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| Committee: Strategic | Date: 10 th March 2016 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Director of Development and Renewal | Title: Applications for Planning Permission and Listed Building Consent |
| Case Officer: Jermaine Thomas | Ref No: PA/14/03594 & PA/14/03595 |
| | Ward: Blackwall & Cubitt Town |

1. APPLICATION DETAILS

Location: Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14

Existing Use: Vacant warehouses/industrial buildings.

Proposal: Full Planning Application – PA/14/03594
Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall.

The application is accompanied by an Environmental Impact Assessment

Listed Building Consent application - PA/14/03595
Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.

Drawing and documents: See appendix

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| Applicant: | Clearstorm Ltd |
| Ownership: | London Borough of Tower Hamlets Port of London Authority British Dredging (Services) Limited |
| Historic Building: | Grade II Listed Orchard Dry Dock. The caisson and river wall to the southern edge of the site also form part of this listing. |
| Conservation Area: | None |

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed redevelopment of this site for a residential-led mix development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the Core Strategy's Leamouth LAP 7 & 8.
- 2.3. The proposed tall buildings would be of an appropriate scale, form and composition for the surrounding context and townscape. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on heritage assets, or strategic or local views.
- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with the internal and external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.5. The proposed development would be appropriately designed to ensure its uses would not conflict with the use or future operations of the Protected Orchard Wharf, and visa-versa.
- 2.6. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.7. The proposed restoration and improvement works to the Grade II Listed Caisson and the Trinity Buoy Quay Walls would preserve the historic merits of the listed structures. The proposed development by virtue of its layout and design would enhance the setting of the listed structures and neighbouring Trinity Buoy Wharf Lighthouse.
- 2.8. Transport matters, including parking, access and servicing are on balance considered acceptable.
- 2.9. Flood risk and drainage strategies are appropriate, acceptable design standards (BREEAM) are proposed. Subject to detailed design, high quality landscaping and bio

diversity enhancements would help ensure the development is environmentally sustainable.

3. RECOMMENDATION

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

3.2. Any direction by The London Mayor.

3.3. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £399,000 towards local bus service
- b) A contribution of £355,620 towards employment, skills, training and enterprise and construction stage;
- c) A contribution of £45,878 towards employment skills and training to access employment in the commercial uses within the final development;
- d) A contribution of £252,000 towards carbon off-set initiatives
- e) A contribution of £5,000 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £1,057,498

Non-financial contributions

- f) Delivery of 27% Affordable Housing comprising of 101 rented units and 52 Shared ownership units;
 - g) Affordable housing delivery and phasing;
 - h) Alternative Employment uses;
 - i) Viability review mechanism;
 - j) Permit Free for future residents;
 - k) 39 Apprenticeships and work placements;
 - l) Access to employment and construction - 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs;
 - m) Public access retained for all public realm, walking, cycling and vehicular routes;
 - n) Implementation and monitoring of Travel Plan
 - o) Delivery of public access route improvements to London City Island
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement' Conditions:

1. Noise mitigation measures to ensure satisfactory relationship to adjacent safeguarded wharf in consultation with PLA
2. Sound insulation scheme
3. Construction management plan;
4. Feasibility for transportation of construction materials by water;
5. Surface water drainage scheme;
6. Water Supply infrastructure in consultation with Thames Water

7. Ground contamination remediation and mitigation
8. Biodiversity mitigation and enhancements;
9. Compensatory habitat creation scheme
10. Method Statement for environmentally sensitive areas
11. Details of works to Listed structures
12. Archaeological investigation works in consultation with GLAAS
13. Intrusive investigation works
14. Waste management strategy to ensure compliance with waste hierarchy;
15. District energy and heating strategy;
16. River wall strategy in consultation with EA and PLA

Prior to completion of superstructure works conditions:

17. Secure by design principles;
18. Details of all external plant and machinery including air quality neutral measures;
19. Details of all external facing materials;
20. Details of glazing specifications and ventilation specifications to residential units (Class C3)
21. Details of wheelchair accessible residential units
22. Details of public realm, landscaping and boundary treatment;
23. Child play space strategy
24. Details of all external CCTV and lighting;
25. Details of extraction and ventilation for Class A3 uses
26. Details of mechanical ventilation to proposed school accommodation;
27. Details of wind mitigation measures;
28. Waste Management Plan
29. Scheme of highway works surrounding the site (Section 278 agreement)

Prior to Occupation' Conditions:

30. Details of all shop fronts and entrances to ground floor public uses;
31. Details of step free and wheelchair access arrangements;
32. Details of the Education provision and accommodation schedule
33. Surface water management system
34. Travel Plan;
35. Permit free development
36. Site management inclusive of a cleaning regime
37. Delivery and servicing plan;
38. Operation of the Canning Town – City Island Bridge
39. Car parking allocation and management plan;
40. Details of cycle parking, inclusive of visitors cycle parking and associated facilities;
41. Details of provision for 20% vehicle charging points and 20% passive provision;
42. Details of all external lighting in consultation with PLA
43. Details of Riparian Life Saving Equipment in consultation with PLA
44. Delivery of BREEAM Excellent Development

Compliance' Conditions –

45. Permission valid for 3yrs
46. Development in accordance with approved plans;
47. Phasing Schedule
48. Hours of operation of commercial units. A1-A4, B1 and D1 uses
49. Restriction on proportion of non-A1 retail uses;
50. Removal of permitted development rights;
51. Sustainable design and construction – Air Quality Neutral Appendix

52. Flood risk assessment minimum floor levels
53. Internal Noise Standards having regard to BS4142 and BS8233:2014
54. Permanent right of access to blue ribbon network
55. Co2 emissions reductions in accordance with approved Energy Strategy
56. Renewable energy technologies in accordance with approved Energy Strategy
57. Lifetime homes

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames water informatives
5. Environmental Health informatives
6. London City Airport

Application for listed building consent

- 3.6. That the Committee resolve to **GRANT** listed building consent subject to the following conditions:

Conditions

1. Compliance with plans
 2. 3 year time limit for implementation
 3. A schedule detailing the investigative works which are to be undertaken
 4. A full schedule of repairs and a method statement for works to the caisson and quay walls to be undertaken by an appropriate specialist.
 5. Details of how any increased height for flood defence is to be accommodated.
 6. Method of repairs / renewal of the unlisted river walls, including the additional height required for appropriate flood defence
 7. Schedule of items to be salvaged and details of their proposed reuse
 8. Proposals for a full scheme of interpretation
 9. Full details of landscaping proposals
- 3.7. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Proposal

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide a residential led mix use scheme.
- 4.2. The development comprises of the following uses:
 - 804 residential units (Use class C3)
 - 1,912 sqm GIA Commercial Use (Use class A1 – A4 and B1)
 - 428 sqm GIA Management Offices (Use class B1)
 - 223 sqm GIA Education (Use Class D1)
- 4.3. A total of sixteen buildings would be provided on site, which would range in height from 3 – 16 storeys. The maximum height of tallest building is 105.9m (AOD).

4.4. The following table sets out the height of each building block in storeys.

| BLOCK | No. of floors | BLOCK | No. of floors |
|--------------|----------------------|--------------|----------------------|
| A | 3 | H | 4 |
| B | 29 | I | 4 |
| C | 9 | J | 7 |
| D | 15 | K | 5 |
| E | 8 | L | 10 |
| F | 21 | M | 3 |
| G | 7 | | |

- 4.5. The new buildings would be set around a series of existing and new access roads, public spaces, walking and cycling routes.
- 4.6. The proposed layout seeks to provide increased connectivity to the water space and the neighbouring City Island development, deliver new and enhanced public accessible river walkways and provide a number of communal spaces and child play space provisions which are situated away from the highway network.
- 4.7. The proposed non-residential uses such as the retail, education and office provisions would be dispersed across the entire site. The distribution and location of the proposed uses is informed by the existence and proximity of neighbouring land uses.
- 4.8. The centre of the site where the existing dry dock is located would comprise of a new public realm. The proposed public realm provision would be in part framed by a number of retail provisions and also consist of new retail provision and child play space at its centre. The positioning of the retail provisions adjacent to and within the proposed public realm is designed to encourage and maximise activity within the space.
- 4.9. The proposed residential use would comprise of 804 residential units, 27% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 651 private units, 52 intermediate units, and 101 affordable rented units. This provision is set out below, as well as the mix by tenure.

Number and Percentage of units and habitable rooms by tenure

| | Number of units | % units | Habitable Rooms | % hab rooms |
|-----------------|------------------------|----------------|------------------------|--------------------|
| Open Market | 651 | 81% | 1490 | 73% |
| Affordable rent | 101 | 12.5% | 418 | 20.5% |
| Intermediate | 52 | 6.5% | 133 | 6.5% |
| TOTAL | 804 | 100% | 2041 | 100% |

Dwelling numbers and mix by tenure

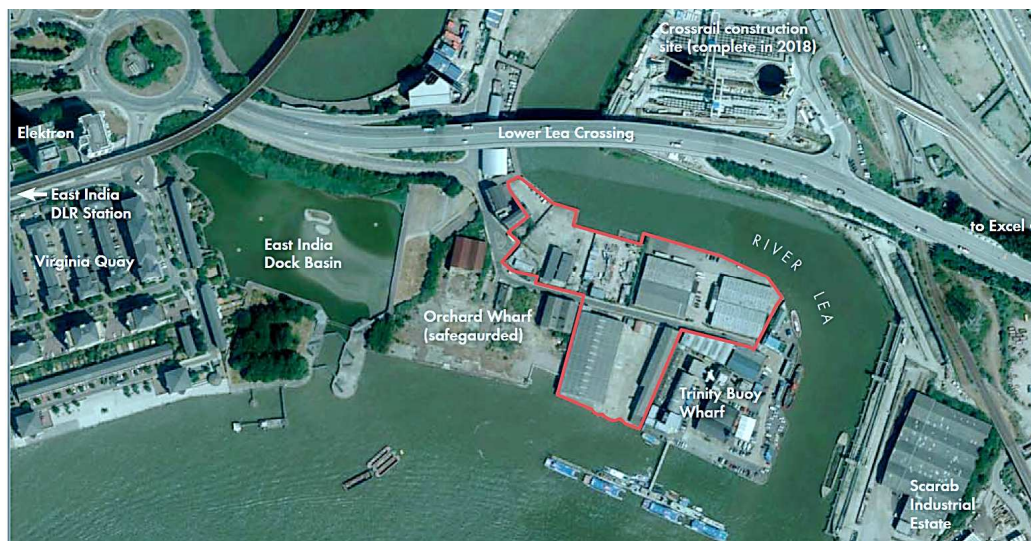
| | Studio | 1 bed | 2 bed | 3 bed | 4 bed |
|-----------------|------------|------------|------------|-----------|-----------|
| Open Market | 161 | 203 | 225 | 62 | 0 |
| Affordable rent | 0 | 14 | 32 | 36 | 19 |
| Intermediate | 0 | 23 | 29 | 0 | 0 |
| TOTAL | 161 | 240 | 286 | 98 | 19 |

| | | | | | |
|-------------------|-----------|-----------|-------------|-----------|------------|
| Total as % | 20 | 30 | 35.5 | 12 | 2.5 |
|-------------------|-----------|-----------|-------------|-----------|------------|

- 4.10. The proposal would also create basement levels, car and cycle parking spaces, refuse provisions and landscaping works.
- 4.11. The proposed works for listed building consent include restoration of the caisson and brick piers, exposing the curved northern end of the basin and the removal of concrete flood defences and installation of timber platform behind the caisson.
- 4.12. The other listed works include, alterations and repairs to the 19th century river wall eastern section of Union Wharf and re-surfacing of the in filled Orchard Dry Dock to create a new public landscaping provision.
- 4.13. The proposed works to curtilage structures include landscaping works around bollards, repair and remodelling of the existing oil tank and demotion of a section of 19th century wall on to Orchard Place. The salvaged bricks would be reused in the landscaping provisions, where possible.

Site and Surroundings

- 4.14. The application site consists of three different wharves which are known as, Hercules Wharf, Union Wharf and Castel Wharf. Orchard Place, a public highway, connects the wharves, as it runs west to east through the centre of the site from the Lea Crossing (A1020 road) to Trinity Buoy Wharf.
- 4.15. The site area is 2.43 hectares inclusive of the public highway and contains a mix of mainly light industrial, storage and warehouse
- 4.16. Hercules Wharf is approx. 0.74ha occupies the northwest section of the application site and Castle Wharf is 0.85ha occupies the northeast section of the application site.
- 4.17. Union Wharf is approx. 0.84 ha and comprises of two industrial buildings, the original Grade II Listed iron caisson and the listed Trinity Buoy Quay Walls. The southern edge of Union Wharf is bound by the River Thames on its southern boundary.
- 4.18. The following plan shows the extent of the application site outlined in red.



- 4.19. To the north of Hercules and Castle Wharves is the River Lea, which runs along their northern boundaries and under the A10210 known as Lower Lea Crossing.
- 4.20. Further to the north and beyond A1020 is the Leamouth North Peninsula development site, where a large housing development, known as London City Island is under construction, when completely built out would provide up to 1706 residential units.
- 4.21. To the north and east of the River Lea is the eastern Crossrail Logistics site and to the east of City Island on the northern bank of the River Lea is Canning Town, which includes Canning Town DLR, underground and bus station.
- 4.22. To the north west of the application site is Bow Creek Ecology Park, a Grade I Site of Borough Importance (SBI) for nature conservation.
- 4.23. To the west of the site are the residential properties of 42 – 44 Orchard Place, which are located in one of the few remaining original warehouse buildings in the Leamouth area.
- 4.24. To the south west of the application site is the neighbouring Orchard Wharf which is a safeguarded wharf under an initiative set by the Mayors of London and the Port of London Authority (PLA). The site remains a potential location for an aggregates batching plant.
- 4.25. The East India Dock Basin is located further west beyond Orchard Wharf approximately 100m away from the application site. The basin is designated as a Grade I Site of Borough Importance (SBI) for nature conservation. The residential area of Virginia Quays lies to the west of the basin.
- 4.26. To the east of the application site is Trinity Buoy Wharf, which comprises of a mix of uses including residential units, creative industries, food outlets and Faraday Independent School. The Trinity Buoy Wharf its self contains a Grade II listed chain locker and lighthouse. An existing jetty also provides pedestrian access to the River Thames
- 4.27. The River Thames is located to the southern edge of the site and beyond the River Thames is Greenwich Peninsula, which includes the Millennium Dome.
- 4.28. The composition of the neighbouring sites would result in an area characterised by a variety of building forms of varying heights. The close proximity of the River Thames and River Lea also creates a sense of openness around the application site and wider area.

Spatial policy designations

- 4.29. The site is within the London Plan's Lower Lea Valley Opportunity Area, which includes Stratford. This area is considered the most important single strategic regeneration initiative for London and urban renewal challenge of global significance securing the legacy of the 2012 Olympic and Paralympic games. The area would contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 4.30. The Tower Hamlets Core Strategy identifies that for the overall Leamouth Area the location has potential for very high housing growth and has a target of 4,050 homes for the Leamouth and Blackwall areas for the 2020 – 2025 period.
- 4.31. The site does not fall within a conservation area however the application site does comprise of a Grade II Listed Dry Dock Wall and the listed Trinity Buoy Quay Walls.
- 4.32. The neighbouring Grade II Listed Trinity Buoy lighthouse positioned to the south east of the application site is also located in close proximity.

- 4.33. The site is within an Environment Agency designated Flood Zone 3 - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.34. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.35. The site is within the London City Airport Safeguarding Zone.
- 4.36. The site is within the London Plan Views Management Framework (LVMF), of particular relevance is the view from the General Wolfe Statue in Greenwich Park.
- 4.37. The site is within the London Plan Crossrail SPG Charging Zone.

Relevant Planning History

Hercules Wharf

- 4.38. **PA/06/01342**
Demolition of all existing buildings and structures and redevelopment to provide 41,530 sqm floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4 and A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
Withdrawn 25/10/2007

Castle Wharf, Union Wharf and Orchard Place

- 4.39. **PA/06/01343** Combined Outline and Full Planning Application (hybrid application) for demolition of all existing buildings and redevelopment to provide 80,070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4, A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
Withdrawn 25/10/2007

Leamouth Peninsula

- 4.40. **PA/10/01864** Hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sqm (GEA) of new floor space and up to 1,706 residential units (use class C3). Approved 28/11/2011. This proposal was subsequently amended under S.73 application (PA/14/01655) which was approved on 19/12/14.
- 4.41. **PA/14/02177** - Submission of reserved matters for Blocks A and M of Phase 2. The proposal comprises 417 residential units and 541 sq m GEA commercial floorspace. A full description of the uses is provided within the Planning Statement / Design & Access

Statement submitted with the application. The outline planning application was an environmental impact assessment application and an environmental statement was submitted to the planning authority at that time. Approved 08/12/2014.

- 4.42. **PA/15/2287** – Re-submission of reserved matters for Blocks A and M (as approved by planning ref: PA/14/02177) of Phase 2 of planning permission ref: PA/14/01655. Proposal comprises 417 residential units and 668 sq m GEA of commercial floorspace including minor amendments to the layout of the blocks and the omission of 1 duplex unit at GF/FF. A full description of the changes is provided within the attached design Access Statement. The outline planning application was an environmental impact assessment application. Undecided at the time of writing.

Orchard Wharf

- 4.43. **PA/11/03824** Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

Refused 02/10/2012 and dismissed at an Appeal

5. **POLICY FRAMEWORK**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below sets out some of the most relevant policies to the application, but is not exhaustive.

National Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2015

Policies

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing

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

- 7.28 Restoration of the Blue Ribbon Network
- 7.29 The River Thames
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

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

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations
- LAP 7 & 8 Leamouth

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

- DM0 Delivering Sustainable Development
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

Supplementary Planning Documents

- Planning Obligations SPD (January 2012)
- Draft Planning Obligations SPD (March 2015)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (July 2013)
- Shaping Neighbourhoods: Character and Context - draft (February 2013)

Housing Supplementary Planning Guidance (November 2012)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Sustainable Design and Construction (May 2006)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
SPG: Safeguarded Wharves Review

Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

A Great Place to Live
A Prosperous Community
A Safe and Supportive Community
A Healthy Community

5.4. Other Material Considerations

EH Guidance on Tall Buildings
Seeing History in the View
Conservation Principles and Practice

6. CONSULTATION RESPONSES

- 6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2. The following were consulted regarding the application:

Internal Responses

LBTH Education

- 6.3. The proposed education use relates to an existing independent school. The LA has no involvement in the independent sector. There are no comments on the proposed education use.
- 6.4. The impact of residents of the new homes on the need for school places locally will be planned for as part of the LA's strategy for providing school places to meet local need. CIL payments arising from the development will contribute to the funding of the programme.

LBTH Communities, Localities and Culture (CLC)

- 6.5. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.
- 6.6. CLC request that S106 contribution / CIL is secured to offset the impacts of the development on the boroughs provisions.

LBTH Environmental Health - Contaminated Land

- 6.7. Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with.

LBTH Environmental Health - Air Quality

- 6.8. Environmental Health the Air quality section in the Environmental Statement concluded that no mitigation was required due to the predicted air pollution levels being relatively low in the area in the opening year, but when including the potential effects of an operational aggregate facility at the wharf, mitigation is required to remove the potential for conflicts of use between the residential development and the protected wharf.
- 6.9. It is unlikely that the increase in air pollutants (NO₂) and PM₁₀) due to the HGV traffic associated with an operational wharf would cause a significant adverse impact on the air quality at the proposed development or cause the air quality objectives to be exceeded at the residential properties.
- 6.10. The proposed plant needs to be reconsidered to lower the emissions, if the revised plant does not meet the benchmarked emissions level then further mitigation will be required or a financial contribution through section 106 to fund air quality activities that will help reduce pollutant levels. Once the heating plant has been finalised the AQ neutral report will have to be amended and resubmitted.

LBTH Environmental Health – Noise and Vibration

- 6.11. Environmental Health officer raised no objection to the approval of the development.

LBTH Environmental Health – Commercial

- 6.12. The development should comply with the Construction (Design and Management) Regulations 2007 specifically in order to secure the incorporation of safety matters in the development from *the start, including the production of a "Health and Safety File" for the client and future users(s).

LBTH Refuse

- 6.13. Subject to the attachment of safeguarding conditions, the proposed development would comply with policy requirements.

LBTH Highways

- 6.14. For the purposes of assessing this application, Highways considers the baseline PTAL rating for the site to be 3.
- 6.15. The existing PTAL score for the site is 2 although applicant contends the 'true' PTAL should include the footbridge linking the City Island development and Canning Town station. The footbridge is constructed but not currently operational.
- 6.16. The availability of this footbridge is fundamental to the transport strategy for this development to the extent that we recommend that a Grampian condition be attached to any permission, requiring that bridge to be operational prior to occupation of the development.

