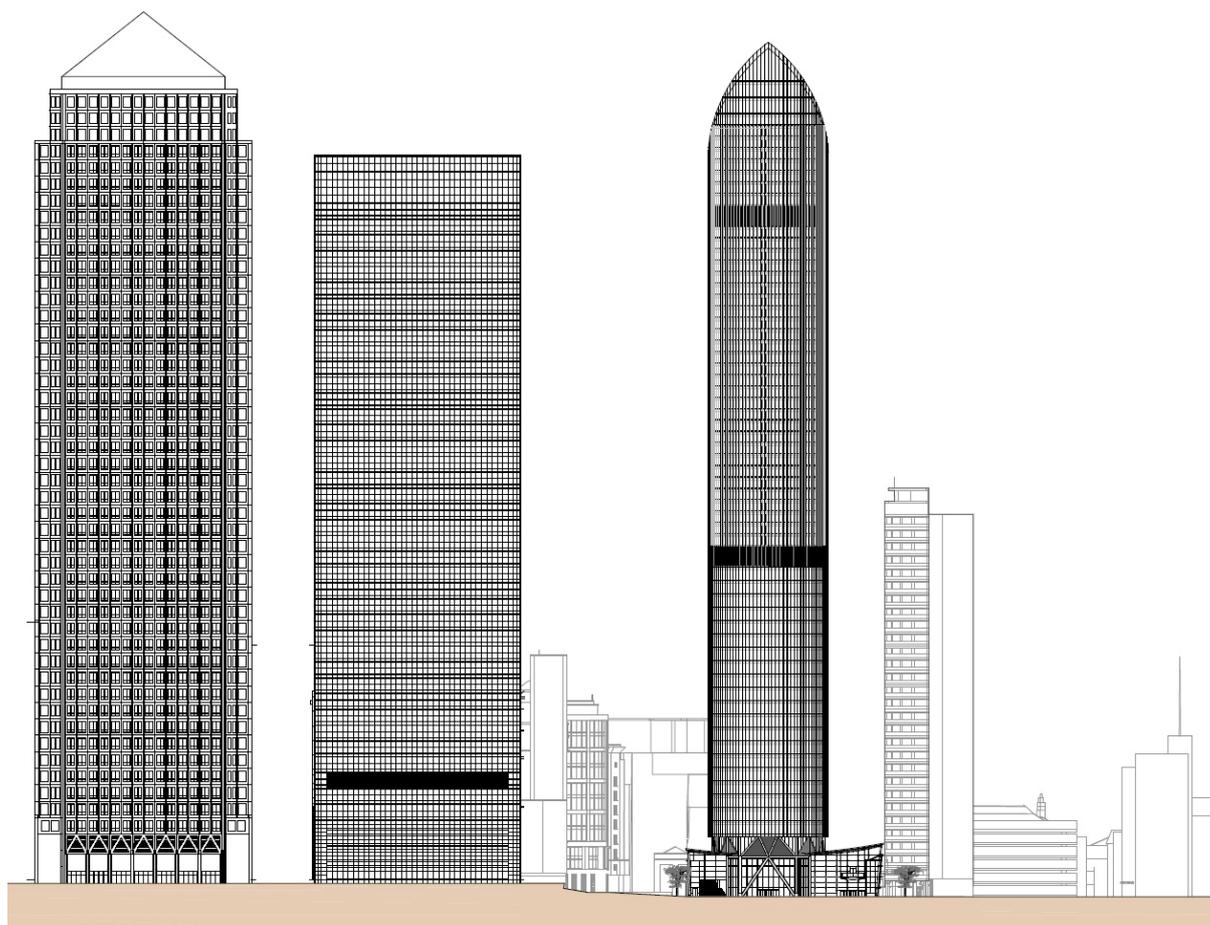


Figure 28 – East elevation of the extant scheme in context.

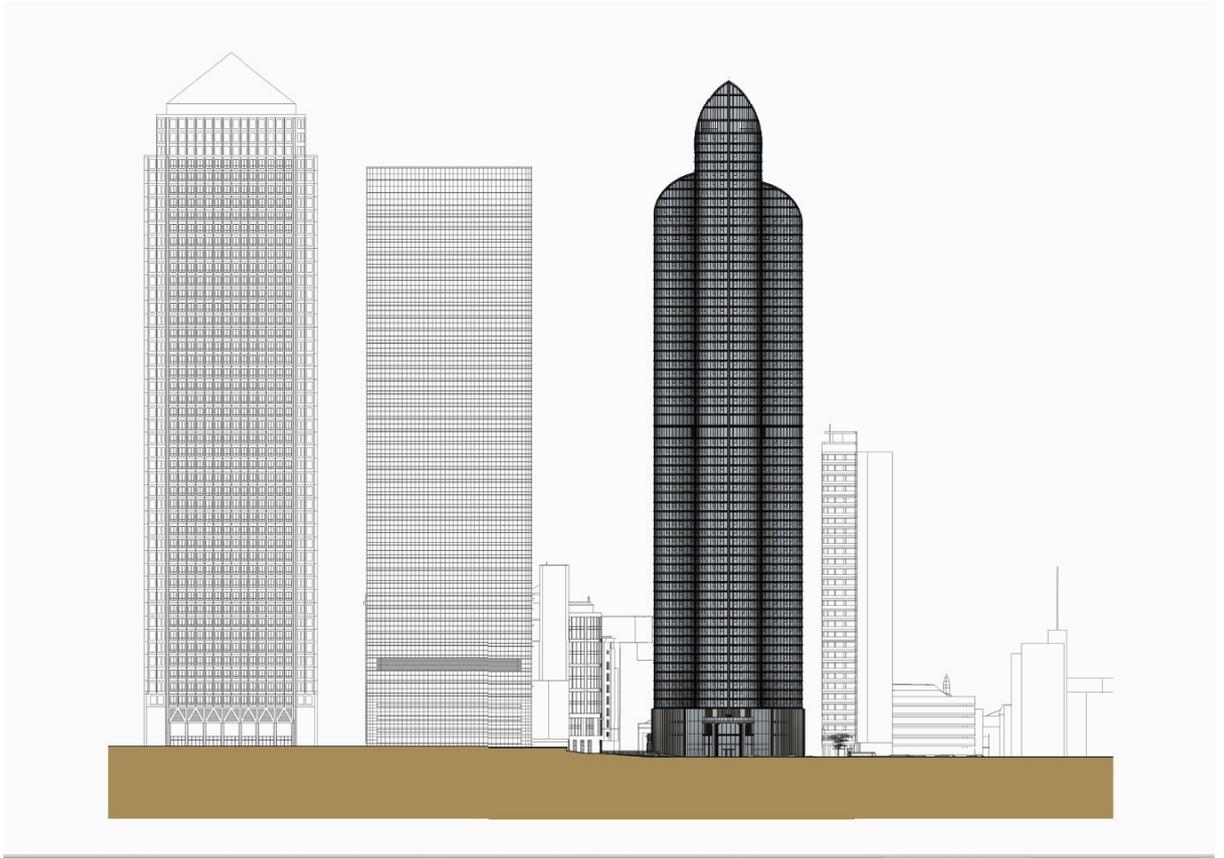


Figure 29 – East elevation of the proposed scheme in context.

