

# 7 Brannan Street

In the LB Tower Hamlets

Planning Application reference: PA/24/00243

## Planning Application

Town & Country Planning Act 1990 (as amended); Planning (Listed Building and Conservation Areas) Act 1990; Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## The proposal

Redevelopment of the site to provide purpose-built student accommodation comprising 912 bedrooms with associated amenity space and Class E(a)(b) floorspace within a building of up to 46 storeys with basement; together with plant, car and cycle parking facilities, associated servicing, access and landscaping and all associated ancillary works and structures.

## The applicant

The applicant is **WW F1 Student Development Company Limited** and the architect is **Glenn Howells Architects**.

## Recommendation

The Deputy Mayor for Planning, Regeneration and the Fire Service, acting as Local Planning Authority for the purpose of determining this application;

- i. grants conditional planning permission in respect of application PA/24/00243 for the reasons set out in the approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. delegates authority to the Head of Development Management to issue the planning permission and attach, add, delete or vary, the final detailed wording of the conditions and informatives as required with any material changes being referred back to the Deputy Mayor, and authority to negotiate, agree the final wording, and sign and execute, and complete the section 106 legal agreement;
- iii. delegates authority to the Head of Development Management to agree any variations to the proposed heads of terms for the section 106 legal agreement;
- iv. delegates authority to the Head of Development Management to refer the application back to the Deputy Mayor, if by 30<sup>th</sup> June 2025 the section 106 legal

agreement has not been completed;

- v. notes that approval of details pursuant to conditions imposed on the planning permission will be submitted to, and determined by Tower Hamlets Council; and
- vi. notes that Tower Hamlets Council will be responsible for the enforcement of the conditions attached to the permission.

## **Introduction**

1. Having assumed authority to determine this planning application, this report sets out the matters that the Deputy Mayor for Planning, Regeneration and the Fire Service must consider in determining whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

## **Officer recommendation - reasons for approval**

2. The Deputy Mayor for Planning, Regeneration, and the Fire Service, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Tower Hamlets Council's Planning Committee reports dated 13 November 2024 and 25 November 2024, the draft decision notice prepared by Tower Hamlets Council setting out the reason for refusal and all consultation responses and representations made on the case both to Tower Hamlets Council and the GLA. The below reasons set out why this application is considered to be acceptable in planning policy terms:
  - The application proposes 912-bedroom Purpose Built Student Accommodation (PBSA) with an acceptable level of affordable housing (35% by bedroom, 38.2% by habitable room and 37.6% by floorspace), which equates to approximately 364 homes. The proposal accords with the NPPF; meets Policy S.H1 (Meeting Housing Needs) D.DH8 (Amenity) and D.H6 (Student Housing) of the Tower Hamlets Local Plan; London Plan Policies H4, H5, H15 and the Mayors affordable housing and Viability SPG.
  - The layout of the scheme and the building footprint is similar to that of the Wood Wharf outline consent for the site. The height and massing of the building responds to the existing and emerging context of the tall building cluster. The design is well considered, reflecting the existing townscape character whilst delivering a high quality addition to the townscape. No harm would be caused to strategic views. The proposal is considered to accord with London Plan Policies D3, D4, D5, D8, D9, D11, D12, HC3 and HC4 and Tower Hamlets Plan Policies relating to good design, townscape and views.

- The proposed development would cause a low level of less than substantial harm and is therefore in conflict with Policies HC1 of the London Plan and Policy S.DH3 of Tower Hamlets Local Plan. Great weight has been attributed to this harm. However, the public benefits delivered by the scheme would clearly and convincingly outweigh the identified heritage harm. The proposed development accords with paragraph 215 of the NPPF.
- It is officers view that the proposals accord with the development plan, read as a whole in that GLA Officers do not consider that there would be any unacceptable levels of noise and general disturbance as a result of the number of students accommodated in the building and that the Section 106 is comprehensive. It is the view of GLA officers, applying section 38(6) of the 2004 Act, that material considerations, when taken together, do not justify a departure from the plan but rather confirm that the proposals should be granted planning permission.

## **S106 legal agreement**

3. The following heads of terms have been agreed as a basis for the planning obligations to be contained within the section 106 legal agreement:

### Affordable housing

- Provision of Affordable student accommodation 320 rooms – secured at equal to or below 55% of the maximum Government maintenance loan for living costs in accordance with the London Plan Annual Monitoring Report.
- Early-Stage Review

### Student accommodation

- Student occupation restriction
- Nomination agreement – covering majority of accommodation (including all affordable) prior to occupation.

### Public realm

- Public access to pocket parks

### Energy

- £343,867 Carbon offsetting payment
- Be Seen energy monitoring

## Transport

- Student Travel Plans
- Management, maintenance and monitoring cycle parking/ free to hire bikes

## Other obligations

- £131,788.00 construction phase employment skills training
- £151,416.20 end-user phase employment skills training
- Monitoring fee
- Accessible provision
- Access to employment (20% local procurement, 20% local labour in construction, 25 construction phase apprenticeships)

## **Conditions to be secured**

4. See Appendix 1 of this report.

## **Site description and Surrounding Area**

5. The application site is a parcel of land located to the south of Blackwall Basin and west of Prestons Road. The site is located in the Isle of Dogs Opportunity Area, the Central Activities Zones. The grade I listed wall of the Blackwall Basin forms the northern boundary of the application site and falls partially within the red line. The site is located in close proximity to several other heritage assets which are outlined in the main body of the report.



Figure 1: The image above is of Wood Wharf looking east from the upper floors of 15 Water Street (Plot B3) with the application site fronting onto the dock.

6. The site falls within the Wood Wharf Masterplan site which was approved in December 2014 under outline planning application (OPP) ref. PA/13/02966 which consented development between 1,700 and 3,610 homes, 165,000 and 350,000 sq.m office floor space in buildings up to 211m AOD. Reserved matters application have been considered by the LPA and several of the plots are under construction or have been built out. The application site comprises land known as Plot F1 and surrounding land in the outline masterplan OPP which permitted development parameters for a single building up to 190m in height for residential use on upper floors and ground floor commercial uses.

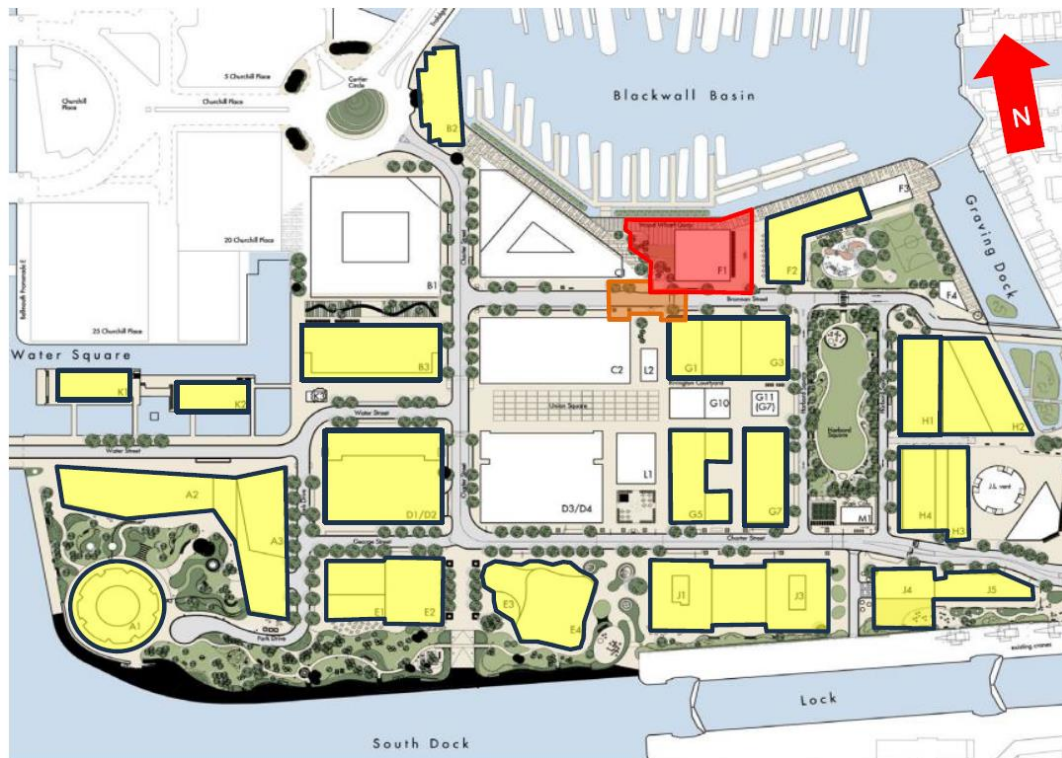


Figure 2: Application site identified red, buildings built or under construction that form part of Wood Wharf Masterplan identified in yellow.

7. The A1261 Aspen Way is approximately 450m north of the site, which forms part of the Transport for London Road Network (TLRN). The site is served by tube stations including access via the eastern entrance to Canary Wharf London Underground Station, 500m west of the site providing access to Jubilee Line services. Canary Wharf Elizabeth Line station is also located 450m to the northwest of the site. The nearest DLR station is Blackwall located less than a kilometre northeast of the site.
8. There are several bus stops located along Preston's Road to the east of the site and on Churchill Place. Superloop service SL4 serves the area with the nearest stops located on Trafalgar Way and Churchill Place. The site currently records a Public Transport Access Level (PTAL) of 3, on a scale of 0-6b, where 6b is the highest.

## Details of the proposal

9. Full planning permission is sought for the redevelopment of the site to provide purpose-built student accommodation comprising 912 bedrooms with associated amenity space and Class E(a)(b) floorspace within a building of up to 46 storeys.
10. The student accommodation is accessed via Brannan Street and occupies the upper floor levels with the entrance at ground level. The proposals include a retail unit, located at ground floor level to the northern side of the building, fronting the Boardwalk and the Blackwall Basin. The proposals include landscaping and associated works.
11. A breakdown of the proposed land uses by use class is provided within Table 1:

Table 1: Proposed floorspace

<b>Land use (Use Class)</b>	<b>GIA (sq.m.)</b>
PBSA (Sui Generis)	32,790
Commercial space - Class E	156
Total	32,946

### Stage 3

12. Following the Deputy Mayor’s decision to call in the application, GLA officers have engaged with the applicant in a series of discussions on the scheme.
13. The applicant submitted additional documentation in support of the proposed development which included the following:
  - Updated UGF
  - 103P3-F1-GHA-05147\_01 Proposed Roof Level Plan
  - LPG compliance schedule
14. Given the nature of the revised documentation and that no significant amendments were sought, re-consultation was not considered to be necessary.