- 6.17. The applicant also states that the proposed scheme would be served by the Thames Clippers service. It is acknowledged the Thames Clippers service would benefit occupants of the proposed development however it would not impact on the PTAL rating.
- 6.18. The proposed development would provide sufficient car parking for blue badge holders on the site.
- 6.19. The details of a Car Parking Management Plan should be secured by condition.
- 6.20. The applicant has stated that deliveries to block A over 20 minutes can take place within the site. This is welcomed and should be formalised in a Delivery and Servicing Plan.
- 6.21. The proposed mix, accessibility and inclusiveness of cycle parking types would be secured by condition.
- 6.22. The Council own the walkway linking Leamouth North (City Island) and the development site. The applicant should fund improvements to this link to bring it up to a standard equivalent standard provided within both the mentioned development sites. Similar provisions were made for Council owned walkway as part of the permission for the Leamouth North site.

LBTH Bio-diversity

- 6.23. The Ecology chapter of the ES is generally sound. The methodology is appropriate, the identification of potential receptors appears comprehensive, and officers agree with most of the evaluation of importance.
- 6.24. A safeguarding condition would be required to increase the biodiversity of the site.

LBTH Economic Development

- 6.25. No objection subject to the securement of the following conditions and financial contributions:
- 6.26. 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 Skills match Construction Services.
- 6.27. 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.
- 6.28. The Council should seek to secure a financial contribution 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.
- 6.29. During the construction phase 39 apprenticeships are expected to be delivered according to build costs (qualification level recommended is NVQ level 2).

- 6.30. Proposed employment/enterprise contributions at end-use phase would be a monetary contribution towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the A1-A4, B1a and D2 uses of the development
 - ii) jobs or training within employment sectors relating to the final development
- 6.31. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 6.32. 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.

External responses

Crossrail Limited

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

Natural England

- 6.34. Natural England has no objection to the proposed development.

Canal and Rivers Trust (CaRT)

- 6.35. The Canal and River Trust has no comments to make on the proposed development.

Historic England

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

Historic England Archaeology (GLAAS)

- 6.37. The planning application lies in an area of archaeological interest. Officers raised no objection to the approval of the development subject to the attachment of safeguarding conditions.

London City Airport (LCY)

- 6.38. London City Airport has now fully assessed this application and consulted with all the relevant airport stakeholders.
- 6.39. The proposed development has been examined from an aerodrome safeguarding perspective and from the information given LCY has no safeguarding objection. However please could you include the following condition should the application be granted planning permission:
- 6.40. No cranes shall be erected on the site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to London City Airport for approval.

Environment Agency (EA)

6.41. Following the receipt of further information submitted within the email from Victoria Williams, Waterman Infrastructure & Environment Ltd, dated 15 September 2015, EA are happy to remove our previous objection to the above scheme.

6.42. Subject to safeguarding conditions, the proposed development is now considered acceptable.

London Fire and Emergency Planning Authority

6.43. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

6.44. This Authority (Fire Safety Regulation) strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.

Metropolitan Police - Crime Prevention officer

6.45. The plans have reviewed and due to the scale of the development and proposed designs being put forward, officers will make contact with the Architects to discuss the detail further in connection with the site.

London Bus Services Ltd

6.46. No comments received.

TFL London Underground

6.47. Response received confirming no comments to make on this application.

The Twentieth Century Society

6.48. No comments received

Network Rail Infrastructure Ltd.

6.49. No comments received.

Docklands Light Railway

6.50. No comments received

The Victorian Society

6.51. No comments received

Commission for Architecture and Built Environment CABE

6.52. No comments received.

Lower Lea Valley Regional Park Authority

6.53. The proposed scheme is proposed at a density which will exceed the London Plan density standards.

6.54. The location of Block B, at 30 storeys, lying within 100 of the Basin will overshadow and detract from its amenity to visitors. The committee debated the possibility of issuing an objection which could lead to a request for 'call in'. However, given the precedents which surrounding development and the extant permissions in the area create it was decided to seek planning obligations to mitigate the likely impacts of the proposals on the Basin.

6.55. Given the scale of development proposed and the fact the Basin is likely to be the only site available to serve recreation needs of the new resident population, a formal request is sought for planning obligations for £500,000 as a contribution to capital costs to address its de-silting and in addition a commuted sum of a further £100,000 to support the management of the site given the increase in visitor pressures.

National Air Traffic Services (NATS)

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

Thames Water Utilities Ltd.

6.57. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.

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

6.59. 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.

6.60. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends that a safeguarding mitigation condition is secured.

Greater London Authority

Principle of development

6.61. The principle of development of the site as a residential led mixed use development with reasonable level of commercial floor space is acceptable and the commitment of potential provision of additional floorspace for the Faraday School is welcome. This support is subject to the applicant achieving improvements to external links to the site and responding positively to the GLA officers design suggested amendments. Tower Hamlets Council should also seek independent verification of noise, air quality and transport reports so that the development does not compromise the operation of Orchard Wharf.

Protection of wharves

- 6.62. The scale of the proposed development and the tight relationship between the proposed residential and wharf use on Leamouth South is a key material consideration. It is requested Tower Hamlets have the mitigation measures independently assessed and discussions should be held with the Port of London Authority on the impacts of the proposal on wharf operations.

Density

- 6.63. Given the approved development to the immediate north of the Leamouth Site and to the south in Greenwich Peninsula, the character of this site can reasonably be regarded as central. This part of London has undergone enormous change and investment and the density proposed is broadly in keeping with these changes. Nonetheless, given the site relatively low PTAL and accessibility it is important that linkages to the wider area are improved. A greater commitment should be made by the applicant to improving the site connectivity to Underground / DLR stations. The overall design requires a number of adjustments before it can be viewed as being sufficient quality to justify a development of such a high density

Housing Mix

- 6.64. The proposed housing mix provides for 14% 3-4 bed units and 52% suits/ 1 bed units. The percentage of studio and one bed units is very high and the applicant should revise its plans to create a more balanced housing mix.

Affordable Housing

- 6.65. The applicant has identified the potential location of the affordable housing in blocks A and G, but not set out a mix of unit types being offered. The affordable housing unit mix should be established and made available to GLA officers before stage 2 referral.
- 6.66. The 20% affordable housing officer is supported by a viability assessment which Tower Hamlets is required to have independently reviewed.

Play space

- 6.67. The applicant has provided a strategy but not completed detailed work on the child yield using the Mayors Shaping Neighbourhoods: Play recreation SPG (2012). The applicant should undertake this calculation work and the findings should relate to its play space strategy. The applicant should also set out how door step playable space will be met for occupants of blocks G, H and I.

Urban Design

- 6.68. Whilst suggestions for links to the emerging City Island Development, East India Dock and DLR, and a new bridge have been illustrated, officers are not convinced about the quality or deliverability of these linkages. Given the challenges with accessing the site and the surrounding hostile environment, it is critical that the applicant commits to developing and delivering these links to surrounding areas, ensuring they will be of a high enough quality to encourage people to use and feel safe at all times.
- 6.69. The design is generally supported but given the very high density of the scheme, officers are concerned about a number of aspects of its residential quality.

- 6.70. In the view from Greenwich Park of the Royal Observatory, the development would appear on the right hand edge of the view well to the right of the existing Canary Wharf cluster and the impact is minor/insignificant to the integrity of the LVMFS/WHS.

Access

- 6.71. The applicant should respond to the comments provided in relation to Lifetime homes, public realm/landscaping and residential unit design.

Transport

- 6.72. The applicant should respond to the comments provided by TfL in relation to access and parking, trip generation and mode split, walking and cycling, public transport and freight and travel planning. Particular attention should be given to issues relating to PTAL and public transport access.

Energy

- 6.73. The carbon dioxide savings fall short of the target within policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further carbon reductions. This work should be completed before Stage 2 referral together with requested verification information.

Flood Risk

- 6.74. The proposals are broadly acceptable in principle in respect of London Plan policy 5.12 but should be updated at the detailed stage to improve the development resilience in the unlikely event of a flood.

Transport for London

- 6.75. The latest version of the scheme would not have significant resultant highway and transport impact compared with the original proposal.
- 6.76. TfL's seek the following in terms of transport mitigation: £450K toward bus service enhancement, £10K toward Legible London Way-finding, £200K toward providing a 27 docking point's cycle hire station in the vicinity of the site.
- 6.77. TfL also requests that landing for the proposed Hercules Bridge to be safe-guided as agreed previously, as well as right of access by pedestrian/ cyclists from the Riverside walk to public highway should be secured via s106.
- 6.78. It is noted that the applicant has previously raised a query on the possibility to re-allocate surface transport improvement contribution toward Trinity Buoy Wharf improvements. TfL supports the improvements to the River bus service at Trinity Buoy Wharf however, the re-allocation of funding would not be acceptable as funding should be used to facilitate the use of public transport, walk and cycling which will be the largest trip generators.

Port of London Authority

- 6.79. The PLA which is a statutory consultant has lodged an objection to the proposed development. The PLA met with the applicant, their consultants and the Council on various occasions during the processing of the application.

- 6.80. PLA note that some documents that have been submitted to the PLA during the course of the application have not been published on the Council's website – the applicant should be requested to confirm the full suite of documents that form part of their submission at this point in time and upon which the Council is making its decision.

Background

- 6.81. The key issue for the PLA at this site is the juxtaposition of the proposed development to the safeguarded Orchard Wharf. Currently Orchard Wharf is not operational but the Secretary of State confirmed in September 2014 that it is appropriate for the PLA to acquire Orchard Wharf by compulsion, for the purpose of securing the provision of port and harbour services on the River Thames (reference PCT5/1/24). However, this decision was successfully challenged in the High Court and the matter is now scheduled to be heard in the Court of Appeal in May 2016.
- 6.82. Aggregate Industries/London Concrete submitted a planning application (PA/11/03824) to reactivate Orchard Wharf for waterborne cargo handling in 2011. Planning permission was granted by the LTGDC but refused by the London Borough of Tower Hamlets. The Secretary of State dismissed the subsequent appeal against the refusal of planning permission in September 2014 (reference APP/E5900/A/12/2186269).
- 6.83. Whilst the applicant submitted an objection to the co-joined planning and CPO inquiry stating that *"the proposed batching plant...would be a considerable constraint on any development of these sites. Noise and disturbance from an industrial processing plant would discourage potential buyers...despite controls, air quality would be a concern"* it is of note that the applicant is proposing a high density residential led, mixed use scheme for the Leamouth South site.

Safeguarded Wharf Planning Policy

- 6.84. London Plan policy 7.26 seeks to protect safeguarded wharves for waterborne freight handling use and it states that development proposals *"adjacent or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance"*.
- 6.85. The requirement of the statutory development plan is clear. The Leamouth South site should be designed to minimise the potential for conflicts of use and disturbance from an operational Orchard Wharf.

Approach to Assessment

- 6.86. Flowing from the planning policy requirements set out above, the key issues that need to be considered when determining the application are site layout and design, noise, air quality, lighting, transport and access. For this particular site, given the current non-operational status of Orchard Wharf and the planning policy requirement to minimise the potential for conflict of use and disturbance, consideration should be given to the levels that would be generated from a re-activated Orchard Wharf and experienced at the proposed residential receptors and at the external amenity areas. Where there is doubt as to the longer term use of the wharf conservative assumptions should be assessed. Therefore whilst the data contained in the ES for the AI/LC 2011 planning application is a useful starting point, it is important that undue reliance is not placed on the data.
- 6.87. It is necessary for any future application to reactivate Orchard Wharf to address the Secretary of State's and Inspector's concerns potentially resulting in a different design and layout of the site. This in turn may for example, result in higher noise levels being

generated closer to the Leamouth South site than previously proposed. Some consideration also needs to be given to “proofing” the residential development from potential future alterations to the wharf’s layout and use arising from market shifts in transshipment. All of which emphasises the need for a conservative assumptions scenario to be assessed by the applicant to ensure that the proposal at Leamouth South does not compromise the reactivation of Orchard Wharf for waterborne cargo handling and its use into the future.

- 6.88. The applicant undertook an assessment identifying a number of *“operational, technical and environmental constraints which are likely to directly influence any future alternative layout for the site.”* A case study has also been carried out by Waterman to *“identify a realistic worst-case scenario which provides a layout that would put the noisiest equipment as close to the boundary as possible whilst presenting a workable/operational solution.”* The work does not appear to have had the benefit of input from an operator and the PLA does not agree with the conclusion that *“this basic arrangement to be the only one which would be able to accommodate the throughput necessary to make the site viable as an aggregate/cement/concrete depot”* – issues relating to viability and throughput have not been addressed in the report and therefore the conclusion is unsubstantiated. However for the purposes of the Leamouth South application, the PLA is now satisfied that overall a reasonable basic assessment has been undertaken to identify a realistic precautionary basis scenario.

Safeguarded Wharf Report

- 6.89. The Safeguarded Wharf Report (SWR) and its Addendum (September 2015) usefully pulls together information in relation to noise, air quality, lighting and transport and access. Unfortunately it does not specifically explain the approach taken to site layout and design although this is explained in other application documents.

Site Layout/Design

- 6.90. Whilst there is no in principle objection to residential development being located in close proximity to a safeguarded wharf, for example at Greenwich Millennium Village (GMV) residential development is being built next to Angerstein and Murphys wharves, it is essential, in line with London Plan policy that any development at Leamouth South is designed to minimise conflicts of use and disturbance. The London Plan is clear that this starts with the location and layout of buildings on an application site. Policy 7.15 states development proposals should manage the impact of noise by *“separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation.”* The supporting text to policy 7.15 states at paragraph 7.52 *“it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”*
- 6.91. It is clear from the application documents that a number of residential units are located in very close proximity to OW. It is not clear from the application documents how the applicant applied the requirements of policy 7.15 in terms of distance and screening.
- 6.92. In terms of internal layout it is important to reduce the number of habitable rooms that overlook the wharf with less sensitive uses being located at the closest point to the wharf.
- 6.93. During the processing of the application a number of positive design changes have been made and these include:

- Block B, floors 3-7 and 20-28 now have their bedrooms located to the rear of the unit
- The change in Block M (adjacent to Block B) from town houses to commercial (use class B1 office space). Given the permitted development rights that now exist to change offices to residential the PLA would be looking for a condition on any grant of planning permission to prevent the conversion of the office space at some point in the future to residential.
- The terrace has been removed from block A
- A screen has been introduced between block A and M
- Balcony screens have been added to blocks K and J

6.94. However in terms of reducing the number of habitable rooms overlooking the wharf, clarification is required on the following points:

- Block A is 18m from Orchard Wharf and has a direct line of sight to the wharf. The residential units have their bedrooms and living areas overlooking the wharf and the bathrooms and circulation space facing away. Was any consideration given to alternative uses for the part of block A that overlooks the wharf and / or to a different layout of the residential units?
- Block B is cited as being 10m from Orchard Wharf (see table 7.5 of the SWR). Floors 8 – 19 would have their bedrooms directly overlooking OW rather than the bathrooms and circulation space. Was any consideration given to a different layout of the residential units?
- Block J, K, L – It is proposed to have commercial uses at the lower levels of this block and this is welcomed. However, a predominantly residential use is proposed from the first floor upwards. Was any consideration given to clustering the commercial units vertically over more floors at the part of the building closest to the wharf?

6.95. Clarification is required on these matters to ensure that as required by policies 7.15 and 7.26 and paragraphs 7.52 and 7.79 of the London Plan the proposed development at Leamouth South has utilised the layout and use of its buildings to design away potential conflicts before relying on sound insulation / noise mitigation.

Noise and Vibration

6.96. Sharps Acoustics LLP has reviewed the noise documentation on behalf of the PLA including the latest technical note by Waterman dated 19 November 2015. Despite extensive discussions on this matter during the processing of the application it is still considered that the noise assessment has been incorrectly undertaken. In SAL and the PLA's opinion, an assessment must be undertaken using BS4142 and BS8233. When assessing noise of an industrial nature, from premises (not traffic on the public highway), these documents require that the "rating level" of the noise (the rating level is the noise emission level plus a correction for the character of the noise - this correction can be determined using the provisions of BS7445 or BS4142). This rating level must be determined using BS 4142 and then be compared to the background sound level (BS4142) and guideline values (BS8233). The advice within these two standards is very

clear and prescriptive and our understanding from the meeting with the Council's EHO is that he wants both to be used. The lack of the correct assessment is a serious error.

- 6.97. It is only once the rating level has been determined that the glazing specification can be properly determined or an appropriate condition drafted (i.e. by comparing the rating level with the BS 8233 guideline values for internal spaces).
- 6.98. In this respect, it is essential that sufficient flexibility has been built into the modelling to reflect the potential need for alternative configurations and cargo handling uses on OW in the future.
- 6.99. A condition has been proposed for internal noise and whilst the condition does mention the need to consider the character of the noise it is not precise enough – the noise from the safeguarded wharf will likely be intermittent and have tonal components. This needs to be accepted and a stated allowance made in terms of a character correction to the noise emission level – thus, resulting in predicted “rating levels” at the external amenity areas and at the façades at locations of glazing. The façade rating levels can then be used to determine the required glazing specification in order to meet the internal BS 8233 guideline values. Currently the applicant's consultant has just used the external façade noise level (not adjusted for character to get to the rating levels) when assessing the required glazing specification.
- 6.100. The PLA therefore considers that robust testing of the relationship between Leamouth South and Orchard Wharf has not yet occurred and the appropriateness of the relationship in policy terms therefore cannot be confirmed.
- 6.101. All apartments in blocks A, B, C, D, J, K and L and the west part of M have mechanical cooling and ventilation with filtered air. However, the PLA remains concerned that there are openings in the façades to deal with purge ventilation; a number of the winter gardens have openable windows (not all of which are for purge ventilation) and a number of the habitable rooms on the western façade of block B and at the higher floors of block B on the elevation overlooking Orchard Wharf have openable windows. The PLA considers that the only way to ensure that complaints are not received from residents about operations at OW is to ensure that windows and winter gardens are fixed shut where required. The noise assessment and modelling should identify the façade levels to habitable rooms which exceed LAeq 44dB and the façade levels to non-habitable room windows which if opened would result in noise levels in the nearest habitable rooms being more than or equal to 30dB with all internal doors open. Drawings should then be submitted specifically identifying these windows or blocks of windows being sealed on acoustic grounds. The fixing shut of windows in this way is commonplace in London (see for example phases 3, 4 and 5 of Greenwich Millennium Village).
- 6.102. It should be clarified how the locked windows which are openable for cleaning only on block b and k will be controlled. Who would hold the keys?”

Air Quality

- 6.103. As identified in the work by Waterman, large dust particles will largely deposit within 100m of the source and the guidance for the minerals industry recommends a stand-off distance of 100-200m from significant dust sources. This distance can be reduced through the identification and implementation of effective mitigation measures. The applicant is proposing filtration within the mechanical ventilation systems for all blocks within 100m of the principal dust sources on the OW site.

- 6.104. Whilst this is welcomed it is questioned whether it would be more appropriate to provide filtration within the mechanical ventilation systems for all blocks within 100m of the application site boundary. This would ensure that when reactivating the wharf, no parts of Orchard Wharf have been sterilised or require prohibitively expensive or excessive mitigation.
- 6.105. It is proposed that a cleaning regime will be provided as part of the management of the application site – it is proposed that this will be secured by condition.

Lighting

- 6.106. Whilst it is agreed that when reactivating OW any lighting should be designed to minimise its impacts, it is important to ensure that the introduction of the residential receptors would not prevent the installation of the lighting necessary to operate a cargo handling facility. The applicant's lighting consultant considers that when reactivating OW 'simple' mitigation measures such as cut off on light sources would be required and that with 'reasonable' mitigation on the OW site it is unlikely that an unacceptable impact would be experienced at the Leamouth South site.

Transport and Access

- 6.107. It is noted that the on street parking restrictions on Orchard Place between the Strategic Road Network and Orchard Wharf will be retained and no additional on-street parking is proposed.
- 6.108. The increase in carriageway width between Orchard Wharf and the slip roads of the Lower Lea Crossing is welcomed along with the widening of the pedestrian footpath on the north side of Orchard Place.
- 6.109. It is noted that reference is made to a set down point in front of block A (opposite OW) and a further three set down points between blocks B and C, D and E and F and G. A plan should provide details of where these would be, given the proximity to a HGV entrance at OW. What would be the implications for vehicles accessing / egressing OW if a set down point was provided in front of block A?

Mitigation

- 6.110. A number of mitigation measures are proposed to try to address the juxtaposition issues associated with having residential development being located in close proximity to a safeguarded wharf. All mitigation measures need to be understood and consistently applied throughout the application documents. Once agreed and if planning permission is granted for the development, any planning conditions need to specifically require the implementation and maintenance of the mitigation measures and their testing to demonstrate compliance with the requirements, prior to the occupation of the residential blocks. The PLA would wish to review and be provided with the opportunity to comment on any conditions that are being proposed in relation to the issues set out above prior to the issuing of any decision notice. The PLA recommends that the Council reviews the conditions imposed on phases 3, 4 and 5 of GMV – a copy can be provided if required.
- 6.111. Additionally consideration needs to be given to the need for temporary mitigation whilst the development is being constructed. For example, table 6.1 of the ES sets out an indicative programme for key demolition and construction activities. It is of note that block K (upon which the applicant places reliance on the blocks screening properties) is not constructed until phase 3.