8.103 Below are the most significant verified views showing the extant and proposed.



Figure 30 – Verified CGIs of extant and proposed tower from Wren's Landing

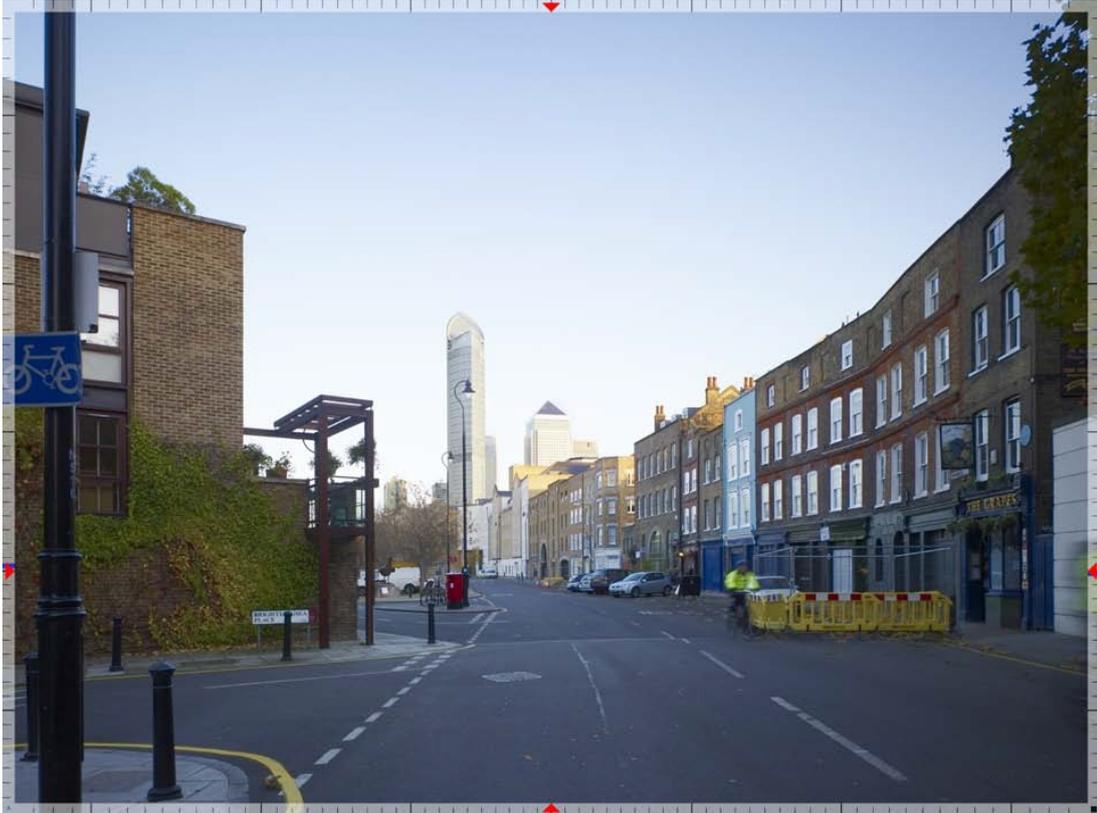


Figure 31 – Verified CGI of extant scheme viewed from Narrow Street



Figure 32 – Verified CGI of proposed scheme viewed from Narrow Street

8.104 While the proposed tower would be less slender than the extant scheme, the proposed building is not considered to be unduly bulky in appearance because the division into three vertically accentuated petals would be apparent in all views,

contributing to creation of an elegant and slender silhouette. The curvature of the petals including the substantial projecting ridge dividing the south-western from the north-eastern petals would serve to break up the massing. The vertical accentuation would be further emphasized through the vertical alignment of shadow boxes and through detailed design of the inner and outer ridges.

- 8.105 The increase in bulk of the tower would increase the adverse impact on nearby heritage assets in comparison to the extant scheme; however, the additional impact would be minor.
- 8.106 A significant number of local and more distant views have been tested as part of the submitted Environmental Statement and the Townscape, Visual Impact and Built Heritage Assessment contained therein. The Council's Conservation Officer disagrees with the assessment of the proposal's impact with regard to a number of the views.
- 8.107 Whilst in many of the more distant views the impacts are assessed to be of minor to moderate significance, particularly when the cumulative views are considered, the proposals are then noted to have a beneficial effect where it would be more appropriate to describe the effect as neutral or minor adverse.
- 8.108 In many of the local views the impact would be more appropriately classified as moderately adverse. Those views are views 12 (Narrow Street), 18 (Ropemakers Fields), 22 (Garford Street), 24 (Cannon Workshops) 23 (Hertsmere Road), 25 (Wrens Landing) and 26 (North Quay).
- 8.109 Similarly, while Historic England do not raise an objection, heritage impacts are also described as moderately adverse.

