

<b>Committee:</b> Strategic	<b>Date:</b> 12 <sup>th</sup> May 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Jermaine Thomas	<b>Ref No:</b> PA/15/03073
	<b>Ward:</b> Canary Wharf

## 1. APPLICATION DETAILS

**Location:** South Quay Plaza 4, Marsh Wall, London, E14

**Existing Use:** The site is a cleared site.

**Proposal:** Erection of a 56 storey building comprising of 396 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

The application is accompanied by an Environmental Impact Assessment.

**Drawing and documents:** See appendix 2

**Applicant:** Berkeley Homes Ltd.

**Ownership:** Berkeley Homes (Capital) plc. and Berkeley Homes (South East London) Ltd

**Historic Building:** None

**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 (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for a residential-led mix use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.3. The proposed tall building would be of an appropriate scale, form and composition for the surrounding context and townscape. The development would be of high quality design, provide a positive contribution to the skyline and not adversely impact on 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 privacy, outlook or increased sense of enclosure. The high quality accommodation provided, along with the external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. Transport matters, including parking, access and servicing are on balance considered acceptable.

### 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 £161,452 towards employment, skills, training and enterprise and construction stage;
- b) A contribution of £1,200 towards employment skills and training to access; employment in the commercial uses within the final development;
- c) A contribution of £108,360 towards carbon off-set initiatives;
- d) A contribution of £200,000 towards local bus services;
- e) A contribution of £8,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £487,012.

#### Non-financial contributions

- a) Delivery of 25% Affordable Housing comprising of 27 intermediate units, and 49 affordable rented units (28 Borough Framework and 21 Social Target Rent)
- b) Affordable housing delivery;
- c) Viability review mechanism;
- d) Permit Free for future residents;
- e) Apprenticeships and work placements;
- f) Access to employment and construction - 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs;

- g) Public access retained for all public realm, walking, cycling and vehicular routes;
- h) Improvement works to South Quay Square;
- i) Permanent access arrangements to South Quay Plaza 1-3 and Discovery Dock East;
- j) Permanent access arrangements to the Jemstock buildings
- k) Implementation and monitoring of the carbon emission reductions (Energy Statement);
- l) Terrestrial and satellite television signals mitigation
- m) DLR signal survey and mitigation measures

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. Evidenced based Waste management strategy;
- 2. Noise mitigation measures to ensure satisfactory relationship to adjacent DLR
- 3. Sound insulation scheme;
- 4. Access arrangement (wheelchair accessibility);
- 5. Construction Environmental Management plan;
- 6. Surface water drainage scheme;
- 7. Water Supply infrastructure in consultation with Thames Water
- 8. Ground contamination remediation and mitigation
- 9. Biodiversity mitigation and enhancements;
- 10. District energy and heating strategy;
- 11. Piling Method Statement

Prior to completion of superstructure works conditions:

- 12. Secure by design principles;
- 13. Details of all external plant and machinery including air quality neutral measures;
- 14. Details of all external facing materials;
- 15. Details of public realm, landscaping and boundary treatment;
- 16. Child play space strategy
- 17. Details of all external CCTV and lighting;
- 18. Details of extraction and ventilation for Class A3 uses
- 19. Scheme of highway works surrounding the site (Section 278 agreement)

Prior to Occupation' Conditions:

- 20. Details of all shop fronts and entrances to ground floor public spaces;
- 21. Details of step free and wheelchair access arrangements;
- 22. Surface water management system
- 23. Travel Plan;
- 24. Permit free development;
- 25. Site management inclusive of a cleaning regime
- 26. Delivery and servicing plan;
- 27. Details of cycle parking, inclusive of visitors cycle parking and associated facilities;
- 28. Wheelchair accessible residential units
- 29. Delivery of BREEAM Excellent for commercial element of the scheme

### Compliance' Conditions –

30. Permission valid for 3yrs
31. Development in accordance with approved plans;
32. Hours of operation of commercial units (A1 – A4 use class)
33. Internal Noise Standards
34. Renewable energy technologies in accordance with approved Energy Strategy

### **Informatives**

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Environmental Health informatives

## **4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS**

### **Proposal**

- 4.1. The applicant is seeking planning permission for the comprehensive redevelopment of the site to provide a residential led mix use scheme which would form part of a wider regeneration strategy when combined with the neighbouring and previously approved South Quay Plaza 1- 3 scheme (SQP 1-3).
- 4.2. The development comprises of the following uses:
  - 396 residential units (Use class C3)
  - 189 sqm (GIA) Flexible Commercial Uses – retail, financial and professional services, cafes and restaurants and drinking establishments (Use class A1- A4)
- 4.3. The proposed scheme comprises of a single L shaped tower, 56 storeys tall (198 m AOD) set within landscaped area.
- 4.4. The proposed site layout seeks to provide a pedestrian friendly environment and form part of a new north to south pedestrian link which would run from the South Dock to Marsh Wall.
- 4.5. The proposed non-residential uses at ground floor level would provide commercial active to three of the five proposed elevations.
- 4.6. The proposed residential use would comprise of 396 residential units, 25% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 320 private units, 27 intermediate units, and 49 affordable/social 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**

	<b>Number of units</b>	<b>% units</b>	<b>Habitable Rooms</b>	<b>% hab rooms</b>
Open Market	320	81%	831	75%
Affordable and social rent	49	12%	196	18%
Intermediate	27	7%	78	7%

<b>TOTAL</b>	<b>396</b>	<b>100%</b>	<b>1105</b>	<b>100%</b>
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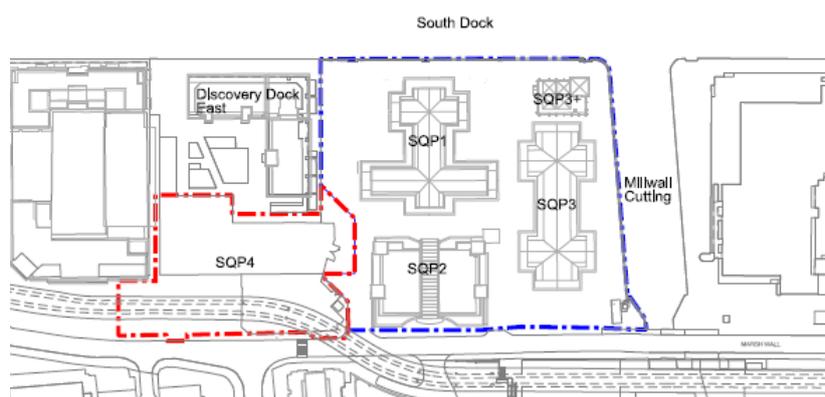
### Dwelling numbers by unit size and tenure

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Open Market	0	166	117	37	0
Affordable and social rent	0	14	14	14	7
Intermediate	0	18	9	0	0
<b>TOTAL</b>	<b>0</b>	<b>198</b>	<b>140</b>	<b>51</b>	<b>7</b>
<b>Total as %</b>	<b>0</b>	<b>50%</b>	<b>35%</b>	<b>13%</b>	<b>2%</b>

- 4.7. The proposed development would consist of 3 outdoor sky gardens which are positioned within the envelope of the building.
- 4.8. The proposal would also include cycle parking spaces, refuse provisions and landscaping works.
- 4.9. The proposed basement would be designed to provide access to the basement of SQP 1 -3 site and the existing basement of DDE.

### Site and Surroundings

- 4.10. The application site is currently vacant and enclosed by a two metre high advertising hoarding boards. Immediately to the east are two office buildings and small retail parade which form part of a development site known as South Quay Plaza 1-3 which as discussed previously has consent for 888 new homes in two new 68 and 36 storey high towers. This development received planning permission on 30 March 2015.
- 4.11. The following plan shows the extent of the application site outlined in red and the adjacent SQP 1-3 land also under the ownership of the applicant which is shown in blue.



*Image of Application Site*

- 4.12. The northern edge of the site abuts the Southern edge of South Quay Square.
- 4.13. To the north of site and South Quay Square is Discovery Dock East which is an L shaped 23 storey residential building.

- 4.14. To the west of the site are the 15 storey Canary Wharf Hilton Hotel (Jemstock 1) and a vacant 15 storey building structure (Jemstock 2) which has a resolution to grant planning permission for serviced apartments, with a café and offices on the lower floors.
- 4.15. To the north west of the site is 'Discovery Dock West' which is a 13 storey residential building (Jemstock 3).
- 4.16. The Docklands Light Railway (DLR) and highway of Marsh Wall are situated to the south of the application site. Further south is the Millharbour Village development site at 1 and 3 Millharbour.
- 4.17. The application site is not located within a conservation area and does not comprise or affect the setting of any listed buildings.

### **Spatial policy designations**

- 4.18. The site is within the London Plan's Isle of Dogs Opportunity Area which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.
- 4.19. The site is allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages comprehensive mixed-use redevelopment to provide a strategic housing contribution and a district heating facility where possible. The allocation states that developments would include commercial floorspace, open space and other compatible uses and advises that development should recognise the latest guidance for the Millennium Quarter.
- 4.20. The site is outside of the Canary Wharf Preferred office Location (POL) and Canary Wharf Major Town Centre, but within the Tower Hamlets Activity Area (THAA), as defined by Core Strategy Policy SP01. The THAA is intended to provide transitional areas that are complementary, yet different, to the distinct designations of the Canary Wharf town centre.
- 4.21. The site is within an Environment Agency designated Flood Zone 3a - land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year, ignoring the presence of defences.
- 4.22. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.23. The site is within the London City Airport Safeguarding Zone.
- 4.24. 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.
- 4.25. The site is within the Crossrail Safeguarding Area as well as the Crossrail SPG Charging Zone

### **Relevant planning history**

*Application site*

4.26. **South Quay Plaza 4:**

**PA/15/01286**

Application for non-material amendment of planning permission dated 30/03/2015, ref: PA/14/00944 for the removal of vehicular lifts and replacement with retail (Use Class A1-A4) space at ground and first floor level and associated alterations to external elevations at ground, mezzanine and first floor level. Removal of shared surface space associated with the vehicular lifts and replacement with landscaped open space. The insertion of a condition limiting occupation of the development until such time as the permission granted under PA/15/01321 has been completed.

**Approved 19/10/2015**

**PA/15/01321**

The erection of two single storey pavilion structures comprising a vehicle lift and waste and recyclable waste storage area; along with associated access, servicing, hard and soft landscaping and other incidental works.

**Approved 19/10/2015**

**PA/15/03412**

Erection of a single storey pavilion for the temporary use as a sales and marketing suite with ancillary storage space, access, parking and associated landscaping

**Approved 11/04/2016**

*Adjacent sites*

4.27. **South Quay Plaza 1- 3**

**PA/15/03074**

Section 73 application for variation of condition 4 (Approved Drawings) of Planning Permission PA/14/00944, dated 30/03/2015 for the following: Revised residential unit mix with 6x additional residential units (Class C3) Amendments to internal layouts, elevations, landscaping and access arrangements Incidental works

**Assessment on-going**

**PA/14/00944**

Demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential-led mixed use buildings of up to 68 storeys and up to 36 storeys comprising up to 888 residential (Class C3) units in total, retail (Class A1-A4) space and crèche (Class D1) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

**[Revised Description]**

**Approved 30/03/2015**

4.28. **Jemstock 2**

**PA/15/02104**

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

**Resolution to Grant 10/03/2016**

4.29. Land at 3 Millharbour and Land at 6,7 and 8 South Quay Square

**PA/14/03195**

The demolition and redevelopment of sites at 3 Millharbour and 6, 7, and 8 South Quay with four buildings: Building G1, a podium with two towers of 10 - 38 storeys and of 12 - 44 storeys; Building G2, a four floor podium with two towers of 34 and 38 storeys inclusive of podium; Building G3, a tower rising to 44 storeys; and Building G4, a four floor podium with a tower of 31 storeys inclusive of podium. The development provides 1,500 new homes in a mix of units and tenures (private, social-rented and intermediate); a new primary school with nursery facilities; further education uses (total D1 floorspace 13,525 sqm with a fall back that 4,349 sqm of this floorspace could also be used in full or part as D1 or D2 leisure floorspace, if necessary); 5,820 sqm of flexible commercial floorspace (B1/D1/D2/A1/A2/A3 and/or A4); two new public parks including play facilities, a new north-south pedestrian link and landscaping including works to conjoin the plots into the existing surrounding urban fabric; car parking spaces (for residential occupiers, blue badge holders and for a car club); cycle parking; management offices; service road and associated highway works; and other associated infrastructure including the diversion of the Marsh Wall sewer.

**Resolution to grant 8/102015**

*Wider South Quay Developments*

Built / Near completion

- 4.30. "Pan Peninsula" has two buildings on 48 and 39 stories and contains 820 residential units along with retail, business and leisure uses.
- 4.31. "Landmark" has one building of 44 storeys, one building of 30 storeys and two buildings of eight storeys and contains 802 dwellings along with retail, business and community uses.
- 4.32. "40 Marsh Wall" (PA/10/1049) Planning permission was granted 15<sup>th</sup> November 2010 for the demolition of the existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- 4.33. "Indecon Court" PA/13/001309 Planning permission granted on 23/12/2013 (originally granted 13/06/2008) for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level." Amendments proposed include: Minor elevational changes; Incorporation of retail unit (use class A1-A4) into ground floor of hotel;
- 4.34. "Baltimore Wharf" PA/06/02068, planning permission was granted by the Council for the "Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sqm of

floor space over a podium for use as 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sqm m, 2,892 sqm m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sqm m, associated car parking, landscaping including new public open spaces and a dockside walkway (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006)".

Consented / Implemented but not fully built out

- 4.35. "Riverside South" PA/07/935 granted 22nd February 2008 for the erection of Class B1 office buildings (330,963 sqm) comprising two towers with a maximum of 45 storeys (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses at promenade level up to a maximum of 2,367 sqm together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sqm).
- 4.36. "City Pride" PA/12/03248 granted 10th October 2013 for the erection of residential-led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 162 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
- 4.37. "Newfoundland" PA/13/01455 granted 10th June 2014 for the erection of a 58 [sic] storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units, 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.
- 4.38. "Arrowhead Quay" PA/12/03315 planning permission granted on 19<sup>th</sup> February 2015 for the erection of two buildings of 55 and 50 storeys to provide 792 residential units (Use Class C3) and ancillary uses, plus 701 sqm of ground floor retail uses (Use Classes A1 -A4), provision of ancillary amenity space, landscaping, public dockside walkway and pedestrian route, basement parking, servicing and a new vehicular access.
- 4.39. "1-3 South Quay Plaza" PA/14/00944. Planning permission granted on 31<sup>st</sup> March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.
- 4.40. "Meridian Gate" PA/14/01428 planning permission granted on 6<sup>th</sup> March 2015 for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 53 storeys comprising of 423 residential apartments (use class C3) and circa 425sqm office (use class B1), 30 basement car parking spaces; circa 703sqm of residents gym and associated health facilities; public realm improvements; and the erection of a single storey amenity building comprising a sub-station, reception for basement access, car lifts and circa 105sqm retail/cafe (use class A1/A3).