Use of the River for the Transport of Passengers

- 6.112. Whilst the opening up of Trinity Buoy Wharf Pier for public services is not identified in the River Action Plan, it is noted and welcomed in principle. It is disappointing that the proposed residential mode share for “other” (which it is assumed includes river bus) is 2.5%, for commercial 0.7% (re-distributed) and employment 1%. It is noted that for pupils it is 8%. The River Action Plan seeks to increase the number of passenger journeys on the River Thames to 12 million a year by 2020 and to maximise its potential for river travel. The targets in the river action plan reinforce the need for robust targets to be set for river bus use in connection with this development and specific measures to encourage the use of the river should be set out in any travel plan.
- 6.113. It is stated at paragraph 21.5 that the alterations required to Trinity Buoy Wharf to enable it to be used by passengers “*would be undertaken as part of the development proposals.*” At paragraph 22.6 it is stated that “*the proposed development will also help to deliver public river services from Trinity Buoy Wharf Pier through essential alterations to the existing pier to allow passenger use.*” No further details are provided and the pier itself is not included within the red line planning application boundary however it is understood from our meeting that planning permission has been granted and the applicant would be funding its implementation. I would be grateful for the planning permission reference and would remind the applicant of the potential need for a River Works Licence for the alternations.

Use of the River During Construction

- 6.114. The Transport Assessment advises that the EMP and CLP will further investigate whether use of the River Thames for transportation of spoil and materials for the redevelopment of the site is a viable option. A condition should require the applicant to investigate the using the river for the transport of construction and waste material to and from the application site. Such an approach would accord with London Plan policy which seeks for sites close to navigable waterways to maximise water transport for bulk materials particularly during demolition and construction phases.

Riparian Life Saving Equipment

- 6.115. Given the riparian nature of the site, it is recommended that a condition requires the provision of life saving equipment (such as grab chains, access ladders and life buoys) to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety.

External Lighting

- 6.116. Given the proximity of the proposed development to the River Thames, a condition should require full details of all external lighting to be submitted and approved. The submitted details should clearly explain how the lighting has been designed to minimise impact on the ecology of the River Thames and vessels navigating on the River Thames.

River Wall Strategy

- 6.117. It is noted that the River Wall Strategy states any “ecological enhancements are subject to further discussion with the Environment Agency”. Given that some of the proposals involve works over Mean High Water the PLA would wish to be involved with the strategy going forward. It is advised:
- Piling is a disturbing activity. To minimise impact on aquatic life there should be no piling between 1 March and 31 October and the methods proposed should be designed to minimise impacts on aquatic animals.

- Construction of the inter-tidal terracing should be one of the first construction activities to give time for the planting to grow.
- It is questioned why such a small area of the campshed is proposed to be given over to inter-tidal terracing?
- Public access to the terrace should be restricted to prevent damage to the vegetation.
- The tidal terrace must be inundated during most high tides and therefore the terrace should be at or below Mean High Water Neaps.
- The design should demonstrate how any contaminated land will be contained to prevent contamination being released into the river.
- Planting must be restricted to native species.
- A perpetual maintenance regime should be implemented for the inter-tidal terracing to ensure the success of the planting and to ensure that there is no build-up of rubbish and litter on the terraces.
- Intertidal terracing should follow the best practice guidance provided in the Environment Agency document “Estuary Edges – Ecological Design Guidance.
- It is proposed for the new wall to be 700mm in front of the existing wall. It should be demonstrated that this is the minimum encroachment necessary to provide the new wall – it is a bigger distance than many of the other walls that have been built in front of existing walls.

6.118. It is understood that investigations are taking place into the opportunity to add a series of 300mm marker posts on the edge of the eastern terrace across the opening to the campshed at 6m centres – the PLA needs to see details of this proposal so that it can be ensured that a vessel could not become damaged if it strayed too close to the terrace.

6.119. Originally the western proposal proposed rocks in the river adjacent to the river wall, which is a hazard to navigation and would not be acceptable. It is understood that the applicant is investigating alternative habitat proposals (potentially including gabion mats) – the PLA needs to see details of this proposal so that its impact on navigation and navigational safety can be assessed.

Other Consents

6.120. The applicant is advised of the need for a river works licence for any works in, on or over the River Thames, this includes any works to the river wall, outfalls (given the proposal to discharge water to the River Thames and the River Lea) and/or any crane oversailing. The applicant is advised to contact the PLA's Licensing Department to discuss this matter further (lic.app@pla.co.uk)

Conclusions

6.121. The Leamouth South development needs to be designed to ensure that the juxtaposition issues associated with having residential development next to a safeguarded wharf have been identified, appropriately assessed and robust mitigation measures identified and

secured. It is imperative the Council and the Developer both understand this requirement to ensure the long term protection of the wharf. For the reasons set out above, the PLA does not consider that this matter has been satisfactorily addressed and therefore objects to the proposed development. If the Council is minded to grant planning permission for the development they should very clearly set out in their committee report how the above matters have been addressed and how they believe the proposed development does not conflict with the flexible use of Orchard Wharf for waterborne cargo handling use.

7. LOCAL REPRESENTATION

7.1. At application stage, a total of 435 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

| | | | | | |
|----------------------------|----|------------|---|-------------|---|
| No of individual responses | 10 | Objecting: | 9 | Supporting: | 1 |
| No of petitions received: | 0 | | | | |

7.2. The following responses were raised in representations are material to the determination of the application. The full representations are available to view on the case file.

7.3. The following is a summary of the comments/objections received.

Comments/ Objections

- The proposed density adds pressure on the already overcrowded transport, health and other infrastructure, and local services
- The tallest block would overshadow the bird reserve
- The bulk and mass of buildings would dominate the bird reserve
- The development is unsightly and incongruous
- The close proximity to City airport and flight paths
- Car free development but long walk to Canning Town
- Highway safety issues due to potential Orchard Wharf concrete batching goes
- Noise and disturbance from the scheme
- Scheme will reduce air quality due to additional vehicle movements
- Overshadowing and loss of sunlight to neighbouring residential properties
- Overlooking and loss of privacy to neighbouring residential properties
- Loss of views
- Traffic access to the school and child safety
- Traffic management required as school is adjacent to a dead end route were vehicles may turn around
- Impact on the operation of the school during construction
- Highway congestion due to the single access road serving the peninsula
- Loss of business parking spaces would undermine business
- Detrimental to walking and pedestrian exploration

Support

- A new River Service is being considered for Leamouth South which is welcomed

8. PLANNING CONSIDERATIONS AND ASSESSMENT

Environmental Impact Assessment

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

- The Environmental Impact Assessment
- Land Use
- Density / Quantum of Development
- Design
- Heritage
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Transport
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood risk and water resource
- Biodiversity
- Television and Radio Reception
- London City Airport Safeguarding Zone
- Health
- Impact on Local Infrastructure and facilities
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations
- Conclusion

Legislation

8.2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.

8.3. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

8.4. The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.

EIA Screening

8.5. A formal EIA Screening Opinion was not requested from LBTH because it was considered by the Applicant that an EIA should be carried out for the proposed development, on account of its scale and its location.

EIA Scoping

- 8.6. Where a proposed development is determined to be an 'EIA development' the Applicant can ask the relevant planning authority for advice on the scope of the EIA. Whilst this is not a statutory requirement, it assists with agreeing the scope of the EIA with the local planning authority and consultees, prior to submission of the planning application.
- 8.7. A request for an EIA Scoping Opinion was received by LBTH, as the 'relevant planning authority', on 13th June 2014. The EIA Scoping Opinion was issued on 23rd July 2014 (PA/14/1581).

Environmental Statement (ES)

- 8.8. The Leamouth South planning application was subject to an EIA, and Waterman EED on behalf of the Applicant has prepared an ES. The ES comprises the following documents:
- Non-Technical Summary (NTS);
 - Volume 1 – Main Text;
 - Volume 2 – Figures;
 - Volume 3 – Townscape, Heritage and Visual Assessment; and
 - Volume 4 – Appendices.
- 8.9. The ES assessed the effects on the following environmental receptors:
- socio-economic;
 - transportation and access;
 - noise and vibration;
 - air quality;
 - archaeology and built heritage (direct effects);
 - ground conditions and contamination;
 - water resources and flood risk;
 - ecology
 - daylight, sunlight and overshadowing and solar glare;
 - wind; and
 - cumulative effects.
- 8.10. LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. Where appropriate, reference was made to other relevant documents submitted with the planning application.
- 8.11. An Interim Review Report (IRR) was prepared and issued to the Applicants on 20th March 2015. The IRR raised a number of clarifications and potential Regulation 22 requests, to which the applicant was invited to provide a response.
- 8.12. A response to the IRR was provided by the Applicant in May and August 2015, which was reviewed by LBTH's EIA consultants.

Environmental Statement Addendum

- 8.13. After further discussions with the LBTH, and other stakeholders including the Greater London Authority (GLA), Port of London Authority (PLA), and the Environment Agency

(EA), further detailed design work was undertaken leading to revised planning application drawings and schedules.

- 8.14. In addition, comments were received from LBTH and Historic England/Greater London Archaeological Advisory Service (GLAAS) following consultation on the ES. In order to respond to these comments, additional environmental information was provided.
- 8.15. An ES Addendum was submitted in September 2015 to address the points above. This response was considered to be *'further information'* under Regulation 22 of the EIA Regulations, and therefore processed accordingly in December 2015, including being advertised in the East End Life and consulted upon as required.
- 8.16. As with the ES, LBTH's EIA consultants undertook an independent review of the ES Addendum to confirm whether it satisfied the requirements of the EIA Regulations.
- 8.17. In addition to the ES Addendum, a 'Socio-economic Implications Letter' was also submitted in December 2015, due to an increase in the level of affordable housing. This confirmed that the amendments did not change the conclusions of the ES or ES Addendum.
- 8.18. LBTH's EIA consultants reviewed the response to the IRR, ES Addendum and 'Socio-economic Implications Letter', and a Final Review Report (FRR) was produced in January 2016. This confirmed that, in their professional opinion LBTH's EIA consultants have, the ES is compliant with the requirements of the EIA Regulations.

Decision Making

- 8.19. Regulation 3 of the EIA Regulations prohibits granting planning permission unless prior to doing so, the relevant planning authority has first taken the 'environmental information' into consideration, and stated in their decision that they have done so.
- 8.20. The 'environmental information' means the ES, including any further information (in this case the ES Addendum) and any other information, any representations made by any body invited to make representations (e.g. consultation bodies), and any representations duly made by any other person about the environmental effects of the development.
- 8.21. Environmental Considerations of this report considers the effects of the proposed development, taking into account the environmental information.
- 8.22. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.

Mitigation

- 8.23. Under the EIA Regulations, the ES is required to include a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- 8.24. Chapter 4 of the ES describes the main alternatives, considerations, opportunities, and constraints that have influenced the design of the Development. This identifies mitigation measures that have been incorporated into the design of the proposed development to reduce significant adverse effects. The ES also identifies any additional discipline specific mitigation measures required to reduce significant adverse effects.

- 8.25. The mitigation identified in the environmental information will be secured through planning conditions and/or s106 and/or CIL, as appropriate.

Land use

General Principles

- 8.26. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.27. 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.
- 8.28. Policies 1.1 of the London Plan seek to realise the Mayor's vision for London's Sustainable Development to 2036 and commitment to ensuring all Londoners enjoy a good.
- 8.29. The site is located within the Core Strategy Leamoth LAP 7 & 8. The vision is to create a modern waterside place where the River Lea Park meets the River Thames. The vision states that 'Leamouth will become a mixed use place with a creative and arts hub at Trinity Buoy Wharf alongside new residential communities, set around the River Thames and River Lea. New connections, pedestrian and cycle bridges will make the area more accessible to the rest of the borough and allow residents and workers to get to Canning Town Station and town centre. Taking full advantage of its waterside location buildings will positively address the asset of the water. This will invite people to spend time by the river edges for relaxation, leisure, living and working'.
- 8.30. The proposed development would result in the loss of employment space and provide a mix use residential scheme (Use class C3) with office space (use class B1), commercial units with flexible uses (A1 – A4 and/or B1) and an expansion to an existing school (Use Class D1).

Loss of employment uses

- 8.31. The Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition'.
- 8.32. Policy (DM15) Paragraph 2 also states 'Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere'.

- 8.33. The ES estimates that there are currently 24 – 44 FTE within the existing uses on the application site, which span 9,786sqm of employment floor space.
- 8.34. The proposed development would result in a reduction in the level of employment floor space to 1,590sqm (GIA). The new employment uses include the retail provision, management offices and education spaces. The ES estimates that employment generation would be 75 – 115 FTE.
- 8.35. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. The proposal however would result in an increase in employment opportunities and deliver significant regeneration in accordance with the vision of the Core Strategy LAP 7 & 8 to accommodate new homes and provide mix use neighbourhoods.
- 8.36. On balance, it is considered that the loss of the existing employment uses to facility the delivery of the proposed mix use residential development would be acceptable in principle.

Residential development

- 8.37. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 8.38. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.39. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.40. The proposed development would provide 804 residential units as part of a mixed use scheme.
- 8.41. The introduction of a residential led development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Retail uses

- 8.42. 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.
- 8.43. Development Managing Document Policy DM2 (Local Shops) states development for Local shops outside of town centres will only be supported where:
- a. There is demonstrable local need that cannot be met within an existing town centre
 - b. They are of an appropriate scale for their locality
 - c. They do not affect amenity or detract from the character of the area; and
 - d. They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres

- 8.44. The proposed development would result in the creation of 804 residential units and the nearest Tower Hamlets neighbourhood centre is Poplar High Street which is situated over 900m away. The creation of potentially 9 retail provisions ranging from 82.6sqm to 300sqm would result in a hub of activity that is appropriate for the locality. The introduction of active frontages in the form of shop fronts would allow for the activation of space and enhance the character of the area. A concentration of use in this location would not undermine any existing Tower Hamlets town centre.
- 8.45. The proposed retail uses (A1 – A4) would form part of a major residential led development within Leamouth south peninsula. It is therefore considered that subject to the retail uses (A1-A4) shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail uses are acceptable in principle.

Education

- 8.46. The NPPF states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties'.
- 8.47. London Plan policy 3.18 (Education facilities) states 'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no on-going or future demand'.
- 8.48. The Managing Development Document DM18 (Delivering schools and early learning) states that 'the Council will deliver a network of schools and Children's Centres by:
- a) protecting schools and Children's Centres where they are considered suitable for their use and meet relevant standards;
 - b) safeguarding the potential for schools in accordance with site allocations;
 - c) only supporting the redevelopment of an existing school or Children's Centre where there is adequate re-provision on site or in accordance with any site allocation, unless it can be demonstrated that there is no need to retain the school or Children's Centre; and
 - d) supporting the development of schools or Children's Centres or extensions to existing schools or Children's Centres where:
 - a. a site has been identified for this use or a need for this use has been demonstrated;
 - b. the design and layout take into account the relevant guidance;
 - c. for existing schools, there is no net loss of school play space; and
 - d. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.
- 8.49. The proposed expansion of the Faraday Independent Primary School would add an additional 223.4sqm of educational floor space to the existing education provision.

- 8.50. The expansion of the school however would not address the current and projected shortage of primary and secondary school places in the borough, as Faraday school is a private school.
- 8.51. Nevertheless, as the proposal would enhance an existing education provision and not result in any loss of play space or hinder the accessibility of the existing school, the proposed expansion is considered acceptable in accordance with the NPPF, policy 3.18 of the London Plan and policy DM18 of the MDD.

Protection of the Safeguarded Wharf

- 8.52. London Plan Policy 7.26 (Increasing the use of the blue ribbon network for freight transport) clause BC states development proposals adjacent or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance.
- 8.53. The Secretary of State safeguards the Orchard Wharf, which is located to the south west of the application site through a 2000 Direction. The Mayor's recommendation as part of the London Plan 2013 Safeguarded Wharf review is to retain the wharf as safeguarded.
- 8.54. The requirement for any proposed development to be compatible with the operations of the protected wharf, as a consequence is a key material consideration in the assessment of this application.
- 8.55. The compatibility of uses would be ascertained by determining if any specific design solutions / mitigation measures would avoid a conflict of use with regards to the following environmental considerations; air quality, noise and vibration, transport and access, and light pollution.
- 8.56. The submitted Leamouth South Safeguarded Wharf report assesses the potential for conflict and sets out the design solutions adopted.
- 8.57. Prior to assessing the compatibility of any residential and Safeguarded Wharf however, it is essential to establish whether or not an appropriate approach to the assessment has been undertaken.

Approach to Assessment

- 8.58. For this particular site, given the current non-operational status of Orchard Wharf and the planning policy requirement to minimise the potential for conflict of use and disturbance, consideration should be given to the levels that would be generated from a re-activated Orchard Wharf and experienced at the proposed residential receptors and at the external amenity areas. Where there is doubt as to the longer term use of the wharf a precautionary basis position should be assessed.
- 8.59. The PLA state that whilst the data contained in the ES for the Orchard Wharf 2011 planning application is a useful starting point, it is important that undue reliance is not placed on the data as an alternative design would be required as a result of the inspectors conclusions of the relevant appeal decision.
- 8.60. The PLA advise that to reactivate Orchard Wharf and address the Secretary of State's and Inspector's concerns could potentially result in a different design and layout of the site. This in turn could for example, result in higher noise levels being generated closer to the Leamouth South site than previously proposed. Some consideration also needs to be given to "proofing" the residential development from potential future alterations to the wharf's layout and use arising from market shifts in transshipment. All of which emphasises

the need for a precautionary basis scenario to be assessed by the applicant to ensure that the proposal at Leamouth South does not compromise the reactivation of Orchard Wharf for waterborne cargo handling and its use into the future.

- 8.61. The applicant undertook an assessment identifying a number of *“operational, technical and environmental constraints which are likely to directly influence any future alternative layout for the site.”* A case study has also been carried out by Waterman to *“identify a realistic worst-case scenario which provides a layout that would put the noisiest equipment as close to the boundary as possible whilst presenting a workable/operational solution.”* The work does not appear to have had the benefit of input from an operator and the PLA does not agree with the conclusion that *“this basic arrangement to be the only one which would be able to accommodate the throughput necessary to make the site viable as an aggregate/cement/concrete depot”*. The issues relating to viability and throughput have not been addressed in the report and therefore the conclusion is unsubstantiated. Nevertheless, for the purposes of the Leamouth South application, the PLA is now satisfied that overall a reasonable basic assessment has been undertaken to identify a realistic precautionary basis scenario.

Applicant's response

- 8.62. Given the current non-operational status of Orchard Wharf, the previous proposals for a concrete batching plant (as proposed under PA/10/02778) and accompanying Environmental Statement were adopted as a starting point for modelling the potential for conflict between the two uses and possible disturbances.
- 8.63. In undertaking this exercise it was acknowledged that planning permission was refused for the concrete batching plant and a subsequent appeal dismissed (and the accompanying CPO quashed following a High Court challenge). Hence, an exercise was undertaken Waterman to identify realistic conservative assumptions for the layout/operation of the site taking into account likely operational, technical and environmental constraints associated with the site (including the reasons for refusal of planning permission). This study concluded that the layout originally proposed under PA/10/02778 was the most appropriate operationally and the only one which would reasonably accommodate the level of material throughput envisaged by the original proposal, and that even any revised scheme (intended to overcome the previous reasons for refusal) is likely to be based on a similar layout.
- 8.64. The conclusions reached by Waterman were presented to the PLA and Aggregates Industries at a meeting on 1st October. The applicant advised that at that meeting, Aggregate Industries agreed with the approach taken and conclusions reached noted that Waterman had done all they can to assess alternative layouts/options.
- 8.65. In reality, it would be likely that any future proposal for Orchard Wharf would be based on a reduced level (as a consequence of addressing the reasons for refusal). Notwithstanding this, Waterman has continued to base their modelling (re: noise and air quality) on the levels of throughput identified by the original application (i.e. conservative assumptions).
- 8.66. The applicant as a consequence is of the view that in the absence of a working wharf operation or consented scheme for Orchard Wharf, a robust precautionary basis scenario has been applied to model and identify the required environmental measures to minimise the potential for conflicts between the two developments/land uses.

Assessment

- 8.67. The PLA and the applicant are broadly in agreement with the adopted approach to assessment of the impacts of the development and resulting compatibility with the Orchard Wharf. Officers raise no objection to the stated approach to assessment.