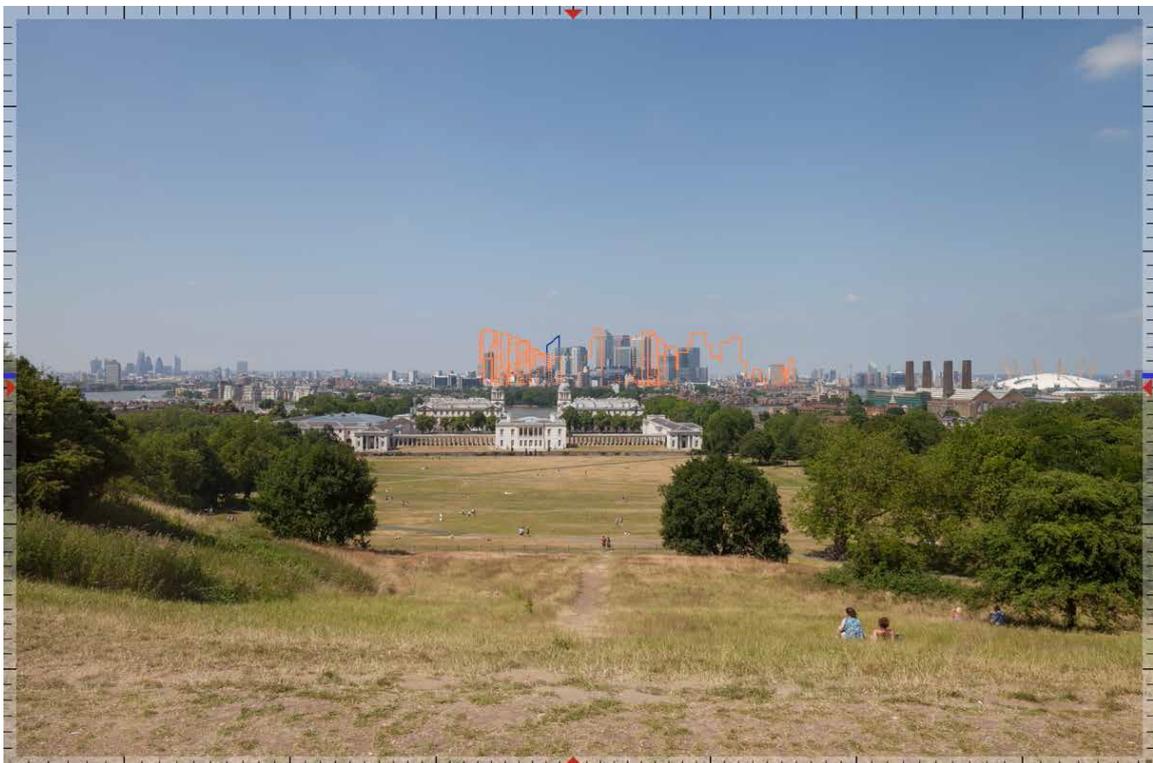


Figure 33 – Verified cumulative view from General Wolfe's statue in Greenwich

8.110 The above view shows the proposed tower in relation to the consented cumulative schemes on the Isle of Dogs, demonstrating that the tower would fit within the cluster with a significant proportion of its height obscured by other consented schemes. The top of the tower would appear between the towers in the centre of the cluster and the towers its western end thus consolidating the appearance of the cluster. There would be no significant adverse impact on this protected view. The heritage value of the Greenwich World Heritage Site and its setting would be safeguarded.

8.111 With regard to the lower sections of the tower, two pavilions would sit either side of the tower building providing retail accommodation at ground and mezzanine level. The pavilions would be linked to the tower through a publicly accessible wintergarden which would also provide access to retail units deeper within the building. The wintergardens would be full height with a glazed roof, with the northern wintergarden providing through access.



Figure 34 – Proposed ground floor plan

8.112 Three residential entrance areas would be provided, at the eastern end, addressing the dock, at the western end, addressing Hertsmere Road and the drop-off point and at the northern end, providing separate access for affordable rented units. The market residential lobbies would be particularly generous in size and prominence,

however officer's view is that the affordable entrance would be of an acceptable quality, so as not to result in creation of a 'poor door'.

- 8.113 Active retail and residential frontage has been maximised, addressing the key frontages of the development. Car parking, servicing and cycle store access has been located to minimise visual impacts.
- 8.114 A significant amount of public realm would be provided at ground level, with a large amount of new birch trees. Significant number of benches would be provided along with opportunities for incidental play. The landscaping would also include a water feature. The character of the proposed landscaping would be largely hardscaped to respect the historic industrial setting of the dock, however, in areas further away from the dock, opportunities would be taken to introduce soft landscaping.



Figure 35 – Artist impression of the proposed landscaping scheme.

- 8.115 The lower levels of the proposed scheme would be of a more solid and robust appearance, this would be created through use of metal fins and columns. The height of the lower floors would broadly match that of the historic warehouses.



Figure 36 – CGI of the site viewed from Hertsmer Road

- 8.116 The listed building consent application seeks permission for dismantling and re-building of the Grade II listed former west entrance gate to West India Dock which lies within the site. This is necessary to facilitate construction of the tower. As the listed building has already been dismantled and re-erected in the past away from its original location, the listed building proposal does not raise concern subject to appropriate conditions which have been included at the request of Historic England. Subject to conditions, the dismantling and rebuilding would amount to a minor, less than substantial harm to the structure.
- 8.117 Historic England do not object to either of the proposals but do note that by way of height, scale and massing, the proposals would cause some harm to the neighbouring heritage assets. Historic England advise that in the context of tall buildings already approved and constructed in this area and the improvements to the design of the proposed tower in comparison to the extent scheme, the harm would be moderate and lesser than that which would have been caused by the previously approved schemes on this site. The harm needs to be considered in the context of the NPPF and any associated public benefits which should include specific heritage benefits.
- 8.118 A condition requiring a two-stage process of archaeological investigation, evaluation and recording has been included as requested by the Greater London Archaeological Advisory Service.
- 8.119 In conclusion, the architectural quality of the proposal would be high, appropriate for a tall building. The height and bulk would acceptably relate to the Canary Wharf cluster, providing a degree of transition away from One Canada Square. The landscaping and lower levels of the building would be particularly successful in contributing to a high quality of public realm and in establishing a more sympathetic relationship to the adjoining heritage assets than the extant scheme.

- 8.120 Given the existing character of the area and the architectural design measures taken to minimise the impact, the adverse heritage impacts resulting from the proposal would be less than substantial.
- 8.121 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer significant public benefits that decisively outweigh any less than substantial harm to the historic environment.

Amenity

- 8.1 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.2 The properties closest to the application site, at a distance of some 20m, are all in commercial or office use. The nearest residential properties are located within the Port East Warehouses, immediately to the east of the Docklands Museum, some 60m from the application site. There are also residential properties within some 50m to the north-west of the site, at the bend of Hertsmere Road. Residential properties further away from the site include those on either side of Garford Street, to the north-west and on either side of the easternmost part of Hertsmere Road.

Daylight, Sunlight, Overshadowing and Solar Glare

- 8.3 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.4 A Daylight, Sunlight, Overshadowing and Solar Glare Assessment prepared in accordance with BRE guidance has been submitted with the application, as part of the Environmental Statement. The assessment considers daylight, sunlight, overshadowing and solar glare impacts on all of the relevant receptors. The assessment has been reviewed by independent consultants appointed by the Council.
- 8.5 Given the size of the proposed development, a significant number of properties have been assessed with the conclusions of the assessment summarised below.

8.6 Loss of daylighting to windows at the following properties would be well within the BRE guidelines for all windows in both the baseline and cumulative scenarios, with losses over and above the extant scheme limited. The impact would be negligible. In some instances the losses would be smaller in the cumulative scenario, indicating that other consented building would already block much of the light lost.

