

Committee: Strategic Development	Date: 18 th February 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Kirsty Flevill	Title: Applications for Planning Permission Ref No: PA/15/02104 Ward: Canary Wharf
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1. APPLICATION DETAILS

Location: Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14

Existing Use: Vacant but extant permission for office with retail use

Proposal: Erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).

Drawings and documents: List of Plans:

- 10235-T-00-0101-Z00 Rev 02 site location plan
- 10235-T-02-0207-ZB2 Rev 02 Proposed lower basement plan
- 10235-T-02-0208-ZB1 Rev 02 Proposed upper basement plan
- 10235-T-02-0209-Z00 Rev 01 Proposed plans servicing and parking
- 10235-T-02-0210-Z00 Rev 01 Proposed ground floor plan
- 10235-T-02-0211-Z01 Rev 01 Proposed first floor plan
- 10235-T-02-0212-Z02 Rev 01 Proposed second floor plan
- 10235-T-02-0213-ZT3 Rev 01 Proposed typical floor plans
- 10235-T-02-0214-Z14 Rev 01 Proposed 14th floor plan
- 10235-T-02-0215-Z15 Rev 02 Proposed roof plan
- 10235-T-02-0401-ZEA Rev 01 Proposed elevation east
- 10235-T-02-0402-ZWE Rev 01 Proposed elevation west
- 10235-T-02-0403-ZSO Rev 02 Proposed elevation south
- 10235-T-02-0404-ZNO Rev 01 Proposed elevation north
- 10235-T-02-0405-ZEA Rev 01 Proposed elevation

entrance bay detail

10235-T-02-0406-ZEA Rev 01 Proposed elevation
typical serviced apartment bay detail

10235-T-02-0407-ZEA Rev 01 Proposed elevation
fourteenth floor bay detail

10235-T-00-0501-Z00 Rev 02 Proposed site plan

10235-T-00-0503-Z00 Rev 01 Entrance detail

10235-T-02-0601-ZAA Rev 01 Proposed sections –
section A-A

10235-S-02-0023-Z00 Rev 01 Secure Cycle Store
Sketch Ground Floor

Existing drawings:

9128/2/TP/01 Rev B site plan

9128/TP/10 Rev K Ground floor plan

9128/TP/11 Rev E First floor plan

9128/TP/12 Rev E Second floor plan

9128/TP/13 Rev C Third floor plan (typical floor plan 3rd
to 13th)

9128/TP/24 Rev E Fourteenth floor plan

9128/TP/25 Rev F Fifteenth floor plan

9128/TP/26 Rev B roof plan

9128/2/TP/30 Rev B North elevation

9128/2/TP/31 Rev C East elevation

9128/2/TP/32 Rev A South elevation

9128/2/TP/34 Rev A Section AA

9128/2/TP35 Rev A Section BB

9128/2/TP36 Rev A section CC

9128/2/INF/170 Rev A Boulevard plan office entrance
screen

9128/2/AS/2001 T3 typical cladding bay (east elevation)

9128/2/AS/2003 T2 north core east cladding - typ floor

Documents:

- Planning Statement prepared by CgMs Consulting dated July 2015
- Transport Statement prepared by WSP/Parsons Brinckerhoff dated July 2015
- Travel Plan prepared by WSP/Parsons Brinckerhoff dated November 2015
- WSP letter dated 23rd November 2015 in relation to TfL's comments
- Cycle parking letter dated 13th November 2015 prepared by EPR architects
- Technical note - travel by mode assessment prepared by WSP
- Letter of intent - shared parking arrangement dated

16th February 2016

- Crime prevention meeting file notes prepared by EPR architects dated 19th October 2015
- Air quality assessment Rev 01 prepared by Hilson Moran dated 11th June 2015
- Utility Report Rev 01 prepared by Hilson Moran dated 10th June 2015
- Design and Access Statement issue 01 prepared by EPR Architects dated May 2015
- Flood Risk Assessment Rev 01 prepared by Hilson Moran dated 23rd July 2015
- Flood Risk Assessment Addendum responding to EA comments prepared by Hilson Moran
- Hilson Moran Letter dated 13th November 2015 in response to GLA stage I consultation
- BREEAM 2014 - Pre-Assessment Report Planning – Offices Rev 01 dated 10th June 2015 prepared by Hilson Moran
- BREEAM 2014 - Pre-Assessment Report Planning - Other Building, Residential Institution Rev 01 dated 10th June 2015 prepared by Hilson Moran
- Energy Strategy Rev 01 dated 10th June 2015 prepared by Hilson Moran
- Waste Management Strategy Rev 01 dated 8th December 2015 prepared by Hilson Moran.
- Ecological Assessment letter dated 28th August 2015 prepared by Hilson Moran
- Ecology Appraisal dated 21st September 2015 prepared by Hilson Moran
- EPR Architects letter dated 11 November 2015 regarding GLA stage 1 – urban design and inclusive design
- Photograph sheet
- Sample board photograph

Applicant: Jemstock Properties Ltd.

Ownership: Fedamore Ltd, SCY Limited, Invel Real Estate Partners
Lennon 2 SARL, Mount Street Loan Solutions LLP

2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan 2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and have concluded:

- 2.2 The scheme would provide a mixed use development appropriate in this location as it falls within the Tower Hamlets Activity Area and allocation in the Isle of Dogs Opportunity Area. The proposal is primarily C1 (serviced apartment) led; however, the scheme also provides 1,844sqm of B1 (Office) space suitable for SME's and retail (A3) provision which accord with the aspirations of the Opportunity Area and will provide active frontages with South Quay Square.
- 2.3 The proposal is within the same height and massing of the previously implemented scheme and is appropriate in the context of the adjoining two buildings and surrounding developments within the local area.
- 2.4 The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the vacant buildings which currently occupy the site and make the route through to the dockside more inviting for pedestrians.
- 2.5 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.6 A strategy for minimising carbon dioxide emissions from the development has been proposed and a cash in lieu contribution has been agreed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.7 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATIONS

- 3.1 That the Strategic Development Committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

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

- 3.2 Financial Obligations:

- (a) A contribution of £144,200.80 towards providing employment & training skills for local residents.
- (b) A contribution of £130,140 towards carbon offsetting
- (c) A £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £274,340.80

- 3.3 Non-Financial Obligations:

- (a) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction).
- (b) 9 apprenticeships and work placements (8 apprenticeships during the construction phase and 1 apprenticeship at the end user phase for first three years of full occupation)

- (c) On-street parking permit free development.
 - (d) Travel Plan
 - (e) 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.
- 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:

CONDITIONS

Compliance conditions

- 1) Time limit
- 2) Compliance with plans
- 3) Hours of construction
- 4) Hours of operation for A3 unit
- 5) No external music to be played from commercial units
- 6) Use class restrictions to C1 hotel only
- 7) Maximum height of 65.924m AOD during construction and operation phase. No scaffolding or carnage higher than this.
- 8) Refuse stores to be provided prior to occupation
- 9) To be carried out in accordance with the energy strategy and PV panels
- 10) 10% of units to be wheelchair accessible/adaptable (5% each)
- 11) Development in accordance with the submitted sample panel
- 12) Drainage proposals from roof to dock (requested by GLA)
- 13) Lets of 90 days maximum

Pre-commencement

- 1) Phasing Plan
- 2) Construction Management Plan
- 3) Piling Method Statement
- 4) Water supply impact studies
- 5) Detailed drainage plan including groundwater discharge measures

Pre-superstructure works

- 1) Biodiversity enhancements including detail of green roof
- 2) Lighting scheme
- 3) Details of wheelchair units
- 4) Details of flues/ventilation for A3 unit
- 5) Secure by Design accreditation
- 6) Noise - Acoustic for lift and plant plus glazing specification
- 7) Cycle parking details
- 8) Public realm enhancements including surfacing details (as requested by GLA)

Prior to occupation

- 1) Delivery and Serving Plan
- 2) Waste Management Strategy
- 3) BREEAM excellent

- 4) Car parking management plan
- 3.7 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.8 **INFORMATIVES**

- To be read in conjunction with the s106 agreement
- Thames water informatives
- Canal and River Trust informatives

4. **SITE AND SURROUNDINGS**

- 4.1 The application site is approximately 0.015 ha in size. The site lies at number 2 South Quay Square to the south of South Dock and to the north of Marsh Wall. The application site is roughly rectangular in shape. The site faces onto South Quay Square.
- 4.2 The site is currently occupied by a partially completed building structure which is 15 storeys in height (ground floor and 14 storeys above). The building has remained unoccupied for over 10 years.
- 4.3 The application site adjoins two existing buildings including the 15 storey Hilton Hotel to the south (also known as Jemstock 1) and to the north, a 13 storey residential building 'Discovery Dock West' (Jemstock 3). The three buildings enclose a central landscaped courtyard area. Further to the east across South Quay Square lies Discovery Dock East which is a 23 storey residential building.
- 4.4 The site has a PTAL rating of 3 which is moderate accessibility. Despite this, the site is within close proximity to the South Quay DLR station. The closest bus stops to the site are located on Marsh Wall.
- 4.5 The site is located in Flood Zone 3.
- 4.6 The application is not a listed building and is not located close to a listed building. In addition, the site is not in or close to a conservation area.

5. **MATERIAL PLANNING HISTORY**

- 5.1 Below is the planning history for the application site. It is important to note that there has been several applications granted on the site and one of these permissions has been implemented (planning reference PA/07/01227).

Application site

- 5.2 PA/08/02090 - Change of use (14,303sqm floorspace) from Offices (B1) to Hotel (C1) incorporating 12 office suites (827sqm floorspace) together with alterations to the facade and an extension at first floor level.
- 5.3 This application was granted planning permission on 19.03.2009; however it was not implemented. This permission has now expired.
- 5.4 PA/07/01227 - Extension to east elevation to provide an additional 1,925 sq. m of floorspace for use as 1,749 sq. m of Class B1 offices and 176 sq. m of Class A1 (Shop) together with the construction of a landscaped boulevard (Variation of

planning permission PA/04/1825).