- 4.41. Land at 2 Millharbour PA/14/01246 The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a ‘link’ building situated between block B1 and D)—ranging in height from 8 to 42 storeys. New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) ‘leisure box’ (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping

Under consideration

- 4.42. “30 Marsh Wall” PA/13/03161 for demolition and redevelopment to provide a mixed use scheme over two basement levels, lower ground floor, ground floor, and 52 upper floors (rising to a maximum height including enclosed roof level plant of 189 metres from sea level (AOD)) comprising 73 sqm m of café/retail floorspace (Use Classes A1 A3), 1781 sqm m of office floorspace (Use Class B1), 231 sqm m of community use (Use Class D1), 410 residential units (46 studios, 198 x 1 bed, 126 x 2 bed and 40 x 3 bed) with associated landscaping, 907 sqm m of ancillary leisure floorspace and communal amenity space at 4th, 24th, 25th, 48th and 49th floors, plant rooms, bin stores, cycle parking and 50 car parking spaces at basement level accessed from Cuba Street.
- 4.43. “225 Marsh Wall” PA/15/02303 Demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 55 storeys comprising residential (Use Class C3), flexible office/community/retail (Use Class B1/D1/A1/A3), resident amenities, basement care parking, public realm improvements and other associated works.
- 4.44. “Cuba street” PA/15/02528 Redevelopment of the site to provide a residential-led mixed use development comprising two buildings of up to 41 storeys (136m AOD) and 26 storeys (87m AOD) respectively. Provision of up to 448 residential units, flexible retail/ community uses and ancillary spaces together with public open space and public realm improvements.

Withdrawn application

- 4.45. “54 Marsh Wall” PA/14/02418 Application received for the demolition of the existing building and the construction of a new residential-led mixed use development consisting of two linked buildings of 29 and 39 storeys (with two additional basement levels) comprising 240 residential units (including on-site affordable housing), a new café (Use Class A3) and community facility (Use Class D1) at the ground level, basement car parking and servicing, landscaped open space and a new public pedestrian route linking Marsh Wall and Byng Street.

Resolution to Grant

- 4.46. “Hertsmere house” PA/15/02675 Demolition of remaining buildings and structures and erection of a 67 storey building with two basement levels, comprising 861 residential units (Use Class C3), 949sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking.

## **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 (MALP 2016)**

#### Policies

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centre
- 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
- 4.4 Managing Industrial land and premises
- 4.5 London' visitor infrastructure
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity

- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.30 London's canals and other river and water spaces
- 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
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- 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

### **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
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking

- DM23 Streets and 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**

- South Quay Masterplan (October 2015)
- 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 (March 2016)
- 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: London Housing Guidance (March 2016)

### **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

### **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 Environmental Health - Contaminated Land**

- 6.3. A condition is recommended to ensure any contaminated land is appropriately dealt with.

### **LBTH Environmental Health - Air Quality**

- 6.4. Construction assessment concludes that with appropriate mitigation, the construction impacts would be negligible on dust and air quality. Mitigation measures for such should be included in the Construction Environmental Management Plan.
- 6.5. The ES shows that the proposed Energy centre plant, CHP and boilers, would meet the NOx emission limits that are set out in the GLA's Sustainable Design and Construction SPG and the emissions would not have a significant on any existing or proposed receptors.

### **LBTH Environmental Health – Noise and Vibration**

- 6.6. All plant and equipment must be 10dB below lowest recorded background is still criteria.
- 6.7. Further information is required to confirm that the proposed development would be acceptable.
- 6.8. The submission and compliance with an acoustic report should be secured by condition.

### **LBTH Refuse**

- 6.9. Waste Management have the following comments and objections.
- 6.10. Objection (1): It was not agreed that a twice weekly collection would be made, which has been offered as an alternative to "in-bin" compaction at a ratio of 2:1, which was also not agreed. It was agreed that the in-bin compaction solution would be considered and researched, however thus far no evidence in favour of reliability and improved serviceability for the Council has been found in terms of case studies. Moreover some consultation with our existing contractor highlighted concern at the proposal of this methodology as they have recently ceased using in-bin compaction with their McDonalds contracts due to bin damage and service delays, where waste stuck to container walls. Furthermore the pushing force required for the containers was disputed and the impact on vehicle lifts was of further concern. Overall the methodology deviates largely from our core contractual arrangements with Veolia and presents too many potential liabilities for the Council to adopt or agree.
- 6.11. Objection (2): The scale of the development has increased with the addition of SQP4 and is now to such a proportion, that cumulatively, LBTH Waste Management believes that a wholesale revision of the Waste Strategy should be made. The nearby Wood Wharf development of unit scale around 1,700 residential units has planning consent for compacted skip containers of 10m<sup>3</sup> which is solution in keeping with this scale and density of development. Therefore Waste Management believes that the South Quay development should adopt this methodology, perhaps using 15-20m<sup>3</sup> compacted containers collected on a weekly basis for both residual waste and dry recycling.
- 6.12. The above revision to the waste strategy would require a change in basement plans and to accommodate the compaction area and the height required to load unload containers, but in concession all the current residential waste storage rooms would not be required (or at least could be reduced in size considerably). The height of the basement would need to be raised and Waste Management proposes that as a possible solution the landscaped area in-between SQP 4 and 1-3 could reflect this increase in height, forming a mound in the public realm. A feature of the change in ground floor level could then be made for the skip containers to be lifted, which would give the communal landscaped area some further variance.

## **LBTH Highways**

- 6.13. Officers acknowledge that the disabled car parking provision meets current adopted policy. However, Highways were seeking a commitment from the applicant above this in light of the additional demand for disabled spaces over and above the consented scheme. It is disappointing the applicant has not agreed to this.
- 6.14. The applicant has provided the requested information on the traffic modelling. Highways are satisfied the vehicle access/egress arrangements to and on the site are unlikely to result in a material impact on the operation of the local highway network.
- 6.15. The applicant has also clarified the nature of proposed link to the DDE car park and highway agree this would have a beneficial effect of re -routing vehicles associated with this development away from the western access road.
- 6.16. A form of pedestrian refuge should be provided on the required crossover on Marsh Wall. This should be secured as via pre-occupation condition for an agreed scheme of highway works.
- 6.17.
- 6.18. Finally, the development does require amendment at the southwest corner of the Marsh Wall / Millharbour junction in order to maintain the existing signal timings at this junction should the layout be amended as per this application. As mentioned in my initial comments, these (minor) works are expected to take place as part of the Millharbour Village scheme. However, if they do not for whatever reason, Highways require them to form part of the highway works for this scheme.

## **LBTH Biodiversity**

- 6.19. There is no significant existing biodiversity interest on the site. Therefore there will be no significant biodiversity impacts, and ecology is correctly scoped out of the ES.
- 6.20. The proposed development would lead to a significant increase in vegetation within the site, offering considerable scope for biodiversity enhancements, especially in the Pocket Park. The proposed pocket park includes extensive areas of nectar-rich "prairie-style" herbaceous planting, which will be a significant benefit to bees and other pollinating insects, and will contribute to a target in the Local Biodiversity Action Plan (LBAP).
- 6.21. The proposed trees include two black poplars, a priority species in the LBAP. One of these is proposed to be within the SQP4 site. It is important to ensure a true native black poplar, and not a hybrid, is planted. These trees will contribute to another LBAP target. No other native tree species appear to be included in the proposed landscaping, which is regrettable from a biodiversity perspective. The replacement of the non-native *Betula papyrifera* with the very similar-looking, native *Betula pendula*, would significantly enhance the wildlife value of the landscaping.
- 6.22. The hedges could be of considerable biodiversity value and contribute to a LBAP target if they are composed of mixed native species and are sufficiently tall and bushy. However, this might conflict with sightlines and security perceptions. Very low hedges are of negligible biodiversity value.
- 6.23. The Extended Phase 1 Habitat Report recommends including bird and bat boxes in the development, though I can find nothing in any of the other documents to indicate that these are proposed. Bat boxes, and nest boxes for swifts, would contribute to LBAP targets.

6.24. A safeguarding condition would be required to secure biodiversity enhancements.

### **LBTH Economic Development**

6.25. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

6.26. The Council will seek to secure a financial contribution of £161,452 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.

6.27. The council seeks a monetary contribution of £1,200.33 towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the A1-A4 uses of the development, or jobs / training within employment sectors relating to the final development.

6.28. During the end-use phase the occupier/s is/are expected to deliver 1 apprenticeship for a Tower Hamlets resident over the first 3 years of full occupation. This was calculated based on the expected FTE employment for the commercial floorspace.

6.29. The applicant is required to sign up to a Section 106 agreement in accordance with council policy. There will be substantial job opportunities created by the construction of this mixed-use development.

6.30. Direct job opportunities will be created once this scheme is completed as it provides commercial floorspace (10 proposed employees for 189sqm) as part of the operational phase of the development.

6.31. Economic Development supports the creation of new jobs from the construction and operational phases; as well as the construction of new employment floorspace and retail floorspace, in particular within this location, to support the high-density residential building proposals.

### External responses

#### **Crossrail Limited**

6.32. The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction.

6.33. The implications of the Crossrail proposals for the application have been considered and Crossrail Limited do not wish to make any comments on this application as submitted.

#### **Natural England**

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

#### **Historic England**

6.35. 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)**

- 6.36. Deeply buried prehistoric remains and remains connected with the history of the docks are likely to be affected by the scheme. The evaluation proposals suggested by the applicant's archaeological consultants are appropriate. Should significant remains be encountered, there may be a need for further investigation.
- 6.37. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require 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.

### **National Grid**

- 6.38. National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.
- 6.39. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.
- 6.40. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

### **Environment Agency (EA)**

- 6.41. The proposed development will result in a 'more vulnerable' use within flood zone 3. This use is appropriate within flood zone 3 providing the site passes the Flood Risk Sequential Test. For the site to pass the Sequential Test you (the LPA) must be satisfied that there are no alternative sites available for the development at a lower risk of flooding.
- 6.42. If you deem that the Sequential Test is passed then we would have no objection to the above proposal and have the following comments in relation to the Flood Risk Assessment submitted in support of this application.
- 6.43. The FRA produced by the applicant uses old tidal breach modelling and the Tower Hamlets SFRA. However, we now have new tidal breach modelling for this site.
- 6.44. Although this new tidal breach modelling does encroach into the boundary of the site the proposed building footprint is outside the area deemed to be at risk.
- 6.45. EA therefore consider this development to be at a low risk of flooding. However, it is for the Council to decide which data you feel is appropriate to use in this instance.
- 6.46. The Council's emergency planning team should be consulted to ensure that they are satisfied with the mitigation measures proposed such as safe access/egress.

### **London Fire and Emergency Planning Authority**

- 6.47. No Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation and the Brigade is unable to determine their

adequacy. It is recommended this proposal should conform to the requirements of part B5 of Approved Document B.

**Metropolitan Police - Crime Prevention officer**

- 6.48. No objection to the proposed phase proceeding having had meetings regarding the site. It should be on the understanding that the scheme is to achieve Secured by Design accreditation. This will only be confirmed once the entire site has been completed and a full and final inspection has been carried out.

**London Bus Services Ltd**

- 6.49. No comments received.

**TFL London Underground**

- 6.50. Response received confirming no comments to make on this application.

**Network Rail Infrastructure Ltd.**

- 6.51. Network Rail has no objection or further observations to make.

**Docklands Light Railway**

- 6.52. No objection subject to the attachment of safeguarding conditions.

**The Victorian Society**

- 6.53. No comments received

**Commission for Architecture and Built Environment CABA**

- 6.54. No comments received.

**Thames Water Utilities Ltd.**

- 6.55. Thames Water would advise that with regard to sewerage infrastructure capacity, there is no objection to the above planning application.

- 6.56. Thames Water advice that the water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A safeguarding condition is therefore required.

- 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.

**Port of London**

- 6.58. No principle objection. It is noted that investigation into the possibility of utilising the River for the transportation of freight (materials and waste) associated with the development, has previously been investigated. It was concluded that, for a number of reasons, the river could not be used in this regard.

- 6.59. The PLA would encourage specific measures to encourage use of the river to be set out in any travel plan. This could include river bus timetables in residents and works travel packs.

### **Greater London Authority**

- 6.60. The following is a summary of the Stage I response received prior to the submission of substantial amendments to the scheme:

#### *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.
- 6.62. Given the sites context within the Isle of Dogs and the South Poplar Opportunity Area, its position to the south of Canary Wharf, and noting the site is presently vacant, the principle of housing led development is strongly supported.

#### *Open space*

- 6.63. Within the redline boundary, the applicant delivers 3,175sqm of public open space; taken as part of the overall master plan and land within its ownership, the applicant will deliver a total of 11,109sqm. A further 610sqm of existing public realm located within Discovery Dock East will be improved and its design integrated within the Masterplan, to provide an element of consistency between the space and therefore avoiding a fragmented public realm.
- 6.64. The master planned approach will deliver a significant area of high quality and useable play and amenity space for the residents of the wider community. The applicant's commitment to the delivery of a bridge crossing South Dock is particularly commended.

#### *Housing*

- 6.65. The development contains 396 units. The proposal provides 35% affordable housing by habitable room, with a tenure split by units is 64% affordable and 36% intermediate, which is broad accordance with strategic and local policy.
- 6.66. The proposal includes 58 family units, equating to 15% of the overall housing provision. The applicant has prioritised family affordable provision, and as such 21 of the family units are identified as affordable, equating to 43% of the total social housing provision.

#### *Density*

- 6.67. The density of the development is 2,483 ha/hr and is above the suggested density range of 650 – 1100 habitable rooms per hectare for a central site such as this with excellent public transport accessibility.
- 6.68. As set out in the relevant sections of this report, the application includes the provision of public open space, and helps further secure the delivery of a critical future connection across South Dock, both of these elements are strongly supported, respond positively to the development's bearing on the capacity of existing infrastructure, and address the principles of the Council's South Quay Masterplan SPD. In this context, the density of the proposal does not in itself raise strategic concern.

### *Housing quality and design*

- 6.69. As detailed in the urban design section below, the applicant has responded positively through pre-planning application discussions, particularly in relation to the number of units per core, the design of the shared circulation space, the depth of the units, and the proportion of single aspect units, and as such the proposal raises no strategic issues with regards to residential quality.

### *Play space*

- 6.70. The development includes a series of spaces, which are intended to provide play opportunities in addition to general residential amenity. A total of 560sqm is specifically identified for play provision within the redline boundary, together with 330sqm of indoor play provision; a further 150sqm of ground floor play space is also identified with the adjacent South Quay Plaza site, which is in addition to the dedicated play space previously identified as part of the extant planning permission for that development, and is a result of changes to the subsequent basement access to Discovery Dock East.