Site Layout and Design

- 8.68. London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) states development proposals should manage the impact of noise by *“separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation.”*
- 8.69. The supporting text to policy 7.15 states at paragraph *“it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”*
- 8.70. The PLA raised no principle objection to the residential development being located in close proximity to the safeguarded wharf.
- 8.71. The PLA however did state that it was not clear from the application documents how the applicant applied the requirements of policy 7.15 in terms of distance and screening of the residential units.
- 8.72. The PLA as a result sought clarification why parts of Block A and B would have habitable room windows facing the protected Wharf and whether or not commercial units could have been positioned at first levels adjacent to the wharf instead of residential uses.
- 8.73. An explanation was sought to explain why residential uses are proposed on the first floors of blocks J, K and L which are in close proximity to the wharf instead of introducing a vertical clustering of commercial units

Applicant's response

- 8.74. The applicant provided a response to the PLA comments confirming that with the exception of one unit, all units within block A are dual aspect and as result designed with an aspect which is looking away from Orchard Wharf.
- 8.75. With regards to block B, the floors 8 – 19 are set approx. 25m from the boundary of Orchard Wharf which considered sufficient.
- 8.76. The residential units were also designed with bedrooms on the southern elevation and living spaces on the northern elevation, as bedrooms are used primarily at night when the wharf would not be operating due to likely hours of operation restrictions.
- 8.77. The purpose of block K situated to the immediate east of Orchard Wharf is designed to provide a screen between the wharf and the wider residential development. The western elevation has been designed to reduce the potential for noise transfer by minimising window sizes, fixing all windows shut and locating the internal circulation corridors along the boundary to provide an additional buffer zone.

- 8.78. The design approach constitutes an appropriate design response to the potential uses of the neighbouring wharf. The commercial space provided within the scheme has been purposely located fronting onto the public spaces (and in particular the new square) to ensure active frontages/animation. The relocation of such uses to Block K would undermine their attractiveness (to future tenants) and conflict with urban design objectives.

Assessment

- 8.79. The LBTH Environmental Health Officers raised no concern to the proposed layout and design of the development.
- 8.80. An external noise specialist of Anglia Consultants reviewed the comments of the PLA and applicant and undertook an independent assessment of the application. The noise specialist raised no concerns with the design and layout of the proposal.
- 8.81. Officers consider that the proposed layout and design of the development, as discussed in full later in the report, would appropriately separate the proposed new noise sensitive receptors of the development from the major noise sources (Orchard Wharf) through the use of appropriate separation distances, screening, internal layouts, and not a sole reliance on sound insulation.
- 8.82. The strategic positioning of the building blocks and distribution of uses also demonstrates that noise management has been considered throughout the planning process and forms an integral part of the development proposal.
- 8.83. The applicant's response to the PLA's request for clarifications on design and layout matters is considered to be sufficient.
- 8.84. The proposed design and layout of the development as a consequence is considered to accord to London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes).

Air Quality

- 8.85. The Safeguarded Wharf report and ES sets out the likely air quality effects associated with the operation of the safeguarded wharf on the proposed development and suitability of the proposed mitigation measures of the proposal which would be designed to safeguard living conditions of neighbouring residential developments without restricting the operation of the safeguarded wharf.
- 8.86. The primary sources of airborne dust which would cause dust nuisance at nearby sensitive receptors (habitable rooms / amenity space) have been identified as the barge discharge operations, the aggregates depot, loading and tipping operations, plant and vehicle movements, conveyors, cement transfer operations, concrete discharge and wind blow across loose bar ground and stockpiles.
- 8.87. The development in response to the above would be designed with a number of built in mitigation measures. The proposed buildings that surround the protected wharf (Blocks A, B, C, D, J, K and L) would comprise of comfort cooling and centralised ventilation which would eliminate the need to open windows. The air supply would be filtered, which would reduce and eliminate nuisance dust from entering the residential units. Whilst, the windows would be designed to open only in an emergency when required.
- 8.88. The applicant is proposing filtration within mechanical ventilation systems for all blocks within 100m of the principle dust sources on the Orchard Wharf site.

- 8.89. The mitigation is welcomed however, the PLA question whether it would be more appropriate to provide filtration within 100m of the application site boundary. This would ensure that when reactivating the wharf, no parts of Orchard Wharf have been sterilised or require prohibitively expensive or excessive mitigation.
- 8.90. The securing of a cleaning regime as part of the management of the application site should also be secured by condition.

Applicant's response

- 8.91. The dust modelling undertaken by Waterman, as explained within the Safeguarded Wharf Report and subsequent amendments is based on the reasonable conservative assumptions agreed with the PLA. The 100m buffer zone is derived specifically from that analysis.
- 8.92. The modelling undertaken for the conservative assumptions demonstrates that the Leamouth South scheme would provide adequate protection to future residents to ensure that the future use of the safeguarded wharf is not prejudiced. In addition, with dust generating activities being distributed across the wharf site, the risk of wind-blown dust at the Leamouth South site would be low. As a result, the existing modelling and identified mitigation measures (based on conservative assumptions) provides a robust and appropriate response.
- 8.93. The PLA's suggestion that a 100m zone should be applied from the eastern boundary of the Orchard Wharf site departs from this analysis and is unnecessarily restrictive. It would also significantly raise development costs (since the identified dust mitigation measures would be extended throughout the entire development) which could impact upon scheme viability.

Assessment

- 8.94. The LBTH Air quality officer raised no objection to the approval of the development or concerns with the operation of the protected wharf.
- 8.95. Officers acknowledge the concerns of the PLA however it is considered that a 100m buffer zone to the eastern side of the Orchard Wharf would not be required to safeguard neighbours living conditions. Block K is the closest building to the protected wharf and designed with few habitable rooms on the shared eastern boundary of the wharf would limit views over the wharf and protect the residential units appropriately from nuisance dust.
- 8.96. Subject to safeguarding conditions, it is therefore considered that the proposed design solutions inclusive of the mechanical filtration would ensure that there is no conflict between the operation of the protected wharf and operation of the proposed residential led mix use development.

Noise and Vibration

- 8.97. The likely noise and vibration effects of an operational wharf on the proposed development have been assessed using a noise model created in CADNA-A. The model is based on the information submitted within the previous Orchard Wharf ES of refused planning application PA/11/03824 that provided a worse case scenario.

- 8.98. The CADNA-A model specifically calculates noise emission levels on and around the Orchard Wharf site and adjacent to the access road.
- 8.99. The primary causes of noise and disturbance from the operation of the protected wharf would be concrete batching, loading of vehicles, revving of vehicles, HGV deliveries and vehicle movements.
- 8.100. The proposed design solutions built into the residential development include the installation of only winter gardens where facing the protected wharf and positioning of all proposed external private balcony spaces / terraces away from the wharf.
- 8.101. The proposed development would also reduce the level of noise and disturbance to receptors, as no balconies or terraces would be proposed where noise levels are in excess of 55dB LAeq criterion.
- 8.102. The proposed development would also comprise of acoustic glazing and ventilation systems.
- 8.103. Sharps Acoustics LLP has reviewed the noise documentation on behalf of the PLA including the latest technical note by Waterman dated 19 November 2015. Despite extensive discussions on this matter during the processing of the application it is still considered that the noise assessment has been incorrectly undertaken. In SAL and the PLA's opinion, an assessment must be undertaken using BS4142 and BS8233. When assessing noise of an industrial nature, from premises (not traffic on the public highway), these documents require that the "rating level" of the noise (the rating level is the noise emission level plus a correction for the character of the noise - this correction can be determined using the provisions of BS7445 or BS4142). This rating level must be determined using BS 4142 and then be compared to the background sound level (BS4142) and guideline values (BS8233). The advice within these two standards is very clear and prescriptive and our understanding from the meeting with the Council's EHO is that he wants both to be used. The lack of the correct assessment is a serious error.
- 8.104. It is only once the rating level has been determined that the glazing specification can be properly determined or an appropriate condition drafted (i.e. by comparing the rating level with the BS 8233 guideline values for internal spaces).
- 8.105. In this respect, it is essential that sufficient flexibility has been built into the modelling to reflect the potential need for alternative configurations and cargo handling uses on Orchard Wharf in the future.
- 8.106. A condition has been proposed for internal noise and whilst the condition does mention the need to consider the character of the noise it is not precise enough. The noise from the safeguarded wharf would likely be intermittent and have tonal components. This needs to be accepted and a stated allowance made in terms of a character correction to the noise emission level and thus, resulting in predicted "rating levels" at the external amenity areas and at the facades at locations of glazing. The façade rating levels can then be used to determine the required glazing specification in order to meet the internal BS 8233 guideline values. The applicant's consultant currently has just used the external façade noise level (not adjusted for character to get to the rating levels) when assessing the required glazing specification.
- 8.107. The PLA therefore considers that robust testing of the relationship between Leamouth South and Orchard Wharf has not yet occurred and the appropriateness of the relationship in policy terms therefore cannot be confirmed.

- 8.108. All apartments in blocks A, B, C, D, J, K and L and the west part of M have mechanical cooling and ventilation with filtered air. However, the PLA remains concerned that there are openings in the façades to deal with purge ventilation. A number of the winter gardens and habitable rooms on the western façade of block B and at the higher floors of block B on the elevation overlooking Orchard Wharf would have openable windows. The PLA considers that the only way to ensure that complaints are not received from residents about operations at Orchard Wharf would be to ensure that windows and winter gardens are fixed shut where required. The noise assessment and modelling should identify the façade levels to habitable rooms which exceed LAeq 44dB and the façade levels to non-habitable room windows, which if opened would result in noise levels in the nearest habitable rooms being more than or equal to 30dB with all internal doors open. Drawings should then be submitted specifically identifying these windows or blocks of windows being sealed on acoustic grounds. The fixing shut of windows in this way is commonplace in London (see for example phases 3, 4 and 5 of Greenwich Millennium Village).
- 8.109. Moreover, it is suggested that it should be clarified how the locked windows which are openable for cleaning only purposes on block b and k would be controlled and who would hold the keys.

Applicant's response

- 8.110. Waterman has completed a BS4142 assessment and a further BS8233:2014 assessment taking into account any acoustic character corrections to the predicted noise levels from Orchard Wharf. The findings of this assessment are set out within Waterman's technical note (dated 19/11/15) submitted to the Council (and PLA) in November 2015. At this stage in the design the glazing package for the development is yet to be fully resolved. The final glazing and ventilation package will be designed by the schemes acoustic consultants as the design develops and would take into account any relevant acoustic character corrections whilst also considering the context of the noise source (Clause 11, BS4142:2014). The final glazing package would be designed to take into account all tonal content of the noise in question in line with best practice.
- 8.111. For this reason, Waterman have recommended a Condition specifying the noise levels to be achieved within the future residential accommodation having regard to BS4142 and BS8233:2014 and taking into account the acoustic character of sound associated with Orchard Wharf (i.e. tonality, intermittency, impulsiveness and context). Waterman is in the process of reviewing the noise criteria for inclusion within this Condition with the Council's EHO team. The imposition of such a Condition should re-assure the PLA that the future development would achieve all required and applicable standards.
- 8.112. With reference to the PLA's comments in relation to the inclusion of Winter Gardens and purge ventilation on the southern elevations of Blocks A and B, these aspects of the design have been tested by Waterman (with the results set out in Waterman's technical note submitted to the Council in November 2015). The assessment provided demonstrates that the inclusion of Winter Gardens and purge ventilation would still enable the required British Standards to be met for internal and external areas.
- 8.113. Furthermore, Table 3 in Waterman's technical note presents detailed 'break in' calculations (where the internal windows are open) which allow for screening from the winter gardens prior to noise entering the living areas. The assessment results indicate that the required internal noise levels would be achieved. It is also unclear why the PLA has referred to the proposed 44dB criteria within their response. All winter gardens feed into living areas and not bedrooms and as such would be subject to a 35dB internal noise criteria. Therefore a façade rating noise level of 49dB would be the applicable criteria.

- 8.114. Whilst there are examples where windows are fixed shut adjacent to noise sources in London there are many more schemes which are exposed to very high noise levels where it has been determined that the sealing shut of windows would impact upon the enjoyment of the property and as such openable windows have been permitted (particularly where the noise source is intermittent). Similarly, it is often agreed that it is reasonable to allow residents to make a sensible choice whether to open windows (or not), providing all appropriate internal standards are met by the accommodation. In reference to Leamouth South, every possible measure has been introduced for future residents (including comfort cooling, louvered panels, winter gardens etc) to ensure there is no express need to open any windows in the apartment Blocks closest to Orchard Wharf.
- 8.115. The applicant confirms that the keys to all locked windows (openable for maintenance only) would be held by the on-site management and those windows would only be opened for maintenance/cleaning purposes.

Assessment

- 8.116. The LBTH Noise and Vibration Environment Health officer raised no objection to the approval of the development.
- 8.117. An external independent noise specialist of Anglia Consultants also reviewed the comments of the PLA and applicant and undertook an independent assessment of the submitted Waterman Technical note on noise impact from potential industrial use of Orchard Wharf. The assessment of the independent noise specialist is enclosed below.
- 8.118. The recognised criteria for internal noise levels are described in BS8233:2014 "*Guidance on sound insulation and noise reduction for buildings*". The guidance provides recommended internal ambient noise criteria for a range of spaces including residential uses. The guidance relates to external noise sources of an 'anonymous' nature, this refers to traffic, railways, aircraft or similar environmental sources. Industrial noise, however, is not included due to its potential tonal, impulsive or intermittent characteristics.
- 8.119. Noise of an industrial nature is normally assessed using BS4142:2014 "*Method for rating and assessing industrial and commercial sound*". This provides a method for assessing the effects of external noise from industrial or commercial activities on people inside or outside a residential dwelling. The assessment involves considering any tonal or impulsive characteristics of the noise sources and applying a correction factor to the measured or calculated noise level to produce a noise rating level. The noise rating level is then compared to the background noise level to assess the effects. If the rating level is at or below the background level, this is an indication of low impact.
- 8.120. There is no recognised methodology for assessing acceptable internal noise criteria for industrial noise.
- 8.121. The applicants have assessed potential noise from Orchard Wharf at the facades of Leamouth South dwellings, based on noise likely to be generated by a concrete batching plant, details of which were submitted in PA/11/03824. This is a noisy operation and is considered as representative of a worst case use of the Wharf. The façade sound insulation details recommended in the ES were used to predict internal noise levels within rooms of the Blocks facing Orchard Wharf. The predicted levels took account of the tonal nature of the industrial noise sources and resulted in internal levels that were significantly less than the BS8233 criteria.
- 8.122. The PLA objection described the applicant's assessment as a 'serious error' because the noise rating level of BS4142 was not used as the external noise source level. This is not a

recognised methodology and should not be described as an error, however, in the absence of anything else this approach seemed reasonable.

- 8.123. The applicant carried out a separate full assessment of potential noise from Orchard Wharf according to BS4142 and concluded that a correction of +5dB should be added to the predicted industrial noise levels in order to take account of acoustic characteristics and to determine the relevant BS4142 rating levels. The resulting internal noise rating levels, at 5dB higher, were still below the BS8233 internal noise criteria.
- 8.124. The Noise Specialist concluded that the applicant's assessment demonstrated that future industrial use of Orchard Wharf could be safeguarded through adequate sound insulation treatment of the residential facades of the proposed Leamouth South development. The attachment of a sound insulation condition was also advised.
- 8.125. On balance, it is therefore considered that adequate mitigation can be provided to the proposed Leamouth South development and that any future development of Orchard Wharf would not be constrained by unreasonable planning conditions on noise.
- 8.126. Subject to safeguarding conditions which would require further consultation with the PLA, it is therefore considered that the levels of noise experienced by the future occupants of the proposed development are commensurate with those expected within an urban environment and as a consequence would not impact on the future operation of the protected Orchard Wharf with regards to noise.

Transport and Access

- 8.127. The compatibility of the uses is based upon assumed high conditions, which include highway works to the protected wharf and the development site.
- 8.128. The assumed (previously proposed) Orchard Wharf highway works include the widening of the footway on the west side of the section of Orchard Place between East India Dock Road Basin and Orchard Wharf, and an improved vehicle access into and out of Orchard Wharf.
- 8.129. The proposed residential development highway works include the resurfacing of Orchard Place from the westbound slip round onto the lower Lea crossing, kerb line alterations, widening of the northern footway and a shallow graded raised pedestrian crossing at the entrance of East India Dock Basin nature reserve.
- 8.130. In light of the above assumed highway conditions, the submitted safeguarded report suggests that changes in traffic flow as a result of pedestrian severance and increase in vehicle movement would be negligible.

PLA

- 8.131. It is noted that the on street parking restrictions on Orchard Place between the Strategic Road Network and Orchard Wharf would be retained and no additional on-street parking is proposed.
- 8.132. The increase in carriageway width between Orchard Wharf and the slip roads of the Lower Lea Crossing is welcomed along with the widening of the pedestrian footpath on the north side of Orchard Place.
- 8.133. It is noted that reference is made to a set down point in front of block A (opposite Orchard Wharf) and a further three set down points between blocks B and C, D and E and F and

G. A plan should provide details of where these would be, given the proximity to a HGV entrance at Orchard Wharf. The implications for vehicles accessing / egressing OW should be confirmed, if a set down point was provided in front of block A.

Applicant's response

- 8.134. The servicing locations and refuse locations are identified on drawing 30639/AC/051 and this would also be where any drop-off and pickup activities would occur. It is important to note that we have stated on several occasions, directly in response to the PLA comments, that the proposed development has no impact, whatsoever, on the access/egress to Orchard Wharf, nor are the route to and from the safeguarded wharf to be amended or adjusted from the current location.
- 8.135. With regards to the PLA's comment on river mode share, we have previously responded to this which is reiterated and expanded upon below:-
- 8.136. The PLA have stated their "disappointment" of the mode shares used in the Leamouth South Transport Assessment for river trips. However, it should be noted that the mode shares contained in the Transport Assessment are agreed with TfL and used to assess the impact of the proposed development on the local transport network. Furthermore, the geographical areas used as the basis for assessing the mode split for the proposed development includes Masthouse Pier and therefore incorporates river services. Therefore although river services would be actively promoted as part of the Travel Plan, the Transport Assessment presented a realistic and robust scenario for the impact assessment of the development on the capacity of the highway network and all public transport services.
- 8.137. In terms of the delivery of Thames Clipper services at Trinity Buoy Wharf, the Head of Terms have been agreed between Ballymore and Thames Clippers. The key points agreed are:
- Ballymore will contribute £0.5m towards the pier upgrade works-upon commencement of development.
 - Pier to be approximately 40m in length with a covered waiting facility.
 - Thames Clippers to provide a service frequency of not more than 20 minute intervals during peak periods.
 - It is proposed to enhance the current cross river service to the Greenwich Peninsula to link with the current River Bus RB1 service.
 - Cross river vessel will initially accommodate a minimum of 12 passengers, and capacity will be increased to satisfy demand as the schemes at London City Island and Leamouth South are delivered.
 - Target delivery date of mid-2017.

Assessment

- 8.138. TfL and the LBTH Highways officers raised no objections based on the potential conflict between the development and an operating protected wharf.
- 8.139. The assumed (previously proposed) works to the access and egress locations of the wharf would facilitate two-way movements and as a consequence the movement of HGVs in and out of an operating protected wharf would not result in highway concerns.
- 8.140. The proposed development and additional traffic would result in pedestrian delay in crossing roads, however, it is considered such delays would be unlikely to be significant.

- 8.141. It is considered any potential transport and access issues resulting from the operation of the wharf would be adequately mitigated by its own proposed measures. While, the additional mitigation measures of the proposed mix use residential development would further reduce the effects to such an extent that the residual situation would be an improvement on the existing conditions.
- 8.142. The proposed introduction of an extended Thames Clipper service and suggested mechanisms for delivery are not a material planning considerations in the assessment of the application, as the proposed Thames Clipper service does not form part of the application site.
- 8.143. The delivery of such a new transport provision would therefore neither be secured via condition or s106.
- 8.144. The proposed uses are therefore considered compatible with regards to highway and transport matters.

Light Pollution

- 8.145. A lighting scheme at Orchard Wharf would not cause light trespass across its boundary of more than 5 lux, as it is assumed that the Orchard Wharf site would be designed to the guidance set out by the institution of lighting Professional (ILP).
- 8.146. The operation of the wharf as a consequence would have a negligible impact on the proposed development and thus be unlikely to give rise to a nuisance complaint.
- 8.147. The proposed operations of the wharf are non-domestic and as a consequence, the impact of any light pollution from the residential scheme over to the wharf site is not significant.
- 8.148. The PLA agreed that any lighting as part of the Orchard Wharf would be minimised required and stated that new residential receptors should not prevent installation of the lighting necessary to operate a cargo handling facility.
- 8.149. Subject to safeguarding conditions and implementation of the above discussed design solutions / mitigation measures, it is considered that the residential led mix use development and an operating wharf would co-exist without conflict.