- 5.5 This application was granted planning permission on 07.09.2007. This permission was implemented and partially constructed (as per the existing situation on site currently).
- 5.6 PA/04/01825 - Extension to east elevation of building in course of construction to provide an additional 868 sq. m of Class B1 offices and 234 sq. m of Class A1 retail together with the construction of a landscaped boulevard.
- 5.7 This application was granted planning permission on 22.05.2006.

1-3 South Quay Plaza

- 5.8 PA/14/944. Planning permission granted on 31st March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

South Quay Plaza 4 (Pending determination)

- 5.9 Several applications have been submitted for South Quay Plaza 4 which is located to the east of proposal. Whilst these applications are yet to be determined, they are a material consideration in the determination of the planning application under consideration.
- 5.10 PA/15/03412 - Erection of a single storey pavilion for the temporary use as a sales and marketing suite with ancillary storage space, access, parking and associated landscaping. *Pending decision.*
- 5.11 PA/15/03073 - Erection of a 56 storey building comprising up to 400 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

This application is accompanied by an Environmental Impact Assessment.
Pending decision.

- 5.12 PA/15/03074 - Application for variation of condition 4 (Approved Drawings) of Planning Permission PA/14/00944, dated 30/03/2015 for the following:

Revised residential unit mix with 6x additional residential units (Class C3)
Amendments to internal layouts, elevations, landscaping and access arrangements
Incidental works

The application is accompanied by an Environmental Impact Assessment.

Pending decision.

6. PROPOSED DEVELOPMENT

- 6.1 The proposed development is for the erection of building facades to the existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).
- 6.2 The Jemstock 2 site has remained vacant for several years as a structure covered in scaffolding. The site has extant planning permission for office with retail use (see PA/07/01277 detailed above).
- 6.3 The proposed development is within the same bulk and mass as the previous consents on the site. The maximum height of the proposed scheme is 65.924m AOD (including lift overrun).
- 6.4 In terms of the 206 serviced apartments, these will be located at third to fourteenth floor comprising a mix of studio, 1 bed and 2 bed units. At third to thirteenth floor, there will be 18 apartments per floor. The top floor will be set back from the main bulk of the building and will consist of 8 apartments which will each have the benefit of external amenity space. The serviced apartments will be managed as short stay accommodation for a period of up to 90 days.
- 6.5 A shared reception will be provided at ground floor level for the serviced apartments and offices toward the northern end of the application site.
- 6.6 In terms of the office element, this will measure a total of 1,844sqm and will be located at first and second floor level only. The submitted floorplans demonstrates eighteen individual offices measuring between 37 and 70sqm each and targets small to medium enterprises. Shared facilities are provided such as reception areas, kitchenettes, printing facilities and break out areas.
- 6.7 The A3 Café unit will be located at ground floor level and will front South Quay Square. The unit will measure 218sqm and will be open to the general public as well as residents of the serviced apartments and occupants of the offices.
- 6.8 In terms of delivery and servicing, this will utilise the existing service entrance for the Jemstock development at the rear of the building off Admiral's Way. There is an existing dedicated servicing area located here and shared with Jemstock 1 and Jemstock 3.
- 6.9 No car parking spaces are proposed; however, two disabled parking spaces are proposed in the basement level.
- 6.10 There are 38 cycle parking spaces proposed within a dedicated cycle store at ground floor level within the building for the building occupants and staff. A further 10 cycle parking spaces area proposed within the site's public realm, adjacent to the building reception. These will be accessible for the general public and visitors to the proposed café.

7. POLICY FRAMEWORK

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

- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

The Development Plan

- 7.3 Consolidated London Plan, including Further Alterations to the London Plan (March 2015)

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.9 Inner London
- 2.10 Central Activities Zone (Strategic Priorities)
- 2.11 Central Activities Zone (Strategic Functions)
- 2.13 Opportunity Areas
- 2.15 Town centres
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.5 London’s Visitor Infrastructure
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London’s Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and access to nature
- 7.24 Blue Ribbon Network

8.2 Planning obligations
8.3 Community Infrastructure Levy (CIL)

7.4 Tower Hamlets Core Strategy 2010

SP01 Refocusing on our Town Centres
SP03 Creating Healthy and Liveable Neighbourhoods
SP04 Creating a Green and Blue Grid
SP05 Dealing with Waste
SP06 Delivering Successful Employment Hubs
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working Towards a Zero-carbon Borough
SP13 Delivering and Implementation

7.5 Tower Hamlets Managing Development Document 2013

DM1 Development within the Town Centre Hierarchy
DM7 Short Stay Accommodation
DM9 Improving air quality
DM10 Delivering open space
DM11 Living Buildings and Biodiversity
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 Public Realm
DM24 Place-sensitive Design
DM25 Amenity
DM26 Building Heights
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
DM30 Contaminated Land

Other Material Considerations

7.6 Government Planning Policy

NPPF - National Planning Policy Framework
NPPG- National Planning Policy Guidance

Other Planning Guidance

- Revised draft Planning Obligations Supplementary Planning Document Version for public consultation April 2015.
- Accessible London: Achieving an Inclusive Environment.
- London View Management Framework SPG
- London World Heritage Sites - Guidance on Settings SPG (March 2012)
- Shaping Neighbourhoods: Character and context SPG
- Sustainable design and construction SPG
- The Control of dust and emissions during construction and demolition
- South Quay Masterplan SPD (October 2015)

8.0 CONSULTATION

- 8.1 The following bodies have been consulted and representations are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report which addresses the material planning considerations but where appropriate comment is also made in response to specific issues raised as part of the consultation process.

External consultees

Mayor of London Stage 1 Response (Including TfL response):

Principle of development

- 8.2 The proposed serviced apartments would operate as an aparthotel, falling within the C1 Use class. London Plan policy 4.5 provides strategic support for the provision of hotel accommodation subject to it being located in town centres and opportunity and intensification areas with good public transport access. The site is located in the Isle of Dogs and Poplar Opportunity Area and close to Canary Wharf and the principle of hotel led development is supported.
- 8.3 The proposed provision of offices is supported in accordance with policy 2.13 of the London Plan. In addition, the provision of a small scale retail unit as part of developments such as this within Opportunity Areas can help to meet the needs of local residents and can assist in activating the ground floor. The café element is considered to be ancillary to the other main uses and is supported.

Urban design

Public realm

- 8.4 It is noted that the massing and siting of the building are established given the implementation of the previous proposal.
- 8.5 The ground floor frontage to the public realm on South Quay Square will be animated by the café use and shared entrance to the serviced apartments and offices. The two storey height colonnade and canopies which define the building entrances are supported.
- 8.6 The proposed lighting scheme is of high quality and details of this should be secured by condition.
- 8.7 There are concerns regarding the level difference between the public realm and ground floor level and the resultant raised area with steps, ramps and planters. The proposal would undermine the quality of the public realm as a thoroughfare. The applicant should consider how this area can be simplified.
- 8.8 Concerns are also raised in relation to the extent of the inactive frontage to South Quay Square. The applicant is requested to better animate the building frontage.

Height and strategic views

- 8.9 The building lies in a number of strategic views. Whilst the application is not accompanied by a visual impact assessment, it is noted that the existing structure on

site has been present for over a decade and the visual impact of the scale and massing would already be accounted for.

- 8.10 The proposal for external cladding to an existing fifteen storey building will therefore not detrimentally impact on protected views, would not harm the setting of the Maritime Greenwich World Heritage site and any listed buildings.
- 8.11 No wind and microclimate assessment has been submitted; however, as the structure of the building is in place and has been for some time it is considered that the impact of the proposal (in relation to the Lawson's Comfort criteria) would have a negligible impact on the public realm.

Architectural Treatment

- 8.12 The architectural treatment used does not raise concerns. The council is strongly encouraged to secure the retention of the architects during detailed design phases in addition to utilising appropriate conditions to secure design detail and materials.

Blue Ribbon Network and flooding

- 8.13 The applicant should follow good practice and enclose any essential building utilities within a flood-proof room or enclosure as well as implementing additional flood warning mechanisms for the basement.
- 8.14 The applicant's drainage strategy proposes direct discharge of run off from the roof area directly to South Dock. This is supported. The method of drainage should be secured by the council by an appropriate condition.

Inclusive design

- 8.15 11 accessible apartments are proposed of a total of 206 apartments. It should be ensured that 10% of the rooms should be wheelchair accessible to ensure compliance with policy 4.5 of the London Plan. More specifically, this requires 5% of all rooms to be wheelchair accessible and 5% should be wheelchair adaptable. This should be secured by way of a condition.
- 8.16 The current access arrangements are considered to be inconvenient for disabled users. The applicant should investigate how this can be improved.

Climate change adaptation

- 8.17 The proposal includes a number of measures that respond to strategic policies regarding climate change and this is welcome.

Climate change mitigation

Energy efficiency

- 8.18 The applicant has broadly followed the energy hierarchy as detailed in the London Plan to reduce carbon dioxide emissions. The applicant is required to provide details of the overheating analysis to support the proposed strategy.
- 8.19 The demand for cooling will be minimised through solar control glazing and openable windows in the serviced apartments. Mechanical cooling will be provided to the serviced apartments. Information is required from the applicant on the control strategy

for ensuring that any air conditioning system installed on site is only used when needed, for example comfort cooling should not be accessible when the windows are open.

District heating and renewables

- 8.20 The application is within the Barkentine district heating network and connection to the network should be prioritised in the first instance. Evidence of recent correspondence should be provided to demonstrate that a connection has been robustly investigated including whether there are plans for expansion. The applicant should also investigate whether there is an opportunity to connect to the heat networks of neighbouring developments in order to improve the carbon emission performance of the development. Evidence of correspondence with the network operator and relevant stakeholders should be provided.
- 8.21 The applicant should confirm that all apartments and non-domestic floorspace will be served by the site heat network. The applicant should also confirm that the network will be supplied from a single energy centre and will be designed to allow for a future connection to a district system. This connection should be secured by the Council through a condition. Further information on the floor area and the location of the energy centre should be provided.
- 8.22 The applicant is proposing to install Air Source Heat Pumps to provide space heating for the serviced apartments and office spaces. It should be confirmed that both space heating and domestic hot water systems will be compatible for future connection to a district heating network. It should be noted that variable refrigerant flow (VRF) systems are not considered as compatible systems to a future connection.
- 8.23 A sqm of photovoltaic is proposed on the roof of the development. The proposed system appears to be of low energy efficiency. The applicant should also investigate whether additional PV Panels can be accommodated on the roof. Renewable technology should be secured by condition.
- 8.24 A reduction in carbon dioxide emissions of 33 tonnes per annum (14%) will be achieved through the energy hierarchy. The applicant should note that only heating from the ASHP is considered renewable energy in the energy hierarchy. The applicant should therefore update the emission figures with the cooling savings of the ASHP to be included in the 'be lean' element of the energy hierarchy.