### **Relevant planning history and current planning application**

15. The Wood Wharf Masterplan within which the application site is situated is subject to an overarching outline planning permission which was granted in 2014. That permission has been amended on several occasions and also has a large number of reserved matters applications and approvals of details associated with it, all of which are relevant to the present application in some respects. Below is a summary of the most pertinent applications.

#### *Outline Permission*

16. PA/13/02966 (Permitted 24/12/2014) - Outline application (all matters reserved) for mixed-use redevelopment of the site known as “Wood Wharf” comprising:
  - Demolition of existing buildings and structures, including dwellings at Lovegrove Walk;
  - The erection of buildings, including tall buildings and basements, comprising: Residential units (Use Class C3); Hotel (C1); Business floorspace (B1); Retail (A1-A5); Community and Leisure (D1 and D2); and Sui Generis uses.
  - Associated infrastructure, including the creation of structures in Blackwall Basin, Graving Dock, and South Dock;
  - Streets, open spaces, landscaping and public realm;
  - Bridge links;

- Car, motorcycle and bicycle parking spaces and servicing spaces;
- Utilities including energy centres and electricity substation(s); and,
- Other works incidental to the proposed development.

#### Relevant Reserved Matters Applications

17. PA/15/00019 (permitted 27/07/2015) – RM04 – Basement - Details of all reserved matters (Access, Appearance, Layout and Scale) pursuant to condition 4(b) of outline planning permission ref PA/13/02966 dated 24/12/2014 relating to the following areas of the Wood Wharf Masterplan: Basement and below ground infrastructure within Development Zone T Comprising 1,738 sqm (GIA) of retail and leisure uses (Use Class A1-A5, D1 and D2), 103,865 sqm (GIA) of ancillary infrastructure, utilities, parking and circulation. Most recently amended 1 March 2023 (ref: PA/23/00212).
18. PA/22/00269/S (permitted 06/06/2022) – RM24 – Boardwalk - Details of all reserved matters (Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission ref. PA/13/02966 dated 24/12/2014 relating to the following areas of the Wood Wharf Masterplan: Ground and above ground structures open space, landscaping and public realm to the north of Development Zone F and C. Comprising provision of a continuous boardwalk, on the new built edge to the south and west side of the Blackwall Basin.

#### Other Relevant Applications

19. PA/24/01371 (to be determined) – Section 73 amendment of Outline Permission - Variation of Condition 5 of Outline Planning Permission ref: PA/13/02966, dated 19 December 2014. The application sought to amend the approved Control Documents in order to "slot out" Development Plot F1 and surrounding land above and below ground.
20. PA/24/00383/NC (permitted 17/07/2024) – Union Square/Timber Quay – Provision of flexible retail use, event space, hard and soft landscaping, public realm, play spaces and all associated works and structures, for a period of up to five years.

#### The application

21. The application scheme was subject to pre-application discussions with GLA officers as well as Council officers.

#### *Stage 1*

22. On 2 April 2024 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- 1B Non-residential developments outside Central London with floorspace of more than 15000 square metres;
- 1C Development which comprises or includes the erection of a building where one or more of the following conditions is met, the building is more than 30m high and outside the City of London.

23. On 20 May 2024 the Deputy Mayor for Planning, Regeneration and the Fire Service, acting under delegated authority considered planning report GLA/2024/0184/01 (link to report [here](#)) and subsequently advised Tower Hamlets Council:

- **Land use principles:** The redevelopment of this underutilised brownfield site within an opportunity area for student accommodation comprising 912 student rooms is supported.
- **Affordable Housing:** The development would provide 35% affordable provision by habitable room. Whilst this is supported, the affordable housing provision should also be presented by floorspace.
- **Urban Design:** The application site is identified as suitable for a tall building and the overall height and massing are supported.
- Other issues on **Transport, Energy, Circular Economy** and **Air Quality** also require resolution prior to the Mayor's decision making stage.

#### *Council resolution*

24. On the 13<sup>th</sup> November, Tower Hamlets Planning Committee resolved to defer the application subject to a site visit. On the 25<sup>th</sup> November after a site visit, the Council's Planning Committee resolved to refuse planning permission against officer recommendation to grant, for the following reasons:

- a) The development, by virtue of its density and high number of student occupants, would give rise to anti-social behaviour, noise and disturbance that will be detrimental to the existing residential amenity of neighbouring properties and therefore rendering the proposal site inappropriate for Purpose Built Student Accommodation. The development is therefore contrary to Policies D.H6 and D.DH8 of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (2020).
- b) In the absence of a legal agreement to secure policy compliant financial and non-financial contributions including for employment skills training and enterprise and transport matters, the development fails to mitigate its impact on local services, amenities, infrastructure and environment. This is contrary to the requirement of policy DF1 of the London Plan, policy D.SG5 of the Tower Hamlets Local Plan 2031, and Planning Obligations Supplementary Planning Document (2021).

## Stage 2

25. On 3 December 2024, Tower Hamlets Council advised the Mayor of this decision. On 16 December 2024, the Deputy Mayor, acting under delegated powers, considered the GLA Stage 2 report (Reference 2024/0289/S2). The GLA Stage 2 report concluded that, having regard to the details of the application:
26. The proposed development would be of a scale which would provide a significant contribution to the strategic student accommodation requirement identified in the London Plan and would support the London Plan's aim of delivering sufficient student accommodation to support the contribution of higher education providers to London's economy and labour market. In addition, the proposals would contribute towards the delivery of housing, making a positive contribution towards London housing targets. As such, the non-delivery of 912 student bed spaces is considered to impact upon the implementation of the London Plan.
27. The support from a higher education provider with campuses in boroughs other than Tower Hamlets demonstrates the potential contribution of the proposed development to higher education providers across London. The scale of the proposed development would also have visual impacts beyond the borough boundary with the building being seen within strategic London views such as from Greenwich Park.
28. Having regard to the details of the proposal, the application forms an important site within the wider Wood Wharf masterplan and would deliver a substantial amount of student bedrooms including affordable student accommodation that would contribute to the strategic PBSA targets within the London Plan.
29. The Stage 2 report outlined outstanding matters including affordable provision, Urban Greening, Energy and Transport and called the application in for Mayoral determination.

## Stage 3 (call in)

30. The Deputy Mayor visited the site on 6 May 2025 with GLA and TfL officers, representatives of the Council, and the applicant team.
31. The Deputy Mayor's decision on this case, and the reasons for it, will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk)

## Referral to the Secretary of State

32. The power of the Secretary of State to call-in an application also exists where the Mayor has called-in an application.

## **Relevant legislation, policies and guidance**

33. The Deputy Mayor must determine the application for planning permission in accordance with the requirement of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Deputy Mayor is required to determine the application in

accordance with the development plan unless material considerations indicate otherwise. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan consists of the Tower Hamlets Local Plan 2031 (2020) and the London Plan 2021.

34. Paragraph 232 of the NPPF (December 2024) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to them, according to their degree of consistency with the NPPF. All relevant policies in the adopted development plan are considered to be consistent with the NPPF.
35. The Deputy Mayor is also required to have regard, as material considerations, to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies.
36. The relevant planning guidance at the national, regional and local levels are noted in the following paragraphs including the NPPF and PPG.
  - Purpose Built Student Accommodation LPG (2024)
  - Air Quality Positive LPG (2023)
  - Air Quality Neutral LPG (2023) Characterisation and Growth Strategy LPG (2023)
  - Optimising Site Capacity: A Design-led Approach LPG (2023)
  - Urban Greening Factor LPG (2023)
  - Circular Economy Statements LPG (2022)
  - Sustainable Transport, Walking and Cycling LPG (2022)
  - Whole Life Carbon LPG (2022)
  - Be Seen Energy Monitoring LPG (2021)
  - Public London Charter LPG (2021)
  - Affordable Housing and Viability SPG (2017)
  - Housing SPG (2016)
  - Social Infrastructure SPG (2015)
  - Accessible London: Achieving an Inclusive Environment SPG (2014)
  - The Control of Dust Emissions during Construction and Demolition SPG (2014)
  - All London Green Grid SPG (2012)

- Planning for Equality and Diversity in London SPG (2007)
- Accessible London SPG
- LBTH Planning Obligations SPD (2021)
- LBTH High Density Living SPD (December 2020)
- LBTH Refuse, Recycling & Waste (July 2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2020)
- Draft Fire Safety LPG
- Draft Affordable Housing LPG

## **Response to consultation**

### **Statutory consultee responses**

#### Canal and Rivers Trust

37. Required conditions to deal with details and informatives, with queries regarding, biodiversity, lighting, surface water drainage, landscaping and daylight and sunlight.

#### Environment Agency

38. No objection

#### Historic England

39. No comments

#### GLAAS

40. No objection subject to conditions

#### HSE

41. No objection.

#### Isle of Dogs Neighbourhood Planning Forum

42. No objection

#### London Borough of Greenwich

43. No objection

#### London Borough of Lewisham

44. No comments

London Borough of Newham

45. No comments

London Borough of Southwark

46. No comments

London City Airport

47. No objection, subject to condition

LFB

48. Raised initial queries regarding compartmentation of the two staircases and access and facilities for fire service, and storage of electric bikes. Concerns subsequently addressed.

London Underground Infrastructure Protection

49. No objection subject to conditions

Metropolitan Police

50. Requested further engagement on Secure by Design measures. (GLA Officers propose a SBD condition to ensure that engagement takes place and the development achieves requisite SBD standards).

NATS

51. No response

Natural England

52. No objection

Thames Water

53. No response.

TfL

54. No objection, subject to further information, conditions and informatives.

PLA

55. Clearer strategy to prioritise construction and waste via river. Thames Clipper not referenced in the Planning statement regarding transport and access. The surface water drainage strategy which proposes runoff to be discharged into the Blackwall basin must be agreed with the Canal and Rivers Trust. This approach has been agreed by officers.

### LBTH Energy and sustainability

56. The Energy Statement sets out the proposals to reduce energy demand and deliver a sustainable scheme in accordance with policy requirements for D.ES7.

### LBTH Environmental Health

57. No objections subject to conditions.

### LBTH transport and highways

58. No objection to the proposal but requests a condition for detailed cycle parking is attached to any consented scheme.

### LBTH waste

59. No objection

### **Individual neighbourhood responses**

60. As part of the public consultation process, Tower Hamlets Council publicised the application by sending notifications to local addresses, issuing site and press notices and consulting relevant statutory bodies.

61. Following the neighbourhood consultation process, Tower Hamlets Council received a total of 2 responses in objection. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA, and are summarised below:

### Neighbourhood objections

- Scheme states parking is provided, which is not required given high level of public transport access.
- Concerns raised that residents in nearby temporary accommodation being provided in Lovegrove Walk require reassurance that they will not lose their homes.