Need for comprehensive development

- 8.150. Section 7 (Requiring good design) of the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.
- 8.151. London Plan policy 7.1 (Lifetime Neighbourhoods) in the interest of place shaping states:
- b) Development should be designed so that the layout, tenure and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment and training opportunities, commercial services and public transport.

c) Development should enable people to live healthy, active lives; should maximize the opportunity for community diversity, inclusion and cohesion; and should contribute to people's sense of place, safety and security. Places of work and leisure, streets, neighbourhoods, parks and open spaces should be designed to meet the needs of the community at all stages of people's lives, and should meet the principles of lifetime neighbourhoods.

d) The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

8.152. The application site would wrap around the existing Trinity Buoy Wharf which is located to the south east of the site, abut Orchard Wharf along its northern and eastern boundaries and wrap around 42 – 44 Orchard Place situated to the west.

8.153. The occupiers of neighbouring commercial uses raised concerns that introduction of residential uses on site would impact on operation of their businesses with regards to hours of operation and types of activity. The implication of the proposed development on existing neighbouring businesses constitutes a material planning consideration.

8.154. The acceptability of the proposed development, which abuts a number of sites of varying uses would therefore be subject to the proposal making better places for people, lifetime neighbourhoods and delivering high quality and inclusive design which interface with surrounding land.

8.155. The above compliance of the development with the above requirements is discussed throughout the report.

Density and level of development

8.156. Policies 3.4 of the London Plan (2015) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

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

8.158. The GLA and officers of the Council consider that given the sites close proximity to the London City Island at Leamouth North and Greenwich Peninsula to the south, the setting of the site can be reasonably regarded as 'central'. The PTAL of the site is 2. The suggested density for a central location with a PTAL of 2-3 is 300 – 650 hr/ha in accordance with London Plan Density Matrix.

8.159. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. Given the site's relatively low PTAL however, it is important that linkages to the wider area and the accessibility of the site are improved.

8.160. The proposed links and connections to the Underground / DLR stations at Canning Town and the securing of a new Thames Clipper stop adjacent to the site is therefore welcomed.

8.161. The proposed density for the 804 residential units (2037 habitable rooms) scheme calculated on a developable site area of 2.43 hectares is 768 ha/hr

- 8.162. London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.163. The proposed density of 768 hr/ha (including the highway within the calculations) would be marginally greater than the London Plan density range of 300 to 650 hr/ha stated within the density matrix.
- 8.164. The SPG advises that development outside density ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:
- inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - sub-standard dwellings (size and layouts);
 - insufficient open space (private, communal and/or publicly accessible);
 - unacceptable housing mix;
 - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - unacceptable increase in traffic generation;
 - detrimental impacts on local social and physical infrastructure; and,
 - detrimental impacts on visual amenity, views or character of surrounding area.
- 8.165. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

Design

- 8.166. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.167. CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 8.168. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.169. Core Strategy Policy SP10 and Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.170. Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

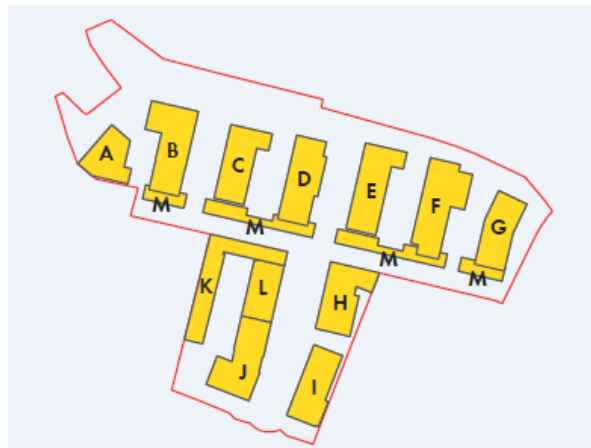
Local context

- 8.171. The site situated on the Leamouth South peninsula, which forms part a wider area that has seen significant change over the last twenty years.
- 8.172. To the north of the site is London City Island, which consists of 14 buildings with the largest tower at 21 storeys high (73.5AOD).
- 8.173. To the west of the site is residential building of no. 42 – 44 Orchard Place which is a part 4, part 5 storey converted warehouse. The protected Orchard Wharf is also located to the west of the site.
- 8.174. To the south of the site is the River Thames, Millennium Dome and the large scale residential and office buildings located on Greenwich Peninsula.
- 8.175. The Trinity Buoy Wharf site to the east consists of buildings of varying heights including a 5 storey building constructed in recycled shipping containers which is located adjacent to the lighthouse.
- 8.176. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn.
- 8.177. The developments to the south and across the River Thames, which include the Millennium Dome, are of a significant scale and form. The key design considerations for any proposed developments to the south of the site however would be how any it relates with the Grade II listed Orchard Dry Dock and its setting, and to a lesser extent Trinity Buoy Light house due to a greater separation distance.
- 8.178. The tallest surrounding buildings are positioned to the north of the site at London City Island. The northwest corner is also the primary access point into the site. The combination of the above, combined with the fact that the River Lea would provide the setting for tower(s) to ‘breathe’ results in an opportunity for an appropriately sized marker building to be introduced in this location.
- 8.179. The heights of any building along the northern boundary however would have to be designed and appropriately positioned to limit the impacts on the existing residential block of 42-44 Orchard Place.
- 8.180. As previously discussed, any proposed residential development must be designed to not limit the potential operations of Orchard wharf.
- 8.181. It is within this existing and emerging context, that this proposal must be considered.

The Proposal

- 8.182. The proposed development comprises of the erection of 12 residential blocks and a row of town houses which are referred to as blocks A to M.
- 8.183. The building blocks of A – G would be positioned to the north of Orchard Place and separated by a combination of amenity spaces and public realms.
- 8.184. Blocks M which consists six of Townhouses would be positioned south of blocks B – G and provide the frontage to the northern side of Orchard Place.

- 8.185. The building blocks of I – L would be positioned in the area to the south of Orchard Place which comprises of the listed Orchard Dry Dock.



Block A (Gateway house)

- 8.186. The building would range in height from 4 / 5 storeys (Maximum 21 AOD) and be positioned to the far west corner of the site, adjacent to the neighbouring residential block of 42-44 Orchard Place, which is of a similar height.
- 8.187. The building would be constructed in brick and be of a warehouse design and appearance.
- 8.188. The block would provide residential units on the ground floor and upper floors, which range from 1 bedroom to 4 bedroom units.
- 8.189. The housing mix of the block would include 12 affordable rented units.
- 8.190. The proposed private amenity space for this block exists in the form of winter gardens only, as a result of the close proximity of the building to the safeguarded wharf. To the rear (north east) of the block there would be a communal amenity deck known as Hercules Gardens on the roof of the ground floor.

Block B (Landmark)

- 8.191. The building would range in height from 4 storeys to 29 storeys (105.9m AOD) and is positioned closest to London City Island development, the proposed bus stops and future proposed bridge link. The building is designed with such height to act as marker to the wider development scheme.
- 8.192. The front (southern) section of the block would be built in brick and be of a warehouse design and appearance. The taller tower element to the northern end would alternatively be constructed in a white pre-cast concrete frame and metal-cantilevered boxes.
- 8.193. The housing mix would comprise of predominantly market residential units. The second and third floor however would provide 2 shared ownership (intermediate) units. The block would also provide 25 adaptable wheelchair units.
- 8.194. The proposed private amenity space for the units would again exist in the form of winter gardens due to the proximity of the building to the safeguarded wharf. To west of the block would be Hercules Gardens and to the east would be Hercules Slip, which is a ground floor public realm provision, which provides access to the river.

Block C (Warehouse)

- 8.195. The building would be ground plus 9 storeys in height (40.5m AOD) and is positioned towards the centre of the northern part of the site.
- 8.196. The block built in brick and designed with a double pitch roof would be of a warehouse design and appearance.
- 8.197. The block would provide market sale residential units on all of the proposed floors, accessed via a main entrance located on the proposed Hercules Slip. A number of the ground floor duplexes are designed with front gardens and a secondary stepped access into the property from Hercules slip.
- 8.198. The proposed private amenity space for the units would exist in the form of balconies. To the east of the block would be communal amenity space in the form of Union Garden.

Block D (Water Tower)

- 8.199. The block is one of the larger buildings within the scheme ranging from 7 storeys (34m AOD) to the south and 16 storeys (62m AOD) towards to the north. The building located to the east of block C would in part front the listed Orchard Dry Dock. The block would be built in brick and with a coherent design across both the smaller and taller elements of the building.
- 8.200. The block would provide market sale residential units on all of the proposed floors which would be accessed via a main entrance located on the proposed Union Slip. Union Slip is a proposed public realm located to the east of the building block. A number of the ground floor duplexes are designed with front gardens and secondary stepped access into the units from Union Slip.
- 8.201. The proposed private amenity space for the units would exist in the form of balconies. To the west of the block would be communal amenity space in the form of Union Garden.

Block E (Warehouse)

- 8.202. The building would be ground plus 8 storeys in height and positioned to the east of the proposed Union Slip. The block built in brick and designed with a double pitch roof would be of a warehouse design and appearance, similar to that of block C.
- 8.203. The block would provide predominantly market sale residential units. The second and third floors however would provide 4 shared ownership (intermediate) units. A number of the ground floor duplexes again are designed with front gardens and secondary stepped access from Union Slip.
- 8.204. The proposed private amenity space for the units would exist primarily in the form of balconies. The north facing units however would only have Juliet balconies. To the east of the block would be communal amenity space in the form of Castle Garden.

Block F (Tall building)

- 8.205. The building would be the second tallest within the development and range in height from 7 storeys to 21 storeys (78m AOD). The building is designed to set down in height towards to Orchard Place and the proposed town houses known as blocks M.

- 8.206. The front (southern) element of the block would be built in brick and be of a warehouse design and appearance. The taller tower element of the block would alternatively be constructed with horizontal pre-cast concrete bands on each floor.
- 8.207. This block would provide residential units on all of the proposed floors. The smaller southern element of this block and the lower 11 floors of the tower would provide affordable housing. This would equate to 25 Shared ownership (intermediate) and 30 affordable rent units.
- 8.208. The proposed private amenity space for the units would exist in the form of balconies, whilst residents would also benefit from access to communal terraces. To the west of the block would be communal amenity space in the form of Castel Garden and to the east would be Castle slip.
- 8.209. The proposed ground floor duplexes would again have front gardens and a secondary stepped access along Castle Slip.

Block G (Warehouse)

- 8.210. This building block would be split into 2 distinctive blocks, which would be 5 storeys to the south and 7 storeys high to the north. The building is designed to drop down in scale to the south to relate to the proposed heights of the townhouses (Blocks M) and the existing height of the Faraday School, which is located to the east and outside of the application site. The buildings built in brick and designed with dual pitched roofs would again be of a warehouse appearance.
- 8.211. The ground floor of the building would provide residential units to the west and an education space to the east, which would be used by Faraday School. The 29 residential units positioned across the ground floor and upper floors would be affordable rent units.
- 8.212. The proposed private amenity space for the units would exist in the form of balconies. The building would be positioned adjacent to Castle Slip to the west and Trinity Slip to the east.

Blocks H and I (Warehouse)

- 8.213. The proposed blocks positioned to the south of Orchard Place and to the east of Orchard Dry Dock would be adjacent to each other and separated by Trinity Yard. Block H would be the most northern block of the two. Block I's southern side elevation would front the River Thames. The proposed building blocks of H and I would be both 6 storey in height and of a warehouse appearance designed with dual pitched roofs and bricked facades.
- 8.214. The ground floor of the buildings would provide lobbies and commercial units would be oriented to face west and the listed Orchard Dry Dock. The proposed residential units on the upper floors of Block H and I would be market sale units. The proposed private amenity space for the units would exist in the form of balconies.

Blocks J, K and L (Warehouses and perimeter block)

- 8.215. These proposed blocks positioned to the south of Orchard Place and to the west of Orchard Dry Dock would be positioned to provide a predominantly enclosed communal amenity space known as Orchard Garden.
- 8.216. Block L would be positioned to the north of Block J. The two blocks would both front the Orchard Dry Dock positioned to the east. Block K alternatively would be positioned to the

west of these building blocks and adjacent to Orchard Wharf. The southern side elevations of blocks K and J would also front the River Thames.

- 8.217. The proposed building blocks would vary in height with block L the tallest at 12 storeys and stepping down to 8 storeys. Block J situated to the south of the smaller element of Block L would be 9 storeys high. The blocks of J and K would also both be built in brick with either dual or triple pitched roofs to achieve a warehouse appearance.
- 8.218. The ground floor of blocks L and K would share a main residential entrance and comprise of commercial units, which are oriented to face east and the Orchard Dry Dock.
- 8.219. Block K (Perimeter building) would have a maximum height of 7 storeys on the western boundary and drop to 5 storeys adjacent to Orchard Place. The building would be designed with a variety of roof forms and be constructed in brick. The ground floor would comprise of a swimming pool area, gym, and cinema room and management offices.
- 8.220. The upper floors of all of blocks J, K and L would provide market sale residential units. The west facing elevation of block K, which overlooks Orchard Wharf is designed with windows that serve non-habitable rooms. The proposed private amenity space for the units would exist in the form of balconies and a shared amenity space known Orchard Garden positioned to then the centre of blocks J, K and L.

Blocks M (Townhouses)

- 8.221. The town houses would read as four separate, four storeys high terrace blocks and would be located to the south of buildings B – G.
- 8.222. The town house to the south of block B would provide office floor space on each floor. The remaining terrace blocks would provide residential units characterised by garages at lower ground floor level which lead directly onto Orchard Place. The properties would be accessible via Orchard Place and also raised access platforms to the rear of the buildings.
- 8.223. The proposed residential units within the town houses would be predominantly market sale with the exception of the 6 units to the east of the site which would be affordable rent. The proposed private amenity space for the units would be in the form of balconies or external terraces location within a recession of the roof.

Basements

- 8.224. The lower ground floor level would consist of five separate basements which would serve the residential and commercial uses. The majority of the car parking, cycle parking and plant equipment would be located within the basement spaces.

Ground Floor Design

- 8.225. The application consists of a change of level from Orchard Place towards the River Thames, which is situated along the southern edge of the site. The Orchard Dry Dock as a consequence is located approx. 1.6m higher than Orchard Place. The Orchard Dry Dock and the River Thames Walk way would be accessible via either an external staircase directly onto the dry dock or a ramp located adjacent to block H.
- 8.226. The Orchard Dry Dock would provide a new public space at the heart of the development. A small pavilion called The Orchard Tipple House would be located towards the centre of the dock and close to the historic location of the former Tea/Tipple House. To the southern

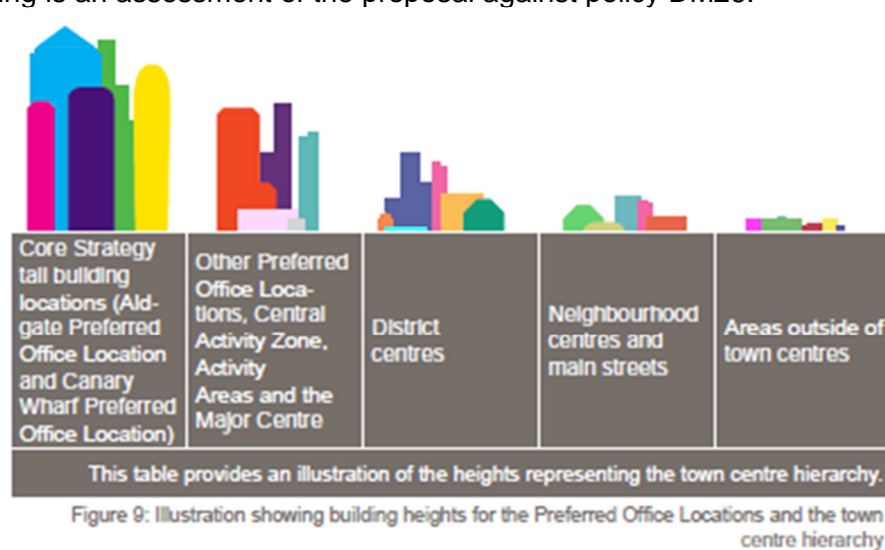
end of the dry dock a seating terrace is proposed which steps down on to the proposed caisson terrace.

- 8.227. The proposed location of offices and management offices would provide a degree of commercial activity and active frontages to the west end of Orchard Place. The majority of activity however would be secured from the commercial units (Use class A1- A4 / B1) situated around and fronting the Orchard Dry Dock.
- 8.228. In addition to the previously discussed slips which provide access to the rivers and gardens between the building blocks, the proposed scheme also includes the creation of a playground at the northwest corner of the site and new and improved river walks along the River Thames to the south and the River Lea to the north.
- 8.229. Approx. 260m of the existing river wall would also be repaired and rebuilt with sheet pile construction to the outside face of the existing wall line and in some instances internally within the wall.
- 8.230. The proposed child play space provisions would be spread out over the entire site. A minimum of 100sqm of aggregate Door step play for the 0-5 year olds would be located within each of the proposed gardens. The northern end of the Orchard Dry Dock would also provide a minimum of 300sqm of play space for 0-11 year olds. A minimum of 200sqm of Youth space for age groups 12 years and above would be provided within Hercules Garden positioned to the north of block A.
- 8.231. A new bus stop and stand is also proposed at the end of the slip road to the west of the site.

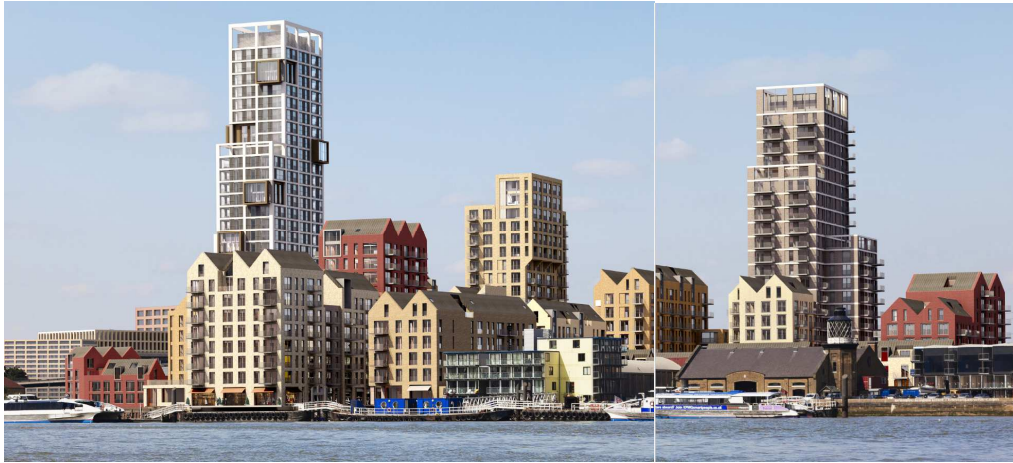
Building Heights

- 8.232. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:
- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
 - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
 - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
 - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
 - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
 - Have ground floor activities that provide a positive relationship to the surrounding streets;
 - Contribute to improving the permeability of the site and wider area, where possible;
 - Incorporate publicly accessible areas on the upper floors, where appropriate;
 - Make a significant contribution to local regeneration.

- 8.233. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 8.234. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD.
- 8.235. The following is an assessment of the proposal against policy DM26.



- 8.236. The application site is located within an area which is neither a designated 'Major centre', 'district centre' or 'neighbourhood centres and main streets'. The surrounding area however is not a typical of 'areas outside of town centres' which would often be characterised by small buildings and a coherent human scale townscape.
- 8.237. The immediate setting of application site is characterised by a number of tall buildings and the Millennium Dome on the Greenwich Peninsula directly to the south and London City Island to the north.
- 8.238. This is a view shared by the GLA which stated in the Stage 1 response:
- "The height of the scheme is taller than the existing contextual height. However, given the emerging development to the north (London City Island), the height of the emerging developments on the Greenwich Peninsula, the proximity to Canary Wharf and the opportunity to landmark the mouth of the River Lea this height is not of strategic concern".*
- 8.239. The application site is also as previously discussed considered to be in a 'central location' with regards to density matrix which is characteristic more a typical of a 'major centre' or 'activity area' than 'areas outside of town centres'. On balance, it is therefore considered that the site could deliver appropriately scaled and formed tall buildings without being detrimental to the skyline or surrounding townscape.
- 8.240. The following CGI of the proposed development provides an indication of the heights and scale of the buildings proposed.