Transport

Vehicular parking

- 8.25 A car free scheme is proposed with the exception of 2 Blue Badge spaces. Whilst this is acceptable, all wheelchair accessible units should be designated a space. Whether these spaces can be accommodated on site or on street should be explored.
- 8.26 Vehicular access is proposed off Admiral's Way and is considered to be acceptable by TfL.

Cycle parking

- 8.27 A total of 48 cycle parking spaces are proposed for all uses. 38 of these are proposed within a ground floor room of the building and the remaining spaces within the public realm. The quantum and general approach is considered to be acceptable.

8.28 Clarity is required on where the cycle storage room will be located and in accordance with the London Cycle Design Standards.

8.29 Cycle parking within the public realm should be incorporated appropriately.

Impact Assessment

8.30 A multimodal impact assessment has been undertaken; however, this is based on the consented scheme and the building is currently vacant. Therefore, no trips are currently generated and this should be reflected in the baseline. The applicant has not disaggregated the public transport trips by mode and therefore TfL are unable to assess the impact on the local bus, DLR and underground network. The applicant must address this.

8.31 Subject to the outcome of this assessment, TfL may require funding to be allocated appropriately towards mitigating any site specific impacts on the cycle hire network and the overstretched bus network in the area.

Pedestrian Environment

8.32 It is requested that the Council allocate appropriate CIL funding towards the delivery of new pedestrian and cycle links across the dock. In addition TfL requests that the council allocate CIL funding toward Legible London signage to improve wayfinding and encourage a modal shift towards walking and cycling. This will then reduce the impact on the DLR network.

Coach trips

8.33 The trip generation assessment anticipates that there will be coach trips generated from the proposed development. The applicant is required to demonstrate how this will be accommodated on site or within the local area without creating conflict or causing delays.

Travel planning

8.34 The Framework Travel Plan submitted is not in accordance with the ATTrBuTE system as a baseline modal split (prior to occupation) has not been provided. A revised Travel Plan should be secured through the s106 and approved prior to occupation.

Freight

8.35 It is proposed that the deliveries and servicing will occur from a dedicated servicing area in the basement from Admiral's Way. TfL require a delivery and servicing plan and construction logistics plan to be secured by condition or s106 obligation.

Crossrail

8.36 Due to the uplift of 1844sqm of B1 office space, a Crossrail charge of £258,160 is required and should be secured through the s106 agreement.

Canal and River Trust

8.37 The proposed development will bring more people to the area, who will make use of the dockside walkways and amenity areas. A contribution should be secured towards improvements to the dockside.

8.38 The drainage plans suggest that an overflow discharge to the docks is proposed. An informative should be requested as follows:

“The applicant is advised that surface water discharge to the dock will require prior consent from the Canal & River Trust. Please contact Nick Pogson from the Canal & River Trust Utilities team (nick.pogson@canalrivertrust.org.uk).”

8.39 No objections to the proposed development

London Fire and Emergency Planning Authority:

8.40 No comments received.

Metropolitan Police Crime Prevention Officer:

8.41 Notes that the Design and Access Statement refers to discussions with the Crime Prevention Officer; however, this dialogue did not occur and no meeting was held.

8.42 The Crime Prevention officer would have anticipated contact from the Architects to discuss the plans at some point to ensure that the aspects had been incorporated where possible and to discuss any areas where there may have been concerns.

Environment Agency

8.43 Although this proposal is for a ‘more vulnerable’ development within Flood Zone 3, we have no objections as it is located within an area that has been identified as benefitting from defences.

8.44 The finished floor levels of the development are also above the 1 in 200 chance in any year, including an allowance for climate change, flood level. This means that floodwater is unlikely to enter the property during a 1 in 200 chance in any year, plus climate change, flood event.

8.45 Further information has been provided by the applicant to demonstrate that the proposal has a safe means of access and/or egress in the event of flooding from the new development to an area wholly outside of the floodplain (up to a 1 in 200 chance + climate change flood event).

London City Airport

8.46 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given London City Airport has no safeguarding objection.

8.47 A condition is requested that the completed structures as specified in the planning application to a maximum height of 65.924m AOD. In the event that during construction, crane or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation.

National Air Traffic Services (NATS)

- 8.48 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.
- 8.49 Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Sustainable Urban Drainage System (SUDS) Officer

- 8.50 The FRA assessment and proposed surface water strategy is accepted. The applicant will be discharging the roof drainage into the docks at rates agreeable to Canal and river trust which is welcomed. The runoff from associated external area of which there is 219m² will be discharged into combined sewers at a restricted rate in accordance with London Plan.
- 8.51 A lack of sustainable SuDs typologies implemented. Therefore a green roof will provide biodiversity benefits including reducing run off. The roof plans shows a potential green roof, yet the sustainability statement cites structural/limited space for such a proposal, however the applicant will consider it as the design progresses. We therefore request the applicant to endeavour to implement a green roof.
- 8.52 The sustainability statements cite decrease in impermeable area resulting in a reduction in run off. In contrast the FRA states that the site would maintain the building footprint or hard landscaping therefore no change in run off. Therefore a detailed drainage plan to be submitted to LPA prior to works commencing illustrating all details (levels, location of SuDs features) is requested. Conditions are also requested in relation to residual risks.

Thames Water

- 8.53 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 8.54 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 8.55 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 8.56 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 8.57 We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water request an informative regarding a Groundwater Risk Management Permit from Thames Water for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 8.58 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Internal

Planning policy officer

- 8.59 The proposed development is within the boundary of the Millennium Quarter Masterplan Site Allocation, which requires a strategic housing development (500 or more homes), a district heating facility, open space, commercial floorspace and other compatible uses. Principles for development include stepping down in height and scale from Canary Wharf, stepping back from the waterside to enable activation, create and deliver two areas of open space and creating a legible, permeable and well-defined movement network centred on Millharbour and Marsh Wall.
- 8.60 The principle of serviced apartments at the location proposed is acceptable; Spatial Policy 06.4 directs such uses to areas of the borough including Activity Areas. The proposal appears to be in general accordance with Policy DM7.1, in particular the applicant has provided some demonstration of need within the accompanying Planning Statement. Additionally, details of the proposed operator and management arrangements have been provided which would satisfy part 2 of Policy DM7 (that serviced apartments will be managed appropriately as short-term accommodation with stays of up to 90 days).
- 8.61 Provision of employment floorspace at the lower levels of this site is welcomed in line with the design and landuse principles of the South Quay Masterplan. Commercial floorspace is also a requirement of the Millennium Quarter site allocation. A total of 1,844sqm is proposed, which appears to be split into a number of units which could be suitable for SMEs, thus addressing the requirements of Policy DM15.3.
- 8.62 The proposed ground floor cafe would activate the frontage of what could be an important access route to the dockside, thus according with the aspirations of the South Quay Masterplan and Site Allocation brief.
- 8.63 The proposed boulevard would be supported as it represents an opportunity to deliver an aspiration of the South Quay Masterplan which is to improve pedestrian connectivity and permeability.

- 8.64 The proposed land uses at the site are consistent with the requirements of the Site Allocation and the aspirations of the South Quay Masterplan, and information has been provided to demonstrate need for serviced apartments and that they would be managed appropriately

Environmental Health – Air Quality

- 8.65 The model used in the assessment has not been verified against local monitoring data and therefore could not be accepted originally. For the background data used in the model we would prefer that the 2015 Defra background map figure was used for the opening year assessment as well to give a conservative assessment.
- 8.66 Further information has subsequently been submitted in relation to the verification data and the objections has been removed.

Environmental Health – Noise and vibration

- 8.67 No comments received

Environmental Health – Contaminated land

- 8.68 No comments to make given that the existing structure is currently in place.

Energy officer

- 8.69 I have no objection to the proposals. The proposals are aiming to deliver an energy efficient building including high efficiency gas boilers for hotwater, and ASHP for cooling and heating loads. The proposals also include a 92m2 PV array for on-site electricity generation.
- 8.70 In relation to sustainability it is noted that the scheme is designed to meet BREEAM excellent and this is supported.
- 8.71 The current proposals are achieving a 14.4% reduction in CO2 emissions compared to a building regulation baseline scheme. Whilst this is below the requirements of Policy DM29 it is considered appropriate to seek the shortfall as a cash in lieu payment for carbon offsetting in this specific instance. The applicant has identified that the CO2 emission shortfall for the scheme is 72.3 tonnes of CO2.
- 8.72 Utilising the planning obligation for carbon offsetting, as detailed in LBTH Planning Obligations SPD, this shortfall equates to £130,140.
- 8.73 It is recommended that the carbon offsetting figure of £130,140 be secured through a S106 agreement with payment upon commencement on-site.
- 8.74 It is also recommended that planning conditions be used to secure the achievement of BREEAM Excellent and delivery of the Energy Strategy.

Biodiversity officer

- 8.75 The application site consists entirely of an existing derelict building, which does not have potential for bat roosts. There is not, therefore, any significant existing biodiversity value.

- 8.76 Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). A green roof is proposed. If designed and implemented in accordance with best practice guidance published by Buglife, this will contribute to the LBAP target for new open mosaic habitats. Other biodiversity enhancements which should be considered, as recommended in the ecology report, include incorporating nest boxes for swifts, house sparrows and black redstarts and bat boxes. Swifts are colonial nesters, so several swift boxes should be installed close together. Boxes for black redstarts should be associated with the biodiverse roof.
- 8.77 A condition should require full details of the biodiverse roof and any other biodiversity enhancements, to be agreed before work commences.

Design officer

- 8.78 The proposed materials are generally acceptable; however, there are some concerns regarding servicing/drop offs/access into the site.