### Representations made to the Mayor of London

62. The Deputy Mayor took over the planning application for his own determination on 16 December 2024. Letters were sent to neighbours outlining that the Deputy Mayor would be responsible for determining this planning application instead of the Council. The letters advised that if substantial amendments are made to the application, a public consultation would be held.

63. As outlined in this report, there were no substantial amendments made to the application following the decision to call in the application. Therefore, a further public consultation was not considered necessary.

64. At the time of writing, a total of 1 response was received through the GLA's PlanApps website, raising concerns relating to fire safety, sunlight and daylight,

heritage and townscape, noise and pollution during construction and insufficient affordable housing.

65. All these responses have been made available to the Deputy Mayor and have been taken into account in this report.

## **Principal planning issues**

66. Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Deputy Mayor must consider are:

- Land use principles;
- Affordable Housing
- Urban Design;
- Heritage;
- Environmental Impact Assessment;
- Neighbouring amenity impacts;
- Sustainability, environment and climate change;
- Transport;
- Mitigating the impact of development through planning obligations;
- Legal Considerations; and
- Planning balance.

67. These issues are considered in the following sections of this report.

## **Land use principles**

### Purpose-Built Student Accommodation (PBSA)

68. The NPPF and the London Plan seek and encourage the delivery of all types of housing through optimising appropriate sites. The NPPF sets out the importance of providing for specific housing groups such as students. London Plan policy H15 encourages Boroughs to ensure that local and strategic need for PBSA is addressed. The London Plan identifies an overall strategic requirement of 3,500 annually over the Plan period. The London Plan also acknowledges that PBSA contributes to meeting London's overall housing need and is not in addition to this need.

69. London Plan Policy SD6 sets out that Town Centres have a particular suitability to accommodate a diverse range of housing which includes student accommodation.
70. Local Plan Policy S.H1 requires the delivery of at least 58,965 new homes across the Borough between 2016 and 2031. The policy states that development should not undermine the supply of self-contained housing – in particular family homes” and resists development which would result in the net loss of residential floorspace or family units. Local Plan Policy H1 requires development to contribute towards the creation of mixed and balanced communities that respond to local and strategic need.
71. Local Plan Policy D.H6 provides that PBSA developments should be directed to locations which are within close proximity to the borough’s higher education institutions or in highly accessible locations and must: not compromise the supply of land for self-contained homes, have an undertaking in place with education institutions, respect existing residential amenity; provide wheelchair accessible student rooms. Part 2 of policy D.H6 relates to proposals that result in a net loss of student accommodation, which is not applicable to the application.
72. The Site Allocation for the Wood Wharf Masterplan identifies that housing is an appropriate land use. The provision of PBSA which is a form of housing as set out in the Development Plan, is therefore in line with the Site Allocation. Local Plan policy D.H6 and London Plan policy H15 and the recently adopted PBSA LPG set out appropriate locations for PBSA development. The application site is considered a suitable location for PBSA given its proximity to higher education institutions (both within the borough and wider London institutions), its location within an Opportunity Area, accessibility and proximity to public transport links.
73. The proposals would not result in the loss of self-contained housing and the proposed delivery of 912 student bedrooms would be equivalent to 364 homes when calculated in line with the supporting text of London Plan Policy H1. This quantum of homes would exceed the number of homes that could be provided on the site under the outline planning permission, given the maximum development caps on the number of homes and the number of homes already delivered or under construction. The proposed development would contribute towards the Borough’s housing targets and the housing targets for the Isle of Dogs and South Poplar Opportunity Area set out in Policy SD1 of the London Plan. Policy D.H6 states that student accommodation should not compromise the supply of land for self-contained homes. In this instance the supply of land for self-contained homes will not be compromised as the proposed development is in line with the site allocation; would provide a greater contribution to overall housing targets than the extant consent envisaged for the parcel of land; and given that there is no obligation on the applicant to deliver further C3 housing under the outline consent, the proposals do not conflict with Policy DH.6.
74. As set out above, the application site forms part of the wider Wood Wharf masterplan development that incorporates a range of uses including commercial and residential accommodation. The proposals would therefore contribute to, and form part of, a mixed and inclusive neighbourhood as required by local and London Plan policy.

75. A PBSA Demand Study and Market Analysis accompanies the planning application which outlines that there is currently a supply/demand imbalance for students within London and Tower Hamlets in that the demand outstrips the supply. Even with further PBSA schemes within the Borough identified by Tower Hamlets within the committee report, there would continue to be a supply/demand imbalance. GLA officers do not consider that the proposed development would result in an over-supply of PBSA within Tower Hamlets.
76. The affordable provision would be 35% by bedroom, 38.2% by habitable room and 37.6% by floorspace. This is discussed in greater detail in the following section.
77. Local Plan policy D.H6 reflects London Plan policy H15 requirement relating to an undertaking with higher education institutions. The applicant has committed to entering into a nomination agreement with one or more Higher Education Institution, which would cover 51% of the accommodation, including all the affordable student rooms. As set out in the PBSA LPG, the application is submitted with a letter from UCL, stating that they support the application and are willing to explore a nomination agreement in due course. The nominations agreement would be secured in the S106 agreement.
78. In terms of respecting existing residential amenity, the applicant has provided a student management plan setting out the principles by which the student use will be managed, which has been prepared by a student accommodation management company. The draft management plan provided sets out appropriate management measures and procedures, this includes a complaints procedure and a management process for antisocial behaviour. The Student Management Plan would help control noise and disturbance from the proposed use, and a final Plan has been secured by condition. Impacts of the development relating to daylight, sunlight, overshadowing, solar glare, outlook and privacy are discussed in more detail later in this report. However, officers consider that the proposed development and management of the proposed use would not give rise to unacceptable impacts on amenity, and therefore the development would comply with Local Plan policy D.DH8.
79. Whilst there are no defined space standards for student accommodation, London Plan Policy requires adequate functional living space, which should achieve a high residential quality in line with Policy D3. The proposed layout comprises a range of cluster and studio rooms, from 13sqm to 26sqm in size. The cluster rooms, would be located on the lower floors of the building would have Living/Kitchen/Dining rooms located on the corners of the building, benefiting from dual aspect. All of the occupants within the building would benefit from access to the internal shared amenity at ground, mezzanine, level 9 and level 44, which will provide a range of facilities including study spaces, gym/yoga studios and living facilities. An external terrace would also be located on level 44 for all residents. Overall, the development would provide 3,471 sq.m of shared amenity floorspace comprising internal and external spaces.
80. The applicant is proposing to provide accessible accommodation, further details are described in the 'Accessibility and inclusive design' section below. Overall, GLA Officers consider the layout and quality of the space is acceptable and

accords with London Plan policies SD6, H1, H15 and D3 and Local Plan policies S.H1 and D.H6.

### Retail floorspace

81. A retail space comprising 156 sq.m would be located a ground floor level which would provide an active frontage which is welcomed and in compliance with London Plan Policy E9.

### Land use conclusion

82. The proposed development would be acceptable in land use terms and would be in line with Local and London Plan policies subject to appropriate conditions and obligations.

## **Affordable housing**

83. The NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

84. London Plan Policy H15 requires that the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance. To follow the Fast Track Route set out in policy H4 and H5, at least 35% of the accommodation must be secured as affordable accommodation. In order for student accommodation to be considered affordable, it must be let at a rental cost at or below 55% of the maximum maintenance loan that a new, full-time student studying in London and living away from home could obtain. For the 2023/24 academic year, this figure is £7,162 and is updated annually in the Mayor's Annual Monitoring Report (AMR). Local Plan Policy D.H6 supports the approach to affordable provision set out in the London Plan.

85. The proposed development would provide 320 affordable student bedrooms, which equates to 35% by bedroom, 38.2% by habitable room and 37.6% by floorspace

86. Affordability levels and an early-stage review have been secured in the S106 agreement.

87. As such, the proposed affordable provision is considered to be acceptable and satisfies the requirements of the NPPF, London Plan Policies H4, H5 and H15, and Local Plan Policy D.H6.

## **Urban design**

88. The NPPF states that good design is a key aspect of sustainable development and that in determining applications, significant weight should be given to development which reflects local design policies and government policy on design, taking account of local design guidance and supplementary planning

documents such as design guides and codes. Significant weight should also be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.

89. In achieving the Mayor's vision and objectives relating to neighbourhoods and architecture, chapter 3 of the London Plan sets out a series of policies about the places and spaces in which Londoners live, work and visit. London Plan Policy D4 sets the overarching design principles for development in London. Other relevant design policies in this chapter include specific design requirements relating to: optimising site capacity (Policy D3); inclusive design (Policy D5); public realm (Policy D8); tall buildings (Policy D9); designing out crime (Policy D11); and fire safety (Policies D5 and D12).
90. Tower Hamlets Local Plan policy S.DH1 outlines the key elements of high-quality design. It provides, amongst other things, that development must be of an appropriate scale, height, mass, bulk and form in its site and context; represent good design; adopt architectural language that complements and enhances its surroundings; protect important views; use high quality materials and avoid unacceptably harmful impacts. Its overall objective is to ensure that development is sustainable, accessible, attractive, durable and well-integrated into their surroundings. Complementary to this strategic policy, Local Plan policy D.DH2 seeks to deliver an attractive, accessible and well-designed network of streets and spaces across the borough.

#### Design scrutiny

91. In line with London Plan Policy D4, the proposal has been subject to appropriate design scrutiny in that the applicant has engaged extensively with LBTH officers at pre-application stage on the design of the scheme, including holding dedicated design workshops which have informed the proposed scheme.
92. The application site forms a parcel of land within the Wood Wharf masterplan. The design intent of the proposal reflects the character that was established as part of the wider masterplan. The applicant team have engaged in design discussions, which included design workshops with Tower Hamlets and GLA officers. Overall, it is considered the proposed development has had appropriate design scrutiny and therefore satisfies the requirements of Policy D4.

#### Density and optimisation of the site

93. London Plan Policies D2 and D3 require the optimisation of site capacity through a design-led approach, whilst accounting for existing and proposed infrastructure. Local Plan Policy D.DH7 states that proposed tall and dense developments are required to consider the criteria set out in Policy D.DH6. Furthermore, the Councils adopted Density Living SPD is material consideration when designing for high density.
94. The outline masterplan secured the delivery of infrastructure to support high density development within Wood wharf, including on the application site. Whilst the outline masterplan consented a building up to 190m AOD on the site, the

applicant has set out an appropriate justification for the proposed approach to the optimisation of the site, which includes consideration of site context, accessibility, urban design, development layout, quality of accommodation, building efficiency and viability. Officers are satisfied that the proposed development therefore optimises the development on the site and the density of the development is proportionate to the sites connectivity and accessibility, and would therefore comply with London Plan policies D2 and D3, Further discussion regarding Local Plan policies D.DH6 and D.DH7 are discussed in the following sections.