- Berkeley Tower, 48 Westferry Circus
- Eaton House, 38 Westferry Circus
- Milligan Street (50-60, 62-66, and 72-88)
- 1-5 Premiere Place (Garland Court, Bogart Court, Fonda Court, Welles Court, Rogers Court)
- 1 to 19 Garford Street
- 14 and 16 Garford Street
- Kelly Court, 2 Garford Street
- Flynn Court, 4 Garford Street
- Mary Jones Court, 6 Garford Street
- Vicinity House, 1 Storehouse Mews
- 5 and 7 Storehouse Mews
- Port East Apartments
- 22-26 Hertsmere Road

8.7 Some minor adverse daylighting impacts would occur to the following properties. Generally, where adverse impacts occur, the impact is limited when considered in the context of cumulative development and would not be significantly worse than for the extant scheme. Where room layouts are known, additional daylight distribution (no-skyline) calculations have been carried out.

a) Taylor House, 3 Storehouse Mews

Of 76 windows analysed, 38 would experience VSC losses of between 20% and 29.99% in the existing vs proposed scenario. In comparison to the extant scheme, the additional loss would be limited, with most windows losing less than another 1% of VSC with the largest additional loss of 1.14%. In the cumulative scenario, losses would negligible, indicating that much of the light would already be blocked by previously consented schemes.

b) 10, 12 and 18 Garford Street

Of 45 windows analysed, 6 would experience VSC losses of between 20% and 29.99% in the existing vs proposed scenario, with each house having 2 affected windows. Changes to daylight distribution would be within BRE guidelines for all rooms. In comparison to the extant scheme, very little additional VSC would be lost. In the cumulative scenario, losses would negligible, indicating that much of the light would already be blocked by previously consented schemes.

c) Matthew House, 20 Garford Street

Of 55 windows analysed, 18 would experience material VSC losses. 3 windows would experience losses of between 30% and 39.99% while 1 would lose more than 40% of VSC. Changes to daylight distribution would be within BRE guidelines for all rooms. Although some of the losses would be substantial, there would be very little loss over and above that resulting from the extant scheme. In the cumulative scenario, losses would also be small, indicating that much of the light would already be blocked by previously consented schemes.

d) Riverside House, 20 Garford Street

Of 65 windows analysed, 6 would experience VSC losses marginally outside the guidelines, with the largest loss being 24.87%. Changes to daylight distribution would be within BRE guidelines for all rooms. There would be very little additional loss in comparison to the extant scheme. In the cumulative scenario, losses would also be small, indicating that much of the light would already be blocked by previously consented schemes.

e) Barges within the dock

By their nature boats are movable and none of the boats within the dock benefit from planning permission to be used as a permanent dwelling. Nonetheless, a daylighting analysis has been carried out for all of the barges, showing that the VSC losses would be marginal, the largest being 20.43% VSC.

8.8 There would be negligible sunlighting impact on the following analysed properties:

- Eaton House, 38 Westferry Circus
- Milligan Street (50-60, 62-66 and 72-88)
- 1-5 Premiere Place (Garland Court, Bogart Court, Fonda Court, Welles Court, Rogers Court)
- 1 to 19 Garford Street
- Flynn Court, 4 Garford Street
- Port East Apartments
- 22-26 Hertsmere Road
- Barges within the dock

8.9 There would be some minor adverse sunlighting impact on the following properties. Generally, where minor adverse impacts occur, the impact is limited when considered in the context of cumulative development and would not be significantly worse than for the extant scheme.

a) Kelly Court, 2 Garford Street

Loss of annual probable sunlight hours would be outside the guidelines for two rooms, although one of these would be only marginally outside. In the context of the cumulative assessment, losses would be within the guidelines, suggesting that some of the sunlight lost would already be blocked by previously consented buildings.

b) Taylor House, 3 Storehouse Mews

Loss of annual probable sunlight hours would be outside the guidelines for one room, however, in the cumulative assessment, the loss would be well within the guidelines again suggesting that much of the sunlight would be blocked by already consented schemes.

c) 5 and 7 Storehouse Mews

One room would be marginally outside the guidelines for winter sunlight but would continue to receive good levels of sunshine throughout the year. This room already receives only two hours of probably winter sunlight so a loss of one hour leads to disproportionate impact when shown as a percentage loss. There would be no difference in impact between the proposal and the extant

permission and cumulative assessment shown that winter sunlight would be blocked by previously consented schemes.

d) 10 to 18 Garford Street

Two rooms would fall outside the winter sunlight but would continue to receive good levels of sunshine throughout the year. There would be no difference in impact between the proposed and extant schemes with the cumulative assessment showing that winter sunlight would be blocked by previously consented schemes.

e) Matthew House, 20 Garford Street

Two rooms would fall outside guidelines, one with regard to winter sunlight and one with regard to all year sunlight. For the first room, there would be no difference in impact between the proposed and extant schemes with the cumulative assessment showing that winter sunlight would be blocked by previously consented schemes. For the second rooms, the loss would be over and above that of the extant scheme, however, when cumulative scenario is taken into account; some of the light is already blocked by consented schemes.

f) Riverside House, 20 Garford Street

One room would fall outside the guidelines for winter sunlight only. This room already receives only two hours of probably winter sunlight so a loss of one hour leads to disproportionate impact when shown as a percentage loss. There would be no difference in impact between the proposal and the extant permission.

8.10 With regard to overshadowing of amenity spaces, the proposal would have a limited impact as the areas affected are already significantly shaded. The overshadowing would be similar to that caused by the extant scheme. When the cumulative scenario is taken into account, additional overshadowing would be well within BRE guidelines and shading would already exist as a consequence of other buildings. The impact would be minor adverse to some locations but this would reduce to negligible when other consented developments are taken into account.

8.11 The overshadowing of forecourt beer and restaurant gardens to the area in front of the listed warehouse and the north of the dock would be well within the BRE guidelines. Transitory overshadowing diagrams have been prepared to provide more information about the shadow cast by the proposed tower and the adjoining existing and consented developments. As a tall and relatively slender building, the development would not shade any particular area for more than a few hours at a time. The shadow cast would be similar to that of the extant scheme but would be wider in some directions.

8.12 The Council's consultant considers that the solar glare impacts resulting from the proposal would be minor adverse with incidences of severe glare unlikely.

Microclimate

8.13 A Wind Microclimate Assessment has been submitted as part of the Environmental Statement including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. To ensure robustness, all tests have been carried out with the proposed mitigation measures in place. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort

categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.