### *Layout*

- 6.71. The proposal creates a strong building line facing Marsh Wall, and the area under the Dockland Light Railway, as well as to the existing route to the waterfront to the west, commercial uses are located facing both of these routes, and the main residential foyer is located on the corner ensuring all these edges are well animated throughout the day, which is welcomed.
- 6.72. The eastern edge of the scheme is set back to allow for an expansion of the open space being proposed as part of the neighbouring South Quay Plaza 1, 2 and 3 development; in doing so, the scheme provides a significant contribution to the public realm network in the area. Furthermore, the applicant has enabled the consolidation of existing and permitted servicing arrangements, removing the need for service access along the eastern edge of Discovery Dock and subsequently expanding the quantum and quality of public realm.
- 6.73. The landscaped strategy to the south looks to improve the space under the DLR with mobile elements of landscaping and seating, ensuring this space will be inviting and well used, whilst overcoming the need to allow maintenance access to the DLR structure.

### *Residential Quality*

- 6.74. The residential quality is high. The L shape plan allows for up to five dual aspect units on each floor, with all single aspect units facing either south or west. All of the units meet London Plan space standards.
- 6.75. Two double height external amenity spaces are provided on the floors 18 and 37, as well as space on the roof and at ground floor level, so no unit is more than nine storeys from an external amenity space, which is welcomed. Given this provision and the height of the building, the applicant's approach of providing the equivalent balcony space internally to the building is considered acceptable. The residential quality of the scheme is well considered, accords with the London Plan policy, and is supported.

### *Architectural Treatment*

- 6.76. The simple rectilinear form of the building is emphasised by the vertical masonry fins, and the breaks on the floor where external amenity space is provided creates a dramatic and elegant building form. Materials and the quality of the detailing will have a significant impact

on overall quality in the completed scheme, the council is therefore strongly encouraged to secure the retention of the architects during detailed design phases, in addition to utilising appropriate conditions securing design and materials.

#### *Height and Strategic Views*

- 6.77. The proposed development, whilst tall in nature at 56 storeys (198m AOD), sits within the rapidly changing context of the area, and given its proximity to the Canary Wharf tall building cluster, and its high accessibility, does not raise any in principle strategic concerns.
- 6.78. The applicant's townscape, visual and built heritage impact assessment illustrates the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs, and does not raise any strategic concerns. The building will not harm the setting of the listed building within the World Heritage Site, or of listed buildings within Canary Wharf.

#### *Inclusive design*

- 6.79. The applicant confirmed that all residential units will meet life time home standards, and that 10% of the units will be designed to be fully adaptable to wheelchair users.

#### *Blue Ribbon Network and flooding*

- 6.80. The submitted flood risk assessment demonstrates that although the site is within flood zone three, it benefits from a high standard of flood protection afforded by the Thames tidal defences, would not be affected in the event of a modelled breach, and does not have any significant surface water flood risk. The proposal is therefore acceptable with regards to London Plan Policy 5.12.
- 6.81. Residual rainwater will be discharged directly to the adjacent South Dock; these proposals have been discussed with Canal and River Trust, and are strongly supported. In accordance with London Plan policy 5.13, no attenuation is proposed.

#### *Climate Change – adaptation*

- 6.82. The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include sustainable drainage measures, use of low energy lighting and energy efficient appliances, smart meters, high levels of insulation, low water use sanitary-ware and fittings, and bio-diverse planting.

#### *Climate Change Mitigation*

- 6.83. The proposed mitigation would result in a 34% reduction in regulated carbon dioxide emission compared to a 2013 building regulations compliant development; however, the on-site carbon dioxide savings fall short of London plan targets. Given the energy strategy has been robustly reviewed and energy savings maximised, the applicant should liaise with the Council regarding an appropriate payment in lieu to address the shortfall.

#### *Transport*

- 6.84. A financial contribution towards improving bus capacity is required, and appropriate CIL funds allocated towards the provision of additional dock crossing points and cycle hire facilities, which the applicant should identify the location of. The Council should also secure

a car parking management plan, and a comprehensive delivery and servicing, construction logistics, and residential and commercial travel plans through condition.

### **Transport for London**

- 6.85. The application proposes to incorporate the extant permission at SQ1-3 into the development site of SQP4. This would involve incorporating the basement, therefore providing car parking in conjunction with SQ1-3+. As the site only adds an additional 4 spaces this is welcomed.
- 6.86. Moreover, TfL welcomes the proposed cycle parking as it is in keeping with not only London Plan policies, but LCDS best practice guidance.
- 6.87. Mitigation would be required to support pedestrian/cycle movements around the DLR. This will be sought through CIL contributions towards proposed South Quay Dock crossings.
- 6.88. Due to cumulative impact of development on the bus network, TfL are also seeking £200,000 towards mitigation. In addition, TfL request that land be secured onsite for the provision of a cycle-hire docking station. This should be supported by appropriate CIL funds.
- 6.89. Subject to the attachment of safeguarding conditions and requested contributions, TfL raise no objections.

## **7. LOCAL REPRESENTATION**

- 7.1. At application stage, a total of 1157 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	17	Objecting:	17	Supporting:	0
No of petitions received:	0				

- 7.2. The received responses raised in representations are material to the determination of the application. The full representation is available to view on the case file.
- 7.3. The following is a summary of the comment received.

### **Objections**

- The close proximity to Discovery Dock East
- Smells, noise, pollution and disturbance
- The density is too high
- Excessive height
- The pathway to access Discovery Dock East is overcrowded
- Highway safety issues along access to Discovery Dock East
- Behaviour of workers on site
- Lack of public gardens with natural light, sheltered from the wind for child play
- Traffic flows and parking
- Lack of facilities for children and families
- Impact on local infrastructure

- Over development
- Loss of sunlight and daylight to Discovery Dock East
- Loss of privacy
- Overshadowing of communal amenity space and Discovery Dock East
- Impact on emergency services
- Water supply
- Quality of the landscaping
- Traffic generation
- Microclimate (wind)

## **8. PLANNING CONSIDERATIONS AND 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
- Landscaping and biodiversity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations
- Health Considerations
- Planning Obligations
- Financial Considerations
- Human Rights Considerations
- Equalities Act Considerations
- Conclusion

### **The Environmental Impact Assessment**

#### *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 Planning History*

- 8.5. In March 2015, the Applicant obtained detailed planning permission from the LBTH for the redevelopment of the SQP1-3+ site (i.e. excluding SQP4).
- 8.6. An ES was submitted in support of the application in April 2014, with subsequent updates and clarifications by way of an ES Addendum in September 2014 and a Letter of Statement of EIA Validity/Conformity in October 2014.

### *EIA Screening*

- 8.7. A formal EIA Screening Opinion was not requested from LBTH because it was considered by the Applicant that an EIA needed to be undertaken for the proposed development, on account of its size and its location.

### *EIA Scoping*

- 8.8. 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.
- 8.9. In August 2013, the LBTH issued an EIA Scoping Opinion for the extant development i.e. SQP1, SQP 2, SPQ3 and SQP 3+.
- 8.10. In spring/summer 2014, informal discussions were had with the applicant and their EIA consultants on the inclusions of an additional parcel of land and the implications that this would have on the EIA.
- 8.11. A request for a formal EIA Scoping Opinion was received by LBTH, as the 'relevant planning authority' on 19<sup>th</sup> May 2015 for SQP4 as well as SQP1 - 3. The EIA Scoping Opinion was issued on 1<sup>st</sup> July 2015 (PA/15/1345).

### *Environmental Statement*

- 8.12. The Applicant has submitted two planning applications:
  - 1) a new separate planning application for SQP4, seeking full planning permission for a building comprising residential (up to 396 units) and retail uses, along with associated public realm, open space, routes and access; and
  - 2) a new Section 73 Minor Material Amendment (MMA) application to the SQP1-3+ Extant Permission PA/14/00944 (as amended by the NMA application (PA/15/01286)).
- 8.13. The same ES has been submitted for both applications as the sites would be linked through the s106 agreement i.e. one would not come forward without the other. The ES has been prepared by Aecom on behalf of the Applicant.
- 8.14. The ES comprises the following documents:
  - ES Volume I: Main Assessment Text and Figures;
  - ES Volume II: Townscape, Visual and Heritage Impact Assessment Report;
  - ES Volume III: Technical Appendices; and

- ES Non-Technical Summary (NTS).

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

- waste and recycling;
- socio-economics;
- traffic and transportation;
- noise and vibration;
- air quality;
- ground conditions;
- water resources and flood risk;
- archaeology (buried heritage);
- electronic interference;
- aviation;
- daylight, sunlight, overshadowing, light pollution and solar glare;
- wind microclimate; and
- cumulative effects.

8.16. 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.

8.17. An Interim Review Report (IRR) was prepared by LBTH's EIA consultants and issued to the Applicants on 12th February 2016. The IRR raised a number of clarifications and potential requests for 'further information' under Regulation 22, to which the applicant was invited to provide a response.

8.18. A response to the IRR was provided by the Applicant in March 2016, which was reviewed by LBTH's EIA consultants.

8.19. In addition, the Applicant submitted 'Further Environmental Information' in April 2016, which provided an updated cumulative assessment incorporating Alpha Square (PA/15/2671). This was also reviewed by LBTH's EIA consultants.

8.20. This submission was processed as 'further information' under Regulation 22 of the EIA Regulations on 18<sup>th</sup> April 2016. This includes being advertised in a local newspaper circulating in the locality and consulting relevant consultees.

8.21. LBTH's EIA consultants reviewed the response to the IRR and 'Further Environmental Information', and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

#### *Decision Making*

8.22. 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.

8.23. The 'environmental information' means the ES, including any further information (in this case the 'Further Environmental Information') and any other information (in this case the response to the IRR), any representations made by anybody invited to make representations (e.g. consultation bodies), and any representations duly made by any other person about the environmental effects of the development.

- 8.24. Environmental Considerations section of this report considers the effects of the proposed development, taking into account the environmental information.
- 8.25. LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.

#### *Mitigation*

- 8.26. 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.
- 8.27. Chapter 3 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.
- 8.28. The mitigation identified in the environmental information is discussed in the following sections of the report and will be secured through planning conditions and/or s106 and/or CIL, as appropriate.

#### **Land use**

##### *General Principles*

- 8.29. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.30. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1).
- 8.31. Policies 1.1, 2.10, 2.11 and 2.13 of the London Plan seek to promote the contribution of the Isle of Dogs to London's world city role. The London Plan states that development in the Isle of Dogs Opportunity Area should complement the international offer of the Central Activities Zone and support a globally competitive business cluster.
- 8.32. Site Allocation 17 'Millennium Quarter' of the Managing Development Document seeks to deliver a comprehensive mixed use development opportunity required to provide a strategic housing development and district heating facility (where possible). The development would also include commercial floorspace, open space and other compatible uses. Development should recognise the latest supplementary guidance for the Millennium Quarter.
- 8.33. The South Quay Masterplan SPD sets out the vision for the South Quay area which is to create a thriving dockside urban neighbourhood of varied densities integrated with the wider area and home to a diverse community.

- 8.34. The proposed development would provide a mix use residential scheme (Use class C3) with commercial space (use class A1 – A4).

*Residential development*

- 8.35. 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.”
- 8.36. 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.
- 8.37. Tower Hamlets annual monitoring target as set out in the London Plan 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.
- 8.38. The proposed development would provide 396 residential units as part of a mixed use scheme.
- 8.39. 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*

- 8.40. 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.
- 8.41. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
  - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 8.42. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 8.43. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that ‘within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such

as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.

8.44. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:

- a) they do not result in an overconcentration of such uses; and
- b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.

8.45. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:

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

8.46. The proposed retail uses (A1 – A4) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the commercial use at 189qm is relatively modest and combined with similar uses approved at the SQP1-3 development would provide a key function and role within this part of the Activity Area to replace the existing convenience provision within the shopping parade. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A1 – A4 use would also support the vitality and viability of the THAA.

8.47. It is therefore considered that subject to the commercial units shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail use is acceptable in principle.

### **Density and level of development**

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

8.49. 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.

8.50. The site's location (setting) is within an Opportunity Area and is within easy access of Canary Wharf Major Centre and the globally significant office cluster in Canary Wharf. Accordingly, the site is 'centrally located' for the purposes of the London Plan Density Matrix. The site's public transport accessibility is PTAL 3.

8.51. The proposed density for the 396 residential units (1108 habitable rooms) scheme calculated on a developable site area of 0.464 hectares is 2483 ha/hr.

8.52. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. While, the

existing PTAL level 3 does not take into consideration the forthcoming Canary Wharf Crossrail Station.

- 8.53. London Plan policy 3.4 also 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.
- 8.54. The proposed density of 2483 hr/ha however would be greater than the London Plan density range of 300 to 650 hr/ha stated within the density matrix.
- 8.55. The London Plan Housing 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.
- 8.56. South Masterplan policy SQ1 (Housing Density) also states development seeking to exceed London Plan housing densities should:
- a. robustly demonstrate:
    - i. how it successfully mitigates its impacts; and
    - ii. how it delivers the vision, principles and guidance of the South Quay Masterplan.
  - b. deliver exemplary design for housing and non-residential uses; and
  - c. provide the required infrastructure in accordance with the Local Plan and the London Plan.
- 8.57. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out throughout this report.

## **Design**

- 8.58. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.59. 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).

- 8.60. 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.
- 8.61. 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.
- 8.62. 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.
- 8.63. The South Quay Masterplan provides design guidance in the form of overarching place making principles which include:
1. Housing design (SQ1 & SQ3)  
Development should deliver exemplary sustainable housing design to meet the needs of residents, Registered Providers of affordable housing and service providers.
  2. Connections & public realm (SQ2)  
Development should frame and deliver high quality, legible and inviting movement routes, connections and public realm.
  3. Public open spaces (SQ2)  
Development should contribute to the delivery of usable high quality public green open spaces with biodiversity value in coordination with neighbouring sites.
  4. Urban structure & frontages (SQ2 & SQ3)  
Development should deliver a well-defined urban block pattern fronted by active frontages throughout, with a focus on non-residential uses facing onto Marsh Wall, open spaces and docksides with clear distinctions between public, communal and private spaces.