### Height, scale and massing

95. London Plan Policy D9 in parts A and B sets out that boroughs should define what is considered a tall building and identify suitable locations and appropriate tall building heights on maps. The policy goes on to set out a criteria for assessing tall buildings in Part C, including addressing visual, functional, environmental and cumulative impacts. Part D requires that appropriate public access is secured to tall buildings. London Plan Policy HC3 and HC4 are also relevant as they seek to identify and protect local and strategic views.
96. Policy D.DH4 of the Local Plan requires development to positively contribute to views and skylines that are components of the character of the 24 places in the Borough. The policy specifically references the need to positively contribute to the skylines of tall building clusters including Canary Wharf and seeks to preserve and enhance local views identified within conservation areas. Townscape views to and from development sites are noted for their importance to the identify and character of a place.
97. Policy D.DH6 of the Local Plan provides guidance on the development of tall buildings and sets out a range of criteria that must be demonstrated as part of the application process. Local Plan policy D.DH6 defines tall buildings as over 30m.
98. The application site is located towards the eastern edge of the Canary Wharf Tall Building Zone. The Canary Wharf Tall Building zone contains the following principles which are required to be followed as part any planning application for a tall building; 'Development within this location will be expected to positively contribute to the skyline of strategic importance and maintain the iconic image and character of Canary Wharf. Individual buildings should be integrated into urban super blocks set in the public realm'.
99. The proposal lies within the Canary Wharf Cluster, an area identified as appropriate for tall buildings in policy D.DH6 Figure 7 of the Local Plan. The proposed development would extend up to 145.6m (152 AOD) and would meet the definition of a tall building. The site allocation does not set out a height limit for buildings. As the site is identified as a potentially suitable location for a tall building within the local plan policy D.DH6 figure 7, the proposals meet the locational requirements of D9.
100. As identified in the planning history section and referred to elsewhere in the report, the application site forms part of the Wood Wharf Masterplan. The

masterplan approved development parameters of up to 190m AOD on the site, which formed part of a coherent redevelopment with several tall buildings, with one of the tallest on the application site, as shown on the image below. Therefore, the presence of tall buildings has already been established by the extant consent. Notwithstanding this, an assessment of the proposed tall building against policies D9 of the London Plan and policy D.DH6 of the Local Plan is set out below.

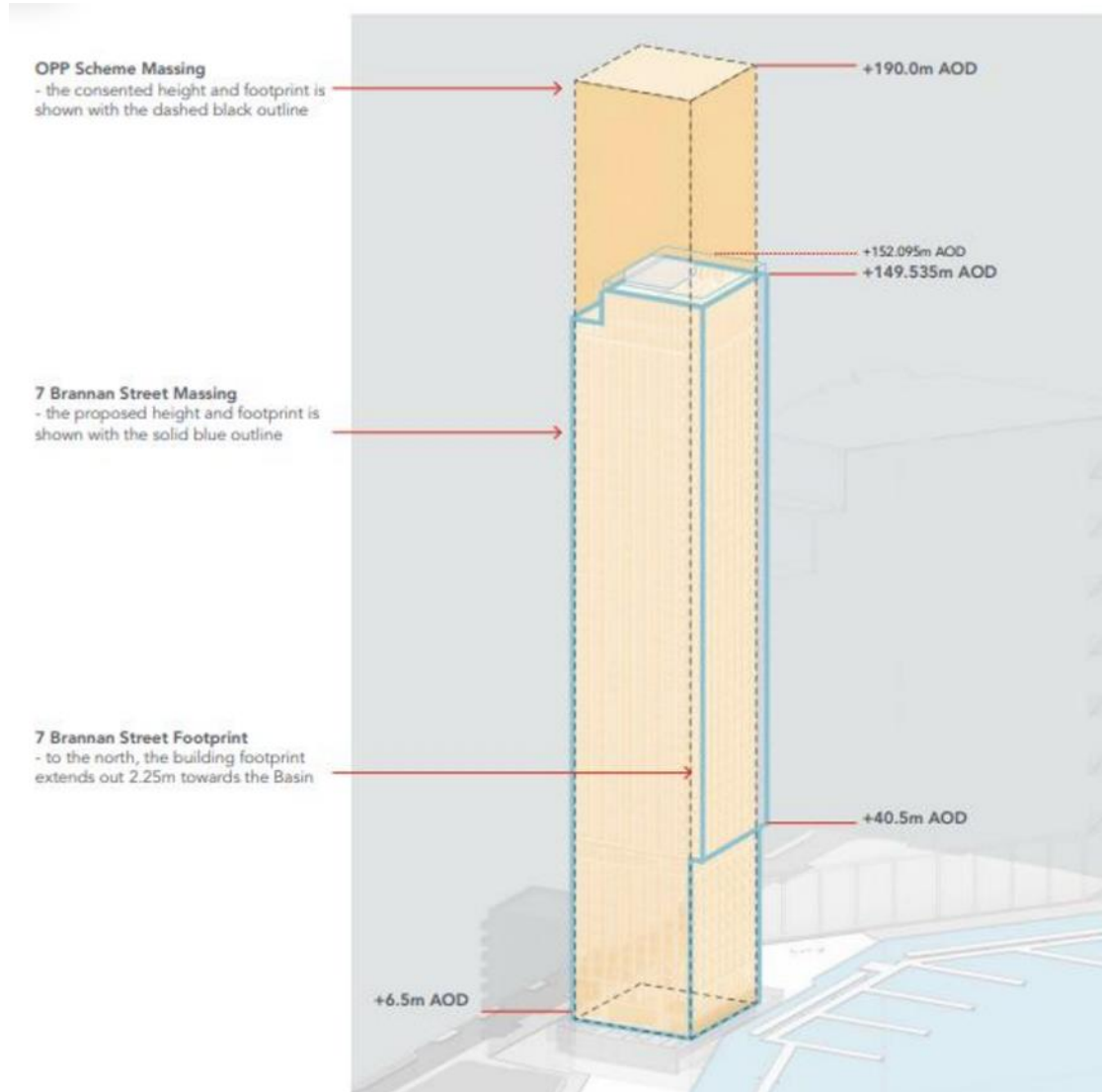


Figure 3: Image illustrating Wood Wharf Masterplan massing and application proposal massing (outlined blue)

101. The proposed development would sit within an emerging skyline of tall buildings within Wood Wharf, which appropriately addresses the Canary Wharf skyline, with the massing following the stepped down principle from one Canada Square set out within local policy D.DH6.

*Visual impact*

102. In terms of visual impacts, the above mentioned policies seek to ensure that the height of tall buildings are proportionate and reinforce the spatial hierarchy of

an area. Tall buildings should make a positive contribution to surrounding character and townscape, within immediate, mid-range and long-range views. Both London Plan and local policy include the requirement for tall buildings to deliver exceptional architectural quality. Developments that include tall buildings should also ensure a high-quality ground floor experience.

103. The applicant has submitted a Visual Impact Study which is based on 26 verified views that have been agreed with Tower Hamlets officers. The views presented in the application are considered by GLA officers to be adequate to assess the impact of the proposed development.
104. As previously noted, the proposed tall building would sit below the parameters approved under the outline masterplan and would therefore result in reduced visual impacts when compared to that established by the extant consent.
105. The proposed building would have a slender form comprising of a base, middle and top. The building would sit comfortably within the existing and emerging townscape of the Wood Wharf masterplan, which is characterised by an interesting and varied skyline. The proposed height is appropriately located adjacent to the Blackwall Basin and reinforces the spatial hierarchy within Wood Wharf.
106. The two-storey glazed base provides a human scale and a strong connection to the public realm with good levels of activation. The form and layout of the building would further create a strong relationship with the street and surrounding public realm.
107. The form of the massing and articulation of the facade at level 12 to identify the different internal uses, adds visual interest to the 'middle' of the building. In medium range views, the proposed development would appear as a positive addition to the townscape within views.
108. In long-range views, the proposed development would appear consistent with existing and emerging skyline within Wood Wharf and across the Canary Wharf tall building cluster and would positively contribute to the skyline of strategic importance and maintain the iconic image and character of Canary Wharf as a world financial and business centre. London Plan views are discussed in greater detail in the 'Strategic views' section.
109. The architectural quality and materials proposed are high quality and contextually appropriate. This is discussed in greater detail in the following section of the report.
110. The Environmental Statement that accompanies the application identifies the townscape and visual impact of the proposed development. The assessment identifies that the proposed development would result in a beneficial impact (minor to major) for the majority of townscape and visual receptors. The assessment further concludes that there would be a minor adverse effect in one view, from the Poplar Recreation Ground and one townscape area, Coldharbour. Furthermore, moderate adverse effects would arise for two views, which are Preston's Road/Stewart Street and Coldharbour South. Officers

agree with the conclusions given the high-quality architecture of the proposed development, its location within a tall building zone and the existing and emerging townscape context.

111. The proposals are considered to represent a high-quality architecture and design, with further details of the materials secured by condition. As such, and in the context of the existing and emerging skyline, the proposals are considered to make a positive contribution overall. The proposals align with the policy expectations for the site, in that the site is allocated (and has an extant consent) for tall building within a dense urban environment. Given the above, the proposed impact of the development on townscape and visual receptors are considered acceptable.
112. Overall, the proposed visual impacts of the development are considered acceptable and in accordance with London Plan Policies D9 and HC3 and Local Plan policy D.DH6.

#### *Functional impact*

113. The safety of occupants is considered to be acceptable as set out in the fire safety section below. The building would be serviced, maintained and managed utilising Brannan Street and is considered holistically as part of the wider masterplan.
114. The layout of the site is largely dictated by the consented outline masterplan with the public realm, building entrancing appropriately designed for the quantum of development.
115. Given the wider improvements to the area and the contributions to the public transport network secured and delivered as part of the Wood Wharf masterplan, the site, its immediate context and the transport network is capable of accommodating the development. Further consideration of the servicing strategy is identified in the transport section of this report, however, the principle of the strategy is supported and further detail is secured by condition.
116. The impact on mobile connectivity and telecommunications from the proposals has been scoped out of the EIA given the height of the development. This is considered an acceptable approach.
117. The proposed tall building would have acceptable functional impacts.