- 8.241. The proposed location of the tallest tower (Block B) at 105.9m (AOD) at the northern end of the site adjacent to the River Lea would be provided breathing space whilst its separation distance from the Grade II listed light house and smaller buildings on neighbouring sites would also ensure that the character of the surrounding area would not be affected adversely by the scale, mass or bulk of this tall building.
- 8.242. The other tall buildings (Blocks F, D, E, C and L) which are located more centrally within a scheme and broadly designed to reduce in height adjacent to neighbouring sites are considered to be of appropriate form, proportion and composition which would limit the adverse impacts on the lighthouse, the Orchard Dry Dock and surrounding buildings outside of the application site.
- 8.243. The delivery of high quality urban design with improved legibility, active frontages, a number of new public accessible spaces and enhanced permeability across the site and to the rivers, would also provide an appropriate setting for tall buildings.
- 8.244. The proposed development creating a modern waterside place and providing 804 residential units would also accord to the aspirations of the Core Strategy Vision for Leamouth (LAP 7 & 8) and constitute a significant contribution to local regeneration.
- 8.245. The proposed towers by reason of their positioning, design, form and setting for the reasons set out above would meet the criteria of London Plan policy 7.7 and broadly DM26, as the site is located in Leamouth (LAP 7 & 8) regeneration area which is a new emerging central location characterised by large and tall buildings in the immediate context and wider area.

Setting and Local Views

- 8.246. With any tall buildings, there is an expectation that it would be situated within a quality of public realm commensurate with its height and prominence.
- 8.247. As previously discussed, the quality and quantum of public realm with the creation of a plethora of communal gardens, walkway slips and new improved river pathways would be appropriate for the proposed number of towers and their individual heights (See public realm section).
- 8.248. The proposed height of block A at 5 storeys to be similar to that of 42- 44 Orchard Place, a reduction in heights of the block G to 6 storeys adjacent to Faraday School and the

positioning of predominantly 6 storey buildings adjacent to Trinity Buoy Wharf and Orchard Wharf would ensure that the development would not be overbearing or insensitive to the surrounding area.

- 8.249. The design officer initially raised concerns regarding the bulkiness of some of the larger towers and as a result a number of the shoulder heights of the buildings were amended and reduced in height by the applicant. The above revisions to the scheme combined with introduction of Town houses on the northern edge of Orchard Place would ensure that the development would be of appropriate in scale in local views and of a human scale viewed from the public highway and Orchard Dry Dock.
- 8.250. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how compatible a scheme of this scale is with the surrounded area when viewed at the local level.
- 8.251. The following is a view of the proposed development from the south east looking north west towards Trinity Buoy Wharf Lighthouse.



- 8.252. The development is also designed to maximise the level of active and engaging frontages at ground floor level with the strategic positioning of commercial uses towards the northwest gateway of the development and around the Orchard Dry Dock. It is considered that such an arrangement would only enhance local views.
- 8.253. The access arrangements and provisions for waste, cycle and plant are generally located below ground level floor which are less sensitive locations.

Architecture

- 8.254. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the elevation treatment of the proposed buildings are of a high standard.

- 8.255. The warehouse design and appearance of the lower level building blocks of the scheme would provide a coherent, high quality built environment and setting for the proposed towers which would be designed as contrasting forms.
- 8.256. The predominantly brick and concrete development with subtle variations in materials and designs would enhance the visual interest of the scheme and provide an appropriate distinction from the multi coloured building blocks of London City Island situated to the North.

Relationship to neighbouring buildings and sites

- 8.257. The application site wraps around 42 – 44 Orchard Place which is a residential block to the northwest corner of the application site. The proposed scheme would deliver a children's playground to the north and public realm to the south of the neighbouring building. The proposed building blocks of block A to the southeast and block B to the east would also be positioned approx. 13m and 20m away, respectively. The proposal as a consequence would relate appropriately to the neighbouring residential building of 42 – 44 Orchard Place.
- 8.258. The town houses (Block M) to the east of site and building block F would be positioned a minimum of 5.5m and 7.5m away from Faraday School, respectively. The non-residential use of the school would ensure that the close proximity would not result in any impact on neighbours living conditions. The introduction of an education space at ground floor level of Block F which would also provide an extension to the neighbouring school.
- 8.259. The town houses (Block M) positioned due north of the Electrics Shop House on the Trinity Buoy Wharf which provides event space would be separated by the highway. Subject to appropriate noise insulation to the residential uses, it is considered that the uses of the event / art space at the Electric Shop House and proposed residential use would be compatible. The impacts on the operation of neighbouring commercial unit are therefore considered to be appropriately minimised.
- 8.260. The residential blocks H and I would be positioned directly to the west of Proving House situated on Trinity Buoy Wharf and in very close proximity with a separation distance of as little as 2.25m from block I. The absence of any ground floor residential units within Block H and I, the single storey height of Proving House and its existing use as a digital publication house however, would ensure that the proposed development is compatible with the neighbouring site, despite its close proximity.
- 8.261. The limited level of separation and introduction of east facing habitable rooms within Block H and I however, would potentially impact on the development potential of the west side of Trinity Buoy Wharf and require any future development on the neighbouring site to be well set off the boundary.
- 8.262. The western edge of the application site would be adjacent to Orchard Wharf which is a protected wharf. The building built on the shared boundary of the wharf would be Block K, which consists of residential units on the upper floors. The layout of the residential units has been designed with residential corridors and non habitable rooms positioned closest to the protected wharf. The proposed internal layout of block K combined with the use of the building block as an acoustic barrier for the wider development would limit the number of residential units to be adversely impacted by the operations of Orchard Wharf, as discussed in detail previously.
- 8.263. In light of the above, it is considered that the proposed layout of the scheme characterised by well thought out positioning of building blocks and uses on site would appropriately

interface with the surrounding land uses, contribute positively to making places better for people, and as a consequence achieve a high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The development as a consequence would accord to London Plan Policy 7.1 and the NPPF.

Secure by Design

- 8.264. Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that developments are safe and secure.
- 8.265. The proposed development would have the potential to result anti-social behaviour and other crime generators issues. A safeguarding condition would therefore be attached to any approval, to ensure that the development would comply with Secure by Design Principles.
- 8.266. Subject to safeguarding conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 8.267. Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.268. 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'.
- 8.269. The topography of the application site is not level and as a consequence a number of the aspects of the proposed scheme such as the duplex apartments, rear of the town houses and Orchard Dry Dock are accessed via steps. The provision of internal level access routes to the duplex apartments via lobbies, provisions for level access front doors to the town houses and the installation of ramp up to the Orchard Dry Dock however, would ensure that appropriate alternative wheelchair accessible routes and access points within the scheme are provided.
- 8.270. The proposed gardens that provide communal amenity space and child play space would be accessible for all and flat. The proposed slips which provide breathing space between the buildings and access routes through the scheme to the River Lea would be designed with a series of ramps with a 1:21 gradient and regular flat intervals.
- 8.271. The proposed Caisson would be designed with a seating and a terrace positioned at a lower level than the Orchard Dry Dock. The proposed provision would provide views over the River Thames. The Caisson however, would not be accessible for wheelchair users, as the works required to the listed Caisson would be substantial to ensure that it would be accessible for all.
- 8.272. In this instance, as the scheme provides a number of alternative viewing points over the River Thames which includes a level access to the top of the Caisson for the enjoyment of all, it is considered the failure to provide a wheelchair accessible Caisson would to an extent be mitigated.

8.273. On balance, it is therefore considered that the proposed scheme would be well connected with the surrounding area and broadly constitute a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with polices 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

8.274. The proposal would provide a high quality and expansive public realm which would result in a high quality setting commensurate with proposed buildings of such significant height. The proposed development would be in keeping with the scale of surrounding developments, particularly London City Island whilst the largest proposed tower Block B would appropriately identify the gateway to the development.

8.275. The proposed development designed with a variation in heights would provide a human scale of development at street level. The distribution of commercial uses across the site would provide active frontages and enhance levels of activity.

8.276. The proposed buildings and uses would be compatible with the neighbouring sites and provide a comprehensive development.

Housing

Principles

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

8.278. The application proposes 804 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931.

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

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

Dwelling numbers and mix by tenure

| | Studio | 1 bed | 2 bed | 3 bed | 4 bed |
|-------------------|------------|------------|-------------|-----------|------------|
| Open Market | 161 | 203 | 225 | 62 | 0 |
| Affordable rent | 0 | 14 | 32 | 36 | 19 |
| Intermediate | 0 | 23 | 29 | 0 | 0 |
| TOTAL | 161 | 240 | 286 | 98 | 19 |
| Total as % | 20 | 30 | 35.5 | 12 | 2.5 |

8.281. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The

proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 8.282. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 8.283. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;
 - The size and type of affordable housing needed in particular locations; and,
 - The specific circumstances of the site.
- 8.284. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 8.285. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.
- 8.286. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that "given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision".

- 8.287. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.288. The proposal consists of an on-site affordable housing offer of 27% by habitable room. The proposed offer falls short of the policy requirement to provide a 35% to 50% affordable housing provision. The applicants submitted viability appraisal was therefore independently reviewed by the Council's financial viability consultants.
- 8.289. The Council's financial viability consultants have confirmed that the submitted viability report was robust and the maximum viable affordable housing provision that could be secured is 27%.
- 8.290. The affordable housing offer calculated by habitable room of 27% is therefore considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3 which state viability is a key planning consideration.
- 8.291. The affordable housing is being delivered at a 66:34 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 8.292. The proposed percentage of shared ownership units is lower than required in the London Plan. In this instance however, such a split is considered acceptable, as it is broadly in alignment with the Core Strategy and secures the delivery of a greater proportion of social rented units which would be offered at LBTH borough framework levels for E14. This approach optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing.
- 8.293. For information, should the development be completed in line with current rents, the levels would be for 1-bed flats - £224 per week, 2-bed flats at £253 per week, 3 bed flats at £276 per week and 4-bed flats at £292 per week inclusive of service charges.

Housing Mix

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

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

| | | Affordable Housing | | | | | | Market Housing | | |
|--------------|-------------|--------------------|-------------|------------------------|--------------|-------------|------------------------|----------------|-------------|------------------------|
| | | Affordable Rented | | | Intermediate | | | | | |
| Unit size | Total Units | Scheme Units | % Scheme | Core Strategy Target % | Scheme Units | % Scheme | Core Strategy Target % | Scheme Units | % Scheme | Core Strategy Target % |
| Studio | 161 | 0 | 0 | 0 | 0 | 0 | 0% | 161 | 24% | 0% |
| 1 Bed | 240 | 14 | 14% | 30% | 18 | 44% | 25% | 208 | 31% | 50% |
| 2 Bed | 286 | 32 | 32% | 25% | 25 | 56% | 50% | 229 | 35% | 30% |
| 3 Bed | 98 | 32 | 30% | 30% | 0 | 0 | 25% | 66 | 10% | 20% |
| 4 Bed | 19 | 19 | 19% | 15% | 0 | 0 | | 0 | 0 | |
| 5 Bed | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | |
| Total | 804 | 97 | 100% | 100% | 43 | 100% | 100% | 664 | 100% | 100% |

Dwelling numbers and mix by tenure

8.296. The proposed percentage of one bedroom affordable rented units at 14% would fall short of the 30% policy requirement. The percentage of two bedrooms (32%), three bedrooms (36%) and four bedrooms (19%) would exceed the target levels of 25%, 30% and 15%, respectively. This mix is broadly supported, as it would maximise the number of family sized affordable rent units.

8.297. Within the Shared Ownership element of the scheme, a percentage of 44% one bed units against a policy requirement of 25% and 56% two bed units against policy requirements 50% would be provided. No 3 bedroom intermediate flat are proposed.

8.298. The proposed over provision of intermediate 1 beds would result in a shortfall in 2 bed and 3 bed intermediate units. A reduction in the number of two and three bedroom units within the intermediate section to an extent is justifiable in this area, as there appears to be an affordability issue due to the relatively high value of this area rendering larger intermediate units generally less affordable. For this reason, it therefore considered that a greater proportion of one bedroom units would be acceptable.

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

Quality of residential accommodation

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

8.301. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies

within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

- 8.302. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards.
- 8.303. The Housing SPG recommends that no more than 8 flats should be served by a core to ensure that the development provides the required sense of ownership for future occupiers.
- 8.304. The number of proposed internal cores serving 9 residential units within the scheme and contrary to guidance would be 10 out of the 191 cores proposed. The proportion of number of cores exceeding the recommended threshold is therefore considered marginal.
- 8.305. The proposed development would not consist of any north facing single aspect residential units.
- 8.306. All of the affordable rented wheelchair adaptable units would be provided within Block F, which would have direct access to the car parking area within Block E and F. This car parking area would comprise a total of 36 resident car parking spaces, of which 7 would be for use by disabled badge holders.
- 8.307. The 6 affordable Town Houses in Block M would also consist of parking spaces in their own garages, which would be of sufficient size for disabled users. The townhouses would require adaptation however, if they are to provide genuine wheelchair accessible units.
- 8.308. The proposed development would provide 83 wheelchair adaptable units across the private, intermediate and affordable rent units which equates to over 10% of the entire development. The details and layouts of the wheelchair adaptable units would be secured by way of condition to ensure that they would comply with the requirements of the Occupational Therapist.
- 8.309. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality. The minimum floor-to-ceiling height exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.310. On balance, it is considered that the proposed development would provide a high quality residential accommodation for future occupants in accordance with LP policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 8.311. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.312. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

- 8.313. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.314. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 8.315. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 8.316. The baseline scenario has been presented in the ES Sunlight and Daylight Report by assessing the internal daylight to the lowest three floors of residential accommodation within each block. Where the levels of daylight were below the suggested BRE guidelines, rooms directly above were assessed up the building until the rooms showed compliance.
- 8.317. Of the 2165 habitable rooms assessed, 1914 (88%) show compliance by reference to the ADF methodology suggested within the BRE guidance. The majority of the rooms which do not meet their targets for use, are located on the lower three floors where daylight potential is at its minimum within tall building schemes such as this.
- 8.318. Where this is not the case, a balcony providing private amenity space to the development generally overhangs the rooms. The compliance rate of 88% is considered good within an urban context such as this. The significance of effect for the internal daylight within this scheme is considered to be local, long term, adverse and of minor significance.
- 8.319. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.
- 8.320. The BRE Report produced on behalf of the Council suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west.
- 8.321. The aim should be to minimise the number of dwellings whose living rooms face solely north, north-east or north-west, unless there is some compensating factor such as an appealing view to the north.
- 8.322. The proposed scheme consists of north to south blocks, primarily served by windows on the east and west facades which reduces the number of north facing units. The potential for good sunlight to the west and the east is lower than that for south facing windows. The proposed development as a consequence provides some direct sunlight to the vast majority of the units rather than good sunlight to some with others receiving none at all.
- 8.323. The results of the ASPH assessment show that of the 406 living rooms or LKDs that have south facing windows assessed, 179 attain levels outside of the BRE Guidelines. The

rooms on the lower floors receive less sunlight than those on the upper floors. The presence of balconies above living rooms is again a reason for the restriction of sunlight to rooms. The amenity benefits of the balcony there also have a negative impact on the amenity of the flats.

- 8.324. It is of note that if the upper floors of the proposal were included within this assessment the proportion of compliance rate for each room type would be higher than those stated above. The likely effect of the design of the Development upon the levels of sunlight within the proposed residential units is considered to be local, long-term, adverse and of minor to moderate significance.

Conclusions

- 8.325. The proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive appropriate levels of daylight and sunlight.
- 8.326. The likely significant effects are minor to moderate (sunlight) and minor significance (daylight), which is considered acceptable for a high-density development in an urban setting such as this.

Outdoor amenity space and public open space

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

Private Amenity Space

- 8.328. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 8.329. The application proposes winter gardens to blocks A and B due to the proximity of the buildings to the protected Orchard Wharf and the remainder of the development would predominantly benefit from external private amenity space in the form of front gardens, balconies or roof terraces.
- 8.330. The proposed winter gardens would be designed with a thermal and physical barrier between the internal floor space and amenity provision.
- 8.331. This design approach is in accordance with the Housing SPD states:

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

open balconies for all flats and this solution is recommended for all dwellings exposed to NEC noise category C or D150.”

- 8.332. The proposed introduction of winter garden particularly within Blocks A and B instead of provided extended internal living space is therefore considered acceptable.
- 8.333. The other forms of external private amenity space provisions proposed elsewhere on site would comply with the design and floor space requirements.

Communal Amenity Space

- 8.334. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 844sqm.
- 8.335. Paragraph 4.7 of the Managing Development Document states *‘communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology’*
- 8.336. The proposal would provide approximately 1597sqm of communal amenity space within the four proposed gardens, excluding the floor space designated for child play.
- 8.337. The proposed communal amenity spaces would be positioned between building blocks located to their east and west. The developments to the south of the proposed communal amenity spaces would be generally low level in the form of town houses (Block M) or reduced in height building blocks. The proposed amenity spaces as a consequence would benefit from appropriate levels of sunlight and daylight.
- 8.338. For the reasons above, the quantum and quality of the shared communal amenity space is considered acceptable for the enjoyment of future residents.
- 8.339. The following plan illustrates the ground floor public realm provisions in green and the communal areas in orange.



Public Open Space

- 8.340. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 8.341. The proposed development would provide 8,334sqm of public open space in the form of the river pathways, walkway slips and a revitalised Orchard Dry Dock and surrounding lands.
- 8.342. The design of the public realm and settings of the buildings has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.
- 8.343. The benefits of the scheme would include improving accessibility to the River Thames and River Lea, enhancing connectivity by providing very legible routes along the rivers and the creation of a new civic space at Orchard Dry Dock.
- 8.344. The design strategy for the Orchard Dry Dock ensures that the buildings facing the proposed public realm have an active frontage and enable a visual connection with the public space. Such a strategy would maximise activity and animation within this space.
- 8.345. The proposed quality and design of the public open space is considered to be a major design quality of the scheme. Having said that, it is noted that the proposal would not provide the required 18,360sqm of public realm contrary to the planning obligations SPD. The failure to provide the required level of public realm as a consequence would be off-set with the securement of a borough CIL payment.
- 8.346. On balance, it is therefore considered that the proposed public realm offer combined with a CIL payment would result in sufficient public benefits and an appropriate quantum of high quality public realm for the future occupants of this high-density scheme.

Child play space

- 8.347. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.348. The scheme is predicted to contain 194 children (0-15 years of age) using LBTH yields and 219 children using London Plan methodology. The following is a breakdown of the expected number of children per age group (GLA calculations in brackets):
- | | | | |
|---------------|----|-----------|-----|
| • 0-3 years | 76 | (Under 5 | 83) |
| • 4-10 years | 81 | (5 – 11 | 78) |
| • 11-15 years | 37 | (over 12s | 58) |
- 8.349. In accordance with LBTH and GLA methodology a total child play space provision of 1940 or 2190sqm is required on site for all three age groups, respectively.

- 8.350. The proposed development as previously discussed the proposal would provide 2,120sqm of play space on site for all age groups.
- 8.351. The applicants approach is for the play space for each age group to be separated across the site.
- 8.352. The child play for the over 12 age group would consist of 300sqm space for informal sport and recreation located on a podium to the rear of block A and the west of block B. The positioning of the play space on a podium would provide a safe and secure environment set away from the highway. The full details of the landscaping and any multi-use games area would be secured by condition.
- 8.353. The child play for 5 – 11 year olds would consist of 450sqm of play space which would include engaging play features and seating located to the northern end of the Dry Orchard Dock. The play space provision would be positioned above ground floor level due to the change in level between Orchard Place and the Dry Dock. The change in level mitigates the close proximity of the play space to the highway and as a result would create a child friendly environment.
- 8.354. To the northwest corner of the application site and north of the neighbouring 42 Orchard Place, a 510sqm neighbourhood playground is proposed which consists of seating, play equipment and landscaping. The proposed playground would be accessible for all age groups of the development and existing children of no. 42 Orchard Place and the wider area.
- 8.355. The play space for the under 5s would be provided as door step play nestled within the proposed communal gardens and directly accessible from the residential blocks. The door step play would be a minimum of 100sqm. The only exception to the above is a single 55sqm play space located within the proposed Castle Slip.
- 8.356. The inclusion of door step play space across the site is welcomed in accordance with the London Plan and The Shaping Neighbourhoods: Play and informal Recreation SPG which states:

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

- 8.357. The location of child play space on the roofs of the ground floors of the building blocks is also considered acceptable, in accordance with Children and Young People’s Play and Information Recreation’ SPG which states:

“3.8 In new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for children to play, careful consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities”

- 8.358. For the reasons above, the proposed child play space strategy would provide external play space that is accessible for all, delivers an appropriate provision for play and informal recreation on site and meets the requirements of the child population generated by the scheme and an assessment of future needs.

8.359. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Heritage

Strategic Views

8.360. The Environmental Statement (ES) assesses the likely effects of the proposed development on the most relevant strategic view within the London View Management Framework (5A.1 from Greenwich Park). The ES also assesses the likely effects of the development on archaeology on and around the site.

8.361. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites – Guidance on Settings SPG (2015) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

8.362. London Plan (2015) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

8.363. The development has the potential to affect a designated Strategic view within the London View Management Framework from Greenwich Park (LMVF View 5A.1).

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

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

8.365. The submitted HTVIA includes a wire view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building would be visible above the right hand shoulder and set behind the western side of the Millennium Dome. The development would read as a significantly smaller collection of buildings in comparison to those of the existing as part of the Canary Wharf cluster. As shown in the following image.