#### *Local context*

- 8.64. The site is situated within the Marsh Wall area of the Isle of Dogs. The Isle of Dogs has seen significant change over the last twenty years. At its heart is the Canary Wharf Estate, with One Canada Square its focal point at 50 storeys (245m Above Ordinance Datum "AOD").
- 8.65. To the east of the Canary Wharf Estate is a site, called Wood Wharf where Tower Hamlets Strategic Development Committee resolved to approve an outline scheme for up to 3,610 homes and 350,000sqm of office floorspace with buildings up to 211m (AOD) in July 2014.
- 8.66. To the south of Canary Wharf is South Dock, a water body that is circa 80m wide. On the southern side of South Dock is the main east-west road, Marsh Wall.
- 8.67. On the northern side of Marsh Wall both South Quay Plaza (SQP) and Arrowhead Quay (AHQ) both have consents for very tall towers (up to 220m at SQP and 187m AOD at

Arrowhead Quay). Meridian Gate to eastern side of Marsh Wall which is 53 storeys high (187.45m AOD) also has a planning consent.

- 8.68. To the south of Marsh Wall, heights of the towers generally drop off relatively rapidly. The reduction in height is evidenced with the maximum heights of Pan Peninsula (147m high) the former London Arena Site known as Baltimore Wharf (155m AOD) and recently consented 2 Millharbour (148m AOD).
- 8.69. There are also a number of current applications within this South Quay/Marsh Wall area for substantial residential towers including at 30 Marsh Wall, 225 Marsh Wall and Cuba Street. No significant weight however can be given to these proposals to justify any proposed heights, as they are yet to be presented at Committee for determination.

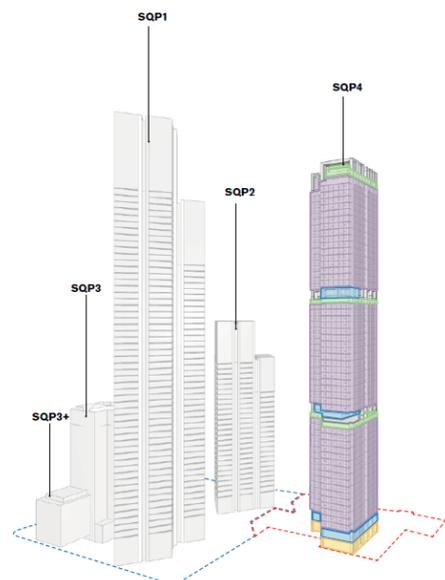
#### *Immediate context*

- 8.70. To the immediate east of the application site is the South Quay Plaza 1 – 3 development site. This site has planning permission for two residential towers which are 68 and 36 storey in height.
- 8.71. Discovery Dock East is an L shaped 23 storey residential building located to the north of the application site.
- 8.72. To the north west of the application site is a 13 storey residential building Discovery Dock West (Jemstock 3).
- 8.73. The building to the west of the application site is the 15 storey Hilton Hotel (Jemstock 1).
- 8.74. To the south of the application site is Marsh Wall and the raised DLR. Millharbour Village development site and Pan Peninsula are located to the south of Marsh Wall.
- 8.75. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn. Canary Wharf is a cluster of large floorplate towers and other office buildings, forming the heart of this tall building cluster. To the west are a number of approvals for tall towers which would act as markers at the end of the dock with the River Thames behind which would provide the setting for these towers to 'breathe'. City Pride marks the end of the South Dock and the two residential towers at Pan Peninsula represent landmark developments.

#### *The Proposal*

The proposal seeks the erection of a tower, known as South Quay Plaza 4. The proposed building would consist of 56 storeys plus basement levels. The building would be 198m AOD. The tower would be designed with an L shaped footprint and provide 396 residential units of which 320 private market units, 27 intermediate units and 49 affordable rent units.

- 8.76. The residential core would be positioned to the centre of the building with the main residential entrance at the south west corner and the affordable residential entrance located to the centre of the south elevation.
- 8.77. The proposal also includes commercial use (A1 – A4) at ground floor level. The commercial space would exist in the form of two separate units. The smaller retail unit at



81sqm would be positioned at the northern edge of the building and be accessed from public space which leads on to South Quay Square. The larger unit at 110sqm would be positioned to eastern end of the building and designed two separate entrances on the south and east facing elevations.

- 8.78. The management office and the cycle storage entrance would be positioned on the western side of the building. The proposed management office and smaller retail unit would be separated by the proposed vehicle ramp which is also accessed from the west of the building would lead on to the proposed basement. The ramp would be partially covered by the building and partially opened. *Image of proposed SQP4 and Approved SQP 1 - 3 scheme*
- 8.79. The proposed 1<sup>st</sup> floor would provide management space and two separate play space areas accessed via the central core. The northern play space area would be 151sqm and the play space to the east would be 181sqm. A void is also proposed to create a double height main residential entrance.
- 8.80. The proposed 2<sup>nd</sup> floor up to the 17<sup>th</sup> floor consists of the residential accommodation. The number of units per floor would be 7 units between the 2<sup>nd</sup> and 7<sup>th</sup> floor and 9 units between the 8<sup>th</sup> and 17<sup>th</sup> floor.
- 8.81. The 18<sup>th</sup> floor would comprise of a terrace lobby which leads on to a 324sqm double height external terrace. The 18<sup>th</sup> floor mezzanine would also consist of 87sqm and 144sqm residential amenity spaces.
- 8.82. The 23<sup>rd</sup> to the 34<sup>th</sup> floor would comprise of residential accommodation. A total of 9 units per floor would be provided. The 35<sup>th</sup> and 36<sup>th</sup> floors also providing residential accommodation would be designed with 7 units per floor.
- 8.83. The 36<sup>th</sup> floor would comprise of a 433sqm external terrace, and a 64sqm and 65sqm residential amenity spaces. The 37<sup>th</sup> floor would comprise of a 68sqm residential amenity space and plant room.
- 8.84. The 38<sup>th</sup> to the 52<sup>nd</sup> floor would comprise of residential uses designed with no more than 7 units per floor.
- 8.85. The 53<sup>rd</sup> floor would comprise of three penthouse residential units. Two of the units would be duplex apartments which in part are positioned on the 54<sup>th</sup> floor.
- 8.86. The 55<sup>th</sup> floor would comprise of a 146sqm external terrace and plant equipment.
- 8.87. The basement levels proposed would provide refuse and recycling provisions, plant and a large vehicle service ramp.
- 8.88. The proposed basement would also allow for new access arrangements underground to the lead basement provisions of South Quay Plaza 1 - 3 and Discovery Dock East.

#### *Ground Floor Design*

- 8.89. The proposed building would be positioned towards the centre of the site. This allows for a service road to the western edge of the site which would serve on to the proposed basement and Jemstock buildings. A pedestrian link between Marsh Wall and South Dock is also proposed to the east of the site.

- 8.90. The L shape of the building would also increase the separation distance between the proposed development and south west corner of the Discovery Dock East building. This arrangement also allows for a new access route from the site in to South Quay Square.
- 8.91. The proposed positioning of the building and pedestrian friendly layout of the scheme would ensure that all of the entrances to the residential accommodation are set well back from Marsh Wall.
- 8.92. The proposed location of the A1-A4 uses at ground floor level would provide a degree of commercial activity and active frontages adjacent to South Quay Square, along the pedestrian link to south dock and landscaped areas adjacent to the raised DLR.
- 8.93. The proposed ground floor landscaped area surrounding the site would also comprise of two child play space areas totalling 205sqm which would serve the 5 -11 years age group.

### *Building Heights*

- 8.94. 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.
- 8.95. 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.

The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD. The vision for Millwall as set out within the Core Strategy also seeks to ensure tall building in the north should step down

south and west to create a transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the South.

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

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

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

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

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

8.99. To the east of the application site is South Quay Plaza 1- 3 site which has planning permission (PA/14/00944) for 'South Quay Plaza 1' a 68 storey tower (220m AOD) adjacent to South Dock to the north and 'South Quay Plaza 2' a 36 storey tower (120m AOD) adjacent to Marsh Wall.

8.100. The reduction in height of the southern SQP2 tower adjacent to Marsh Wall in comparison to the northern tower SQP1 was required in accordance with DM26 which seeks for building heights to step down from Canary Wharf Preferred Office Location.

- 8.101. The proposed development site is positioned to the south west of SQP1 and northwest of SQP2. Any proposal seeking to provide a transition in heights down from Canary Wharf should therefore be no taller than SQP1 and taller than SQP2.
- 8.102. The proposed height of the development, 22m smaller than the forthcoming SQP1 which is positioned closer to South Dock and 78m taller than the approved SQP2 is therefore considered broadly acceptable, as it would provide a transition down in heights from Canary Wharf in accordance with the town centre hierarchy (DM26).
- 8.103. The existing neighbouring residential buildings at Discovery Dock East and Discovery Dock West are 23 and 13, respectively. The buildings to the west at Jemstock 1 and Jemstock 2 are also 15 storey commercial buildings. These surrounding buildings are considerably smaller than the proposed tower on SQP 4 and those approved on the SQP 1-3 site and Millharbour Village.
- 8.104. The slender form and positioning of the proposed tower maximises the separation distance of the development from neighbouring buildings and the level of breathing space for the building. This arrangement as a consequence allows the proposal to remain sensitive to its setting and the context of its surroundings despite the variation of the heights within the immediate vicinity.
- 8.105. The delivery of high quality urban design with improved legibility and permeability, enhanced public realm, new active frontages and pedestrian routes through the site would also provide an appropriate setting for such a tall building.
- 8.106. The delivery of the proposed development as part of a wider master plan approach which includes landscaping works to the neighbouring South Quay Plaza Square and revisions to the SQP1-3 scheme ensures that the relationship of the development to the existing neighbouring buildings and grounds is appropriate.
- 8.107. The proposed development combined with the discussed SQP1 and SQP2, Millharbour Village and Pan Peninsula tower would also form part of a cluster of residential towers. The proposed height, scale and form would therefore appropriately respond to its location which is identified as a site suitable for strategic housing, and provide a positive contribution to the skyline.
- 8.108. It is therefore considered that the height, mass, form and design of the building would enhance the surrounding area, provide a human scale of development and make a significant contribution to regeneration in accordance with the criteria of London Plan policy 7.7 and MDD policy DM26.

#### *Setting and Local Views*

- 8.109. With any tall buildings, there is an expectation that it would be situated within a high quality public realm commensurate with its height and prominence.
- 8.110. As previously discussed, the introduction of public realm and landscaping around the proposed building, in an area characterised by buildings built up to the highway would provide a welcomed visual relief and breathing space for the development.



- 8.111. The positioning of the building off set well of the shared boundaries and subordinate to the scale of the approved SQP1 building would ensure that the development would not be overbearing or insensitive to the surrounding area.
- 8.112. The CGI to the left is an indicative example of the latter and how the development would be view from the south along Millharbour looking north over the Marsh Wall and raised DLR.
- 8.113. The proposed ground floor commercial uses and access arrangements to the building ensure that the development would be of appropriate in scale in local views and of a human scale viewed from Marsh Wall under the elevated DLR.
- 8.114. 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 *Image of proposed SQP4* the surrounding area when viewed at the local level.
- 8.115. The development comprises of multiple commercial frontages to maximise the level of active and engaging frontages at ground floor level adjacent to the proposed pedestrian route to South Dock and fronting South Quay Square. It is considered that such an arrangement would only enhance local views in comparison to the current appearance of the existing cleared site.
- 8.116. The positioning of the waste and plant to be located within the basement area and throughout the building at upper floor levels enhances the overall design quality of the scheme, as the success of a public realm is reliant on ensuring that active uses such as the commercial uses and residential entrances face and not dead frontages the public realm.
- 8.117. The impact of the development on strategic views is accordingly discussed later within the Heritage Section of this report.

#### *Architecture*

- 8.118. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered that the elevation treatment of the proposed building would be of the highest standard.
- 8.119. The design and appearance of the tower would read as deviation from the character and appearance of the approved South Quay Plaza 1 and 2 towers. The contrast in designs however would be welcomed, as it would add visual interest and enhance the overall character of the emerging context of South Quay development sites.

#### *Relationship to neighbouring buildings and sites*

- 8.120. The proposed development would have the potential to impact on the development potential/residential amenity of the Discovery Dock East Building site. The proposed development as a consequence is designed with a small and slender footprint, and situated towards the western edge of the application site to reduce the resulting levels of overshadowing. The proposed shape of the building and its positioning would also ensure that no windows within the proposed development would directly face any existing south facing habitable room windows of the DDE building, except those separated by South Quay Plaza Square.
- 8.121. The proposed arrangement, positioning and slenderness of the building would therefore not prejudice the development potential of the Discovery Dock East.

- 8.122. The separation distances of 58m and 42m between the proposed tower and SQP2 and SQP1 respectively would ensure that the developments are compatible.
- 8.123. The neighbouring sites located to the west comprise of the Hilton Hotel (Jemstock 1) and vacant office block (Jemstock 2) which is subject to a resolution to grant serviced apartments (PA/15/02104). The existence of non-domestic uses to the immediate west of the site ensures that the proposed development would be compatible with the neighbouring buildings despite the close proximity of 14m.
- 8.124. The neighbouring property to the northwest is the 13 storey residential Discovery Dock West building which is situated 44m away from the proposed residential tower. The separation distance between the buildings would ensure that residential uses are compatible.
- 8.125. The proposed location of the commercial uses predominantly facing north, east and south would provide activity to the the public realm.
- 8.126. In light of the above, it is considered that the proposed layout of the scheme characterised by the well thought-out positioning of building block 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*

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

#### *Inclusive Design*

- 8.130. Policy 7.2 of the London Plan (MALP 2016), 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.
- 8.131. 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'.
- 8.132. The proposed public realm would have level access routes to the building and through the site and towards South Dock, South Quay Square and the wider area.
- 8.133. All of the communal amenity space and child play space within the amenity decks would be accessible for all and flat.
- 8.134. The proposed public realm and landscaping arrangements at ground floor level alternatively comprise of a number of changes in level which would not be accessible for all, Full details

and further design and accessibility enhancements would therefore be secured by condition to ensure that the site is accessible for all.

8.135. Subject to safeguarding conditions, it is considered that the public realm would be acceptable, as the change in levels would enhance the visual quality of the public realm without impeding on routes to and through the site.

8.136. It is therefore considered that the proposed scheme would be well connected with the surrounding area and 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 policies 7.2 of the London Plan, Policy SP10 of the CS and Policy DM23 of the MDD.

### *Design Conclusions*

8.137. The proposal would provide a new public realm provision, which would result in a high quality setting commensurate of a building of such height. The proposed development would be broadly in keeping with the scale of surrounding developments, especially in relation to those approved to the east on the South Quay Plaza 1-3 development site. The development forms part of a strategic development cluster of residential towers.

8.138. The proposed development designed with appropriate levels of breathing space from neighbouring buildings and commercial units at ground floor level would to a degree provide a human scale of development at street level and enhance activity on and around the site.

8.139. The proposed building and uses would be compatible with the neighbouring sites. The proposal as a consequence delivers a comprehensive development.

## **Housing**

### *Principles*

8.140. 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."

8.141. The application proposes 396 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 is 3,931.

8.142. 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.