#### *Environmental impact*

118. A full assessment of environmental impacts is provided in the Environmental Statement and is discussed in detail in the amenity section in this report. Matters relating to wind microclimate, daylight, sunlight, air quality and noise have been fully considered against London Plan and Local Plan policies (set out below). In summary, officers consider that the proposed development would not result in an unacceptable environmental impact, and where harm has been identified, appropriate mitigation is secured.

### *Cumulative impact*

119. The proposed height, massing and location of the tall building has been carefully considered as part of the Wood Wharf masterplan and this application would create a positive addition to the Canary Wharf tall building cluster. Overall, GLA officers are satisfied that the cumulative impacts are considered acceptable and in line with London Plan Policy D9.

### *Public access*

120. Given that the development is for residential student accommodation and would afford limited viewing opportunities for the public, it is not considered appropriate in this instance to provide public access to the upper floors of the building.
121. In summary, the proposed development would meet the locational requirements of D9; has appropriately addressed the impacts set out in part C of D9; and the public access is considered acceptable.

### Strategic views

122. London Plan policy HC4 seeks to protect strategic views identified in London Plan Policy HC3 and the London View Management Framework SPG (2012) which provides further guidance on the management of strategic views. The policies seek to identify and protect the composition and character of the strategic views. Tower Hamlets Local Plan D.DH4 reiterates this requirement and requires developments to preserve and positively contribute to the skyline of strategic importance.
123. The site lies within LVMF Panorama 4A.1 'Primrose Hill: the summit – looking toward the Palace of Westminster'. The VIS demonstrates that the proposal would not be visible in this view and as such there would be no impact.
124. The site also lies within Panorama 5A.1 'Greenwich Park: the General Wolfe Statue – at the orientation board'. The VIS shows that the upper portion of the building would be visible in the backdrop of Dollar Bay Court and 30 Harbord Square, rising above both buildings. The proposal would also be visible in the cumulative view, however Plot J1/J3, currently under construction, would be seen in front of the proposal partially obscuring the west corner of the proposal. LVMF management guidance for the view seeks the 'incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London...any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis from the Royal Observatory towards Queen Mary's House could be appreciated' (p.69). The proposal would be seen to the right of the view within the backdrop of existing and approved tall buildings. The consolidation of this group of taller buildings would not appear dominant in the view or detract from the setting of the axial view.
125. Officers consider that the townscape impacts would be acceptable, and the development complies with London Plan Policy HC4 and Local Plan Policy D.DH4 and the London View Management SPG.

## Architectural quality

126. London Plan Policy D3 states that good design and good planning are intrinsically linked, and that the form and character of London's buildings and spaces must be appropriate for their location, fit for purpose, respond to changing needs of Londoners, be inclusive, and make the best use of the city's finite supply of land. London Plan Policy D9 requires architectural quality and materials to be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.
127. Tower Hamlets Local Plan Policy S.DH1 outlines the key elements of high-quality design to ensure that the proposed development is sustainable, accessible, attractive, durable and well-integrated into their surroundings.
128. As shown on the image below, the proposed building would have a clear tripartite composition comprising of a base, middle and crown. The base of the building would be expressed as a two-storey glazed façade which relates well to the human scale. The internal activity of the commercial use and the student accommodation would animate and liven the public realm. The middle of the building would be expressed in a regular grid-like pattern formed from the fenestration pattern broken up by vertical and horizontal aluminium cladding. The amenity space on the 12<sup>th</sup> floor of the student accommodation would be fully glazed, creating visual interest across the facade where the footprint of the building changes.

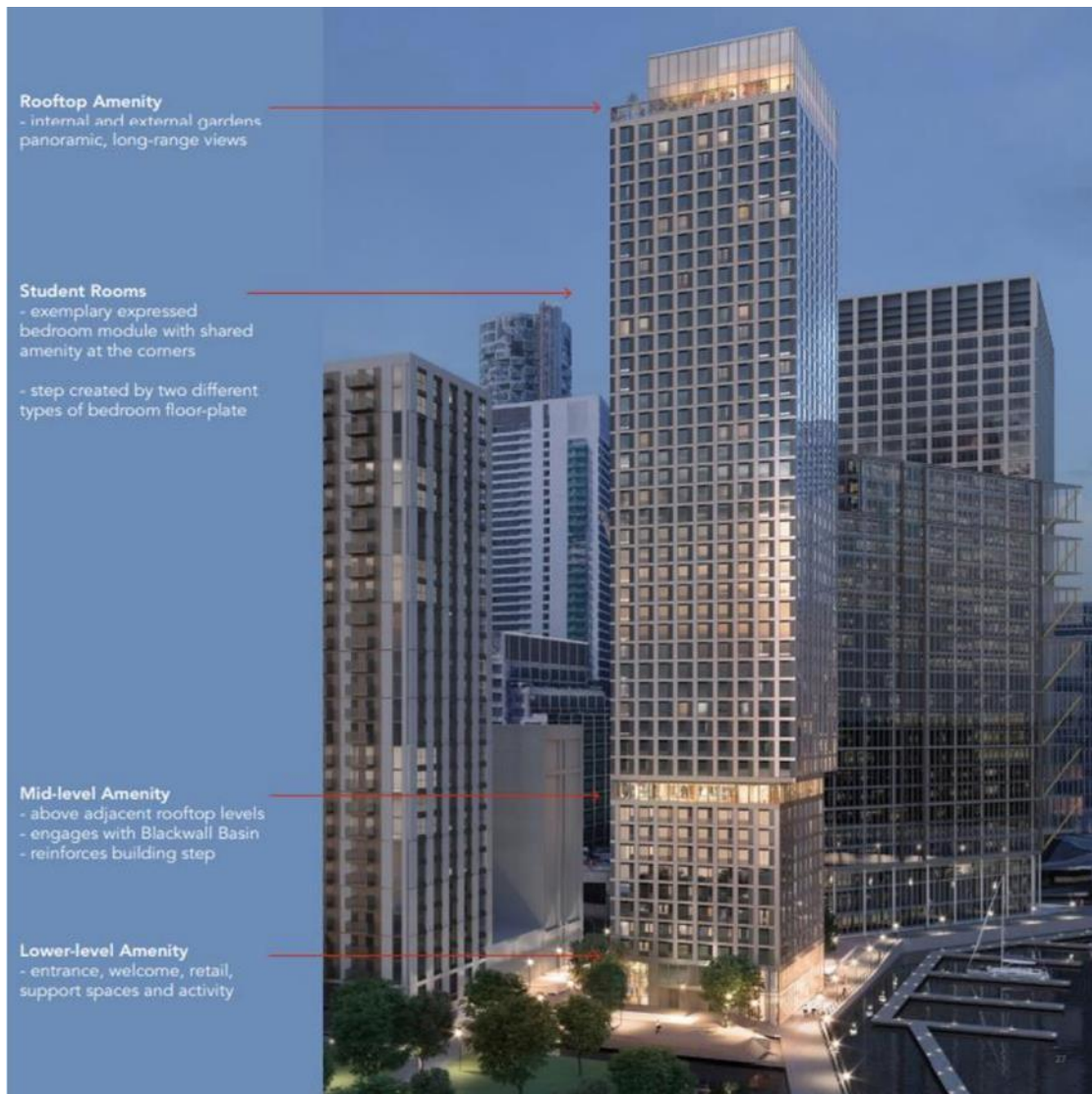


Figure 4: Image of proposals within the Design and Access statement.

129. The building would terminate with a double storey crown. The first storey would be fully glazed with the upper part forming a continuation of the architectural expression and glazing pattern upwards to provide a perforated plant enclosure.
130. The colour palette and material use was broadly supported at the Mayor's Stage 1. The applicant has provided further illustrative drawings and justification for the architectural approach which demonstrates that the proposal would reflect the character of the local context, with particular reference to 1 Canada Square.
131. Overall, the development is of a high-quality architectural design and would accord with Local Plan Policy SDH.1 and London Plan policies D3 and D9. In order to ensure that the delivery of the high-quality design, further detail and the materials are secured by condition.

### Public realm and landscaping

132. London Plan Policy D8 requires development proposals to ensure that public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, and easy to understand and maintain.
133. Tower Hamlets Local Plan policy D.DH2 requires developments to positively contribute to the public realm through the provision of active frontages and multi-usable spaces that can cater for social gathering and recreational uses.
134. The proposed development would create small areas of landscaping around the base of the building. These will knit into the public realm and landscaping that has been consented under reserved matters application for the wider masterplan. The area to the north of the building will comprise of a boardwalk offering public access around the Blackwall basin. The position of the café/retail space to the north of the ground floor layout will provide active frontage along public realm which is supported.
135. The landscaping to the east and west of the building will introduce a combination of soft and hard landscaping. The hard landscaping will create routes between Brannan Street and the boardwalk, which will be interspersed with soft planting. Spill out style seating from the café will also be accommodated within the public realm.
136. Lighting within the public realm has been designed to tie into the wider Wood Wharf strategy and lighting along the Basin will be of reduced illuminance to ensure impacts on biodiversity are mitigated and reduced.
137. The proposed landscaping is of a high quality and will knit into the wider Wood Wharf masterplan positively contributing to a coherent public realm. Full details of the landscaping will be secured by condition. Public accessibility to the landscaping around the base of the building is secured as part of the S106 agreement.

### Secured by Design

138. London Plan Policy D11 relates to safety, security and resilience to emergency. This policy requires new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Similar requirements are detailed within Policy D.DH2 of the Tower Hamlets local plan.
139. The proposals have been reviewed by the Metropolitan Police who have requested further engagement with the applicant team regarding Secured By Design measures and a condition has been secured to that effect and the proposal is compliant with Policy D11. It is also noteworthy that no concerns have been raised with regards to unacceptable levels of anti-social behaviour as cited in one of the Council's reasons for refusal.

## Accessibility and Inclusive design

140. London Plan Policy D5 and Policy S.SG2 of the Local Plan state, amongst other things, that development proposals should achieve the highest standards of accessible and inclusive design. The PBSA LPG sets out the accessible requirements for student accommodation to ensure sufficient choice for people who require an accessible bedroom, which includes:

*'Four per cent (or at least one room, whichever is greater) wheelchair accessible bedrooms; 1 per cent (or at least 1 room, whichever is greater) with a tracked hoist system, and a connecting door to an adjoining (standard) bedroom for use by an assistant or companion, and 5 per cent easily adaptable wheelchair-accessible rooms for independent use.'*

141. The proposed development would provide 5% of the rooms as accessible from the point of occupation and an additional 5% will be provided to be adapted for persons with ambulant mobility impairments. One room would be adaptable to include a hoist system and a further 5% accessible room provision could be provided as accessible should the need arise. This would be in line with the adopted local plan policy and the guidance set out in the PBSA LPG. The accessible provision is secured within the S106 agreement.