- 8.366. When taking into account various cumulative schemes (including London City Island) the proposed buildings from this view would still have a negligible impact on the skyline in comparison to the Canary Wharf cluster.
- 8.367. Historic England, the GLA and the LBTH Design officer raised no concerns regarding the heights, scale and prominence of the development when viewed from Greenwich Park. It is therefore considered that the proposed development would safeguard the integrity and importance of the World Heritage Site.

Surrounding Conservation Areas and Listed Buildings

- 8.368. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.369. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.370. Core Strategy Policy SP10 seeks to preserve and enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. Ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.371. Core Strategy Policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed places across the borough through retaining and respecting features that contribute to each places' heritage, character and local distinctiveness.
- 8.372. Managing Development Document Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.
- 8.373. Managing Development Document Policy DM27 states that development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.374. The Orchard dry dock and the surviving caisson are of considerable historical significance being one of only four listed dry docks in London. While, although the basin has been infilled the importance of the caisson remains significant, as this feature is representative of the shipbuilding and repair industry and the important role that this former international port would have played.
- 8.375. The listed Trinity Buoy Quay walls, which adjoin the caisson, comprise of a number of other heritage features that provide some historic context to the caisson and add to the special character of this historic site. Such features include a number of bollards, the iron tank included within the Union Wharf site and a number of dock wall structures.

- 8.376. The listed structures of neighbouring Trinity Buoy Wharf site, despite being located outside of the application site, are also integral to the established dockland character of the area, and combined with a traditional palette of materials and their relationship to the river, contribute to the local distinctiveness and creation of a sense of place.
- 8.377. The submitted Heritage Statement recognises the importance of the listed Dry Dock, caisson and adjoining quay wall, and as a consequence sets out a strategy for the restoration works.
- 8.378. The proposed works to the caisson include conservation measures and restoration works to secure its preservation in the longer term, marking the outline of the dry dock with landscaping proposals for the open space provision and exposing the curved north end of the basin adjacent to Orchard Place.
- 8.379. The front of the caisson would also be repaired in situ and be given a replacement timber coping. The concrete flood defences, which have been added to the caisson, would also be removed and replaced with a timber platform created behind the caisson.
- 8.380. The Conservation officer welcomes the proposed restoration works however, advises that further intrusive investigation works should be undertaken prior to the agreement of the scheduled works to the listed structures and commencement of any development. The requirement for further intrusive investigation works would be secured by condition. Historic England raises no objections to the proposed works.
- 8.381. Subject to safeguarding conditions requiring, further intrusive investigation, a further survey of the river walls and full details of the scheduled proposed restoration works, the proposed works are considered acceptable in accordance with the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24 and DM27 of the DMM.

Archaeology

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

Neighbours Amenity

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

Daylight, Sunlight and Overshadowing

- 8.386. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.387. As a result of the application site consisting of low-level buildings, the existing neighbouring properties have very good levels of daylight/sunlight at present. Any development on site is therefore likely to result in a significant reduction in daylight/sunlight to neighbouring properties.
- 8.388. The application site is surrounded by a number of residential properties, which can be impacted by the development. The sunlight and daylight implications for the neighbouring properties have been assessed as part of the ES and independently reviewed on behalf of the Council by LUC.

Daylight

- 8.389. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 8.390. The Council commissioned LUC to review the ES and LUC confirmed that the methodology used within the ES to calculate the Average Daylight Factor (ADF) was sound. ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.391. BRE guidelines recommend the following ADF values for dwellings. These are:
- 2.0% - Kitchens
 - 1.5% - Living Rooms
 - 1.0% - Bedrooms
- 8.392. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.393. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- *42 – 44 Orchard Place*
 - *Container City 1 and 2*
 - *Faraday School*
- 8.394. The results of the independent consultants 'BRE' are summarised below:
- 42 – 44 Orchard Place*
- 8.395. The site has very high baseline levels of daylight. Where levels of existing daylight are abnormally high for an urban environment (VSC of <38% just under the maximum of 40%),

it is considered that a proportionate reduction as a result of a neighbouring development would be disproportionately high.

- 8.396. With regards to VSC, the results show that only 19 (35%) of the 54 windows assessed show compliance with the development in place. Of the remaining windows, 9 would experience moderate adverse reductions and 25 rooms would experience major reductions.
- 8.397. In this circumstance, it is considered more appropriate to measure what daylight level would be retained once the development is in place rather than the proportional change
- 8.398. The windows facing the development on the lowest floor of the residential accommodation (1st floor) achieve circa 17.5% VSC. The second floor and third floor would achieve circa 20% and 30% VSC, respectively. Although the levels are below the BRE suggested 27%, they are in line with levels commonly found within urban environments and actually far greater than the actual baseline levels of some primary windows within Container City, which have levels of circa 12%.
- 8.399. The ADF analysis shows the majority of rooms achieve levels of daylight suggested for their use.
- 8.400. On balance, it is considered that the overall effect of the development on 42 – 44 Orchard Place would be minor to moderate adverse, as although the development would result in relatively high proportional reductions leading to technical breaches of the BRE guidelines, the remaining levels of daylight would still be considered acceptable in accordance with the intentions of BRE.

Container City 1 and 2

- 8.401. The VSC assessment has shown that 39 (61%) of the 64 windows assessed show full BRE compliance. Of the remaining windows 17 see moderate adverse effect and eight major adverse effects.
- 8.402. Having said that, the majority of the primary windows of the Live/work units within Container City are heavily blinkered by overhanging balconies and external side walls formed by the container doors. These balconies and side walls serve to self-limit both daylight and sunlight levels below those suggested in the BRE guidance.
- 8.403. The ADF results also indicate that the development only causes five additional rooms to receive ADF levels below 1.5%.
- 8.404. Container 1 and 2 would see daylight reductions with the development in place. Although, this is somewhat magnified by the discussed existing constraining features to the buildings. Overall the effect of the development on container city is considered minor to moderate adverse.

Faraday School

- 8.405. The VSC and NSC assessments indicate that the windows and rooms they serve would be compliant with the Development in place and as a consequence the impact of the development is insignificant

Sunlight

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

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

42 – 44 Orchard Place – Insignificant

8.408. Of the 42 windows assessed for sunlight, 40 (95%) show full compliance in terms of APSH. The remaining windows are recessed and as a result are self-limiting. The retained winter levels show compliance and total APSH is only marginally below suggested levels. The impact of the proposal on sunlight to 42-44 Orchard Place is considered insignificant.

Container City 1 and 2

8.409. The building only has four windows which are relevant for sunlight assessment. All windows show full compliance with recommendations of the BRE guidance. The impact of the development on container city is considered insignificant.

Faraday School

8.410. None of the windows are relevant to the assessment, as there serve a non-residential use. The impact of development is therefore insignificant.

Conclusion

8.411. The proposed development would result in minor to moderate adverse impacts in the precautionary basis scenarios which for a development of such density in an urban context is considered reasonable.

Overshadowing

8.412. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”.

8.413. The River Thames is situated to the south of the application site and there are no existing surrounding amenity spaces to the north.

8.414. The proposed development would therefore not result in any adverse overshadowing of neighbouring sunlight amenity space.

Solar Glare

8.415. Two key viewing points were identified as potentially sensitive to solar glare, which included vehicle drivers travelling east and west on the Lower Lea Crossing.

- 8.416. The drivers travelling east would not be subject to glare caused by the proposal within 30 degrees of the driver's focal point.
- 8.417. The drivers travelling west however would be subject to a brief instance of glare at around 27 degrees. This would result in a local, long term, adverse impacts of minor significance.

Privacy

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

Visual amenity / sense of enclosure

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

Landscaping and Biodiversity

- 8.421. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. The river wall, adjacent water space (Blue Ribbon Network) and East India Basin Site of Importance for Nature Conservation all have biodiversity value that needs to be considered in the context of the development proposals.

River Wall / Blue Ribbon Network

- 8.422. London Plan Policy 7.24 (Blue Ribbon Network) states 'The Blue Ribbon Network is a strategically important series of linked spaces. It should contribute to the overall quality and sustainability of London by prioritizing uses of the waterspace and land alongside it safely for water related purposes, in particular for passenger and freight transport. Regard should be paid to the Thames River Basin Management Plan and the emerging marine planning regime and the Marine Policy Statement'.
- 8.423. The submitted River Wall Strategy states any "ecological enhancements are subject to further discussion with the Environment Agency" as some of the proposals involve works over Mean High Water the PLA have advised that they would wish to be involved with the strategy going forward.
- 8.424. The PLA comments and subsequent recommendations are enclosed below:
- Piling is a disturbing activity. To minimise impact on aquatic life there should be no piling between 1 March and 31 October and the methods proposed should be designed to minimise impacts on aquatic animals.
 - Construction of the inter-tidal terracing should be one of the first construction activities to give time for the planting to grow.

- It is questioned why such a small area of the campshed is proposed to be given over to inter-tidal terracing?
- Public access to the terrace should be restricted to prevent damage to the vegetation.
- The tidal terrace must be inundated during most high tides and therefore the terrace should be at or below Mean High Water Neaps.
- The design should demonstrate how any contaminated land will be contained to prevent contamination being released into the river.
- Planting must be restricted to native species.
- A perpetual maintenance regime should be implemented for the inter-tidal terracing to ensure the success of the planting and to ensure that there is no build-up of rubbish and litter on the terraces.
- Intertidal terracing should follow the best practice guidance provided in the Environment Agency document “Estuary Edges – Ecological Design Guidance.
- It is proposed for the new wall to be 700mm in front of the existing wall. It should be demonstrated that this is the minimum encroachment necessary to provide the new wall – it is a bigger distance than many of the other walls that have been built in front of existing walls.

8.425. The PLA also stated that it is understood that investigations are taking place into the opportunity to add a series of 300mm marker posts on the edge of the eastern terrace across the opening to the campshed at 6m centres. The PLA would therefore need to see details of this proposal, so that it can be ensured that a vessel could not become damaged if it strayed too close to the terrace.

8.426. Originally the western proposal proposed rocks in the river adjacent to the river wall, which is a hazard to navigation and would not be acceptable. It is understood that the applicant is investigating alternative habitat proposals (potentially including gabion mats). The PLA needs to see details of this proposal so that its impact on navigation and navigational safety can be assessed.

Applicant’s response

8.427. The applicant confirmed that they would agree to a condition which stipulates that the full details of the River Wall, as specified by the previously submitted strategy must be submitted to and approved in writing by the Council in consultation with the PLA and the EA.

Assessment

8.428. The Environment Agency and Bio-diversity officer raised no objection to the proposed river wall mitigation and enhancements works. The full details and specifications of the proposed works would also be secured by condition to ensure that all impacts on the Blue Ribbon Network are minimised.

8.429. The proposed works to the River Wall would therefore neither be detrimental to the River Wall or blue ribbon network in accordance with policies 7.19 and 7.24 of the London Plan, policy SP04 of the CS and policy DM11 of the MDD.

East India Dock Basin

8.430. London Plan policy 7.19 (D) (Biodiversity and access to nature) in relation to SINCs states the following:

(D) On Sites of Importance for Nature Conservation development proposals should:

- a) give the highest protection to sites with existing or proposed international designations (SACs, SPAs, Ramsar sites) and national designations (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations
- b) give strong protection to sites of metropolitan importance for nature conservation (SMLs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance
- c) give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.

(E) When considering proposals that would affect directly, indirectly or cumulatively a site of recognized nature conservation interest, the following hierarchy will apply:

1. avoid adverse impact to the biodiversity interest
2. minimize impact and seek mitigation
3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

8.431. The East India Dock Basin located 100m away to the west of the application site is a Grade I Site of Borough Importance (SBI) for nature conservation.

8.432. The proposed development is designed with the tallest tower (block B) situated to the north of the application and the most western building (block A) which is closest to the Basin at no higher than 5 storeys. The proposed massing, arrangement and orientation of the building blocks minimise the impact on the Basin with regards to overshadowing and solar glare and as a consequence, avoid adverse impact on the biodiversity interest of the Basin.

8.433. The Lower Lea Valley Park sought £500,000 in section 106 contributions for improvements to the basin and aid the funding of learning programmes regarding bio diversity matters. The adoption of the Councils CIL however prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.

8.434. The Bio-diversity officer and Natural England raised no objection to the impact on the basin and the proposals are considered acceptable in accordance with London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

Bio diversity Enhancements

8.435. The Council's Biodiversity officer advised that the Ecology chapter of the ES is generally sound. The methodology is appropriate, the identification of potential receptors appear comprehensive, and most of the evaluation of importance is correct.

- 8.436. The Biodiversity officer however did state that the Lesser Black-backed Gull is still an uncommon and localised breeding bird in London, albeit one which is increasing. The 3-4 pairs estimated as breeding on site in the applicant's Breeding Bird Survey are therefore of at least Local importance. Nevertheless, as the nesting habitat favoured by the species in London is flat or gently sloping roofs of which there are plentiful across the city. The changing of the value of this receptor however, would not affect the conclusions, which are the mitigation measures and biodiversity enhancements proposed in the development would overall have a positive impact on biodiversity.
- 8.437. The proposal biodiversity enhancements which would contribute to targets in the Local Biodiversity Action Plan (LBAP) include timber rendering and intertidal terracing to enhance the 320m of river walls, over 1125 square metres of bio-diverse roofs, ground-level landscaping with lots of nectar-rich plants to benefit bumblebees and other pollinators, 6 bat boxes, boxes suitable for solitary bees, and a variety of bird boxes.
- 8.438. The Bio diversity officer stated that contributing to LBAP targets would depend on the detailed design and/or planting. The proposed bio diverse roofs would therefore be required to comply with best practice guidance published by Buglife via a safeguarding condition. The installation of appropriate nest boxes would also be secured by condition.
- 8.439. Subject to appropriate conditions, it is considered that the proposed development would have the potential to enhance the biodiversity value of the site in accordance with Policy SP04 of the Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.

Highways and Transportation

Policy Context

- 8.440. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.441. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.442. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.443. The site has a public transport accessibility level (PTAL) of 2. The proposed development includes 131 car parking spaces and 1,406 cycle parking spaces.

Access

- 8.444. The site would only be accessible via Orchard Place, excluding the proposed river boat terminal. The development would enable pedestrian and cycle access from Orchard Place via a pedestrian riverside walk along the northern boundary of the site. The pathway would provide connections to Leamouth North and later Canning Town.

- 8.445. Vehicular access to the site would be from Orchard Place. A number of crossovers would be installed to allow vehicles to access the ground floor car parks from the shared surface area and the individual garages of the proposed town houses.
- 8.446. The cycle parking area would be accessed via vehicle access ramps and lift cores installed within the individual blocks.

Car Parking and access

- 8.447. The proposal includes 131 car parking spaces, including the 18 garages within the townhouses. A total of 16 car parking spaces would be provided for blue badge holders of the development and an additional 2 spaces for the commercial elements. The parking provision would comply London Plan parking standards, in line with London Plan policy 6.13 'Parking'.
- 8.448. The location of the residential blue badge spaces would be appropriately positioned in accessible locations for wheelchair users, as previously discussed.
- 8.449. The installation of 20% vehicle charging points for parking spaces with a further 20% passive provision would be secured via condition.
- 8.450. The proposed development would be 'permit free'. The requirement for the development to be permit free and a submission of a Car Parking Management Plan would be secured via a s106 agreement and via condition.

Servicing and deliveries

- 8.451. The proposed locations for refuse collection and deliveries are considered acceptable for Blocks B to I inclusive. The proposed servicing arrangements allow refuse collection and other deliveries to take place on-site (with the exception of block A and the town houses). Goods vehicles up to 10m in length would be able to enter and exit the site in forward gear from the Highway. The Highways officer accepts the swept path diagrams for vehicle movement, which confirms that the larger vehicles can turn around on site.
- 8.452. The proposed arrangements would be formalised with a Delivery and Servicing Plan which would be secured by condition.

Public Realm

- 8.453. The proposed development includes alterations to the public highway on Orchard Place adjoining the site. The works required include but are not limited to an improved access between the site and local public transport, and enhanced walking and cycle networks.
- 8.454. The required highway works surrounding the application site would be subject to a section 278 agreement.

Cycling and walking

- 8.455. The applicant submitted a pedestrian environment appraisal investigating the current pedestrian condition and identifies proposed improvements to walking environment in the vicinity.
- 8.456. The development would benefit from the new proposed pedestrian and cycle route between the associated London City Island development and Canning Town.

- 8.457. A financial contribution of £9,800 toward providing two Legible London way-finding signs in close vicinity of the site at Orchard Place and Lower Lea Crossing slip road was requested by TfL to mitigate the unattractive and un-legible routes via Orchard Place, Leamouth Roundabout and Blackwall Way. The adoption of the Councils CIL however prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.
- 8.458. The proposed development would provide a total of 1,406 secure cycle parking spaces (inclusive of short stay visitor spaces) which would exceed London Plan policy requirements. The design, access arrangements and installation of associated facilities such as secured lockers, shower and changing for the non-residential part of the proposal would be secured by condition.
- 8.459. A contribution of £200,000 for Cycle Hire is sought by TfL via section 106 agreement to allow for the installation of up to 27 docking points cycle hire station within vicinity of the site. The adoption of the Councils CIL however again prevents the securing of such funds via section 106. The financial contribution secured under the Councils CIL would provide the required mitigation, if deemed necessary.

Public Transport

- 8.460. The development would generate additional demand on the bus network, in particular during peak hours, with AM peak outbound trips heading west especially impacted. While it is considered that most impacts of the development on the bus network can be managed using existing services, the impact on the peak hour westbound service requires mitigation by the applicant.
- 8.461. The Transport Assessment for the development shows an increase in morning peak trips westbound which TfL equate 84% of a double deck bus. TfL have confirmed that the cost of provision of a double deck bus return trip for five years is equal to £450,000, with 84% of the cost equalling £399,000. Given the circumstances of this individual site and the subsequent impact of this particular scheme on the westbound bus service, officers consider it appropriate that £399,000 is secured through a S106 Agreement towards the bus network.
- 8.462. The provision of new bus stops at Orchard Place was previously secured from the London City Island development and as a consequence no additional financial contribution was sought by TfL for the new bus stops.
- 8.463. TfL has confirmed that the estimated DLR trips as stated in the submitted Transport Assessment would not raise any concern regarding DLR services from both East India and Canning Town stations and as consequence no financial contribution was sought.
- 8.464. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL would contribute towards the funding of Crossrail.
- 8.465. The introduction of a new regular Thames Clipper service from Trinity Buoy Wharf pier in the near future is welcomed. Evidence of the agreement with Thames Clipper to serve the Leamouth South Peninsula should be provided as part of the Travel Plan to be secured via section 106.

Servicing and construction

- 8.466. The refuse and waste collections would take place via four proposed controlled share surface access routes from Orchard Place whilst household deliveries would be managed by the on site concierge. A submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.
- 8.467. TfL welcomed the submission of the details of the framework construction logistics plan. The submission of a finalised construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition. The required plans would identify the efficient, safe and sustainable arrangements to be employed at each stage of implementation the development, to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, amenity and highway safety.

Travel Plans

- 8.468. The submitted framework Travel Plan passed the TfL ATTrBute travel plan assessment. The submission and implementation of the finalised travel plan would be secured by s106 agreement by Tower Hamlets Council. The travel plan would be required to also include provisions to provide additional car club facility on site, which complements the existing provision at Trinity Buoy Wharf.

Waste

Container Numbers and Frequency

- 8.469. The number of containers required for the residential waste on the site would be 46 x 1280 litre recycling bins; 78 x 1100 litre residual waste bins and 80 x 240 litre food waste containers. The above requirements would ensure that the development is future proofed for potential and upcoming changes in policy and collection methodologies.
- 8.470. The submission of detailed plans which outline the storage and collection arrangements for the required number and type of waste containers for residential waste would be secured by condition.

Commercial waste

- 8.471. The LBTH Waste and Recycling Officer raised no concerns with the proposed commercial waste provisions which would be separated from the residential waste provisions accordingly.

Residential waste

- 8.472. The proposed strategy for the townhouses to store their own waste within the garage area is not supported by the Waste and Recycling Officer. The proposed development as a consequence would require an alternative arrangement to be provided. The required alternative arrangement which would prevent a blocking up of the highway on collection day would be secured as part of a waste management plan secured by a safeguarding condition.

Strategy and Waste Hierarchy

- 8.473. The Waste and Recycling Officer has confirmed that the information submitted is insufficient to confirm that the required waste hierarchy. A pre-commencement planning condition would therefore be required to evidence how the proposed waste storage and collections methodologies would comply fully with the waste hierarchy.
- 8.474. Subject to the attachment of the above conditions, the Waste and Recycling Officers did not raise any overarching objection to the scheme overall.