8.143. The following table details the housing mix proposed within this application.

### **Dwelling numbers and mix by tenure**

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	0	166	117	37	0
Affordable rent	0	14	14	14	7

Intermediate	0	18	9	0	0
<b>TOTAL</b>	<b>0</b>	<b>198</b>	<b>140</b>	<b>51</b>	<b>7</b>
<b>Total as %</b>	<b>0</b>	<b>50%</b>	<b>35%</b>	<b>13%</b>	<b>2%</b>

8.144. The quantum of housing proposed would 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 would therefore make a contribution to meeting local and regional targets and national planning objectives.

#### *Affordable Housing*

8.145. 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.

8.146. 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.

8.147. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme.

8.148. 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.

8.149. 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”.

- 8.150. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.151. The applicants submitted viability appraisal was independently reviewed by the Council’s financial viability consultants. The findings of the appraisal based on the scheme confirmed that a 35-50% affordable housing scheme would not be viable. The delivery of the 3 and 4 bedroom units at Social Target Rent would also impact on the viability of the scheme and further reduce the viable affordable housing provision position to approx. 10 -15%.
- 8.152. The applicant however has made a commercial decision following negotiations with officers to provide an affordable housing offer of 25% (based on habitable rooms) with the 3 and 4 bedrooms at Social Target Rent level. The applicant’s commitment to provide 25% affordable housing on site together would mirror the level of affordable housing secured on the adjacent SQP 1-3 which combined provide a single regeneration development site.
- 8.153. The affordable housing offer at 25% above and beyond what the Council’s viability consultants have confirmed is viable is therefore welcomed and considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.
- 8.154. The affordable housing is being delivered at a 71:29 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.
- 8.155. The proposed percentage of shared ownership units is broadly in alignment with the Local Plan. Officers support such a mix, as it would secure the delivery of a greater proportion of affordable/social rented units.
- 8.156. The 1 and 2 bedroom affordable rented units would be provided at the following LBTH borough framework levels:
- |              |              |
|--------------|--------------|
| 1 bed = £234 | 2 bed = £253 |
|--------------|--------------|
- 8.157. The Social Target Rent levels for the 3 and 4 bedroom affordable rented units would be as follows:
- |                 |                 |
|-----------------|-----------------|
| 3 bed = £158.06 | 4 bed = £166.37 |
|-----------------|-----------------|
- 8.158. The delivery of Social Target Rent 3 and 4 bed units optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing, especially with regards to family housing.
- 8.159. The affordable housing units would be accessed from a separate entrance from the market sale units. The proposed affordable housing entrance however positioned fronting the proposed public realm provisions to the front of the development and designed with a generously sized lobby would be positioned and of the highest design quality.

#### *Housing Mix*

- 8.160. 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).

8.161. 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	0	0	0	0	0	0	0%	0	0%	0%
1 Bed	198	14	28.25%	30%	18	67%	25%	166	52%	50%
2 Bed	140	14	28.25%	25%	9	33%	50%	117	37%	30%
3 Bed	51	14	28.25%	30%	0	0	25%	37	12%	20%
4 Bed	7	7	14.25%	15%	0	0		0	0	
5 Bed	0	0	0	0	0	0		0	0	
<b>Total</b>	<b>396</b>	<b>49</b>	<b>100%</b>	<b>100%</b>	<b>27</b>	<b>100%</b>	<b>100%</b>	<b>320</b>	<b>100%</b>	<b>100%</b>

#### *Dwelling numbers and mix by tenure*

8.162. The proposed percentage of one bedroom affordable rented units at 28.25% would broadly be in alignment with the 30% policy requirement. The percentage of three bedrooms and four bedrooms would slightly fall short of the target levels for 3 and 4 bedrooms. In this instance however, a slight under provision of affordable family housing is supported, as the most affordable form of affordable rent has been secured for the larger units, Social Target Rent.

8.163. Within the Shared Ownership element of the scheme, a significant over provision of one bedroom units is provided. Given the fact that the scheme is located in a very high value part of the Borough and it is acknowledged that developers and Registered Providers are finding it challenging to keep intermediate units affordable in this location. In this instance, the proposed intermediate mix is supported.

8.164. The proposed market sale housing would consist of an over provision of one and two beds. 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".

8.165. The absence of studio flats is also welcomed.

#### *Quality of residential accommodation*

8.166. 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.

8.167. 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.

- 8.168. All of the proposed flats meet or exceed the London Plan (MALP 2016) minimum internal space standards and the Minimum National Floorspace standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.169. The proposed development would not consist of any north facing single aspect residential units which in turn allows for the level of sunlight and daylight to the proposed residential units to be maximised.
- 8.170. The Housing SPG recommends that no more than 8 flats should be served by a single core to ensure that the development provides the required sense of ownership for future occupiers. The development however consists of a high proportion of floors designed with 9 units per core contrary to standards as set out in the Housing SPG. In this instance however, the creation of generously large cores which double up as residential lobbies and split into two wings would ensure that a reasonable level of ownership is still secured.
- 8.171. The proposal includes 10% wheelchair accessible units overall with 10.2% and 11.1% actually located within the affordable and intermediate tenures, respectively. While, the design of the larger affordable rented units (5 person plus) with separate kitchen / living room arrangements is also welcomed.
- 8.172. The proposed flats by reason of their orientation and separation distance would also not be unduly overlooked by neighbouring properties.
- 8.173. Subject to appropriate conditions securing appropriate glazing specifications and ventilation, the development would also not be subject to undue noise or vibration from the DLR.
- 8.174. Subject to safeguarding conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

#### *Internal Daylight and Sunlight*

- 8.175. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.176. 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."
- 8.177. 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.

- 8.178. 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.
- 8.179. 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.
- 8.180. The baseline and cumulative scenario have been presented in the ES Sunlight and Daylight Report however, it is the cumulative scenario which residents would actually experience.
- 8.181. The Sunlight and Daylight independent consultants Delva Patman Redler, have provided their interpretation of the cumulative results summarised below:

#### *Daylight*

- 8.182. The ES Chapter identifies 109 rooms of the 1,144 rooms assessed that do not meet the recommended standard of ADF for their use. It is considered that some of these would actually be compliant and the principal failures are to living rooms which are very deep in plan. While often the space to the rear is also a kitchen which forms part of a living/dining/kitchen arrangement. An appropriate ADF level for these rooms is deemed to be 1.5%.
- 8.183. The ADF results are also affected by the generous size of the rooms and the principal living area which is likely to be closer to the window, would in fact have a higher level of internal illuminance than these results indicate.
- 8.184. The worst affected area is the east elevation of the development, which faces towards the Hilton Hotel. Most of the rooms affected in that area are bedrooms as the living room in the northwest corner on each floor is dual aspect. It is also relevant that many of the living rooms that do not meet the required standard have recessed balconies (winter gardens) and the amenity area provided would be a trade off against the reduced sky visibility and therefore illuminance within the room.
- 8.185. It is therefore considered that on balance that the internal daylight results appear to be at an acceptable level for a new building in this urban environment.

#### *Sunlight*

- 8.186. 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.
- 8.187. The BRE Report suggests that to evaluate the sunlight potential of a large residential development, it can be initially assessed by counting how many dwellings have a window to a main living room facing south, east or west
- 8.188. 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.

8.189. The sunlight analysis shows that 59% of the rooms that face toward south do not meet the sunlight criteria. This, however, is not unusual in this type of dense urban environment and it is unlikely that the blocks could be orientated in a more advantageous way, considering the obstruction to sunlight caused by the Pan Peninsular buildings to the south.

### *Conclusions*

8.190. On balance, it is considered that the proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive good levels of interior daylighting, which is considered acceptable for a high density development in an central setting such as this.

### **Amenity space and public open space**

8.191. 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*

8.192. 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.

8.193. The proposed development was initially designed with oversized residential units with no private amenity space provisions provided.

8.194. In assessing the acceptability of such a design approach as discussed above, it is of note the London Plan Housing (2016) 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.*

8.195. The constraints of the site would not make it impossible to provide open space for the proposed dwellings. The absence of any private amenity space for all of the proposed residential units was therefore deemed unacceptable by officers.

8.196. Following negotiations the proposed development was amended to include winter gardens. The inclusion of winter gardens instead of external private amenity space was advised, as officers acknowledged that it would be inappropriate to add external balconies to the scheme without impeding on the architectural quality of the scheme.

8.197. The delivery of winter gardens as an alternative form of private amenity space within a new development is considered acceptable in accordance with the London Plan Housing (2016) SPD which states:

*Enclosing balconies as glazed, ventilated winter gardens can be considered an acceptable alternative to open balconies and is recommended for all dwellings exposed to NEC noise category C or D140. Winter gardens must have a drained floor and must be thermally separated from the interior. Provision for outdoor gardens should be set in the context of local standards.*

- 8.198. The proposed winter gardens enclosure would comprise of a fixed wall, bi-folding glazing panels and separate sliding / bi-folding door access door. The double glazing of the winter garden panels would ensure that the external envelope of the building could be opened to allow fresh air into the winter garden without significantly impacting on the temperature and residential quality of the internal residential accommodation. The design quality of the winter gardens is therefore considered acceptable.
- 8.199. The failure to provide all of the residential units with such winter gardens however remains a potential cause of concern, as this arrangement is not a result of the constraints of the site but the design of the building.
- 8.200. It is acknowledged however that the units designed without winter gardens would be predominantly one bedroom units and still benefit from additional internal floor space above the minimum GIA. A total 156 of the dwellings (39%) would benefit from access to private amenity space in the form of a winter garden with the remainder having over-sized internal accommodation.
- 8.201. The acceptability of a proportion of the units being designed without any private amenity space would therefore be assessed on balance against any benefits and constraints of the wider amenity space strategy for the building.

#### *Communal Amenity Space*

- 8.202. 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 436sqm.
- 8.203. 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*'.
- 8.204. The proposal would provide approximately 838sqm of communal amenity space within the three gardens positioned within the tower. The double height gardens would provide future residents with a series of protected outdoor spaces with a range of different functions and characters.

- 8.205. The proposed communal amenity spaces would be positioned, so no residential unit is more than 9 storeys away from the provision. The distribution of the communal amenity space in the form of large aggregated areas would maximise the potential ways the spaces can be used by future residents.



*Indicative image of proposed Sky Garden*

8.206. The proposed communal amenity space gardens would not only provide external amenity space for the enjoyment of residents but also greenery and bio-diversity benefits.

8.207. For the reasons above, the quality and quantum of the shared amenity space is therefore considered acceptable.

#### *Public Open Space*

8.208. 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.

8.209. The proposal comprises of a new public park situated to the east of the proposed tower. The park would run from Marsh Wall under the elevated DLR up to the South Quay Square. The design of park would also merge with the forthcoming public realm offer on the neighbouring SQP1-3 development site and provide access towards the South Dock.

8.210. The design and quantum of the public realm and setting of the building has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.

8.211. The benefits of the scheme would include improving accessibility for residents of the Discovery Dock East building and new linkages to South Quay Square.

8.212. The design strategy for the ground floor of the building maximises the level of active frontage with ground floor residential entrances and commercial frontages to provide a visual connection with the public space. This strategy would accordingly help to maximise activity and animation within this space.

8.213. The proposed level of public space would equate to 68% of the site being open space inclusive of child play space and excluding the proposed shared surface in the calculations. The combination of the proposed level of open space and the fact that the building footprint covers only 18% of the site therefore results in a scheme which provides a significant level of open spaces for future residents and the public alike, in an area characterised by buildings which typically are built up to the highway.

8.214. The above merits of the scheme combined with the fact the scheme would secure a significant borough CIL would outweigh the sites inability to provide the required 12sqm of public realm per person contrary to the planning obligations SPD.

8.215. On balance, it is therefore considered that an appropriate quantum of high quality public realm for the enjoyment of future occupants of a scheme of such density would be delivered.

#### *Child play space*

8.216. 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.

8.217. The scheme is predicted to contain 89 children (0-15 years of age) using LBTH yields methodology and 95 children using GLA child yields methodology. The following is a

breakdown of the expected number of children per age group in accordance with LBTH yields.

- 0-4 years                      45
- 5-10 years                     26
- 11-15 years                    18

- 8.218. In accordance with LBTH methodology a total child play space provision of 890sqm is required on site for all three age groups, respectively.
- 8.219. The proposed development as previously discussed would provide 890sqm of play space on site for all age groups.
- 8.220. The applicants approach is for the play space for each age group to be separated across the site.
- 8.221. The required 450sqm of child play space for the 0-4 age group play space would be provided in the form of three play spaces. The first play provision would exist in the form of 150sqm of internal play space within the building at first floor level. The second play provision would be 100sqm of external space provided at ground level adjacent to South Quay Square. The third play provision would be 200sqm of ground floor play space located in part within the application site, but predominantly within the SQP 1-3 development.
- 8.222. The inclusion of part of the 0-4 age groups child play space provision on SQP1-3 is designed as part of a wider master plan approach which would be secured by s106 agreement. Such an arrangement is considered acceptable, as it would deliver a more comprehensive development across both the SQP4 and SQP1-3 development sites, without impacting on the level of child play space approved and secured at SQP1-3 or the overall quality of public realm of SQP4.
- 8.223. The child play space for provision for the 5 – 11 age groups would be situated at ground level nestled within the public realm offer. The designated play provision as a single 260sqm aggregated space would achieve the minimum standards. The usability of all of the play space however would be reduced by the landscaping provisions as proposed. The full details of the landscaping scheme would therefore be secured by condition to limit the impacts on the play space.
- 8.224. The applicant confirmed that the future residents of SQP4 and SQP1-3 would also be able to access all of the external ground floor 0-4 and 5-11 play space across both development sites. This approach would maximise the level of external play available to children to both development and as a consequence is supported.
- 8.225. The play space for the over 12 age group alternatively would consist of an 181sqm indoor play space at 1<sup>st</sup> floor level within the building. The location of the child play space on the first floor as part of the child play strategy is considered acceptable. While, the details of the child play would be secured by condition to safeguard an opportunity to provide for recreational activity.
- 8.226. For the reasons above, the proposed child play space strategy for the development would provide external play space that is accessible for all, delivers an appropriate provision for play and meets the requirements of the child population generated by the scheme and an assessment of future needs.

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

### *Conclusion*

8.228. The proposed development would provide all four forms of amenity space required on site. The proposed amenity strategy also ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The merits of amenity strategy would outweigh the fact that some of the units are designed with an overprovision of internal space and not winter gardens. The proposed scheme as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

### **Heritage**

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

8.230. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan 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.

8.231. London Plan (2016) policies 7.11 and 7.12, policy SP10 of the Core Strategy and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

8.232. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF. The two strategic views referred to above are 'designated' heritage assets.