- 8.14 Generally leisure walking is desired on pedestrian routes during the windiest season, standing/entrance conditions at main entrances and drop off areas throughout the year and sitting conditions at outdoor sitting and amenity areas during the summer season when these areas are likely to be used the most often.
- 8.15 While stronger winds would occur in some locations, in particular during the windiest season, this would not cause significant nuisance. There would also be an overall increase in wind near the tower; however, following implementation of the landscaping scheme, the overall microclimate would be suitable for the intended uses of the public realm, communal & private amenity spaces. Suitable microclimate conditions would be maintained for the beer and restaurant gardens outside the listed warehouse as well as within the dock. The wind conditions would be generally calmer in the cumulative scenario, once other consented schemes are constructed. The microclimate impacts of the proposal would also be generally lower than those of the extant scheme.

Privacy and overlooking

- 8.16 The proposed building would benefit from very substantial separation distances from the nearest adjoining properties. The listed warehouse buildings to the north and the hotel to the west would be over 20m away from the nearest elevation while the office building to the south would be between 20m and 30m from the relevant elevations of the proposed tower. All of these buildings are in commercial use, including as a hotel; there is no permanent residential use in this proximity to the site. These separation distances are generous, as such acceptable privacy would be provided and the operation of the adjoining hotel as well as commercial & institutional office uses would not be adversely affected.

Light pollution

- 8.17 A condition has been included to require submission of full details of proposed lighting along with light spill drawings, in order to minimise any impact on the amenity of adjoining occupiers.

Noise

- 8.18 At the request of the Environmental Health Noise & Vibration Officer, appropriate conditions have been included to control noise from plant. Conditions have also been included to control the opening hours of any A3 and D2 uses. Given the large separating distances to other uses and the predominant commercial character of the area, the proposal would not result in any undue noise impacts.

Construction impacts

- 8.19 The construction impacts of the proposal would be carefully controlled and minimised through suitable conditions such as the Construction Management Plan which would include working hours restrictions, measures to control dust, air pollution, noise pollution, vibration and which would, in general, aim to minimise the impact on the nearby residential and commercial occupiers, including the East London Family Court, Credit Suisse and the Museum of Docklands. Compliance with the Council's Code of Construction Practice and the Considerate Constructors Scheme is to be secured through a planning obligation.

- 8.20 The temporary loss of permeability during the course of construction works would not have an unacceptable effect on the local area while facilitating erection of the building and provision of improved public realm.

Air quality

- 6.77 An Air Quality Assessment has been submitted as part of the Environmental Statement. The Environmental Health Air Quality Officer has confirmed that air quality neutral requirements would be met and that there would be no significant impacts arising from the operation of the energy centre or from traffic emissions.

Conclusion

- 8.21 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions and a planning obligation have been included to mitigate any adverse impacts.

Highways, transportation and servicing

- 8.22 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.23 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.24 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.25 The application is accompanied by a Transport Assessment which forms part of the Environmental Statement.
- 8.26 Once local off-street pedestrian connections are taken account of, the application site benefits from very good public transport accessibility (PTAL rating of 5) with convenient pedestrian access to a number of bus connections as well as the Canary Wharf Jubilee Line Station, four different DLR stations and, from late 2018, the Crossrail Station. The opening of Crossrail would improve the site's public transport accessibility to an excellent standard with a PTAL rating of 6. There is also a number of Cycle Hire Stations within close walking distance and the Cycle Superhighway CS3 runs nearby.
- 8.27 Hertsmere Road is a private road, access off adopted highways of West India Dock Road/Aspen Way to the east and Westferry Road to the west.
- 8.28 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

Car parking and access

- 8.29 9 wheelchair accessible parking spaces are proposed, of which 7 would be operated by a valet. This is the maximum that is feasible on site given the constraints on the size of the basement resulting from the proximity of Crossrail tunnels. A planning obligation would require submission of Car Parking Management Plan to prioritise allocation of spaces to occupiers of wheelchair units, including affordable units, and to secure appropriate valet arrangements.
- 8.30 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.
- 8.31 A planning obligation would secure the development as car free to minimise any additional parking stress in the area.

Servicing and deliveries

- 8.32 Servicing of the proposal would take place off Hertsmere Road, entirely from within the application site. The majority of servicing would take place from the basement loading bays. A condition is recommended to request submission of a Delivery and Servicing Management Plan. A drop of point would also be provided off Hertsmere Road to serve taxis as well as any small delivery vehicles.
- 8.33 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.

Cycle parking

- 8.34 1290 internal cycle parking spaces would be provided, including 5 for employees of the commercial units. Externally, 44 visitor spaces would be provided within the public realm. This exceeds the minimum policy requirement of 1249 and 38 respectively.
- 8.35 The internal cycle spaces would be provided within the basement for the private and intermediate units and in a 1st floor cycle store for residents of the affordable units. A mix of different cycle stand types is proposed, including two-tier, semi vertical and Sheffield. The applicant has provided a Bicycle Parking Strategy demonstrating how the required amount of stands can be accommodated within the allocated areas.
- 8.36 Concerns have been raised about the ease of access to the basement stores, where a bicycle stair and track would be provided. This is given the large amount of cycles and the size of the development overall. The stair and track would be of sufficient width to allow users to wheeling the bikes to pass each other going in opposite directions. The cycle stores would also be accessible through the main lifts. While the number of internal doors and the somewhat convoluted internal corridor access would undermine the ease of use, this is largely unavoidable given the restrictions on the size of the basement caused by proximity of Crossrail tunnels.
- 8.37 A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

Walking

- 8.38 The proposed public realm works would improve the quality of the pedestrian environment adjoining the application site.

Waste storage

- 8.39 The proposal includes the use of an internal chute system with a tri-separator to help future proof the development for inclusion of food waste collection, should this be introduced by the Council. The use of compactor containers within the basement would provide the required storage space while minimising the number of trips by collection vehicles. Appropriate provision has also been made for storage of bulky and commercial waste.

Traffic generation and public transport impacts

- 8.40 A Transport Assessment has been submitted as part of the Environmental Statement. The assessment has been reviewed by both TfL and the Council's Highways & Transportation officers.
- 8.41 The reduction in car parking in comparison to the extant scheme and, in particular, in comparison to the 76 spaces that were provided within the now demolished office building would ensure that road traffic generation is reduced as a result of the proposal. The great majority of trips generated by the development would take place on foot, by cycle or by public transport.