Enterprise and employment officer

- 8.79 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.80 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 8.81 The Council will seek to secure a financial contribution of £329,792 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 8.82 In terms of the construction phase apprenticeships, the council seek 8 apprentices to be delivered during the construction phase which is based on the build cost provided. It is recommended that the apprenticeship level is no less than NVQ level 2.
- 8.83 Proposed employment/enterprise contributions at end-use phase: The council seeks a monetary contribution of £83,816.80 towards the training and development of unemployed residents in Tower Hamlets to access either: i) jobs within the A3, B1a and C1 uses of the development ii) jobs or training within employment sectors relating to the final development
- 8.84 Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 8.85 During the end-use phase 1 apprenticeship is expected to be delivered over the first 3 years of full occupation. This was calculated based on the expected FTE employment for the commercial floorspace.

Access Officer

8.86 No comments received

Waste officer

8.87 No objections

Transportation & Highways

8.88 Highways have no objection to the application subject to the following conditions:

- A Construction Logistics Plan to be approved prior to commencement of the development
- A Car Parking Management Plan that commits the applicant to providing a minimum of two on site disabled space as well as exploring opportunities to increase the level of disabled parking available to users of the site to be approved prior to occupation of the development
- A Travel Plan for all elements of the development to be approved prior to occupation of the development
- A Deliveries and Servicing Plan to be approved prior to occupation of the development

Building control officer

8.89 No comments received

9. LOCAL REPRESENTATION

9.1 The application has been publicised by way of a site notice and by an advertisement in East End Life. A total of 348 neighbouring properties were individually notified and invited to comment.

9.2 No letters of representation were received in either objection or support.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by these two applications are:

1. Sustainable development
2. Land use
3. Design
4. Impact on neighbouring amenity
5. Transport and access
6. Energy
7. Air Quality
8. Noise and Vibration
9. Contaminated Land
10. Flood Risk
11. Biodiversity and ecology
12. Community Infrastructure Levy and Planning Obligations
13. Other Local Finance Considerations
14. Human Rights
15. Equality Act

Sustainable development

- 10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.
- 10.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don't mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 10.7 NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 10.8 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:

- be genuinely plan led;
- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encourage the effective use of land by reusing land that has been previously developed;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

10.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

10.10 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

10.11 The scheme proposes three land uses including serviced apartments (short term let), offices and a restaurant/cafe. In terms of land use designations, the application site is located in the Canary Wharf Activity Area, the Millennium Quarter site allocation and the Isle of Dogs and Poplar Opportunity Area.

10.12 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.

10.13 The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1) which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.

10.14 The site is also allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within the Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.

Short Term Visitor Accommodation (C1 use)

- 10.15 Policy 4.5 of the London Plan (2015) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough (including the Central Activities Zone, City Fringe or Canary Wharf Activity Area as well as major or district centres) and benefit from good access to public transport. In addition, no less than 10 per cent of bedrooms are required to be wheelchair accessible.
- 10.16 Policy 4.5 of the London Plan (2015) also includes the Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2036.
- 10.17 Policy DM7 (1) of the Council's Managing Development Document provides further detailed policy guidance for hotel developments, requiring the following criteria to be met:
- a) The size is proportionate to its location within the town centre hierarchy;
 - b) There is a need for such accommodation to serve visitors and the borough's economy;
 - c) It does not compromise the supply of land for new homes and the Council's ability to meet its housing targets;
 - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
 - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.
- 10.18 Part 2 of Policy DM7 requires that apart hotels be occupied for a maximum of 90 days and that the management guidelines as set out in the supporting text (paragraph 7.4) be followed:
- management will ensure rooms will not be occupied for periods of 90 days or more;
 - management will provide twenty-four hour servicing;
 - telephone lines will be provided in the rooms with no opportunity for personal lines installed by the occupier;
 - management will ensure rooms will be charged out at a maximum at weekly rates;
 - the use will be secured in the form of a licence, not a lease;
 - the occupants of the room will not have exclusive possession of the room; and
 - management will have access to the room for the provision of substantial services, including room cleaning.
- 10.19 Serviced apartments are a new and emerging sector of the visitor accommodation sector and tend to attract longer stay guests compared with traditional hotels and are popular with businesses looking at providing accommodation to staff visiting the area. The proximity to Canary Wharf and good public transport links all appear to be features that make this location and its surrounds a popular location for visitor accommodation.
- 10.20 The proposed serviced apartment is in land use class C1 and is aimed at guests seeking to stay longer than a few nights. The Planning Statement advises that each apartment will be 30sqm in size with separate living and bedroom areas, bathroom and kitchen. 24 hour concierge will be provided and the property will be serviced on a daily basis with deliveries of fresh linen, soaps etc.

- 10.21 The Planning Statement notes that the client mix will generally consist of corporations with employees on extended stay for projects and other business and to a lesser extent leisure guests. There are 206 rooms proposed in the hotel.
- 10.22 In terms of meeting the criteria set within DM7(a), the site is considered to be a suitable location for serviced apartments given its location within the Canary Wharf Activity Area and close proximity to the Canary Wharf Major Town Centre. The number of rooms proposed is considered to be acceptable in scale by virtue of the sites position within the Activity Area. The site is also located adjacent to Jemstock 1 (Hilton Hotel) and has previously been granted on 19.03.2009 for a hotel use under PA/08/02090. It is noted that this consent has expired.
- 10.23 DM7(2) requires a demonstration of need for such accommodation to serve visitor's and the borough's economy. The submitted Planning Statement notes that given the site's proximity to the economic hub of Canary Wharf major centre and the opening of Crossrail Canary Wharf station in 2018, growth is anticipated in the Canary Wharf area. It is argued that there is a correlation between demand for hotel accommodation and levels of occupied office space and employment.
- 10.24 From the applicant's experience, Docklands service apartments and apart hotels operate with a high occupancy rate (90%). The high occupancy rates suggest an excess of demand over supply which in turn is putting pressure on the residential housing as it forces visitors into residential serviced apartments.
- 10.25 Therefore as employment and office floorspace are linked to serviced apartment and apart hotel demand, this forecast growth therefore implies future growth in the need for additional serviced apartment and apart hotel accommodation.
- 10.26 There are several potential corporate clients that are in very close proximity to the Jemstock 2 site. These blue-chip corporates include Merrill Lynch, KPMG, BNP Paribas, JP Morgan, Morgan Stanley and Deutsche Bank, all within 15 minutes walking distance of the Site.
- 10.27 In addition, it should be noted that the proposal will generate jobs for the local community. It is anticipated that the proposed scheme will generate 42 full time equivalent employees in management, maintenance, sales, and housekeeping.
- 10.28 In terms of DM7(3), the site has extant use for B1(a) office use as granted under PA/07/01227 on 07.09.2007 and consent has been granted (albeit expired) for hotel use (C1). The proposal's C1 use is broadly consistent with the Millennium Quarter Site Allocation 17 which supports a comprehensive mixed-use development. It is considered that the proposal would not comprise the supply of land for new homes.
- 10.29 DM7(4) requires development not to create an over-concentration of such accommodation or cause harm to residential amenity. Given that the use is serviced apartments, this is a different offer to other hotels within Canary Wharf. The adjoining site is a Hilton Hotel which offers a different type of letting arrangement than the proposed apart-hotel. It should also be reiterated that the London Plan (2015) sets a target of 40,000 additional hotel rooms by 2036 and the 206 additional rooms proposed would contribute to this figure. By virtue of the amount of rooms proposed, the sites position within the Activity Area and the type of accommodation proposed, it is not considered that the proposed apart-hotel would lead to an overconcentration of hotel uses in the Activity Area. In terms of impact on residential amenity, the proposal is considered to not have a detrimental impact on neighbouring amenity given the

structure currently exists and the implemented scheme. This matter is further discussed in the 'impact on neighbouring amenity' section of the report.

- 10.30 DM7 (5) requires adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements. The applicant has the right of way to the rear of the property which can be accessed from Admiral's Way. This will provide access to two dedicated accessible parking bays for visitors to the serviced apartments and will be where servicing and deliveries occurs from. A dedicated refuse area will also be provided in this location. In terms of the coach trips, given the nature of the proposed development (explained in further detail in the transportation section of the report) it is not anticipated that there will be coach trips to the site due to the proposal not being targeted at tourists and the leisure industry. The applicant has pointed out that in the unlikely event that there is a coach that arrives to the site, this can be accommodated within the coach parking bay on Lighterman's Road and a walk of approximately 300 metres to the site.
- 10.31 The Planning Statement confirms that the management guidelines as set out in Policy DM7 will be adopted.
- 10.32 Finally, in terms of London Plan policy 4.5, the applicant has submitted amended plans to demonstrate the 11 wheelchair accessible units (5%) and 11 wheelchair adaptable units (5%) on the third to thirteen floors. This plan demonstrates one wheelchair accessible and one wheelchair accessible room per floor. A total of 22 wheelchair accessible/adaptable rooms are proposed which is above the 10% threshold required by policy 4.5 of the London Plan.
- 10.33 For the reasons outlined above, the proposed serviced apartment use is considered acceptable

Provision of Serviced Offices B1(a)

- 10.34 London Plan Policy 2.13 'Opportunity Areas' sets out that there is scope to convert surplus business capacity south of Canary Wharf within the Opportunity Areas. More specifically, this policy states that development proposals within the OAs should:
- Support the strategic policy directions for OAs;
 - Seek to optimise residential and non-residential densities and where appropriate contain a mix of uses;
 - Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity; and
 - Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas.
- 10.35 DM15(3) of the MDD details that the development of new employment floorspace will need to provide a range of flexible units including units less than 250 sqm and less than 100 sqm to meet the needs of Small and Medium Enterprise (SME).
- 10.36 The site is located within the Canary Wharf Activity Area. The proposal will provide office floor space at first and second floor level. The submitted floorplans demonstrate eighteen individual offices measuring between 37 and 70sqm each and targets small to medium enterprises. Shared facilities are provided such as reception areas, kitchenettes, printing facilities and break out areas.

- 10.37 Provision of employment floorspace at the lower levels of this site is welcomed in line with the design and landuse principles of the South Quay Masterplan. Commercial floorspace is also a requirement of the Millennium Quarter site allocation. A total of 1,844sqm is proposed, which appears to be split into a number of units which could be suitable for SMEs, thus addressing the requirements of Policy DM15.3.
- 10.38 Furthermore, the principle of an office use on this site has been established under previous consents which also have extant permission on the site and therefore the re-provision of some office space with this proposal is considered to be acceptable.