### *Strategic Views*

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

8.234. The LVMF SPG describes the downstream River Prospect from London Bridge (Assessment Point 11B.1) as providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf. The visual management guidance states that Tower Bridge should remain the dominant structure from Assessment Point 11 B.1 and that its outer profile should not be compromised. The Heritage and Townscape Visual Impact Assessment (HTVIA) analysis shows that the proposal would have no impact on the silhouette of Tower Bridge or the Tower of London. Overall, the proposal will have a negligible impact on the LVMF SPG view and the setting of listed buildings.

8.235. 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.”*

8.236. The South Quay Masterplan Policy SQ4.1 states development located on the Maritime Greenwich Grand Axis should define the Grand Axis:

- i. in accordance with the most up to date guidance for the Maritime Greenwich World Heritage Site; and
- ii. by stepping down in height and scale towards the Maritime Greenwich World Heritage Site.

8.237. With regards to the proposed height and how it would be viewed from the General Wolfe Statue in Greenwich Park, Historic England raised no objection to the proposed development.

8.238. The HTVIA includes a fully rendered view of the proposal from Assessment Point 5A.1, which demonstrates the impact of the proposals. The proposed building aligns with the axis, appearing in the background of the view to the right (east) of One Canada Square at a subordinate height. The development is shown in the yellow wire line as shown in the following image.



*Image of development viewed from the General Wolfe Statue in Greenwich Park*

8.239. The applicant’s HTVIA illustrates how the building would step down from the height of One Canada Square and become part of the developing cluster of consented and proposed buildings on the Isle of Dogs.

8.240. The proposal is therefore considered to accord to the London View Management Framework (LVMF) SPG and the South Quay Masterplan.

#### Surrounding Conservation Areas and Listed Buildings

8.241. 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.

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

## Archaeology

- 8.243. The National Planning Policy Framework (Section 12) and the London Plan 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.
- 8.244. Historic England Archaeology officer (GLAAS) confirmed that deeply buried prehistoric remains and remains connected with the history of the docks are likely to be affected by the scheme.
- 8.245. The Archaeology evaluation proposals suggested by the applicant's archaeological consultants are also considered appropriate should significant remains be encountered and there may be a need for further investigation.
- 8.246. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, it is considered the archaeological interest and/or practical constraints are such that the safeguarding measures can be secured by condition. The proposed condition would include a two-stage process of archaeological investigation to safeguard any archaeological interests or remains.
- 8.247. Subject to the above condition, it is therefore considered that the proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2016).

## **Neighbours Amenity**

- 8.248. 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

- 8.249. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.250. The application site is surrounded by a number of residential properties, which can be impacted by the development.
- 8.251. A sunlight and daylight study which sets out the impacts for the neighbouring properties was submitted as part of the application by Anstey Horne and independently reviewed by the Sunlight and Daylight consultancy Delva Patman Redler on behalf of the Council.
- 8.252. The initial findings of the Delva Patman Redler Sunlight and Daylight Study are discussed below.

## *Receptors*

8.253. The Sunlight and Daylight report identified the properties and windows which should be tested for sunlight and daylight based on land use and proximity to the site.

8.254. The following is a list of the properties tested for Daylight and Sunlight:

- *Discovery Dock West*
- *Hilton Hotel*
- *Discovery Dock East*
- *Pan Peninsular East*
- *Pan Peninsular West*

## Daylight

8.255. 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.

8.256. Average Daylight Factor (ADF) is a measure of interior daylight used to establish whether a room will have a predominantly day lit appearance. BRE guidelines recommend the following ADF values for dwellings:

- 2.0% - Kitchens
- 1.5% - Living Rooms
- 1.0% - Bedrooms

8.257. 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.

8.258. Delva Patman Redler reviewed the tables provided as appendices to the ES Chapter and assessed the summary text in the ES chapter itself, and concluded that the significance criteria set by Anstey Horne was not correct. The following is a summary of the conclusions of Delva Patman Redler.

### *Discovery Dock West*

8.259. The impact of the development on VSC to Discovery Dock West is very noticeable. 312 windows have been tested, 189 of the rooms (60% of those tested) would experience a reduction in VSC of more than 20% from the existing. Of those 146 would see a reduction of more than 40%. This is a significant failure of the BRE standard.

8.260. The NSL results show that 89 of the 235 rooms tested (38%) would experience a reduction in NSL of 20% from existing, and of those 4 would experience a reduction of more than 40%. Therefore, there would be a noticeable reduction in those rooms that would fail both the VSC and NSL standards.

8.261. Anstey Horne claim that the proposed development would have a minor to moderate adverse impact on this property. Delva Patman Redler consider that it would have a *moderate to major adverse impact*.

### *Hilton Hotel*

- 8.262. 28 windows have been assessed at the Hilton Hotel. Of those, 19 windows (38% of those tested) would experience a reduction in VSC of more than 20% from existing. 7 of those would experience a reduction of more than 40% from existing.
- 8.263. The NSL results show that 16 of the 28 rooms tested would experience a reduction of more than 20% from existing and 5 of these would experience a reduction of more than 40%.
- 8.264. Anstey Horne claim that the proposed development would have a minor adverse impact. Delva Patman Redler consider the results to be moderate adverse although only a small number of rooms out of the total number in the hotel are affected overall.

### *Discovery Dock East*

- 8.265. 1104 windows have been tested. The VSC tables show that 951 rooms (86% of the total) would experience a reduction in VSC of more than 20% from existing. Of those, 863 rooms would experience a reduction of more than 40%. All of these rooms therefore fail the BRE assessment and this would be a significant adverse impact.
- 8.266. The NSL results show that 222 of the 402 rooms tested would experience a reduction in NSL of more than 20% from existing, 95 would be reduced by more than 40%. Therefore, 55% of rooms would fail the NSL standard.
- 8.267. Anstey Horne states that the impact would be minor to moderate adverse. Delva Patman Redler consider the results to be major adverse impact.

### *Pan Peninsular West*

- 8.268. The VSC results for this property show that 479 windows of the 1,123 windows tested would experience a reduction in VSC of more than 20% from existing. 346 would experience a reduction of more than 40%. This is a noticeable reduction.
- 8.269. However the NSL results show that no rooms would experience a reduction of more than 20% from existing and therefore meet the NSL standard. This is because the windows do not directly face the South Quay development and are able to receive sky visibility through longer views, from other directions, principally between the South Quay site and Discovery Dock. Therefore, the perception of open outlook received within the rooms would not materially change, although the availability of direct skylight to the face of the window would materially change.
- 8.270. Anstey Horne contends that the development would have a negligible impact on this property. Delva Patman Redler considers the impact to be moderate adverse on balance, although there are rooms within the building that experience a moderate to major adverse impact.

### *Pan Peninsular East*

- 8.271. The VSC results for this property show that 250 of the 746 windows tested would experience a reduction in VSC of more than 20% from existing. 40 would experience a reduction of more than 40%. Therefore, 33% of rooms would fail the BRE standard.
- 8.272. The NSL results show that all rooms meet the NSL standard, as there is little material change in the no-sky line. This is due to the distance of this building from the

development site and the ability to see sky visibility around the development. However, those rooms would still face directly toward the southern block of South Quay so would have a sense of enclosure from that block.

- 8.273. Anstey Horne contends that the development would have a negligible impact on this property. Delva Patman Redler considers the impact to be minor adverse, on balance as the NSL standard is fully met.

#### Sunlight

- 8.274. 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 would notice the loss of sunlight.

- 8.275. The following is the initial findings of Delva Patman Redler following the review of the submitted ES and supplementary letter  
*Hilton Hotel*

- 8.276. 28 windows in the hotel have been tested and 12 of these experience a reduction in more than 20% from existing, and indeed those experience a reduction of more than 40% from existing. Seven of those would experience a total removal of annual sunlight from the windows.

- 8.277. Anstey Horne state in the ES Chapter of that hotel users have less of a requirement for sunlight as the rooms are mostly used during the evenings and the occupants are transient and on that basis the impact is negligible. Delva Patman Redler believe their comment about the transient nature of occupation is relevant but, if sunlight is considered to be of importance, then the impact would be moderate adverse but relatively localised in relation to the hotel as a whole.

#### *Discovery Dock West*

- 8.278. The APSH results of this property show that 230 of the 312 rooms assessed would experience a reduction in annual sunlight of more than 20% from existing, 74% of those tested. Of those, 192 would experience a reduction of more than 40% from existing, a major adverse impact. For the winter sunlight, 112 of the windows tested would fail the winter sunlight standard and experience a reduction in sunlight of more than 40% from existing.

- 8.279. Anstey Horne make a case that the presence of Discovery Dock East already obstructs direct sunlight to Discovery Dock West and any small reductions that are caused by the post development would manifest themselves as large percentage reductions. However, there are some rooms with relatively large reductions happening in any case.

- 8.280. Anstey Horne claim that the impact is of minor to moderate adverse significance. Delva Patman Redler consider that the effect is moderate to major adverse.

#### *Discovery Dock East*

- 8.281. 802 windows of the 960 windows tested would experience a reduction in APSH of more than 20% from existing. Of those 771 would experience a reduction of more than 40%. 567

would experience a reduction of more than 40% in the winter months. The results show that the scheme proposals would fail the sunlight assessment for all rooms in this property. Reductions in sunlight are high, over 70% to lower floors, and over 50% to the majority of windows.

- 8.282. Anstey Horne state that this impact is moderate adverse. They give mitigating explanation which includes the fact that 263 of the rooms affected are bedrooms and that many of the rooms are dual aspect. It is also relevant that the elevation affected faces almost due east so any development on this site is going to have a material impact on sunlight to Discovery Dock East, particularly to lower floors. The impact must be considered to be moderate to major adverse, but consideration should be given to whether the actual levels of sunlight left available would be acceptable in any case.

#### *Pan Peninsular East*

- 8.283. There is no material impact to Pan Peninsular East and the BRE standards are met for both annual and winter sunlight.

#### *Pan Peninsular West*

- 8.284. In this property, 30 of the 859 windows tested do not meet the annual sunlight standard and all meet the winter sunlight standard. For the annual sunlight, 27% experience a reduction of more than 40% from existing.

- 8.285. Anstey Horne claim that the impact is negligible. It is relevant that there are some, although only a small number, of windows that experience reductions of more than 40% and Delva Patman Redler therefore consider the impact is negligible to minor significance.

#### Applicant's response

- 8.286. Anstey Horne provided a response to the findings of Delva Patman Redler on behalf the applicant. The following is a summary of Anstey Horne comments:

- 8.287. Delva Patman Redler has adopted a 10% reduction banding in measuring the degree of impacts for this planning application, whereas Anstey Horne have considered a 20% reduction banding. Anstey Horne consider that the significance criteria adopted by Anstey Horne to not only take into consideration the BRE guidelines criteria for assessing reductions in light, but also accounts for flexibility that needs to be applied for sites such as this. With regard to the cumulative impacts, where appropriate, the relevant schemes around the development site have also been tested and we consider the overall effects to be correct and do not require further assessment.

#### Delva Patman Redler Conclusions

- 8.288. Delva Patman Redler reviewed and considered the comments of Anstey Horne and in response provided an updated response as set out below.

#### *Discovery Dock West*

- 8.289. Delva Patman Redler confirmed that Anstey Horne adopt a different approach to assessing the significance of impact.

- 8.290. Delva Patman Redler however advise that where a room experiences a reduction in daylight distribution of more than 40% and a 160 rooms would see a reduction in VSC of more than 40%, the impact is moderate to major adverse.

### *Hilton Hotel*

- 8.291. The impacts would be moderate adverse however, it is relevant that this is a hotel and not occupied as a permanent residential building. Therefore, whilst the impact can be considered to be moderate there would not be permanent residents personally affected by the reduction in daylight.

### *Discovery Dock East*

- 8.292. As with Discovery Dock West, it is considered necessary to balance the VSC results with the daylight distribution result. The results confirms 863 rooms would experience a reduction in VSC of more than 40% and 95 rooms would experience a reduction in daylight distribution of more than 40%. Such impacts are considered to be Major adverse.
- 8.293. Taking into account the fact that the facing windows overlook a cleared development site, it is considered reasonable to assume that any strategic housing development on site would have major adverse impacts on the properties of Discovery Dock East.

### *Pan Peninsular West and East*

- 8.294. Delva Patman Redler agree with the conclusions of Anstey Horne that all of the rooms in the two blocks meet the daylight distribution standard, and as a consequence there would be little material perception of reduced daylight for a person within the depth of the room even though there is a marked reduction in daylight to the face of the window.
- 8.295. *The impact is therefore negligible to minor adverse.*

### *Conclusion*

- 8.296. The development results in a number of significant ADF and sun lighting failings to neighbouring properties, specifically DDE and DDW however, it must be acknowledged that as the development site is a cleared site orientated to the south of residential units, any proposed strategic development on this Opportunity Area site would therefore be likely to impact on the said neighbouring residential properties to the north and northwest.
- 8.297. The impacts of the proposed development are therefore not solely a consequence of the height of the tower but also its proximity and orientation to the south of neighbouring residential properties. As such, any proposed height on site similar or greater to than existing at Discovery Dock East with the same footprint would have adverse impacts on daylight and sunlight.
- 8.298. The delivery of a carefully thought out designed and positioned building however would limit the potential impacts on the neighbouring residential properties.
- 8.299. On balance, it is considered the impacts of the development on neighbouring properties regarding sunlight and daylight are outweighed by the public benefits of delivering a strategic residential development on site in accordance with the site allocation, development plan and aspirations of the Opportunity Area.

### *Overshadowing*

- 8.300. The ES Chapter provides transient shadow diagrams for shadows cast by the development site and neighbouring buildings. It states that the only sensitive receptor that needs to be considered is the community area at Discovery Dock East, known as South Quay Square.

- 8.301. The results show that the sunlight to South Quay Square would be reduced so that none of the amenity area would be free from shadow of two hours on 21 March. This is because of the presence of the proposed block directly to the south of South Quay Square which, together with the East Wing of Discovery Dock East and the massing of Discovery Dock West effectively closes in the amenity area completely.
- 8.302. Delva Patman Redler confirms that they agree with Anstey Horne that the impact on South Quay Square would be major adverse. The Square would not be a sunlit space for recreation, particularly during the winter months.
- 8.303. The above impacts however would be outweighed by the delivery of improvement works to South Quay Square and the creation of a new comprehensive public realm across South Quay Square, SQP4 and SQP 1 - 3 which would enhance the built environment for the not only residents of the development, but also existing residents of the neighbouring buildings. Such improvement works to South Quay Square and delivery of a publically accessible public realm would also be secured via s106 agreement.
- 8.304. Within the new development itself, 58% of the amenity area would receive at least two hours of direct sunlight on 21 March. This considered to be fairly well distributed and should be capable of being accommodated with appropriate planning and landscaping.
- 8.305. The transient overshadowing consists of a relatively fast moving narrow shadow on to the Dock to the north. Delva Patman Redler therefore agree with finding of the ES Chapter that the additional overshadowing of the dock, as compared with that of the other existing neighbouring buildings, is of negligible significance.