142. The development proposals would create an inclusive environment through measures including blue-badge parking, accessible cycle parking, step-free access to the building and public realm and evacuation lifts. The proposals would accord with London Plan Policy D5, the PBSA LPG and policy S.SG2 of the Tower Hamlets Local Plan.

## Fire safety

143. Policy D12 of the London Plan requires development proposals to achieve the highest standards of fire safety. Policy D5(B5) of the London Plan states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users.

144. A Fire Statement has been submitted with the application which sets out fire safety matters including construction materials, means of escape, firefighting and evacuation lifts, passive and active fire safety measures, fire service access and provisions.

145. The LFB raised concerns regarding the segregation of the two stair cores and encouraged further information to be provided at the Building Regulations stage. The applicant provided a response to LFB by updating the layout to include greater segregation. The LFB have subsequently confirmed that they have no further representations to make on the proposals.

146. The applicant has also submitted a Gateway One Fire Statement to address the requirements of the Health and Safety Executive. HSE have raised no objections with the proposed Fire Statement. In summary, the development would comply with London Plan Policy D5 and D12.

## Conclusion on urban design

147. In summary, the development is considered to be acceptable on balance and would comply with design policies in the development plan, particularly in regard to London Plan Policies D2, D3, D4, D5, D8, D9, D11, D12, HC3, HC4 and Tower Hamlets Local Plan policies S.DH1, S.DH2, D.DH2, D.DH4, D.DH6 and S.SG2 and relevant planning guidance.

## **Heritage**

148. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” and, in relation to conservation areas, special attention must be paid to “the desirability of preserving or enhancing the character or appearance of that area”.

149. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset’s physical presence or its setting. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal. The effect of development on the significance of any non-designated heritage assets should also be taken into account.

150. London Plan Policy HC1 states that proposals affecting heritage assets, and their settings should conserve their significance, avoid harm, and identify enhancement opportunities. Tower Hamlets Local Plan Policy S.DH3 require developments affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, material and architectural detail.

151. The application site partially contains the edge of the Blackwall Basin which is listed. The application site is in the setting of the following heritage assets and GLA officers consider that the proposed development causes the following impacts to designated and non-designated heritage assets, (in all cases the assessment is based on then cumulative scenario).

Table of indirect (setting) impacts			
Heritage asset	Category of harm	Extent of harm	View reference
Greenwich Maritime WHS and associated listed buildings and conservation areas	No harm	No harm	Views D2, DA
Blackwall Basin, listed Grade I	No harm	No harm	View L6, LA

Quay Walls, Copings and Buttresses to Import Dock and Export Dock, listed Grade I	No harm	No harm	No view provided
Church of St Matthias, listed Grade II*	Less than substantial	Low	M13
Bridge House; Numbers 3, 5 and 7, Coldharbour; Number 15, Coldharbour; Isle House; Accumulator Tower to Southeast Corner of Poplar Dock; Blackwall River Police Station; Accumulator Tower on the West Side of Poplar Dock The Gun Public House; Poplar Dock Original Eastern Part, all listed Grade II	No harm	No harm	View M7, L4
Accumulator Tower on the West Side of Poplar Dock, listed Grade II	No harm	No harm	View M7
Islands Gardens, Registered Park and Garden Grade II	No harm	No harm	View M1
All Saints Church, Poplar Conservation Area	Less than substantial	Very low	View M18
Coldharbour Conservation Area	No harm	No harm	View M2, M7, L5, L2, L3
St Matthias Church, Poplar, Conservation Area	Less than substantial	Low	View M13
South Dock Cranes (non-designated)	No harm	No harm	No view

152. Whilst the site includes part of the edge of Blackwall Basin, which is Grade I listed, the Environmental Statement confirms that no direct works to the fabric of the dock walls are proposed as part of the development. GLA Officers are satisfied to this effect and consider that the proposals would not result in heritage harm to the Blackwall Basin.

#### Conclusion of heritage impacts

153. The development would result in a low to very low level of less than substantial harm to nearby designated heritage assets. As harm has been identified, the proposals do not comply with London Plan Policy HC1 or Tower Hamlets policy S.DH3 and officers attach considerable importance and weight to the harm identified. In accordance with the NPPF, this harm has been weighed against the public benefits of the proposal which is set out later in this report.

## **Archaeology**

154. London Plan Policy HC1 and Local Plan Policy S.DH3 requires identification, recording and protection of archaeological sites. The application site lies within an Archaeological Priority Area. The Greater London Archaeological Advisory Service (GLAAS) raised no objection to the application subject to a condition that secures the submission of a Written Scheme of Investigation (WSI). This is in line with the wider archaeological requirements of Wood Wharf masterplan and a WSI has been secured by condition.

## **Environmental Impact Assessment**

155. The planning application represents Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and is accompanied by an Environmental Statement (ES).
156. The Council issued an EIA Screening Opinion (PA/22/00276) on 9 March 2022 which was then confirmed by the Secretary of State on 4 May 2022. The submitted Environmental Statement (ES) accords with this Opinion and assesses the environmental impacts of the development under the following topics: Air Quality; Climate Change and Greenhouse Gas Emissions; Built Heritage; Daylight, Sunlight, Overshadowing and Solar Glare; Noise and Vibration; Socio Economics; Townscape and Visual Impact and Wind Microclimate.
157. The ES has been reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
158. The application has been supported by an ES (February 2024) an amended Non-Technical Summary (NTS) (September 2024), an ES Interim Review Report Response (21 August 2024), a Further Review Report Response Schedule (27 September 2024) and a Further Review Report 02 Response (21 October 2024). Subsequent ES submissions were considered to be 'further information' under Regulation 25 and was processed as required under the EIA Regulations.
159. The Council's EIA Officer and the Council's Appointed EIA Consultants have confirmed that the submitted ES (including the subsequent ES submissions as set out above) meets the requirements of the EIA Regulations.
160. The 'environmental information' has been examined by the Council and has been taken into consideration by officers to reach a reasoned conclusion of the significant effects of the proposed development, which forms the basis of the assessment presented in this report and GLA Officers concur with this view.
161. Mitigation and monitoring measures as proposed in the ES would be secured through planning conditions and/or planning obligations. The environmental information comprises the ES, including any further / other information, any representations made by consultation bodies and by any other person about the environmental effects of the proposed development.

## Amenity impacts

162. London Plan Policy D3 and Local Plan Policy D.DH8 state that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. The policies also require the protection of the amenity of future occupiers.
163. In line with London Plan Policy D9, the impact of tall buildings on wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered. Solar Glare and light pollution impacts around the building should also not detract from the enjoyment of these spaces. Furthermore, London Plan Policy D14 specifically seeks to reduce and manage noise associated with development.
164. The NPPF 2024 advises that LPAs should take '*a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site*'.

### Privacy and outlook

165. The proposed building sits on a similar footprint to the approved parameters under the Wood Wharf Masterplan. As such, the outlook from the proposed development would be similar to that of the approved as part of the extant consent. The proposed building would sit 15m from the building to the east (known as Plot F2 of the masterplan) and 18m to the building on the southern side of Brannan Street, these relationships have been established as part of the approved outline development parameters. The distance of approximately 18m is considered an acceptable distance between buildings in order to protect privacy of existing and future occupiers. Whilst the distance between the proposal and building F2 to the east would be closer at approximately 15m, the majority of the homes in the consented layout of building F2 facing the application site would be dual aspect and the internal layouts have been designed to ensure adequate privacy. As such, the proposed proximity of the buildings does not raise concerns regarding unacceptable privacy.
166. As mentioned, the footprint of the proposals is similar to that of the extant consent and therefore the outlook for future occupiers and existing neighbouring properties would be similar to that if the extant consent was built out. The proposed layout would ensure adequate outlook from the proposed student rooms, with the northerly facing rooms having excellent outlook over the Blackwall Basin.
167. Overall, the privacy and outlook of the proposed development and neighbouring properties is considered to be acceptable.

### Daylight, Sunlight and Overshadowing

168. Guidance relating to daylight, sunlight and overshadowing is contained within the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight': a good practice guide' (2022).

169. The Environmental Statement assesses a different scenarios against a baseline of the current development and a future cumulative scheme with all undeveloped plots stated to their maximum parameters. In relation to VSC, NSL and ASPH, the ES adopts the following significance criteria:

- Reduction less than 20% - Negligible
- Reduction of 20.1% - 29.9% - Minor adverse
- Reduction of 30.1% - 39.9% - Moderate adverse
- Reduction greater than 40% - Major adverse

170. The assessment also includes the consented scheme on Plot F1 under the approved parameters of the Wood Wharf Masterplan in order to demonstrate the impacts of the proposals compared to a scheme which could be brought forward under the current outline consent.

171. The following discusses the impacts on properties where the assessment identifies breaches of the BRE guidelines.

#### *Lovegrove Walk*

172. A total of 83 windows serving 58 rooms were assessed for daylight within the Lovegrove Walk 1-21 properties. In relation to VSC, 17 windows would fail to meet the BRE guidelines. The majority of the breaches would be marginally above the of BRE guidelines and only 3 windows would experience reductions above 29%. The windows that experience reductions of 37.2% and 32.5% serve bedrooms and therefore have less of a requirement for daylight. Furthermore, the baseline assessment demonstrates that the façade design of the building results in some existing windows experiencing lower VSC levels and therefore impacts of the proposed development appear more significant. Taking into account the above, the windows that do not meet the criteria would retain values that are commensurate with an urban environment. All of the assessed rooms meet the requirements as to NSL.

173. One window assessed would fail to meet the BRE Guidelines for APSH and would experience a reduction of 45.5% during the summer months only (compliant in winter). Given that the existing baseline APSH is low and that the window appears to serve a bedroom which is less sensitive to sunlight, the breach of the APSH test is not considered to be unacceptable.

174. These properties would be redeveloped as part of the consented masterplan and therefore no cumulative assessment has been undertaken.

175. There would be no material difference in the VSC results when comparing the proposed development to the approved on the site.

#### *1-43 Lancaster Drive*

176. A total of 274 windows were assessed for VSC and 15 would fail to meet the BRE guidelines which are located on the ground and first floors to the rear of

numbers 12, 14 and 21-27 Lancaster Drive. Those windows would experience losses of between 21% and 78% with retained values of between 0.2% and 8.1%. Several of the losses experienced would be marginally below the BRE guidelines. Furthermore, the greater losses experienced are as a result of the existing windows having a low baseline VSC, with the absolute losses considered to be low. Several windows that experience losses beyond the BRE guidelines serve rooms that are also served by other windows that meet the VSC test and therefore the room would retain adequate levels of daylight. All of the assessed rooms meet the NSL guidelines. The overall impacts on daylight are considered to be negligible with some transgressions that are minor adverse and major adverse. Given the above, and considering that some of the breaches to the BRE guidelines are marginal, and where the reductions are more severe the absolute VSC losses are low and reductions are experienced to rooms which are served by multiple windows, and the uses of the rooms are less sensitive, the impacts of the development are not considered unacceptably harmful.