Mode of Travel	Hour Commencing											
	07:00		08:00		09:00		16:00		17:00		18:00	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
Car Driver	0	2	1	3	1	1	1	1	1	1	2	1
Car Passenger	0	0	0	1	0	0	0	0	0	0	0	0
Motorcycle	0	0	0	0	0	0	0	0	0	0	0	0
Cycle	1	3	1	5	1	2	2	1	3	2	4	2
Taxi	1	2	1	4	1	2	1	1	2	1	3	1
Underground/ DLR	31	127	59	219	51	93	76	53	107	62	170	76
Bus	2	7	3	12	3	5	4	3	6	3	9	4
Train/ Overground	2	7	3	12	3	5	4	3	6	3	9	4
Walk	20	82	38	142	33	60	49	34	69	40	110	49
Other	1	6	3	10	2	4	4	2	5	3	8	3

Figure 37 – Residential journey to and from work trips by mode of travel

Mode of Travel	Hour Commencing											
	07:00		08:00		09:00		16:00		17:00		18:00	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
Car Driver	-8	2	-27	2	-16	-1	-3	-7	0	-31	1	-14
Car Passenger	0	0	0	1	0	0	0	0	0	0	0	0
Motorcycle	0	0	0	0	0	0	0	0	0	0	0	0
Cycle	1	5	-6	11	-3	2	4	-1	4	-6	4	-2
Taxi	0	0	0	0	0	0	0	0	0	0	0	0
Underground/ DLR	27	127	-30	221	-13	85	72	38	108	-51	167	34
Bus	2	9	-3	18	-1	5	6	1	7	-4	9	1
Train/ Overground	1	8	-23	13	-15	2	3	-1	7	-29	8	-8
Walk	20	89	34	165	28	65	58	33	72	31	110	45
Other	0	6	-1	10	0	4	3	1	5	-1	8	1

Figure 38 – Changes in trip generation by mode of travel

- 8.42 With the commencement of Crossrail services, the rail capacity of Canary Wharf would increase by approximately 50%. TfL have confirmed that sufficient capacity would be in place on the DLR, Crossrail and the Jubilee Line to cater for the additional public transport demand caused by the development.
- 8.43 The greatest pressure at rail services in Canary Wharf come from employees commuting into Canary Wharf in the morning and out of in the evening. The trips resulting from the proposed development would be in opposite directions than those currently experiencing greatest crowding. In comparison to the journeys generated by the now demolished office building, there would be an overall reduction in trips on the Underground network on those trains that currently suffer the greatest levels of crowding.
- 8.44 Travel Plans for residents and employees of the development are to be secured by condition, to encourage the use of sustainable transport modes.
- 8.45 A condition has been included to require submission of a Demolition and Construction Logistics Plan including assessment of feasibility of utilising water borne transport within the course of the works. This condition would aim to minimise any temporary disruptions to the operation of the local highway network.
- 8.46 A number of financial contributions have been requested by TfL but have not been included in the Head of Terms:
- £200,000 towards delivery of a 35 space cycle docking station
 - £200,000 to mitigate the impact of additional bus trips and
 - £87,390 Crossrail top-up S106 contribution,
- 8.47 These matters are addressed within the Planning Obligations section of this report.

- 8.48 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

Sustainability and Energy Efficiency

- 8.49 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 climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.50 The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO₂ emissions through the implementation of energy efficiency measures and use of a centralised energy system (CHP). The CO₂ emission reductions are anticipated to be at 37.2% against the Building Regulations 2013, short of the 45% policy target. In accordance with policy requirements, the applicant has agreed to the full financial contribution to the Council's carbon off-setting programme to achieve a total reduction of 45% - this is acceptable given that the potential for renewable energy technologies is limited due to the limited roof area and the desire to provide residential terraces.
- 8.51 The feasibility of connecting the development to the Barkentine district heating network has been investigated; however, it would not be possible in the near future. The design of the CHP system to provide for a future connection would be secured by condition.
- 8.52 Conditions have been included to ensure compliance with the proposed energy efficiency and sustainability strategies. An additional pre-occupation condition would be included to ensure that blinds are provided to minimise overheating and use of air-conditioning, that air-conditioning is designed so that it would not operate while the windows are open, and that guidance is provided for new residents to inform them of the most efficient way of maintaining appropriate internal temperature without unnecessary recourse to the use of the air-conditioning system.
- 8.53 Overall, subject to conditions and the carbon off-setting planning obligation, the proposal would accord with the relevant policies and guidance.

Flood Risk and Water Resources

- 8.54 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 8.55 The development would result in a 'more vulnerable' use within flood zone 3. This use is appropriate within flood zone 3 provided the site passes the Flood Risk Sequential Test (that there are no alternative sites available at a lower risk of flooding), that a Flood Risk Assessment is undertaken to ensure that part b of the Exception Test is met (that the development itself would not be at unacceptable risk and that it would not increase the risk elsewhere).
- 6.78 Although the site is located within flood zone 3a, it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance of flood even in any year. LBTH

Strategic Flood Risk Assessment and Environment Agency's most recent modelling show the site to be outside of the areas impacted by flooding if there was to be a breach in defences. The proposed development is considered to be at a low risk of flooding.

- 6.79 The development is currently protected by a flood defence at the entrance to West India Dock and the current recommendation of the Thames Estuary 2100 study is for the height of the dock gate to be raised rather than raising the dock walls for each individual site, nonetheless, the proposed development would not preclude the future raising of dock walls should this be necessary. The proposed residential accommodation would be located at 4th floor level and above, significantly higher than potential flood levels.
- 6.80 A general sequential test for the borough has been carried out in 2009 as part of the evidence base for the Core Strategy. The Council has also carried out Strategic Flood Risk Assessments, in 2008 and 2012. The sequential test concluded that there are no alternative sites available at a lower risk of flooding if the borough is to deliver an adequate quantum of housing. As discussed above, the development itself would not be at an unacceptable risk of flooding and it would not increase the risk of flooding elsewhere.
- 8.56 With regard to drainage, in accordance with guidance, discharges to the sewerage system would not exceed 50% of the existing discharge rates. The majority of surface water would be discharged into the dock with full details reserved by condition. To include measures to safeguard against water pollution and to reduce peak flows into the sewer to prevent surcharging in the event of heavy rainfall. Attenuation tanks would be utilised and further sustainable drainage measures would be explored as required by the recommended condition.
- 8.57 Thames Water has raised no objection with regard to sewerage infrastructure capacity. As requested by Thames Water, a condition has been included to deal with fresh water supply matters.
- 8.58 Overall, the proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply.

Ecology, Biodiversity and Trees

- 8.59 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document 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 an overall increase in biodiversity.
- 8.60 The Extended Phase 1 Habitat Report, contained within the Environmental Statement, provides information about the ecological value of the application site, however, it is noted that the buildings on site have now been demolished pursuant to the extant consent, further limiting the potential for roosting bats. The site's ecological value is identified as low.
- 8.61 Several trees would be lost as a result of the proposal. These include semi-mature hornbeams, a native tree but one which is of limited wildlife value away from its natural ancient woodland habitat. The felling of these trees would result in a small adverse impact on biodiversity. The proposed landscaping includes extensive planting of birch trees, including native *Betula pendula* and the non-native *Betula*

ermanii. The proposed tree planting would mitigate the biodiversity impact resulting from the loss of the existing trees.