#### Privacy

- 8.306. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new building and the existing facing residential buildings on neighbouring sites.
- 8.307. Discovery Dock East located to the north of the proposed development is closest residential building positioned approx. 15m away corner to corner. The design of the building however ensures that the facing habitable room windows of the developments separated by South Quay Square are approx. 32m apart. While, the proposed north facing window to the east of the proposal would be 18m away from the most southern elevation of the DDE building at an oblique angle.
- 8.308. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

#### Visual amenity / sense of enclosure

- 8.309. 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.

#### Noise and disturbance

- 8.310. The proposed residential uses and introduction of commercial uses on the ground floor which would have hours of operation restrictions, would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of noise and disturbance.

8.311. An objection was received from a resident of the DDE building due to concerns over the resulting noise and disturbance from the design and proximity of the open air basement ramp. It is officer's opinion that the location of balconies and habitable room windows within close proximity to a main road, or a service road is a commonly acceptable arrangement within the borough. On balance, it is therefore considered that the resulting level of noise and disturbance from the open air ramp would not impact on neighbours living conditions to such an extent to warrant the refusal of a strategic in scale development, which provides substantial public benefits.

### **Landscaping and Biodiversity**

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

8.313. There is no significant existing biodiversity interest on the site. The proposed development would lead to a significant increase in vegetation within the site, offering considerable scope for biodiversity enhancements, especially in the Pocket Park. The proposed pocket park includes extensive areas of nectar-rich "prairie-style" herbaceous planting which would be of a significant benefit to bees and other pollinating insects, and would contribute to a target in the Local Biodiversity Action Plan (LBAP).

8.314. The proposed trees include one black poplar, a priority species in the LBAP. It is important to ensure a true native black poplar, and not a hybrid, is planted. This tree would contribute to another LBAP target.

8.315. The absence of any other native tree species is regrettable from a biodiversity perspective. The replacement of the non-native *Betula papyrifera* however, with the very similar-looking, native *Betula pendula* would significantly enhance the wildlife value of the landscaping.

8.316. The proposed hedges would be of considerable biodiversity value and contribute to a LBAP target if they are composed of mixed native species and are sufficiently tall and bushy.

8.317. The bio-diversity officer in light of the above raised no objection to the proposed development, subject to the submission of the full details of all proposed biodiversity enhancements.

8.318. Subject to the securement such conditions, it is therefore considered that the proposal would comply with the London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

### **Highways and Transportation**

#### *Policy Context*

8.319. The NPPF and Policy 6.1 of the London Plan (2016) 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.

8.320. 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.

8.321. 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.

8.322. The site has a public transport accessibility level (PTAL) of 3.

### *Background*

8.323. The proposed highway strategy is designed to not only incorporate and serve the proposed development (SQP4) positioned within the redline boundary of the application site but also the neighbouring development site of SQP 1-3 and Discovery Dock East.

8.324. The proposed development as a consequence would provide a single access point to a single basement which would serve SQP1-3 and SQP4 and Discovery Dock East.

8.325. The proposed reconfiguration works to the basement of the SQP 1- 3 which seek to ensure the basements of both developments would be compatible is currently being considered under a separate planning application (PA/15/03074).



*Image of Access and Service strategy*

8.326. The discussed reconfiguration works at SQP 1-3 and under consideration with planning application (PA/15/03074) would also secure provision for a new underground vehicle access to the DDE building.

8.327. It is acknowledged that neither this development proposal (SPQ4) nor the revisions proposed under planning application (PA/15/03074) at SQP 1-3 can be implemented independent from one another. A section 106 agreement would therefore be required which binds together the proposed development and proposed amendments at SQP 1 – 3.

### *Access*

8.328. The site would be accessed via a new shared surface access road to the west of the proposed development from Marsh Wall. The access road would be used by vehicles and cyclists only.

8.329. The proposed access road would lead onto the proposed ramp down into the SQP4 basement and also serve the Jemstock 2 and 3 buildings located to the north west of the site.

8.330. The LBTH Highways officer supports the location point of the new ramp, the requirement for it to serve SQP4, SQP 1-3 and Discovery Dock East and also confirmed that the vehicle access/egress arrangements to and on the site are unlikely to result in a material impact on the operation of the local highway network.

8.331. As discussed previously, the resulting impacts of the proposed access arrangements are also not considered to have a significant impact on the amenity of neighbouring residents.

#### *Car Parking and access*

8.332. The submitted transport assessment combines the quantum of car / cycle parking spaces from both SQP4 and SQP 1-3.

8.333. The approved SQP 1-3 scheme and revised SQP 1-3 (currently being considered) both comprise of 141 car parking spaces. The proposed level of car parking proposed inclusive of SQP 4 is 145 car parking spaces. The proposed development would only therefore only result in 4 additional car parking spaces, one of which would be an accessible bay.

8.334. The remainder of the development would be a car free development which is welcomed. A Section 106 legal agreement would ensure that the development is “car and permit” free scheme.

#### *Cycle Parking*

8.335. The proposed development includes a total of 612 cycle parking spaces (604 residential / 8 non-residential)

8.336. The proposed cycle access is proposed through a separate entrance from the ramp to west of the building. The storage facilities in Basement level 2 would be accessed via a cycle lift.

8.337. LBTH Highways and TfL welcome such an arrangement, as it is considered best practice guidance to separate cycles and motor vehicles where possible. The design of the external cycle door and lift which are adapted for extra width in accordance with the London Cycle Design Standards (LCDS) recommendation is also welcomed.

8.338. The residential cycle parking would comprise of 594 long-stay spaces and 16 short stay spaces. The cycle parking provision would be predominantly ‘Josta’ stands, however provisions for ‘Sheffield’ stands are also provided. The 16 short-stay spaces provided within the public realm would also be ‘Sheffield’ stands.

8.339. The proposed development also comprises of 2 long stay spaces which would be located at basement level 2.

8.340. On balance, it is considered that the quantum and type of cycle parking spaces and their location would be broadly in accordance with London Plan policy 6.9 ‘Cycling’.

#### *Walking and Public Realm*

8.341. The South Quay Masterplan identifies the DLR corridor as a ‘key walking and cycling route.’ The public realm proposals reinforce east west movement along the Marsh Wall corridor as well as the north south movement through the site to the South Dock edge.

8.342. The proposed development would provide linkages to South Quay Square, the SQP 1-3 development site and safe guard a publically assessable route through the site towards the location of the potential future bridge at South Quay.

8.343. The proposed basement link to the DDE basement car park would allow for the re -routing of all vehicle movement underground instead of through the proposed public realm offer which spans SQP4 and the neighbouring SQP 1 – 3 development scheme. The removal of the

existing DDE access route is welcomed as it would enhance the public realm offer and create a more pedestrian friendly environment.

- 8.344. The proposed treatment of the DLR undercroft and landscaping scheme would reinforce its purpose as a linear route that can accommodate pedestrian and cycle movement along its course.

#### *Highway works*

- 8.345. The development would require an amendment at the southwest corner of the Marsh Wall / Millharbour junction in order to maintain the existing signal timings at this junction should the layout be amended as per this application.
- 8.346. The above required (minor) works are expected to take place as part of the approved Millharbour Village scheme. In the event that such works are not undertaken, the highway works would be required to form part of the highway works for this scheme.
- 8.347. The details of the scheme of highway works would be secured by condition and any works required through a s278 Agreement.

#### *Buses*

- 8.348. TfL advised that the applicant estimates that the development would generate 48 outbound bus trips in the morning peak hour. The capacity of the local bus network is constrained during this time and with regard to cumulative impact of development within this area.
- 8.349. TfL seeks a contribution of £200,000 (£40,000 per annum over five years) towards additional bus capacity in the local area to be included within the Section 106 agreement in accordance with London Plan policy 6.2 'Providing public transport capacity and safeguarding land for transport'
- 8.350. Subject to the submission of additional information to comprehensively demonstrate that the contribution would mitigate a site specific issue, the subsequent impact of this particular scheme on the Marsh Wall bus capacity. Officers consider it appropriate that £200,000 is secured through a S106 Agreement towards the bus network.

#### *Cycle Hire*

- 8.351. TfL notes that the cumulative impact of development in the local area would place additional pressures on the cycle hire network, and therefore request that the applicant safeguards land to facilitate an additional docking station and a £200,000 contribution.
- 8.352. The failure to deliver cycle hire station or additional capacity however would not result in highway and transport issues which would outweigh the overall merits of scheme. The requirement to safeguard land for the cycle provision is therefore not sought.
- 8.353. The allocation of CIL also cannot be secured as part of the assessment of a planning application.

#### *Servicing and construction*

- 8.354. The submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.

- 8.355. A construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition.
- 8.356. The required plans would be required to 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.
- 8.357. Subject to the attachment of the above conditions and s106, it is considered that the proposed development would not result in any highway or transport issues in accordance with the NPPF, policies 6.1 and 6.13 of the London Plan, Core Strategy policies SP08 and SP09 and policy DM22 and DM22 of the MDD.

#### *Travel Plan*

- 8.358. The applicant submitted a residential Travel Plan which is considered acceptable by TfL subject to the applicant undertaking a model split following the determination of this application and application for the revised works at SQP 1 -3.
- 8.359. The submission of an updated Travel for the residential uses and a work place travel plan for the commercial uses on site would be secured by condition.

#### **Waste**

- 8.360. Policy DM14 of the Managing Development Document states that a development should demonstrate how it would provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.361. Policy DM14 also states that a major development should provide a Waste reduction management plan for the construction and operation stages.
- 8.362. The applicants submitted Waste Management strategy proposes in bin compaction and a collection methodology which is designed to allow the proposed development to be serviced once a week instead of twice a week, in an attempt to implement the waste management hierarchy of reduce, reuse and recycle.

#### *LBTH Waste Officer*

- 8.363. The Waste Technical officer raised two objections to the proposed servicing and waste collection methodology.
- 8.364. The following is a brief summary of the first reason for objection. The Council does not have sufficient information to confirm that in bin compaction at a ratio of 2:1 is reliable and would improve serviceability of the site. Commercial operators have recently abandoned such forms of compaction due to bin damage and service delays, where waste stuck to container walls. The methodology therefore deviates largely from the Council's contractual arrangements with Veolia and presents too many potential liabilities for the Council to adopt or agree.
- 8.365. The reason for the second objection was based on the fact that the scale of the development SQP 1-3 development has now increased with the addition of SQP4 to such an extent that a wholesale revision to the waste strategy should be made. The LBTH Waste officer therefore recommends that the adopted methodology should include compacted skip containers as secured at the neighbouring Wood Wharf.

### *Applicant Response*

- 8.366. In response to the LBTH Waste officer's objections the applicant commissioned AECOM to review and provide a response to the received objections.
- 8.367. The response from AECOM to the Council sets out in detail how the issues experienced by other commercial companies that adopted bin compaction can be avoided with appropriate waste management practices, and what are the issues and implications of seeking to adopt alternative waste management strategies such as Skip Compaction, Eurobin stacking and vacuum waste management systems. Such as the requirement for significant structural and layout amendments to the proposed development, combined with a significant increase in costs and delays with the on-going construction programme.

### *Officer's comments*

- 8.368. It is agreed that the adoption of skip compaction underground would require a significant change in the basement plans, as the floor to ceiling height would need to be increased to allow for sufficient height for the loading and unloading of containers. This approach would therefore either unacceptably impact on the quality of the proposed public realm at ground floor level or require the creation of an additional basement, which would substantially raise the cost of the delivering scheme, which influences the level of affordable housing securable.
- 8.369. The installation of a waste compaction facility at ground floor level alternatively would require an additional access route through the site and the allocation of land to house a compaction unit. The delivery of such a provision on site would therefore either require a significant reduction in the scale commercial uses which would completely undermine quality of the ground floor and retail offer, or reduce the quality and quantum of the public realm.
- 8.370. In light of the above, officers are mindful that any requirement for the development to provide on-site skip compaction would be likely to have significant implications on the design quality and integrity of the scheme, and overall reduce the level of public benefits to be secured.
- 8.371. In this instance, it is therefore considered that although a skip compaction provision can be physically accommodated on site, the adoption of an alternative waste management provision is favoured as it would allow for a better quality scheme to be delivered.
- 8.372. The introduction of a waste vacuum system alternatively would be welcomed on site however, as the required infrastructure is not yet in place to serve development proposals in the borough, and again the cost of introducing such infrastructure would have significant impacts on the costs of the development, it is not considered reasonable to require a stand-alone development to introduce a vacuum waste system in isolation.
- 8.373. Given the above issues with introducing either skip compaction or a vacuum waste management system on the development site, it is considered that if bin compaction is also discounted then the only remaining viable option would be for the waste on site not to be compacted and collected once a week (which would require multi trips within a day).
- 8.374. The failure to provide any form of waste compaction on site however would unacceptably impact on the resulting level of trip generation to the site and within the borough, and dwell time for servicing. The adoption of a waste management methodology which excludes any form of compaction for a development of such density and scale would therefore not be supported.

- 8.375. Exhausting all other options and when reverting back to considering the applicants and AECOMs favoured waste management approach, in bin waste compaction. It is noted that the Waste Technical officer did state that the acceptability of bin compaction (which is currently not adopted in the Local Plan or our supplementary guidance) would be dependent on the findings of an in depth and independent study. Subject to LBTH waste officers and Veolia inputting into what the scope of an independent review of in-bin compaction should cover, as there is currently more evidence against the methodology (albeit not very extensive either) and requirement for the Council to take a precautionary approach until in bin compaction methodology is proved to be a viable solution. It is officer's opinion that the adoption of in bin compaction methodology within the borough could be supported, if there is sufficient evidence to show that the methodology provides operational efficiencies for all concerned and pose far less liabilities for the Council.
- 8.376. Given the fact that the applicant has confirmed in writing that they are willing to undertake and compile the requested evidenced based study to convince LBTH Waste officers of the suitability of in bin waste compaction as part of a condition, officers are minded to secure the submission of such a study via a pre-commencement condition.
- 8.377. The adoption and requirements of such a pre-commencement condition is considered to meet the tests for the use of planning conditions set out in the NPPF and would be appropriate, to avoid a refusal of planning permission.
- 8.378. Subject to the satisfaction of the required pre-commencement condition in consultation with LBTH Waste officer and Veolia, it is therefore considered that the proposed development would implement the waste management hierarchy in accordance with Policy DM14 of the MDD.

### **Energy & Sustainability**

- 8.379. 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.
- 8.380. 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).

### *Carbon Reduction Requirements*

- 8.381. 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% 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.
- 8.382. The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy system in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.
- 2) Site wide CHP
- 3) Communal heating and cooling.