177. The windows assessed for sunlight would fully comply with the BRE guidelines.
178. In the cumulative scenario an additional 106 windows and 30 rooms would fall below the BRE guidelines. The overall daylight impacts to the properties would range between minor adverse, moderate adverse and a moderate to major adverse impact cumulative impact on daylight . In respect of sunlight there would be a minor adverse impact for the cumulative loss of sunlight at 10, 11, 22 to 25 Lancaster Drive, a moderate adverse impact to sunlight at 13 Lancaster Drive and moderate to major adverse at 7-9, 12, 14, 15-20, 21, 26, 27 Lancaster Drive.
179. There would be no material difference in the VSC results when comparing the proposed development to the approved and cumulative massing on the site.

#### *1-38 Vantage Mews*

180. The proposed scheme complies with the BRE guidelines when assessed for both daylight and sunlight.
181. In the cumulative scenario, 3 windows and 1 room would fall below the BRE guidelines. These losses would be negligible to minor adverse and would marginally breach the BRE guidelines.

#### *1-14 Bridge House Quay*

182. A total of 113 windows have been assessed for VSC and 2 windows would breach the BRE guidelines. However, the reduction in daylight would be marginally below the guidelines with losses of around 21%. One window would retain a VSC of 23.2% which is considered to be well lit and the second window has a low baseline value of 6.4% and so the absolute loss is unlikely to be noticeable. All rooms meet the BRE guidelines for the NSL Test. All windows assessed for ASPH would meet the BRE guidelines.

183. In the cumulative scenario, 23 windows and 2 rooms would fall below the BRE guidelines for daylight. The losses experienced in some circumstances would be considered moderate adverse. However, the impacts and retained values are commensurate with an urban environment. In regard to APSH, 53 out of 63 south facing windows would meet the BRE guidelines. 2 of these windows comply with the summer but would be below the winter probable sunlight hours guidelines. 3 of the assessed windows would serve bedrooms, which are less sensitive to changes in sunlight received. The cumulative loss of sunlight is considered to be negligible to minor adverse.
184. There would be no material difference in the VSC results when comparing the proposed development to the approved and cumulative massing on the site.

*116-249 Poplar Dock*

185. A total of 295 windows have been assessed and 3 would fail to meet the VSC Guidelines. One window would experience losses marginally below the guidelines. Furthermore, the windows serve rooms that are served by two other windows which meet the guidelines. A total of 278 rooms were assessed for NSL, 3 fall short of the guidelines experiencing reductions of 24% and 28% which are marginally in excess of the BRE guidelines.
186. In regard to sunlight, 16 out of 212 rooms would fail to meet the BRE guidelines with 8 only failing to meet the guidelines during the winter months. 6 of the windows appear to serve bedrooms which have less of a requirement for sunlight.
187. In the cumulative scenario, an additional 96 windows and 19 rooms would fall below the BRE guidelines for daylight resulting in an overall moderate to major adverse impact. Some of the VSC values in the existing baseline are low, and therefore the effect of the proposal is disproportionate with low level reductions of absolute VSC. Furthermore, some of the retained VSC values are commensurate with development within an urban environment. A further 8 windows would fail to meet the BRE guidelines for sunlight.
188. There would be no material difference in the VSC results when comparing the proposed development to the approved and cumulative massing on the site.

*332-417 Poplar Dock*

189. The assessment demonstrates that the proposed development would not result in any breaches to the BRE guidelines for the assessed windows relating to either VSC or NSL assessments.
190. In the cumulative scenario, 98 windows and 12 rooms would fall below the guidelines with regards to daylight resulting in a moderate to major adverse impact. In regard to sunlight, 29 out of 241 windows would fall below the BRE guidelines resulting in a cumulative impact of moderate to major adverse. The impacts are considered acceptable given the retained daylight and sunlight levels and the high density development envisaged by the site allocation and the extant consent.

### *Houseboats*

191. A number of houseboats are moored on the northern side of the Blackwall Basin. When the impact of the proposed development is assessed, the houseboats would comply with the BRE guidelines for the VSC and NSL tests.
192. In the cumulative scenario, 26 out of 37 windows assessed would fail to meet the VSC guidelines. One window on each boat (1, 2, 9, 17, 19, 21, 23 and 25) fails to meet the NSL guidelines.
193. The approved parameter of development as part of the outline permission of the Wood Wharf Masterplan is a material consideration. The proposed impacts on the houseboats are considered to be acceptable.

### *Wood Wharf Plot G3*

194. A total of 804 windows were assessed and 207 would fail to meet the BRE guidelines for VSC experiencing reductions of between 21 and 71% and retaining VSC values between 14.4% and 26.6%. 14 windows would experience reductions which would be marginally below the guidelines and in relation to 92 west facing windows which serve living rooms, the room they serve has at least one other window meeting the VSC guidelines. In terms of daylight, 25 out of 281 rooms assessed would fail to meet the BRE guidelines. Overall, there is a high level of compliance and where there are breaches of the BRE, the retained VSC values are commensurate within an urban environment.
195. No sunlight assessment has been undertaken as the site is to the north of this building.
196. In the cumulative scenario, the impacts would rise to a moderate to major adverse cumulative loss of daylight, with 687 windows and 82 rooms falling below the BRE guidelines.
197. There would be no material difference in the results when comparing the proposed development to the approved and cumulative massing on the site.

### *Plot H1*

198. A total of 274 windows were assessed for the impact of the proposed development and 23 would fail to meet the VSC guidelines. The reductions to 17 of the windows would only marginally breach the BRE guidelines. The remaining 6 windows would experience reductions between 23 and 24% and retain values between 11.3% and 14.1%. All rooms assessed meet the NSL assessment. The impact of the development is considered acceptable, given the overall high level of compliance, the marginal breaches of VSC and the retained VSC levels which are commensurate with an urban environment.
199. No sunlight assessment has been undertaken as the site is to the north of this building.
200. In the cumulative scenario, 168 windows and 18 rooms would fall below the BRE guidelines with regard to daylight.

201. There would be no material difference in the results when comparing the proposed development to the approved and cumulative massing on the site.

#### *Plot F2*

202. In relation to Plot F2, 63 out of 176 windows assessed would fail to meet the VSC guidelines. All these windows are located on the west elevation of the building facing the proposed development. The windows would experience reductions in VSC values between 25% and 78%, with retained VSC values between 7.8% and 24.2%. Of the 176 assessed rooms, 49 would fail to meet the NSL Guidelines, experiencing reductions of between 21% and 81%. The impact is considered to be acceptable, given that some of the rooms are served by additional windows, the retained daylight and levels commensurate with a highly dense urban environment.

203. All windows assessed for sunlight impacts comply with the BRE Guidelines.

204. When compared to the consented development, only 46 of the 176 rooms/windows would experience any difference in result and the differences would not be noticeable. The proposal therefore would have no material difference to the approved scheme.

#### *Internal daylight and sunlight*

205. The applicant has assessed the daylight and sunlight received within the proposed development.

206. In regard to daylight 98% of the studios would meet recommended BRE guidelines, with 20 rooms falling below the recommend standard. Of these rooms, 10 would meet the recommended levels for living rooms and would experience good levels of daylight.

207. In relation to the cluster rooms, 89% of these would meet the BRE guidelines. These rooms would have access to communal living kitchen dining rooms. All of the communal living kitchen and dining rooms would meet the BRE guidelines for living rooms, whilst 4 would fall below the recommended levels for kitchens. Given the multiuse of these space and overall levels of daylights, the daylight received to the accommodation is considered acceptable.

208. All of the proposed amenity spaces within the communal levels would meet the BRE guidelines for living rooms.

209. This is considered a high level of compliance for a development within a dense urban environment.

210. In regard to sunlight, 58% of the 912 student rooms would meet the BRE guidelines which equates to 529 rooms. Of the LKDs within the cluster flats, 72 of the 93 would meet the recommended sunlight levels and 7 of the 9 amenity spaces within the communal floors would meet the BRE recommendations. The majority of the rooms that fall below the recommended sunlight levels are located on the northern façade of the building, and are therefore restricted by orientation. This would be the same for any use that comes forward on the site.

Given the nature of PBSA accommodation, the rooms would have access to communal spaces which are served by good levels of sunlight. Furthermore, the rooms on the northern façade of the building would benefit from good outlook across the Blackwall Basin. Given the overall daylight and sunlight levels across the development as a whole, and the overall quality of the accommodation, the breaches of the BRE guidelines are in GLA officers view, not unacceptable.

### *Daylight and sunlight Conclusion*

211. As set out above, the proposed development would result in breaches of the BRE guidelines in relation to daylight and sunlight to properties surrounding the development site. Whilst the development would result in breaches to these guidelines, the overall impact of the development on daylight and sunlight is considered acceptable for the following reasons: rooms retain appropriate levels of daylight and sunlight for their use commensurate with an urban environment, some of the breaches are marginally over the BRE guidelines, the overall quality of the living accommodation of neighbouring properties would be maintained.
212. The proposed development would receive good levels of daylight across the accommodation. Whilst the accommodation wouldn't perform as well in relation to sunlight, given the overall levels of daylight and sunlight received, the overall quality of the accommodation and the site and development constraints, the proposed internal daylight and sunlight levels are considered acceptable in this instance.

### Overshadowing

213. In relation to overshadowing, the application assesses seven district open spaces. All of the spaces assessed would continue to receive at least two hours of sunlight over at least half of their area on 21 March and would therefore comply with the BRE Guidelines.
214. Within the development itself, the roof level amenity space for the occupiers of the building would meet the BRE guidelines. A further two spaces within the public realm at the base of the building have been assessed for overshadowing. The two spaces either side of the building to the east and west would be poorly sunlit, with no part of one space and only 6% of the second space receiving 2 hours of sunlight on the 21<sup>st</sup> March. Whilst these spaces would fall below the BRE guidelines, the public realm layout and building footprint are largely dictated by the approved outline consent, therefore this relationship is established as part of the outline consent. Furthermore, the uses of these spaces are more transient in their nature and importantly the amenity space would experience good levels of sunlight. As such, the proposed overshadowing is considered acceptable.