Energy & Sustainability

- 8.475. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.476. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.477. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.478. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy and supplying the energy as efficiently as possible and integrating renewable energy technologies. The current proposals would incorporate measures to reduce CO₂ emissions by 31.9%.
- 8.479. The submitted Energy Strategy (WSP – December 2014) identifies that the applicant has held preliminary discussions with Cofely relating to a connection to the Cofely ExCel Exhibition and Conference Centre District Heating Network, with negotiations relating to a connection on going.
- 8.480. A condition would be attached to ensure that an updated district energy strategy is submitted with a preference for a connection where feasible, in accordance with London Plan policy 5.6 which seeks developments to connect to an existing district heating system where available.
- 8.481. The CO₂ emission reductions currently proposed fall short of the 45% reduction requirements of policy DM29. The LBTH Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:

‘...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.’

- 8.482. The cost of a CO₂ shortfall is £1,800 per tonne of CO₂. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.483. For the proposed scheme, a financial contribution of £252,000 for carbon offset projects would be secured via a section 106 agreement.
- 8.484. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme would achieve a BREEAM Excellent rating. This is welcomed and would be secured via Condition.
- 8.485. The GLA raise no strategic concerns with the proposed energy strategy.
- 8.486. Subject to safeguarding conditions and a s106 agreement, the proposed development would comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan 2015, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

Environmental Considerations

Noise and Vibration

- 8.487. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.488. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.489. Notwithstanding the assessments of the impact of an operating Orchard Wharf as discussed previously, the resulting noise and vibration impacts of the proposed scheme on the residential amenity of the future residents of the development was assessed as part of the submitted ES and reviewed on behalf of the Council by LUC.
- 8.490. The findings of the assessment by LUC confirmed that appropriate internal noise levels within all of the residential facades of the proposed development would be achieved in accordance with the requirements of BS 8233. The external terraces and balconies of the proposed development would be exposed to no more noise and disturbance than that typical of an urban environment. The increase in noise levels resulting for additional traffic generated by the development would be insignificant.

- 8.491. The Council's Environmental Health Noise and Vibration officer reviewed the submitted ES and raised also raised no objection, subject to the attachment of safeguarding conditions to ensure the relevant standards are met.
- 8.492. Subject to safeguarding conditions, officers consider that the proposed development would not result in the creation of unacceptable levels of noise and vibration during the life of the development in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Air Quality

- 8.493. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.494. Notwithstanding the assessments of the impact of an operating Orchard Wharf as discussed previously, the submitted Air Quality Assessment which seeks to demonstrate how the development prevent or reduce associated air pollution during construction and demolition was assessed as part of the ES and reviewed on behalf of the Council by LUC.
- 8.495. The findings of the assessment by LUC confirmed that the dust impacts from the Demolition and Construction phase would be temporary and of minor adverse significance, with good practice mitigation measures in place. The emission from vehicles and plant equipment would also be insignificant.
- 8.496. During the operational phase, even with considering the precautionary basis and combined with traffic and energy centre emissions, the development would still not exceed the Air Quality Strategy (AQS) objectives. The resulting highest levels of nitrogen dioxide would therefore fall well within the statutory limits.
- 8.497. The magnitude of change in pollutant levels would be imperceptible and therefore the effects of the development on air quality would also be negligible.
- 8.498. The submitted Air Quality Neutral Assessment within the ES also confirms that the development would be compliant with benchmarks for traffic-related emissions, although it would not meet the buildings emissions benchmark.
- 8.499. The applicant indicates that further work on energy centre design is required in accordance with the Supplementary Planning Guidance (SPG) Sustainable Design and Construction 'Air Quality Neutral Appendix'. The requirement for the development to comply with the relevant benchmarks would therefore be secured via condition.
- 8.500. The LBTH Environmental Health Officer raised no objection to the approval of the proposed scheme with regards to air quality and recommended that compliance of the development with the Sustainable Design and Construction 'Air Quality Neutral Appendix' be secured by condition.
- 8.501. Subject to safeguarding conditions, officers considered that the resulting associated air pollution is appropriately reduced and as such, the proposal complies with policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD, which seeks to reduce air pollution.

Microclimate

- 8.502. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.503. The Environmental Statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflect the fact that sedentary activities such as sitting require a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 8.504. The findings of the ES were that the wind levels based on the existing surroundings would be generally appropriate for the required land uses. A number of minor adverse to moderate adverse effects were noted at amenity space and terrace receptors, entrance receptors and thoroughfare receptors.
- 8.505. The findings of the assessment by LUC confirmed that the methodology and mitigation measures stated within the ES, which included landscaping, balustrades and vertical screening would sufficiently minimise the microclimate impacts. The four receptors which would be subject to speeds, which exceed Beaufort Force 6 for more than hour are all positioned on pedestrian thoroughfares and as a consequence would be unlikely to cause nuisance.
- 8.506. Subject to safeguarding conditions to secure the mitigation measures, officers consider that the resulting impact of the development on the microclimate would be acceptable.

Demolition and Construction Noise and Vibration

- 8.507. The submitted Environmental Statement Chapter 9: Noise and Vibration and considers that the most likely cause of noise and vibration would be during the demolition and construction works.
- 8.508. The demolition and construction works would be likely to result in temporary, short-term effects to occupants on the surrounding streets particularly with regards to the occupants at Faraday School, 42-44 Orchard Place and Trinity Buoy Wharf.
- 8.509. The submitted ES states that the resulting noise levels however would also tend to be reasonable low to neighbouring receptors due to the existing separation distances, screening effects and periods of plant inactivity.
- 8.510. The findings of the assessment by LUC as part of the review of the ES confirmed that the noise assessment does not take into account ambient noises resulting from demolition and construction at the sensitive receptors.
- 8.511. The securing of the submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 8.512. Subject to such safeguarding conditions, it is considered that the development would be acceptable in regards to noise and vibration.

- 8.513. Subject to safeguarding conditions, officers consider that the proposed development would not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 8.514. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that subject to safeguarding conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.
- 8.515. Subject to safeguarding conditions, it is considered that the proposed development would not result in any land contamination issues in accordance with the requirements of the NPPF and policy DM30 of the MDD.

Flood Risk and Water Resources

- 8.516. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.517. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The development is considered to be at a low risk of flooding however, as the site is protected from fluvial and tidal flooding due to the existing flood defences.
- 8.518. The FRA submitted as part of the ES confirms that the finished floors levels would be 2.7 AOD and all residential sleeping accommodation would be set at a minimum of 5.94m AOD. The construction of the development in accordance with the stated floor levels would be secured via condition.
- 8.519. The Environment Agency raised no objection to the proposed development and confirmed the proposed finished floor levels and location of habitable rooms would be sufficient to ensure that the impact of tidal and fluvial flood risk to the site would be insignificant.
- 8.520. The surface water run-off would discharge into the River Lea and the River Thames, which would result in a significant reduction in the discharge run off into the Thames Water's combined sewage system.
- 8.521. The risk of flooding from groundwater, pluvial and artificial sources were assessed as part of the ES and are considered insignificant.
- 8.522. LUC raised no objections to the findings of the ES, although recommended that the submission of further information regarding surface water management system should be secured via condition. The required condition would be secured accordingly.
- 8.523. Subject to safeguarding conditions, the proposed development as a consequence is considered to comply with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Television and Radio Service

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

8.525. The applicants submitted report confirms the proposed development would have no significant impact upon:

- broadcast radio reception;
- satellite television reception;
- terrestrial television reception in all directions apart from transmissions incident upon southerly and westerly facing elevations of the proposed Development.

8.526. The development would result in electromagnetic shadows that would be created to the northeast and to the south east of the Development. The impact however would be relatively narrow and short.

London City Airport Safeguarding Zone

8.527. London City Airport at this stage have raised no safeguarding objection to the scheme. An informative regarding the heights of buildings, cranes during construction and ensuring the chosen plants and trees are designed so as not to attract birds that can cause a strikes would be attached to any decision.

Health Considerations

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

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

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

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

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

Impact upon local infrastructure / facilities

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

8.533. The NPPF requires that planning obligations must be:

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

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

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

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

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

8.537. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.538. The proposal would also be liable to pay the LBTH Community Infrastructure Levy. This is dealt with in the following section on financial considerations.

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

8.540. As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.

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

Public Transport;
Enterprise and Employment Skills and Training;
End User;
Energy; and
Monitoring contribution

- 8.542. The applicant has also offered 27% affordable housing by habitable room with a tenure split of 66/34 between affordable rented and shared ownership housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.
- 8.543. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted.
- 8.544. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.
- 8.545. The financial contributions offered by the applicant are summarised in the following table:

| Heads | Planning obligation financial contribution |
|--|---|
| Public Transport – Local Buses | £399,000 |
| Employment, Skills, Construction Phase Skills and Training | £355,620 |
| End User | £45,877.99 |
| Carbon off-setting | £252,000 |
| Monitoring | £5,000 |
| Total | £1,057,498 |

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

9. FINANCIAL CONSIDERATIONS

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

- 9.1. 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.
- 9.2. 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.
- 9.3. In this context “grants” might include New Homes Bonus.

- 9.4. These are material planning considerations when determining planning applications or planning appeals.
- 9.5. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be approx. £10,986,308.95.
- 9.6. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.7. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £1,246,348.00 in the first year and a total payment of £7,478,090.00 over 6 years.

10. HUMAN RIGHTS CONSIDERATIONS

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

- 10.4. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7. 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.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

11. EQUALITIES ACT CONSIDERATIONS

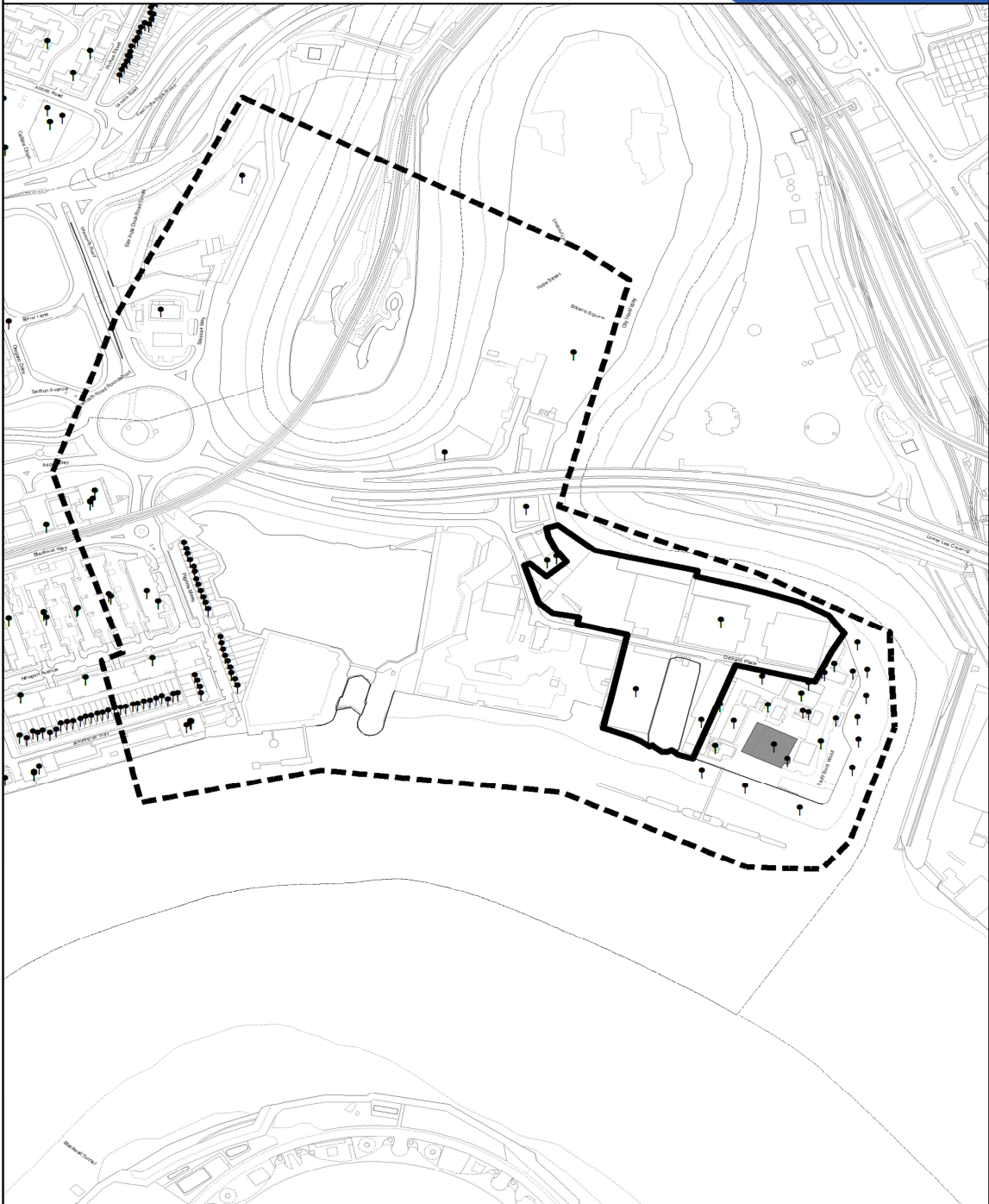
- 11.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due 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.
- 11.2. The chapter 7 (Socio-Economics) of the submitted Environmental Statement sets out how the proposed development would comply with the equality Act 2010.
- 11.3. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, 10% would be wheelchair accessible. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 11.4. In terms of employment, the commercial floorspace would be expected to offer a range of different jobs with different skills, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.

- 11.5. The introduction of a publically accessible children's playground and river walk would encourage and promote social cohesion across the site and within the borough generally.
- 11.6. The proposed development and uses as a consequence is considered to have no adverse impacts upon equality and social cohesion.

12. CONCLUSIONS

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

Planning Application Site Map
PA/14/03594



| | | | |
|------------------------------------|----------------------------|---------------------|--|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address | |
| Consultation Area | Statutory Listed Buildings | 0 30 m | |

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 2

List of plans for approval and supporting documents

Site wide Plans

900_07_099 Lower Ground Floor P2
900_07_100 Ground Floor P2
900_07_101 First Floor P2
900_07_102 Second Floor P2
900_07_103 Third Floor P2
900_07_106 Sixth Floor P2
900_07_110 Tenth Floor P2
900_07_124 Twenty Fourth Floor P2
900_07_130 Roof Plan P1

Site Elevations

900_07_200 Site Wide Elevation North & South P2
900_07_201 Orchard Place Elevation North & South P2
900_07_202 Site Wide Elevation East & West P1

Site 3D Images

900_07_250 Axonometric view from South West P2

Site Sections

900_07_300 Site Wide Section North P2
900_07_301 Site Wide Section South P2
900_07_302 Site Section Block M P2

Blocks AB Plans

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900_07_AB_100 Block AB Ground Floor (Podium) P2
900_07_AB_101 Block AB First Floor P2
900_07_AB_102 Block AB Second Floor P2
900_07_AB_103 Block AB Third Floor P2
900_07_AB_104 Block AB Fourth Floor P2
900_07_AB_105 Block AB Fifth Floor P2
900_07_AB_106 Block AB Sixth Floor P2
900_07_AB_107 Block AB Seventh Floor P2
900_07_AB_108 Block AB Eighth Floor P2
900_07_AB_109 Block AB Ninth Floor P2
900_07_AB_110 Block AB Tenth Floor P2
900_07_AB_111 Block AB Eleventh Floor P2
900_07_AB_112 Block AB Twelfth Floor P2
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900_07_AB_114 Block AB Fourteenth - Sixteenth Floor P2
900_07_AB_117 Block AB Seventeenth – Nineteenth P2
900_07_AB_120 Block AB Twentieth - TwentySeventh Floor P2
900_07_AB_128 Block AB TwentyEight-TwentyNinth Floor P2
900_07_AB_130 Block AB Roof Plan

Block AB Elevations

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900_07_AB_201 Block AB South P2
900_07_AB_202 Block A East & West P1
900_07_AB_203 Block B East P1
900_07_AB_204 Block B West P1

Block CD Plans

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900_07_CD_100 Block CD Ground Floor (Podium) P1
900_07_CD_101 Block CD First Floor P1
900_07_CD_102 Block CD Second Floor P1
900_07_CD_103 Block CD Third, Fourth and Fifth Floor P2
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900_07_CD_107 Block CD Seventh Floor P2
900_07_CD_108 Block CD Eighth Floor P2
900_07_CD_109 Block CD Ninth Floor P2
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900_07_CD_111 Block CD Eleventh Floor P1
900_07_CD_112 Block CD Twelfth and Thirteenth Floor P1
900_07_CD_114 Block CD Fourteenth Floor P1
900_07_CD_115 Block CD Fifteenth Floor P1
900_07_CD_116 Block CD Sixteenth Floor P1
900_07_CD_117 Block CD Roof Plan P1

Block CD Elevations

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900_07_CD_202 Block C East Elevation P2
900_07_CD_203 Block C West Elevations P1
900_07_CD_204 Block D East Elevations P1
900_07_CD_205 Block D West Elevations P1

Block EFG Plans

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900_07_EFG_100 Block EFG Ground Floor (Podium) P1
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900_07_EFG_104 Block EFG Fourth Floor P2
900_07_EFG_105 Block EFG Fifth Floor P2
900_07_EFG_106 Block EFG Sixth Floor P2
900_07_EFG_107 Block EFG Seventh Floor P1
900_07_EFG_108 Block EFG Eighth Floor P2
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900_07_EFG_116 Block EFG Sixteenth Floor P1
900_07_EFG_117 Block EFG Seventeenth Floor P1
900_07_EFG_120 Block EFG Twentieth Floor P1
900_07_EFG_121 Block EFG Twenty First Floor P1

900_07_EFG_122 Block EFG Roof Plan P1

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900_07_EFG_201 Block EF South Elevation P2

900_07_EFG_202 Block E East Elevation P1

900_07_EFG_203 Block E West Elevation P1

900_07_EFG_204 Block F East Elevation P1

900_07_EFG_205 Block F West Elevation P1

900_07_EFG_206 Block G North & South P1

900_07_EFG_207 Block G East Elevation P1

900_07_EFG_208 Block G West Elevation P1

900_07_EFG_401 Apartment Layout F.S1.02 P1

900_07_EFG_402 Apartment Layout F.S2.02 P1

900_07_EFG_403 Apartment Layout F.S2.02W P1 900_07_EFG_404 Apartment Layout G.R1.02 P1

900_07_EFG_405 Apartment Layout F.R2.01.W P1

900_07_EFG_406 Apartment Layout G.R2.01 P1

900_07_EFG_407 Apartment Layout G.R3.03 P1

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900_07_HI_100 Block HI Ground Floor (Podium) P1

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900_07_HI_102 Block HI Second Floor P2

900_07_HI_103 Block HI Third Floor P2

900_07_HI_104 Block HI Fourth Floor P1

900_07_HI_105 Block HI Fifth Floor P1

Block JKL Plans

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900_07_JKL_100 Block JKL Ground Floor (Podium) P1

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900_07_JKL_103 Block JKL Third Floor P2

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900_07_JKL_107 Block JKL Seventh Floor P2

900_07_JKL_108 Block JKL Eighth Floor P2

900_07_JKL_109 Block JKL Ninth Floor P1

900_07_JKL_110 Block JKL Tenth Floor P1

900_07_JKL_111 Block JKL Eleventh Floor P1

Block JKL Elevations

900_07_HIJKL_200 Block J South, East, West Elevation P1

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900_07_HIJKL_202 Site Elevation East P1

900_07_HIJKL_203 Site Elevation West P1

900_07_HIJKL_204 Union Dock West P1

900_07_HIJKL_205 Union Dock East P2
900_07_HIJKL_206 Courtyard Elevation West P2
900_07_HIJKL_207 Courtyard Elevation East P1

Document list

Design & Access Statement – prepared by Allies and Morrison
Environmental Statement – prepared by Watermans
Water Framework Directive Compliance Assessment – prepared by Watermans
Energy Assessment – prepared by WSP
Sustainability Statement – prepared by WSP
River Wall Strategy – prepared by Allies and Morrison and WSP
Employment Land Case – prepared by Chilmark
Transport Statement – prepared by Transport Planning Practice
Union Wharf Caisson Conservation Philosophy – prepared by Beckett Rankine
Financial Viability Assessment – prepared by Bespoke Property Consultants
Statement of Community Involvement – prepared by Thorncliffe
Aviation Assessment – prepared by Avia Solutions
Radio and Television Interference Assessment – prepared by EMC Consultants

Addendum document list

Design and Access Statement Addendum, September 2015 – prepared by Allies and Morrison
Environmental Statement Addendum, September 2015 – prepared by Waterman
Water Framework Directive Compliance Assessment Addendum, September 2015 – prepared by Waterman
Safeguarded Wharf Assessment Addendum, September 2015 – prepared by Waterman
Response to GLA Energy Strategy Comments, June 2015 – prepared by WSP
Addendum Transport Statement, September 2015 – prepared by TPP