- 8.62 Given the context of the application site, the majority of landscaping would be formal with little biodiversity value due to requirements for evergreen planting. Some nectar-rich species would be provided, in particular within the 3rd floor terrace. If a high proportion of nectar-rich planting is included in the final landscaping scheme, the planning would contribute to the Local Biodiversity Action Plan objective of creating more forage for bees and other pollinating insects. Suitable conditions have been included to require details of landscaping, planting and any other biodiversity improvement measures.
- 8.63 The adjoining West India Dock North Site of Importance for Nature Conservation is designated as a Site of Borough Grade II Importance for Nature Conservation. The results of the daylight, sunlight, overshadowing and microclimate assessments forming part of the Environmental Statement indicate that the proposal would not result in a significant adverse impact on this biodiversity asset. Conditions have been included to prevent land contamination from polluting the dock and to ensure that the proposed lighting scheme would not affect ecology.
- 8.64 Overall, the proposal would not result in undue biodiversity impacts. Subject to conditions, the proposal would deliver net biodiversity improvements, in accordance with the relevant policies.

Other

Aviation

- 8.65 An Aviation Assessment has been submitted as part of the Environmental Statement. Further assessment has been carried out by NATS en-route plc identifying an adverse impact on the operation of NATS radar infrastructure, including on radar used by City Airport traffic control. NATS and City Airport do not object to the proposal subject to conditions requiring implementation of a radar mitigation scheme and submission of a construction crane operation plan. The requested conditions have been included.
- 8.66 The concerns raised relate solely to radar reflections and radar shadows which would be caused by the building – such impacts can be successfully mitigated. The proposed height would not affect the safety or the operation of the City Airport flight paths.
- 8.67 Subject to conditions, the proposal would result in no unacceptable aviation impacts.

Land contamination

- 8.68 A Ground Conditions report has been submitted as part of the Environmental Statement. At the request of the Environmental Health Contaminated Land Officer, a condition has been included to appropriately deal with the identified potential land contamination, to minimise risks to health and ecology.

Impact on Crossrail and Thames Water infrastructure

- 8.69 At the request of Crossrail Safeguarding suitable conditions have been included to safeguard the construction and operation of the Crossrail underground railway which passes underneath the site.

- 8.70 Similarly, Thames Water infrastructure would also be safeguarded by the recommended conditions, in line with the statutory undertaker's request.
- 8.71 Subject to conditions, the proposal would not result in any significant adverse impact.

Environmental Impact Assessment

- 8.72 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) require that an Environmental Impact Assessment is undertaken to provide information about the likely effects of the proposal on the environment, to inform the decision making process. The environmental information must be taken into account prior to planning permission being granted.
- 8.73 As required by the EIA regulations, the application is accompanied by an Environmental Statement. The submitted statement has been confirmed as robust by the independent consultants appointed by the Council. Additionally, Statement of Conformity letters have been submitted with each set of minor revisions to the proposal.
- 8.74 The environmental information has been taken into account in consideration of the application and informed each sub-section of the Material Planning Considerations section of this report. This included matters such as demolition and construction impacts, waste and recycling, socio-economics, transportation and access, air quality, noise and vibration, wind microclimate, daylighting, sunlight, overshadowing & solar glare, archaeology, ground conditions, water resources, drainage and flood risk, TV and radio reception as well as effect interactions, and residual & cumulative effects.
- 8.75 Conditions and planning obligations have been included to secure the implementation of all of the relevant mitigation measures suggested within the Environmental Statement. Where mitigation is not secured through a planning obligation or condition, the Council's Community Infrastructure Levy provides the most appropriate method of delivery.

Planning Obligations

- 8.76 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 what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 8.77 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 8.78 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. Furthermore, Regulation 123 stipulates that a planning obligation must not constitute a reason for the grant of planning permission if it provides for the funding or provision of any type of infrastructure which appears on the local planning authority's Regulation 123 infrastructure list.

8.79 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA guidance as well as to provide a substantial payment in lieu of some of the affordable housing provision. The financial obligations secured include:

a) £19,250,000.00 payment in lieu of affordable housing

[payable in three instalments: 10% on the first anniversary of commencement, 40% on the second anniversary of commencement and 50% on the third anniversary of commencement]

b) £421,364.00 construction phase employment training

[payable in two instalments: 50% on the first anniversary of commencement and 50% on the second anniversary of commencement]

c) £28,968.00 end-user phase employment training

[payable on the third anniversary of commencement]

d) £204,660.00 carbon off-setting

[payable in two instalments: 50% on the first anniversary of commencement and 50% on the second anniversary of commencement]

e) Monitoring fee equivalent to £500 per each substantial Head of Terms

[payable on commencement]

Total financial contribution: £19,904,992.00 plus monitoring contribution

8.80 The non-financial planning obligations include:

f) On-site affordable housing at Hertsmere House (96 units 12% of habitable rooms within the Hertsmere House site)

- 9.3% Affordable rented (72 units)
- 2.6% Intermediate rented (24 units)

[to be delivered prior to occupation of 40% of Hertsmere House units]

g) Off-site affordable housing at Dalglish Street (60 units 100% of habitable rooms within the Dalglish Street site)

- 35.3% Affordable rented (27 units)
- 54.6% Social rented (26 units)
- 10.1% Shared ownership (7 units)

[to be delivered prior to first occupation of Hertsmere House]

- h) Affordable housing review mechanism if the development does not commence within 2 years
- i) Car free
- j) Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 80 apprenticeships
- k) Mitigation of TV reception impact
- l) Car parking management plan
- m) Electric vehicle charging points
- n) LBTH Code of Construction Practice and Considerate Constructors Scheme
- o) Public access to public realm, including a Public Realm Management Plan
- p) Communal Amenity and Play Space Management Plan
- q) All reasonable endeavours to deliver the wider public realm vision

8.81 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission.

8.82 The commitment to realise the wider public realm vision is strictly an additional benefit of the scheme which is neither required to make the proposal acceptable in planning terms nor is it necessary to mitigate the proposal's impacts or offset planning objections and policy compliance deficiencies, in particular given the uncertain delivery of the landscaping vision in light of land ownership issues. Nevertheless, the commitment to utilise all reasonable endeavours to deliver the additional improvements is a material consideration of some weight as the works, if implemented, would substantially add to the already considerable regeneration benefits of the scheme.

8.83 With regard to affordable housing provision, the applicant has submitted a Financial Viability Assessment which has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver the maximum amount of affordable housing (on-site, off-site and as payment in-lieu) that could be supported by the viability of the scheme without threatening the deliverability of the development.