Retail Provision (A3)

- 10.39 The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 10.40 London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 10.41 Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 10.42 Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.
- 10.43 Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- they do not result in an overconcentration of such uses; and
 - in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.44 Part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:

- adequate width and depth of floorspace has been provided
- for the town centre uses;
- a shop front has been implemented in the first phase of development; and
- appropriate servicing arrangements have been provided.

10.45 The proposed retail uses (Café / Restaurant) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the restaurant/ café use at 218qm would relate to the size, function and role of the THAA. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A3 use would also support the vitality and viability of the THAA and would activate the frontage of the pedestrian route through the square. It is noted that the principle of a small retail function on the site has been established under the previous consents including PA/04/01825 which gave consent for 234sqm of A1 retail space and PA/07/01227 which gave consent for a further 176sqm of A1 retail space.

10.46 As an end-user has not been identified for the retail element of the proposal, conditions are recommended in relation to any future extraction system and flues.

10.47 For the reasons outlined above, the principle of the proposed land uses is therefore supported by officers.

Design

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

10.49 National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-

- be functional;
- support mixed uses and tenures;
- Include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive; and
- encourage ease of movement

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

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

10.52 Policy DM26 of the Borough's Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:

- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

- b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
- c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
- d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
- e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

10.53 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

Proposal:

10.54 The development would include the introduction of facades to the existing structure on site to provide a mixed use development contained within one single building.

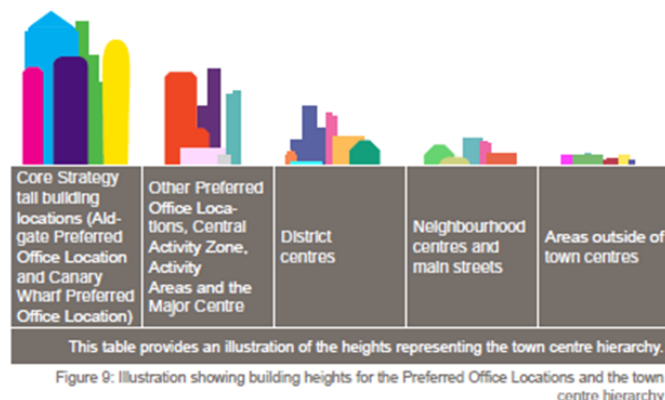
10.55 The maximum height for the proposed building is set at 65.924 metres above ordnance datum (AOD). This height is the equivalent of a 15 storey building. The consented scheme on site had a maximum height of 70.424 AOD. The previously implemented scheme was of a similar scale of development to that planning permission is currently being sought for.

10.56 At ground floor level the building seeks to address the building's relationship with South Quay Square by activating the buildings frontage and therefore the building's interaction with this space.

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

is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.

- 10.58 For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 10.59 The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones, Activity Areas and Major Centres. The heights are expected to fall further within neighbourhood centres. The lowest heights are expected in areas outside of town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.
- 10.60 The site sits in the Canary Wharf Activity Area which is located between the place of Canary Wharf and place of Millwall as detailed in the Core Strategy (2010). The Millwall vision requires a greater integration with Canary Wharf to the north and the areas to the south having a quieter feel. Therefore, taller buildings in the north should step down to the south and west to create an area of transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the south.
- 10.61 The following is an assessment of the proposal against policy DM26.



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

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

- 10.62 In terms of the Town Centre Hierarchy, the site falls within the Canary Wharf Activity Area, where a transition in building heights is expected from Canary Wharf to the Activity Area and beyond this to the south.
- 10.63 In relation to the Activity Area, South Quay Plaza (1-3) and Arrowhead Quay located to the east and west of the site are consented at 238 and 220m high respectively.
- 10.64 The tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is

approved at 155m AOD. 2 Millharbour (PA/14/01246) was granted planning permission on 04.09.2015 and has two buildings at 129 and 148m high.

- 10.65 The proposal is also set adjacent to buildings which are of a very similar height and the proposal completes the central courtyard area created by the site itself as the eastern flank and the adjoining schemes to the south and north.

- 10.66 As such, when taking into account the heights within the CAZ and the activity area in which the site is located, the proposed development at 65.924m AOD is considered to reflect an acceptable transition.

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

- 10.67 As discussed previously, the scale and mass are within the parameters of the implemented scheme as per the structures currently on site. The proposal is also of a similar height to the adjoining schemes which have been built out including Discovery Dock to the north and the Hilton Hotel to the south.

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

- 10.68 The design merits of the proposal are considered to be of a good standard and include high quality materials which have been submitted as samples and assessed by the design officer. The architecture is discussed further within this report and the materials proposed will be secured by way of condition.

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

- 10.69 The existing building completes the perimeter of the central courtyard created by the site itself and the adjoining buildings at Discovery Dock and Hilton Hotel.

- 10.70 The application has been accompanied by a Design and Access Statement, which contains visualisations of the existing structure and the proposed facades. Officers are satisfied that the visual impact to the local skyline will be positive given its relationship with the adjoining buildings, the vast improvement on the site itself and as such is considered acceptable.

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

- 10.71 As the existing structures are currently in place, officers consider there not to be a detrimental impact on heritage assets and strategic or local views. This is further discussed in the heritage/strategic views section of the report.

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

- 10.72 The proposed development includes a retail unit measuring 218sqm at ground floor level which is appropriately located to activate the frontage with South Quay Square. In addition, the entrances to the offices and serviced apartments are located toward the public realm within the square. By activating the building frontage in this way, the

proposal will therefore provide animation to the ground floor level and provide a human scale to the development at street level. Further discussion on this is included within the public realm section of the report below.

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

10.73 No residential development is proposed.

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

10.74 This is discussed further within the amenity section of the report; however, given the existing structures are currently in place and the application is for facades only, the impact of the completed building on the surrounding microclimate is already established. Further discussion in relation to the proposal's impact on microclimate is detailed later in this report.

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

10.75 The proposed development improves the public realm and biodiversity of the existing site. As such, the proposed development is considered to comply with the requirements of this policy.

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

10.76 The proposal is for a hotel development and planning obligations have been requested in relation to providing social and economic benefits such as apprenticeships and training opportunities. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

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

10.77 The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements and responses from NATS and London City Airport have been received raising no objection to the proposal.

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

10.78 The proposed design has taken into account the various safety requirements. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

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

Secure by Design

- 10.80 Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.81 Subsequent to the Crime Prevention Officer's concerns regarding the statement within the Design and Access Statement that discussions have occurred, a further letter of representation has been received from the Crime Prevention Officer. This letter states that further discussions have subsequently been held and that the measures proposed to help reduce the risk of crime and anti-social behaviour throughout the development are acceptable. A condition is recommended to ensure compliance with secure by design standards.
- 10.82 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Architecture

- 10.83 It is considered the elevation treatment of the proposed building is of a high standard and will be in keeping with the approach used within the immediate context. The proposed materials provide a variety of tones and textures which help to maintain a connection to the surrounding buildings. At ground floor level, gold metal reveals will be used to mark the entrance, set around glazing and powder coated metal curtain wall capping. The entrance canopy will also be a dark grey coated metal panel. At the mid floor levels, glazed clay tiles which are red/orange in colour will be used on the vertical elements set adjacent to the double glazed units. In order to protect neighbouring amenity the lower half of each window will be white ceramic back painted glass. To provide the grid approach a textured concrete panel will be used in grey for the east elevation and white for the west elevation. Finally, at 14th floor level, a dark grey concrete cladding panel will be used with double glazed window units.
- 10.84 It is recommended that a condition is attached regarding compliance with the submitted materials.

Microclimate

- 10.85 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 10.86 As noted previously, the existing structures are in place and have been there for some time. No wind and microclimate assessment has been submitted given that the impact of the proposal would have a negligible impact on the public realm in terms of the Lawson's Comfort Criteria.

Heritage/Strategic views

- 10.87 Whilst the building lies within a number of strategic views identified in the Mayor's London View Management Framework, the application has not been accompanied by visual impact assessment. It should be noted that the existing structures are currently

in place and have been in existence for over a decade. Therefore, the visual impact of the scale and massing has been accounted for.

- 10.88 It is considered that the proposal for external cladding to the existing structure will not detrimentally impact on any protected views or River Prospects identified nor the wider setting of the Maritime Greenwich World Heritage Site.

Inclusive Design

- 10.89 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.90 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.
- 10.91 The proposed building is located close to public transport links including South Quay DLR which is approximately 140 metres away. The approach to the square is step free from Marsh Wall to the building frontage.
- 10.92 The building's ground floor level is set above the pavement level of South Quay Square due to the existing structures currently on site. Access to the building is via steps or a ramp which is positioned centrally for step-free access. It is noted that the GLA stage 1 response raised concerns regarding the ramp access which they consider to be convoluted and would make access to the building inconvenient for disabled users. The applicant has clarified in a response dated 11 November 2015 that the ramp is located in the same location as the steps and is arranged in such a way the top of the ramp is between the main entrance and the entrance to the café. Given the siting of the ramp it allows disabled users to approach the building in the same manner as other members of the public which grants access to the main entrances without hierarchy. This is considered to be an acceptable approach given the site constraints whereby the existing structures have been in place for considerable time.
- 10.93 The applicant has submitted amended plans to demonstrate the 11 wheelchair accessible units (5%) and 11 wheelchair adaptable units (5%) on the third to thirteen floors. This plan demonstrates one wheelchair accessible and one future wheelchair accessible room per floor. A total of 22 wheelchair accessible/adaptable rooms are proposed which is above the 10% threshold required by policy 4.5 of the London Plan. A condition is recommended that requests further detail on the wheelchair accessible rooms at a scale of 1:20.
- 10.94 The applicant has been in discussion with LBTH's highways officer regarding providing accessible spaces on street. LBTH Highways officers do not support the location of spaces on Marsh Wall for a number of reasons including the fact that these spaces are a considerable distance from the development. The applicant has submitted a statement of intent regarding the basement car parking arrangements. This matter is further discussed in the car parking section below. Given the additional comfort regarding car parking spaces in the basement area with a suitably worded condition attached regarding further details, the fact that the proposal provides two on-site disabled parking spaces (which is above the requirement), and

the constraining circumstances on the site, officers consider the level of provision to be acceptable.