8.383. The design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures and connection to the South Quay Plaza heat network. The proposals are anticipated to deliver a 34% reduction in CO2 emissions which is significantly below the policy requirement of 45% reduction.

#### *Carbon Offsetting*

8.384. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 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.'*

8.385. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 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).

8.386. For the proposed scheme it is recommended that a figure of £108,360 is sought for carbon offset projects.

#### *Sustainability*

8.387. Policy DM 29 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.

8.388. The submitted Sustainability Statement notes that all of the non-residential units will achieve BREEAM Excellent rating with a score of 72%. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 3 months of occupation.

#### *Summary*

8.389. The current proposals have sought to implement energy efficiency measures and propose to connect to a district heating systems to deliver CO2 emission reductions.

8.390. Through linking to the South Quay energy network the scheme will achieve significant CO2 emission reductions, enabling the development to respond well to LBTH policy DM29 and minimising the required carbon offset contribution (Planning Obligations SPD).

8.391. Through the shortfall in CO2 emissions being met through a carbon offsetting contribution, the proposals could be considered appropriate for the development and compliant with LBTH policy DM29.

- 8.392. Subject to safeguarding conditions, the proposed development would therefore comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

## **Environmental Considerations**

### *Noise and Vibration*

- 8.393. 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.
- 8.394. 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.
- 8.395. The Council's Environmental Health Noise and Vibration officer requested the securing of the submission of acoustic report via safeguarding conditions to ensure the relevant standards are met.
- 8.396. Subject to the safeguarding condition, officers consider that the proposed development would therefore 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*

- 8.397. 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.
- 8.398. The LBTH Environmental Health Officer confirmed that the ES shows that the proposed Energy centre plant, CHP and boilers, will meet the NO<sub>x</sub> emission limits that are set out in the GLA's Sustainable Design and Construction SPG and the emissions would not have a significant on any existing or proposed receptors.
- 8.399. The construction assessment also concludes that with appropriate mitigation, the construction impacts would be negligible on dust and air quality.
- 8.400. The required mitigation measures would be secured by condition, as part of a Construction Environmental Management Plan.
- 6.1. In light of the above and subject to safeguarding conditions, officers considered that the resulting associated air quality would comply 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*

- 5.3. 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.
- 5.4. 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.
- 5.5. The findings of the ES were reviewed by the Environment Consultants LUC on behalf of the Council. LUC confirmed that the wind levels would be generally appropriate for the required land uses, although there would be some minor adverse effects.
- 5.6. Additional wind tests were therefore conducted to develop mitigation measures for the adverse conditions. The mitigation measures tested included the proposed landscaping plan, balustrades, tree planting, and additional terrace canopies and contouring.
- 5.7. There are 10 locations where wind speeds exceed B6 or B7. The B6 threshold is exceeded at receptors 27, 30, 31, 56, 57 92, 108, 117 and 118 for up to 4.1 hours per annum, but are unlikely to cause nuisance.
- 5.8. One receptor (105) would experience wind speed in excess of B7 which is considered to be a safety concern. This can be mitigated however by the installation of raised planters and localised screening.
- 5.9. 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*

- 6.2. 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 Discovery Dock East.
- 6.3. 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.
- 6.4. The Councils Environmental Officers raised no objections on demolition, construction, noise and vibration grounds.
- 6.5. Subject to safeguarding conditions, officers consider that the proposed development would therefore 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*

- 6.6. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that there are no objections on the grounds of contaminated land issues,

subject to, the attachment of safeguarding conditions to ensure that appropriate mitigation measures are in place.

- 6.7. 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*

- 6.8. 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.
- 6.9. The site is located in Flood Zone 3 and the proposal involves a more vulnerable use (i.e. housing). The site is 'allocated' within the Council's Local Plan for a mixed-use redevelopment including for a substantial element of residential use.
- 6.10. The approach within the ES to establishing 'magnitude' of impacts, and for estimating significance of effect gives appropriate prominence to both beneficial and adverse effects relative to their significance and considers interactions between related beneficial and adverse effects. It separates the assessment according to receptor, stage of development and pre- and post-mitigation. This assessment approach is considered appropriate.
- 6.11. LUC confirmed that the conclusions on flood risk from all considered sources are acceptable. The sustainable surface water management strategy and capacity of the wastewater and water supply network which are important with respect to a number of potential impacts are also appropriately considered.
- 6.12. A detailed drainage design and a requirement for the applicant to continue to consult Thames Water in order to ensure (by obtaining an official confirmation) that the development's demand for water supply, wastewater treatment and their associated infrastructure both on and off site can be met would be secured via a planning condition.

#### *Television and Radio Service*

- 6.13. 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.
- 6.14. The ES confirms there is a requirement for mitigation measures to mitigate the shadowing impacts on terrestrial and satellite television signals which would be secured by a section 106 agreement.
- 6.15. The applicant has also agreed to provide mitigation to the potential effects upon the DLR communication signals via Section 106 Agreement. The type of mitigation required would be discussed and agreed with DLR operatives.

#### **Health Considerations**

- 6.16. 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.
- 6.17. 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.

6.18. 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.

6.19. The proposed development would promote sustainable modes of transport, improve permeability through the site and provide 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.

### **Planning Obligations**

6.20. 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.

6.21. The Council adopted a Borough-level Community Infrastructure Levy on April 1<sup>st</sup> 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.

6.22. 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.

6.23. 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.

6.24. 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.

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

<b>Heads</b>	<b>Planning obligation financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£161,452
Access employment and end user	£1,200
Carbon off set initiatives	£108,360

Local Bus Service	£200,000
Monitoring	£8,500
<b>Total</b>	<b>£487,012.</b>

- 6.26. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. In response to a query from the applicant, TfL have also confirmed that further information as part of the justification for the above bus contribution will also be submitted to the LPA.
- 6.27. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission. The commitment to realise the wider public realm vision is strictly an additional benefit of the scheme which is neither required to make the proposal acceptable in planning terms nor is it necessary to mitigate the proposal's impacts or offset planning objections and policy compliance deficiencies, in particular given the uncertain delivery of the landscaping vision in light of land ownership issues. Nevertheless, the commitment to utilise all reasonable endeavours to deliver the additional improvements to South Quay Square is a material consideration of some weight as the works, if implemented, would substantially add to the already considerable regeneration benefits of the scheme.
- 6.28. With regard to affordable housing provision, the applicant has also offered 25% affordable housing by habitable room with a tenure split of 71/29 between affordable rented/ social target rent and shared ownership housing. The applicants Financial Viability Assessment has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver beyond the maximum amount of on-site affordable housing without threatening the deliverability of the development.
- 6.29. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within a reasonable timescale (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted.
- 5.10. 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) and residential and workplace travel plans.

## **6. FINANCIAL CONSIDERATIONS**

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

- 6.30. 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.
- 6.31. Section 70(4) defines "local finance consideration" as:

- 6.32. In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy.
- 6.33. Mayor of London CIL liability is estimated to be £1,136,128.
- 6.34. Tower Hamlets CIL liability is estimated to be £6,471,374
- 6.35. These financial benefits are material considerations of some weight in favour of the application proposal.

## **7. HUMAN RIGHTS CONSIDERATIONS**

- 7.1. 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:-
- 7.2. 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".
- 7.3. 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.
- 7.4. 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.
- 7.5. 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.
- 7.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 7.7. 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.
- 7.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

## **8. EQUALITIES ACT CONSIDERATIONS**

8.1. 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.

8.2. 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/adaptable. 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.

8.3. In terms of employment, the commercial floorspace would provide an up lift in employment opportunities, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.

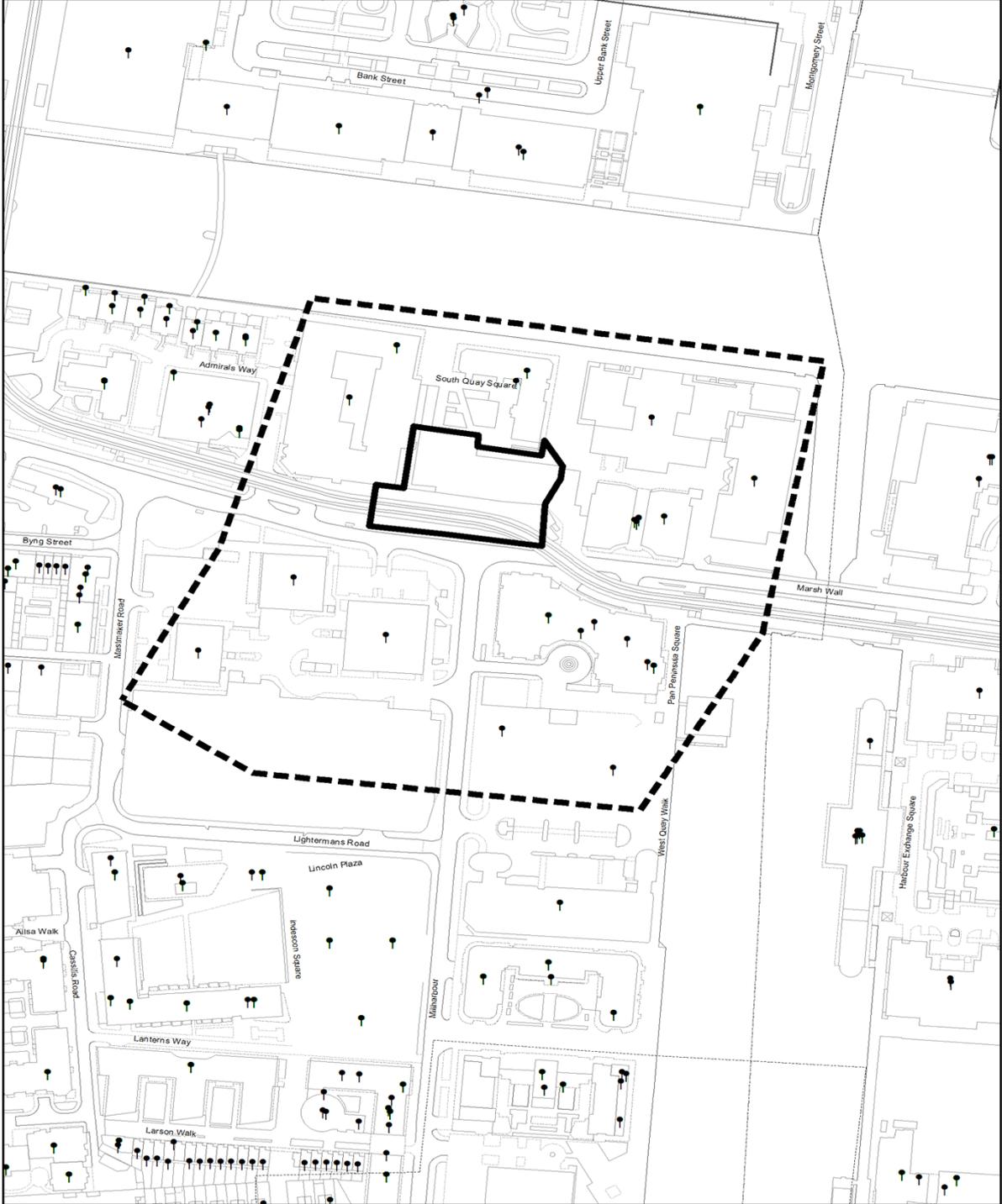
8.4. The introduction of publically accessible west – east and north – south routes, a route through to South Quay Square and joined up landscaping scheme with the neighbouring SQP 1-3 development site would also increase permeability and promote social cohesion across the site and within the borough generally.

8.5. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

## **9. CONCLUSIONS**

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

Planning Application Site Map  
PA/15/03073



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 100 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**

#### **Schedule of Drawings**

A-0-1000-4, A-0-1010-4, A-0-1011-4, A-0-1012-4, A-0-1020-4, A-0-1021-4, A-0-1198-4, A-0-1199-4, A-0-1200-4, A-0-1201-4 Rev 01, A-0-1212-4, A-0-1218-4, A-0-1218m-4, A-0-1237-4, A-0-1237m-4, A-0-1256-4, A-4-0010, A-4-0011, A-4-0012, A-4-1100, A-4-1198, A-4-1199, A-4-1200, A-4-1201 Rev 01, A-4-1202, A-4-1203, A-4-1204, A-4-1209, A-4-1210, A-4-1211, A-4-1212, A-4-1218, A-4-1218m, A-4-1223, A-4-1225, A-4-1229, A-4-1235, A-4-1237, A-4-1237m, A-4-1238, A-4-1240, A-4-1251, A-4-1252, A-4-1253, A-4-1254, A-4-1255, A-4-1256, A-4-1400, A-4-1401, A-4-1402, A-4-1403, A-4-1500, A-4-1501, A-4-2000, A-4-2001, A-4-2010, A-4-2011, A-4-2020, A-4-2021, A-4-2022, A-4-2023, A-4-2100, A-4-2110, A-4-2120, A-4-2130, A-4-2200, A-4-2201, A-4-2210, A-4-2211, A-4-2300, A-4-2301, A-4-2400, A-4-2401, A-4-2500, A-4-4000, A-4-4001, A-4-4002, A-4-4003, A-4-4004, A-4-4005, A-4-4006, A-4-4007, A-4-4008

#### **Schedule of Documents**

Design & Access Statement (Foster + Partners)  
Planning Statement (Bilfinger GVA)  
Environmental Statement Non-Technical Summary (Aecom)  
Environmental Statement Volume 1 – Main Assessment, Text & Figures (Aecom)  
Environmental Statement Volume 2 – Townscape, Visual & Built Heritage Impact Assessment (Miller Hare)  
Environmental Statement Volume 3 – Technical Appendices (Aecom)  
Transport Assessment (WSP)  
Delivery & Servicing Plan (WSP)  
Travel Plan (WSP)  
Waste & Recycling Strategy (Aecom)  
Energy Statement (WSP)  
Sustainability Statement (WSP)  
Arboricultural Report (Aecom)  
Utilities Statement (WSP)  
Affordable Housing Statement (Bilfinger GVA)  
Estate Management Strategy (Berkeley Group)  
Statement of Community Involvement (Snapdragon)  
Social Sustainability Statement (Quod)  
Draft Heads of Terms (Pinsent Masons)  
SQP1-4 Extended Phase 1 Habitat Report (Aecom)

Applicant response letter to Transport for London (TfL) comments dated 10<sup>th</sup> April 2016  
Applicant response letter to LBTH Highway Authority comments dated 10<sup>th</sup> March 2016  
Applicant response to the Interim Review Report (IRR) comments dated 1<sup>st</sup> March 2016  
Applicant response to LBTH Waste comments dated March 2016  
Further Environmental Information (Aecom) 1<sup>st</sup> April 2016  
Applicant response to GLA (energy) comments dated 8<sup>th</sup> December 2015