8.84 A number of financial contributions have been requested by TfL but have not been included in the Head of Terms listed above:

- £200,000 towards delivery of a 35 space cycle docking station
- £200,000 to mitigate the impact of additional bus trips and
- £87,390 Crossrail top-up S106 contribution,

- 8.85 Cycle docking stations constitute transport infrastructure and, as such are dealt with by the Council's CIL rather than by planning obligations. This means inclusion of this contribution would not meet the Regulation 123 test.
- 8.86 Despite being asked to substantiate this request, TfL has not provided a basis for the calculation. As evidenced in the submitted Transport Assessment, the proposal would not result in a significant number of additional bus trips, either on its own or in a cumulative scenario. As such, the contribution would not be necessary to make the development acceptable in planning terms, it would not be directly related to the development and it would not be fairly and reasonably related in scale and kind, contrary to Regulation 122.
- 8.87 The Use of Planning Obligations in the Funding of Crossrail SPG states that where the amount payable under the planning policy is less than that payable in Mayor of London CIL, only the CIL will be payable. Given the size of the Mayoral CIL, the development is not liable for a Crossrail top-up financial contribution. The delivery of Crossrail would be supported through Mayoral CIL.

Financial Considerations

- 8.88 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 8.89 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.90 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy.
- 8.91 Mayor of London CIL liability is estimated to be £3,230,365.00.
- 8.92 Tower Hamlets CIL liability is estimated to be £18,339,377.00
- 8.93 Using the DCLG's New Homes Bonus Calculator, this development is likely to generate approximately £1,297,531.00 of New Homes Bonus in the first year and a total payment of £7,785,185.00 over 6 years.
- 8.94 Once the delivery of 60 units at the Dalglish Street donor site along with the delivery of an estimated 100 units funded by the payment in-lieu of affordable housing are factored in, the sum would rise to £1,588,408.00 in the first year and amount to £9,530,445.00 over 6 years.
- 8.95 The above financial benefits would amount to £38,885,372.00.
- 8.96 These financial benefits are material considerations of some weight in favour of the application proposal.

Health Considerations

- 8.97 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.98 The proposal raises no unique health implications, and would not prejudice the opportunity of, residents, neighbours or members of the public to benefit from appropriate living conditions and lead healthy and active lifestyles. The play space and communal amenity space proposed would adequately meet the policy requirements. The gym and swimming pool available to the private and intermediate tenures would serve to promote active and healthy lifestyles. The standard of the proposed residential accommodation would be high, commensurate with the high density of the scheme.

Human Rights Considerations

- 8.99 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.100 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 a local planning authority.
- 8.101 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Act Considerations

- 8.102 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, gender 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. 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

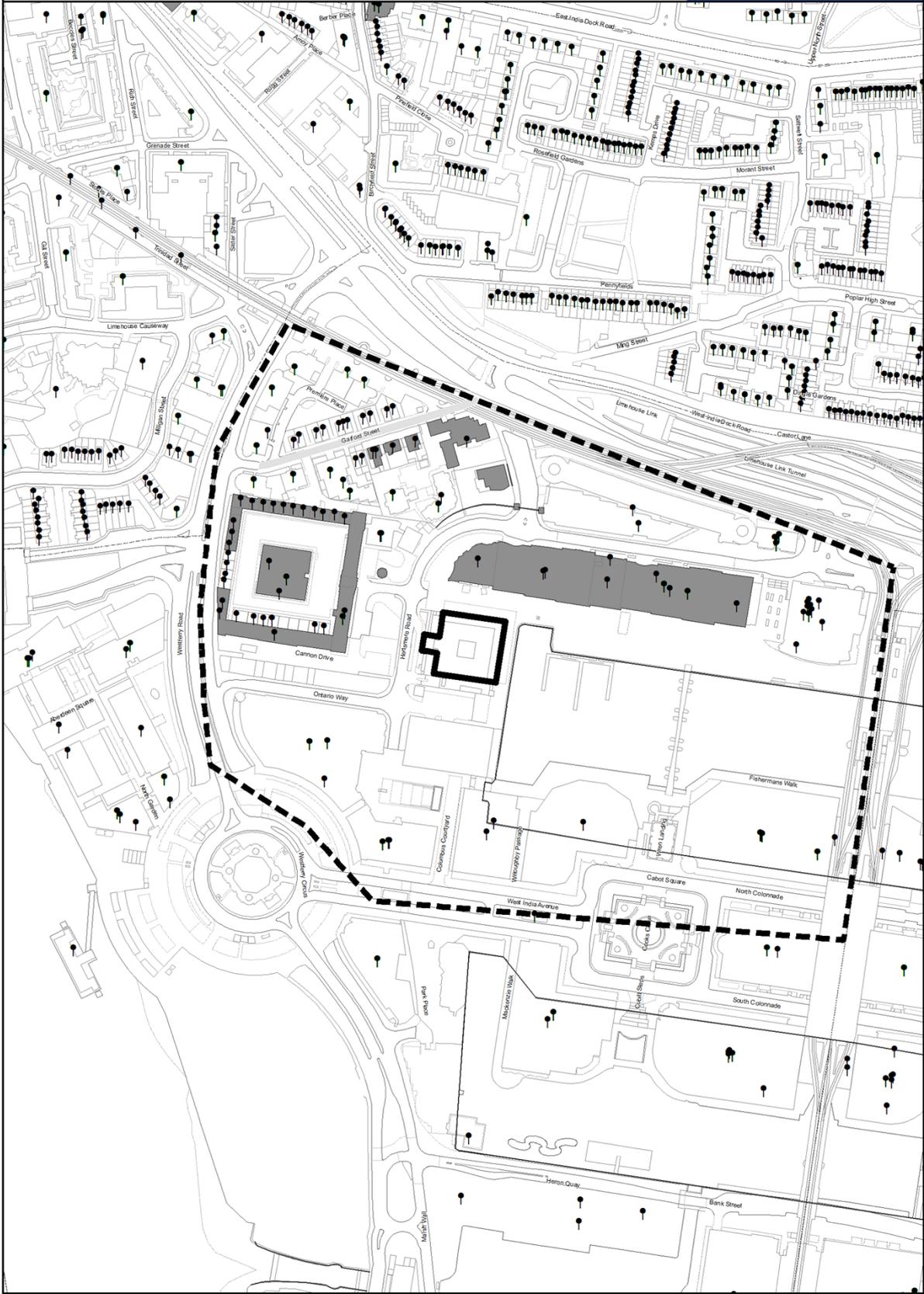
10.0 CONCLUSION

10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission and listed building consent should be GRANTED.

11.0 SITE MAP

11.1 Please refer to the next page of this report.

Planning Application Site Map
PA/15/02675



 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.
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