- 10.95 It is considered that the development would be well connected with the surrounding area and would be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance to 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Layout/public realm

- 10.96 The proposal will improve the public realm around the site South Quay Square and will assist in reactivating the building's frontage. The Square itself is a well-used pedestrian route with the existing landscaping forming a diagonal route across the square.
- 10.97 Whilst the ground floor level of the building is set above the pavement level due to the existing structure, the café use and shared entrance of the serviced apartments and offices will assist in animating the streetscene. Visitors and building users will access the building entrance via steps in a raised platform. A two storey height colonnade and canopy is provided to offer some protection and shelter and will add definition to the building entrances.
- 10.98 The GLA stage I response raised concerns regarding the approach taken in terms of the layout of the public realm given the level differences between public realm and ground floor, the resultant raised area with steps, ramps and planters forming a cluttered approach to the square. The GLA stage I response requested that the applicant investigate how this area can be simplified and decluttered.
- 10.99 As detailed above, the existing structure dictates the massing and siting of the building with the existing floorslabs set above ground floor level. The applicant has also clarified in a response dated 11th November 2015 that a large in situ concrete beam transfers the load of existing columns at the front of the building and as the top of the structure coincides with the slab levels, it prevents alterations internally and therefore the provision of a level access. As noted in the inclusive design section, the ramp is located in the same location as the steps giving access to the building for both disabled users and non-disabled users without hierarchy. In terms of the planters, it is considered that these add animation and colour to the largely manmade and hard landscaped environment. They also assist in reinforcing the building entrances. There are limited options for further improving the public realm to the front of the site given the limited site ownership at the front of the site. The GLA has further commented that the opportunity to de-clutter the public realm has been explored and there is merit in retaining the planters.
- 10.100 The GLA has raised concern regarding the landscaping materials in South Quay Square matching the existing hard landscaping up to the application site's building line. The GLA requires a better commitment from the applicant to meet the same standards of public realm and street furniture materials. The GLA note that there is currently an application submitted for South Quay Square and they would not want two separate schemes coming forward on adjoining sites with different public realm intervention. It is requested by the GLA that the ground surfacing treatment, balustrades and planter materials match those proposed at South Quay Square with a co-ordinated approach to delivery of this. Given this application is pending decision (PA/15/03073 and PA/15/03074), the pre-determination of this application by way of a condition relating to materials would not be appropriate. It is recommended by officers that a condition is attached requesting further detail on the proposed materiality within

the public realm and further discussions can be held at a later stage. It is suggested that this is a pre-commencement condition to avoid delays in the build out of the development.

10.101 The GLA's stage I response raises concerns regarding the extent of inactive frontage to South Quay Square, particularly the two plant access areas which occupy one and a half bays of the café unit. It should be noted that these have been carried over from previous designs and relate to a UKPN substation and ventilation from the car park. UKPN require substations to be located at ground floor and therefore under this application, a substation would be required at ground floor. The southern louvres on the east elevation comprise the ventilation shaft and basement smoke extract for the entire Jemstock development and a plant replacement route for Jemstock 1 (the Hilton Hotel). Changing the location of the shaft is not feasible as it would mean a replacement of the plant for the other Jemstock buildings which have been fully built out. Officers consider that the possibility of reducing the impact of the impact of the plant frontage areas has been fully explored.

10.102 Finally, there is some information on the proposed external lighting within the Design and Access Statement. It is recommended that the details of the lighting are secured by way of condition.

Impact on neighbouring amenity

10.103 Core Strategy Policy SP10 protects residential amenity and MDD Policy DM25 requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook to adjoining properties.

10.104 The existing structures of the building are in place and have been for several years. The proposed scheme is within the same height and massing as the implemented scheme and the general structure of the proposed building is already in place on site. For this reason a daylight and sunlight assessment has not been undertaken as the impact on neighbouring amenity is negligible given the structure is nearly built out and the application is only for facades of the building.

10.105 As noted under PA/0802090, the proposal could give rise to some indirect views to neighbouring residential units within Discovery Dock due to the location of the proposed windows. However, as the building has been implemented for office use with similar floor heights and levels of glazing, it is considered that the site's use as a hotel and office will not worsen the situation given that there will not be direct habitable room to habitable room impacts. In order to protect neighbouring amenity as much as possible, the applicant proposes to use obscure glazing for the lower portion of the windows at third to thirteenth floor level. No balconies are proposed other than at fourteenth floor level which will have terrace areas for the individual serviced apartments. This will ensure the impact on Discovery Dock is minimised and will prevent direct overlooking issues given that Discovery Dock does not have external private amenity space provision.

Noise and disturbance / light pollution

10.106 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. The construction process would be carefully managed by the submission of a construction management plan secured thorough condition.

- 10.107 An A3 (Restaurant) unit is proposed on the ground floor. A condition is recommended to secure details of the means of ventilation and odour control. Limitations on opening hours are also secured by condition. A condition is also recommended to ensure that no external music is played to further protect residential occupiers.
- 10.108 A condition is also recommended requiring details to be submitted demonstrating that the plant equipment would not exceed 10dB below background noise levels when measured 1 m. from the façade of the nearest noise sensitive property. In addition, the acoustic specification of the proposed windows and the lift will be requested by condition.
- 10.109 Given the existing structure on site has not been fully built out and the impact of lighting not being fully understood, it is considered reasonable to impose a condition providing details of lighting strategy. This would incorporate details of both external lighting and internal lighting, including measures to ensure lights automatically turn off when not in use.
- 10.110 On balance and subject to conditions, it is considered the development would comply with Core Strategy SP10 and MDD Policy DM25 in that a satisfactory standard of amenity would ensue for both surrounding existing residents and future occupiers of the development.

Transportation and access

- 10.111 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. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.112 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 by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy 2010 states that the Council seeks to: *"Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle."* Policy SP09 provides detail on how the objective is to be met.
- 10.113 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.114 The application site has moderate public transport connections with a public transport accessibility level of PTAL 3 which is taken from TfL's WebCat website. It is noted that the applicant's submitted documentation states the site has a PTAL rating of 4 and this is incorrect. Despite this, the application is in close proximity to several bus services (including D3, D7, D8 and 135) and the South Quay DLR station is located 320 metres to the east. In addition, Canary Wharf station (Jubilee line) is located 500 metres to the north across the South Dock bridge.

Trip rates and Impact

- 10.115 The submitted Transport Assessment (July 2105) undertakes a multi-modal assessment and estimates the development would generate a total of 125 two-way trips in the AM peak, and 125 two way trips in the PM peak. Of these, car trips are projected to constitute 8 two way and 10 two way trips for the AM and PM peaks respectively. This demonstrates that the development will be reliant on public transport as required by MDD Policy DM20 and the London Plan which prioritises public transport in central locations.
- 10.116 The net impact of the predicted number of trips have been compared to the extant development on the site and is demonstrated in Table 7.8 of the Transport Assessment. TfL has requested that as no trips are currently generated from the site this should be reflected in the baseline consent. It should be noted that this permission has been partially constructed.
- 10.117 A sensitivity test has been undertaken by the consultant to reflect the existing vacant site as a baseline scenario. In addition, as per the request of TfL the applicant has undertaken a revised Trip Generation using trip rates from the TRICS database with a mode share determined by census data. This has been deemed acceptable by TfL.
- 10.118 Given the revised trip generation TfL do not determine that the impact of the trip rates will require any mitigation towards bus network contributions. However, TfL's amended response expects CIL contributions to fund improvements towards the Cycle-hire network in the vicinity of the site.
- 10.119 The information submitted by the applicant demonstrates there will be a low number of cycle trips anticipated from the proposed development (1 trip in the AM peak and 1 trip in the PM peak). In addition, if considering the lawful consent of the site, there would in fact be a net reduction of two two-way trips in the AM peak and five two-way trips in the PM peak. Finally, a cycle hire docking station providing access to 54 docking points is located on Lighterman's Road, approximately 400 metres to the southwest of the site. A further cycle hire docking station is located at Heron Quays DLR station, approximately 600 metres to the northwest of the site which provides 27 docking points. It is considered that there is sufficient provision for cyclists to park either on site or nearby at one of the docking stations.
- 10.120 In terms of coach trips, the assessment suggests that the proposed development is anticipated to generate 1 coach trip in the AM peak and 1 coach trip in the PM peak. The applicant has pointed out that this was based on surveys provided within the TRICS database and sites provided within the TRICS database do not specifically relate to serviced apartments. Typical hotel developments attract more of a tourist/leisure traveller who are more likely to travel by coach than a business visitor staying for a longer period.
- 10.121 The site is currently constrained by the existing buildings both on the site and surrounding it. For this reason it is not feasible to provide a coach bay on site, nor considered appropriate in this instance. There is no specific coach parking requirements for serviced apartments included in policy documents; however, in the unlikely event that a coach travels to the site, it will be directed to the coach bay located on Lighterman's Road within approximately 300m of the site.
- 10.122 In this context the proposal should not have a detrimental impact on existing public transport facilities.

Car Parking

- 10.123 Core Strategy Policy SP09 (Creating Attractive Streets and Spaces) identifies the Council's priorities of providing safe, accessible and well-designed network of streets. Policy SP09.4 promotes car-free development and those that minimise car parking provision, particularly in areas with good access to public transport.
- 10.124 Whilst the proposal has two dedicated accessible car parking spaces within the basement, the rest of the proposal will be car free. The two Blue Badge spaces are within the applicant's red ownership (as indicated by the red line plan). These spaces will be allocated to the serviced apartments.
- 10.125 The London Plan and Appendix 2 of the MDD (2013) require one accessible parking space for development without off-street car-parking/non-residential development. The GLA/TfL's comments note that the proposal should therefore provide more accessible parking bays on site as 11 accessible units are proposed. The applicant has been in discussion with LBTH's highways officer regarding providing accessible spaces on street. Highways officers do not support the location of spaces on Marsh Wall for a number of reasons including the fact that these spaces are a considerable distance from the development.
- 10.126 To further address TfL and the highway's officers comments, a letter of intent (dated 16th February 2016) has been submitted in relation to the basement car parking and this is included within the submitted document list at the start of this report. The owner of Jemstock Development and PL Management Ltd (the property management agent for Discovery Dock West and the basement car park) have agreed to an arrangement to use the existing disabled parking allocated to the Discovery Dock West residential and retail uses for further disabled users requiring an accessible parking space at the Jemstock 2 site. Specific details of this arrangement and how it will work in practice will be detailed in a Car Parking Management Plan and it is recommended that this is secured as a pre-occupation condition.
- 10.127 Given this additional arrangement regarding car parking spaces in the basement area with a suitably worded condition attached regarding further details, the fact that the proposal provides two on-site disabled parking spaces (which is above the requirement), and the constraining circumstances on the site, officers consider the level of provision to be acceptable.

Cycle parking

- 10.128 The 2015 London Plan introduced new cycle parking requirements which are detailed in Table 6.3 of the London Plan 2015. The Table below shows the requirement for this development based on the floor area proposed.

Cycle parking requirements

Use	Long Stay	Short Stay
A3 / A4	1	3
B1	21	0
C1	10	4
Total	32	7

- 10.129 The applicant proposes a total of 48 cycle parking spaces. This includes 38 cycle parking spaces within a dedicated cycle store at ground floor level within the building for the building occupants and staff. A further 10 cycle parking spaces area proposed

within the site's public realm, adjacent to the building reception. These will be accessible for the general public and visitors to the proposed café.

- 10.130 TfL raised concerns regarding the access of the 38 cycle parking spaces and further information has been provided by the applicant to demonstrate how cyclists will access the ground floor level cycle parking area (EPR letter dated 13th November 2015). The submitted documentation demonstrates that cyclists will use the access to the rear of the site from Admiral's Way through access controlled doors. This will be controlled by keycard/fob or Intercom. The cycle store will only be accessible to the application site users and not the other users of the shared car park. The cycle store itself is internal to the building and is therefore sheltered and will be well lit. In addition, the internal door openings are a minimum width of 1200mm.
- 10.131 In terms of the cycle parking in the public realm, this has been located to be convenient to use and not interrupting the flow of pedestrians across the public square. Given the limited site ownership and constraints on the site, it is considered that these spaces just to the north of the main entrance are acceptable.
- 10.132 TfL are satisfied with the additional information and it is recommended that conditions are attached regarding these the lighting strategy and design of the cycle parking stands.
- 10.133 Showers, changing facilities, lockers and drying facilities are included within the proposals which are separate for the office and serviced apartments.
- 10.134 Overall the cycling provision for the development is considered acceptable.

Servicing and Deliveries

- 10.135 All servicing and deliveries for the development will remain unchanged from the previous consent associated with the site. Delivery vehicles will access the site from Admiral's Way using the existing service entrance and service bay at the rear of the building. No deliveries will be undertaken from the front of the site within South Quay Square.
- 10.136 A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition as per the requests of TfL/GLA.

Waste/Refuse Strategy

- 10.137 MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards.
- 10.138 Waste and refuse collections will be undertaken as per the existing arrangements undertaken for the rest of the building. An existing servicing bay is located at the ground floor of the building which is accessed from Admiral's Way. The refuse and recycling store is located to the west of the main entrance and measures 77sqm.
- 10.139 The serviced apartments will have an integrated three compartment eco bin and the offices will have separate waste and recycling containers. There will be dedicated bins and shelving for different types of waste within the store.

Energy

- 10.140 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 10.141 London Plan 2015 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 10.142 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.143 Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO₂ emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.
- 10.144 Core Strategy Strategic objective SO3 of the Tower Hamlets seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO₂ reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.145 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This has been amended to mean 45% above Building Regulations 2013.
- 10.146 In April 2015, the GLA released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.147 The Strategy anticipates achieving a 34.2% reduction in CO₂ emissions above Building Regulations Part L and identifies that a residual amount of regulated CO₂ emissions above the local targets (45% reduction over Part L 2013 for Tower Hamlets) will remain after reduction from passive design, energy efficiency and locally generated energy. The proposals within the Energy Strategy include high efficiency gas boilers for hot water, and Air Source Heat Pumps for cooling and heating. The proposals also include a PV array for on-site electricity generation.
- 10.148 In accordance with London Plan Policy 5.2 (E), Tower Hamlets Planning Obligations SPD requires any shortfall in CO₂ reduction to be met through a cash in lieu contribution for carbon offsetting projects.
- 10.149 There would be a fall short against policy requirements of 14.4% that equals 72.3 tonnes of regulated CO₂. It is proposed this is offset by a cash in lieu payment currently at a cost of £1,800 per tonne = £130,140. A Head of Agreement is recommend to secure such payment to LBTH should planning permission be granted.

- 10.150 A payment on commencement of the works has been assumed for all carbon offsetting contributions that the Council seeks. This enables resources to be mobilised on commencement of the works and carbon saving projects to be significantly progressed, and ideally delivered, before completion. The applicant has requested that given the site constraints and improving on the existing Energy Strategy, a split method of payment would be preferred. This has the benefit of encouraging the developer to improve the carbon emissions of the proposed development as final calculation and payment is on completion, which allows for improvements in the scheme to be acknowledged to reduce the total Carbon Offset payment. This approach will also seek to address the GLA's concerns regarding further increasing the carbon dioxide emissions savings.
- 10.151 The GLA has raised concerns within their Stage I response that the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. As requested in the GLA's Stage I response, the overheating analysis have been provided through the submission of Thermal comfort reports for the offices and serviced apartments in order to support the strategy proposed. These have been included within the document list for completeness.
- 10.152 The GLA stage I response also requested that the applicant provides information on the control strategy for ensuring that the air conditioning system installed on site is only used as required. For example, comfort cooling should not be accessible when the windows are open. The applicant has confirmed in a response dated 13th November 2015 that a centralised system will be provided to effectively control and monitor HVAC plant and equipment. This control system will include two features – seasonal temperature set points and temperature setbacks for periods when the apartment is unoccupied and will be achieved by linking the operation of the air conditioning to the booking and/or key card entry system. The apartment air conditioning will be designed that it will not operate when the apartment windows are open and will be achieving by linking windows to the air conditioning units within the apartment or providing locks on windows so that they are unopenable on a day to day basis for building occupants.
- 10.153 The GLA Stage I response also requested further information in relation to reducing the heating consumption. In terms of reducing heating demand, the most efficient insulation levels for the curtain walling system has been identified in light of the existing structures on site. It was considered ineffective and unfeasible to increase the insulation levels given the high cost for such a small improvement and it is considered that the air permeability has been optimised taking into consideration the constraints given by the existing structural frame.
- 10.154 The GLA stage I response has also requested that connection to the Barkantine district heating network should be robustly investigated including whether there are plans for expansion. The applicant has provided evidence of emails sent to Barkantine in November 2014 and this is not considered sufficient to demonstrate recent robust investigations. The applicant notes that investigation into the Lanark Square development and Crossharbour town centre heat networks was also undertaken; however, due to their distance from the site and associated high infrastructure costs these heat networks were disregarded during the early design stages. At the time of writing the committee report, the applicant continues to be in discussion with EDF energy (who maintain the Barkentine operation) and a further update on the feasibility of connecting in to a district heating network will be provided in due course.

- 10.155 The GLA's response requires further information on the site heat network and the floor area and location of the single energy centre. It should be clarified that the space heating of the hotel apartments and non-domestic floorspace will be served by air source heat pumps. The proposed central gas boiler system will heat the domestic hot water system. The applicant has confirmed in a letter dated 13th November 2015 that provision will be included for future connection to a district heating system, replacing the boiler system. The applicant notes that this system was considered the most efficient given that both the serviced apartments and office space require comfort cooling in addition to space heating. Air Source Heat Pumps allow this to be undertaken from the same system and avoid the need for two separate systems.
- 10.156 The GLA's response has also requested clarification on the PV panels proposed in terms of investigating whether high efficiency panels are feasible and whether additional PV panels can be accommodated. The applicant's letter of 13th November 2015 clarifies that an efficiency of 15% was assumed for the PV's in line with typical performance of current PV panels. This is considered to be acceptable to officers. The overshadowing potential of cumulative developments which have been granted planning consent in proximity to the site have been considered, in terms of the availability of roof space for PV panels. The gross area for PV panels was calculated at 96sqm, which will result in an active area of 43 sqm. There is restricted roof space due to the BMU tracker clearance in addition to allocated areas for utilities and plant, green roof and areas of the roof which are shaded. The approach taken by the applicant is considered to be acceptable to officers.
- 10.157 The GLA's stage I response sought updated emissions figures as that proposed within the Energy Strategy Rev 01 dated 10th June 2015 was incorrectly displayed. A revised table has been submitted in the letter dated 13th November 2015 which correctly demonstrates the cooling savings of the Air Source Heat Pumps included in the 'be lean' element of the energy hierarchy.
- 10.158 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure development maximises climate change mitigation measures. All non-residential development is required to achieve a BREEAM excellent rating.
- 10.159 The proposals are for BREEAM 'Excellent' for the office buildings and an ambition for BREEAM 'Excellent' for the retail buildings. It is recommended that planning conditions are attached to achieve BREEAM Excellent.
- 10.160 At present the scheme is considered to compliant with both London Plan Policy 5.2 and MDD Policy DM29 subject to further update on the Barkantine connection (to be detailed in the update report), conditions regarding the energy strategy and PV panels in addition to a contribution of £130,140 through the s106 legal agreement.

Air quality

- 10.161 Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 10.162 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires

planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.

- 10.163 The Air Quality assessment did not originally include verification and the Air Quality officer initially objected to the submitted document on this basis. This matter has been clarified and verification did not occur due to a lack of data. It has been suggested by the applicant's consultants that verification of the results can occur when further monitoring data from the diffusion tubes is available and this could be included as a condition. However the consultant has provided further clarification that the model would need to be underestimating the results by a factor so high that it was very unlikely to occur, so it is extremely unlikely that the verification process would result in a change of conclusion and resulting in a significant impact. Therefore on this basis the air quality officer is happy to accept the assessment as it stands without the verification.
- 10.164 The Air Quality assessment suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as cleaning of access roads with water, enclosing stockpiles and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 10.165 It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 10.166 As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Noise and vibration

- 10.167 NPPF paragraph 123 requires planning decisions to aim to avoid noise giving rise to significant adverse impacts, to mitigate and reduce to a minimum noise from new developments including through the use of conditions whilst recognising that development will often create some noise. London Plan Policy 7.15 says development proposals should seek to manage noise by avoiding significant adverse noise impacts, to mitigate and minimise existing and potential adverse impacts of noise and improve the acoustic environment. Core Strategy Policy SP03 supports healthy lifestyles including by addressing noise impact particularly by managing the night-time economy. MDD Policy DM25 says development to seek to protect and where possible improve the amenity of existing and future residents by not creating unacceptable levels of noise and vibration.
- 10.168 A Noise Survey Report has been submitted with the planning application. The proposed development will be exposed to noise and some vibration from noise traffic on Marsh Wall and from the DLR in close proximity to the development. The assessment concludes that the results of the noise survey are considered reasonable, considering the location of the measurement positions and the dominant nearby noise sources.
- 10.169 The external plant noise emission limits are proposed in accordance with the requirements set by Tower Hamlets Council and BREEAM credit Pol05. Detail of the plant specification to meet L90- 10 dB(A) of BS4142 will be controlled by condition.

- 10.170 In terms of the office and hotel element, detailed acoustic specifications for the glazing will need to be determined and this will be requested by condition.
- 10.171 Finally, the lifts will be designed to ensure that noise to all residential areas shall not exceed 25 dBA L_{max}(fast) in accordance with BS 8233: 2014 and this will be controlled by condition.
- 10.172 Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. Recommended conditions requiring the approval of Construction Management Plans would ensure that mitigation measures are in place.
- 10.173 Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 10.174 It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Contaminated land

- 10.175 Given the existing structures on site and only facades are proposed, the Council's Environmental Health Officer has no comments on this application. The proposal is therefore in accordance with Policy DM30 of the Managing Development Document 2013.

Flood risk

- 10.176 The NPPF states that the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'
- 10.177 The Environment Agency Flood Map shows that the site is located in Flood Zone 3. The proposal is for a 'more vulnerable' development; however, this has not raised objections from the Environment Agency as the site is located in an area that has been identified as benefitting from defences.
- 10.178 The finished floor levels of the development are also above the 1 in 200 chance in any year, including an allowance for climate change, flood level. This means that floodwater is unlikely to enter the property during a 1 in 200 chance in any year, plus climate change, flood event.
- 10.179 The applicant has submitted further information that demonstrates that the ground floor level of the proposed development is 6.054m AOD and is raised 0.27 m above the modelled flood level. The Environment Agency has no objections and has commented that this information demonstrates that the proposed development does have a safe means of access and egress to an area wholly outside the flood plain. No further information in relation to safe means of access/egress in the event of flooding is required.
- 10.180 The GLA has requested that a flood proof room is provided which encloses any essential building utilities. It should be noted that the existing structure on site is

already built with the basement area in use by the Jemstock development. The site is already equipped with utilities at the basement level and the fitted details of which will have been previously been approved. Therefore there is no scope to amend the building utilities fit out.

- 10.181 In relation to surface water run-off, Sustainable Drainage system measures are proposed to reduce surface water discharge in accordance with relevant policy and guidance. Two areas for a green roof are demonstrated on the submitted roof plans as requested by the SUDS officer. A condition is recommended to secure the drainage measures.
- 10.182 Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.
- 10.183 In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity and ecology

- 10.184 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 10.185 The site currently has limited ecological value given that it exists of a partially constructed building. The site does not have the potential for bats given there are no obvious opportunities for roosting within the building frame and the fact that the building is open on the eastern and western facades. Therefore the conditions within the building are unlikely to be suitable as temperatures will be variable due to wind and rain ingress, with conditions often very windy within the building.
- 10.186 The proposal will include a green roof and the Ecology Report recommends incorporating nest boxes for swifts, house sparrows and black redstarts and bat boxes.
- 10.187 The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Community Infrastructure Levy and Planning Obligations

- 10.188 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.189 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

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

10.190 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.

10.191 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.192 The introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.193 The boroughs four main priorities remain:

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

10.194 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.195 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

* Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance

with the statutory requirements and site specific carbon reduction measures/initiatives.

10.196 The applicant has agreed to the following financial contributions to the borough:

- (a) £144,200.80 towards providing employment & training skills for local residents
- (b) £3,000 towards monitoring and implementation (based on a charge of £500 per principle clause)
- (c) A contribution of £130,140 towards carbon offsetting

10.197 It should be noted that the figure calculated by the Employment and Enterprise officer for construction phase skills and training (£329,792) is incorrect. The correct figure should be £60,384 (included within the above £144,200.80 financial contribution).

10.198 In addition, the Canal and River Trust requested contributions toward dock information boards and a further request of £20,000 towards repairs to the paving, safety ladders and safety chains which are located along the water's edge adjacent to the development. Whilst in close proximity to the site, the requests do not fully meet the planning obligations tests in terms of making the proposal acceptable in planning terms and being directly related to the scheme given their distance from the site.

10.199 The applicant has also agreed to providing 9 apprenticeships and work placements consisting of 8 apprenticeships during the construction phase and 1 apprenticeship at the end user phase for first three years of full occupation.

10.200 The applicant has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than the wheelchair accessible spaces) and a travel plan.

10.201 It is considered that the proposed legal meets the CIL Regulation 122 tests for being necessary to make the developments acceptable in planning terms, directly related to the schemes, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

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

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

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

10.203 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.

- 10.204 As regards to the Community Infrastructure Levy, the London Mayoral CIL was introduced on 1st April 2012 and is estimated at £258,160 for this scheme.
- 10.205 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" April 2013.
- 10.206 In this case the Crossrail contribution would be £258,160. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.
- 10.207 The application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. In the North Docklands area only the C1 (hotel) element is subject to a charge under the borough's CIL. The estimated Borough CIL for this development is approximately £2,346,120.00.

Human Rights Act 1998

- 10.208 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.
- 10.209 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.210 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.
- 10.211 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.212 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.

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

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

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

Equalities Act 2010

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

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

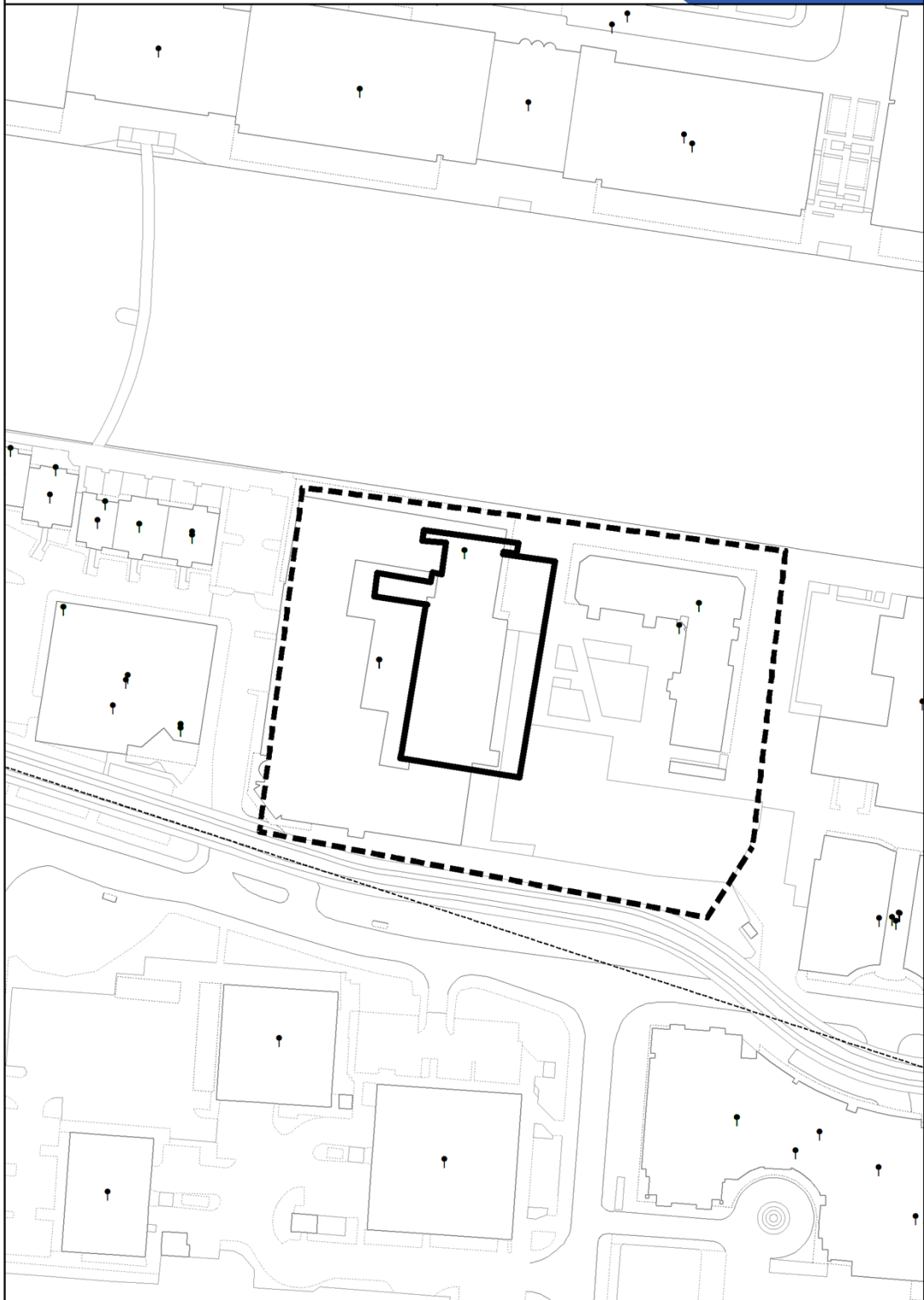
10.217 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.


10.218 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development


11 Conclusion


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


Planning Application Site Map
PA/15/02104




 Planning Application Site Boundary

 Consultation Area


 Locally Listed Buildings

 Statutory Listed Buildings

 Land Parcel Address



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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