## Solar Glare

215. The application is supported by a Solar Glare assessment, which considers the potential occurrence, proximity and duration of solar reflections from the proposed development.
216. The proposals would result in negligible impacts at 7 of the assessed viewpoints, a majority of those assessed. The remaining 5 viewpoints would see reflections within 30 degrees of a road users field of view and are therefore further discussed below. The impacts at 3 of the remaining 5 viewpoints are considered to be minor, or minor to moderate adverse. However, at location 2 - Manager Street Westbound and 4 - Brannan Street Westbound the LPA's consultant assessed the impacts to be moderate adverse. At both of these viewpoints the completion of plot F2, which is currently under construction would block some of the glare at lower levels. At higher levels the glare is reduced by the breaking up of the façade and can be mitigated by the vehicle user deploying the visor. Overall, GLA officers consider that the development would not result in unacceptable solar glare.

## Light pollution

217. Given the residential nature of the proposal the impacts relating to light pollution were scoped out of the Environmental Statement as it was considered that there would not be any lighting design elements or interior light fittings which would give rise to significant effects. GLA Officers concur with this view in this urban location and similarly conclude that the proposed development would not cause unacceptably harmful impacts of light pollution to the surrounding area.

## Anti-Social Behaviour

218. In terms of anti-social behaviour and unacceptable noise and general disturbance generated by the future occupants GLA officers are confident that the student management plan, which accompanies the application and includes measures to manage noise related to the proposed use is sufficient to address this concern. It is noteworthy to add that the Plan includes an escalation process for anti-social behaviour alongside, monitoring of antisocial behaviour and a complaints procedure of residents and neighbours. A final management plan has been secured by condition. Furthermore, no concerns were raised by the Metropolitan Police when consulted as per the above and for these reasons the application is considered acceptable.

## Noise and vibration

219. London Plan Policy D14 states that development should avoid significant adverse noise impacts on health and quality of life. The Mayor's Environment Strategy aims to reduce the number of people adversely affected by noise and includes policies and proposals to support this aim.
220. Policy D.H6 seeks to ensure the amenity of surrounding uses and the overall living standards of the existing environment do not become unreasonably

impacted. This includes noise disturbance issues, loss of access to shops and services for local residents.

221. The application is supported by a Construction Environmental Management Plan and a Construction Logistics Plan which sets out how amenity impacts during the construction phase of the development would be minimised and mitigated. These measures include implementation of best practice management of noise and dust on sensitive receptors, noise and vibration limits, monitoring, controlled working hours, and the management of construction vehicles and routing. Subject to a final CEMP and CLP secured by condition, it is considered that the impact of the development during construction relating to noise and vibration would be adequately managed and mitigated.
222. GLA officers consider that subject to conditions, the development would not give rise to unacceptable noise or vibration impacts during construction or operation of the development and the proposal complies with London Plan Policy D14 and Local Plan Policy D.H6.

#### Wind microclimate

223. London Plan policy D9 and Local Plan policy.DH6 requires developments to address wind impacts and that proposals do not adversely impact on the microclimate.
224. A Wind Microclimate Assessment forms part of the Environmental Impact Assessment, which includes an assessment of the baseline condition and the proposals in the existing and cumulative scenarios.
225. The assessment identifies that in two dedicated seating locations, there would be minor adverse effects that would exceed the safety criteria as a result of the proposed development. The applicant has proposed mitigation within the landscaping and on the amenity terrace which would appropriately mitigate the impacts.
226. Subject to securing the mitigation, the impacts on wind are acceptable and the proposed development would not adversely impact on the microclimate and amenity.

#### Amenity Conclusion

227. The proposed development would result in daylight and sunlight impacts on surrounding properties. Overall, the transgressions experienced would be limited, in many cases the breaches of the BRE guidelines are marginal and therefore unlikely to be noticeable, in some instances the absolute losses are low but the percentage change is high given the low baseline levels and the neighbouring properties would experience daylight and sunlight levels commensurate with an urban environment. The consented parameter plans approved a building on the site, and the assessment demonstrates that the proposal would not result in any material worsening of living conditions beyond that of the parameters of the consented development.

228. In relation to the proposed development, the internal daylight levels that the development would experience demonstrates a high level of compliance with the BRE guidelines. Whilst the student rooms would not perform as well in relation to sunlight, the occupiers would have access to communal spaces which experience good levels of sunlight and the overall quality of the accommodation is considered to be high. The external amenity space would experience good levels of sunlight with the spaces around the building at ground floor level being poorly sunlit. The levels of sunlight are considered to be a result of the layout of the public realm and building footprints which were consented as part of the outline masterplan. As such, the proposed daylight, sunlight and overshadowing are considered to be acceptable. The application proposals are not considered to raise any concerns in relation to anti-social behaviour caused by future residents.
229. Furthermore, the proposed development is acceptable in regard to overshadowing, solar glare, light pollution, anti-social behaviour, noise and vibration and wind.
230. GLA officers consider the impact on amenity as a result of the proposals is acceptable and is compliant with policies D3 and D9 Part C(3) of the London Plan and Policy D.DH8 of the Local Plan.

## **Sustainability, environment and climate change**

### Urban Greening

231. Policy G1 of London Plan expects development proposals to incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G5 of the London Plan requires major development proposals to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. The policy also recommends that predominately residential developments should achieve an Urban Greening Factor (UGF) target score of 0.4.
232. Policy G7 of the London Plan requires development proposals to ensure that, wherever possible, existing trees of value are retained and also states that new development should include the planting of new trees.
233. The proposals include small areas of landscaping to the east and west of the building, with areas of soft landscaping interspersed with routes through the public realm to the Boardwalk and Brannan Street.
234. A variety of shade tolerant planting is proposed to be included within dedicated planting areas. The student amenity roof terrace at level 44 will also include areas of soft planting. The proposed landscaping would complement the wider masterplan landscaping and would form a coherent piece of public realm. The proposed landscaping is considered high quality and suitable details are secured by condition.

235. The development would achieve an Urban Greening Factor of 0.17. This has increased since the Deputy Mayor called in the application, however, the score falls below the target in London Plan Policy G5 and as such it acknowledged that there is conflict with the policy. However, GLA officers have worked with the applicant to improve and maximise the greening of the proposals, with opportunities to enhance greening at ground floor level and roof level maximised. Given the limited application site area, footprint of the building and required roof level equipment to achieve other policy requirements, the urban greening is considered to be maximised on site. It should also be acknowledged that when the application site is considered within the phase of the wider Wood Wharf masterplan as consented, the cumulative development would achieve an Urban Greening Factor of 0.40 and would meet policy requirements and for this reason the proposal is acceptable.

### Ecology and biodiversity

236. London Plan Policy G6 states that 'development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain'. Tower Hamlets Local Plan Policy D.ES3 requires developments to protect and enhance biodiversity.

237. The application is supported by a Preliminary Ecological Appraisal which includes a Biodiversity Survey and a Biodiversity Net Gain Assessment.

238. The site is directly adjacent to a Site of Importance for Nature Conservation in the form of the Blackwall basin. The site was previously cleared as part of preparatory works to deliver the Wood Wharf Masterplan in 2015 and therefore comprises a sealed surface, temporary buildings and ruderal/ephemeral vegetation.

239. The proposals include a biodiverse roof, a living wall, wildlife friendly planting will be introduced in the landscaping which will provide a diverse mix of native species, bird boxes and invertebrate habitat. The provided Biodiversity Net Gain assessment and metric indicated a possible net gain in biodiversity of 118.7% against a statutory requirement of 10%. Whilst this appears on its face to be a significant gain it only represents 0.12 biodiversity units. Whilst the Council's review of the baseline within the BNG identified potential errors, this was not considered to alter the conclusions that the proposed development would deliver a net biodiversity gain in excess of the policy requirements. A condition will secure details of the final BNG plan.

240. The Canal and Rivers Trust has raised concerns relating to the delivery of BNG to the Blackwall Basin. Tower Hamlets Council have taken the view that the Blackwall Basin does not constitute a watercourse for the purposes of the statutory BNG metric calculator and so no BNG is required to be delivered to the basin. This approach is agreed by GLA officers.

241. The proposed biodiversity enhancements are acceptable subject to condition and would comply with policy G6 of the London Plan and D.ES3 of the Local Plan.

## Energy

242. London Plan Policy SI 2 requires major development to be zero-carbon by reducing greenhouse gas emissions by improvements on the 2013 Building Regulations, by 35% (with at least 10% for residential and 15% for non-residential coming from energy efficiency measures), in accordance with the energy hierarchy. London Plan Policy SI 3 requires development within Heat Network Priority Areas to have communal-low temperature heating system, with heat source being selected in accordance with a hierarchy (connect to heat networks, use zero carbon or local heat sources (in conjunction with heat pumps, if required), use low-emission CHP).
243. Local Plan Policy D.ES7 requires developments (2019-2031) to achieve the following improvements on the 2013 Building Regulations for both residential and non-residential uses: Zero carbon (to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site and the remaining regulated carbon dioxide emissions to 100% - to be off-set through a cash in lieu contribution).
244. Local Plan Policy D.ES10 requires new development to ensure that buildings (both internally and externally) and the spaces around them are designed to avoid overheating and excessive heat generation, while minimising the need for internal air conditioning systems.
245. Overall, the scheme will deliver a reduction of 4% against the building regulations baseline which is below the target set out in London and Local Plan policy. The scheme has been scrutinised by GLA energy officers in order to maximise the energy efficiency measures in line with the energy hierarchy. GLA officers consider that at this stage, energy efficiency measures have been maximised in line with the Be Lean stage of the hierarchy given the height and slender nature of the building. However, a condition secures that the applicant seek opportunities to further introduce passive measures.
246. The development would not provide any on site renewable energy generation such as solar panels. Whilst the is accepted at this design stage, given the requirements of plant and constraints of current technology, GLA officers have secured a feasibility study to fully demonstrate whether PV panels can be installed by condition.
247. The S106 agreement has secured a contribution of £343,867 to offset the remaining carbon emission, along with the Be seen monitoring requirements and accords with London Plan policies SI2 and SI3 and Local Plan policies D.ES7 and D.ES10.

## Overheating

248. The overheating report demonstrates that the proposed student rooms can comply with CIBSE overheating and the applicant has followed the London Plan cooling hierarchy to achieve this. Accordingly, the proposal complies with London Plan Policy SI 4.

## Whole Life Carbon

249. Policy SI2 requires developments referable to the Mayor to include a Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.
250. The application is supported by a WLC assessment and a completed version of the GLA's WLC template. The applicant has provided further information including details on Design Principles, operational waste management and an end-of life strategy. This has appropriately addressed all matters.
251. A condition is secured requiring the submission of a post-construction assessment to report on the development's actual WLC emissions.
252. Subject to conditions, the development would comply with Policy SI2 of the London Plan.

## Circular Economy

253. The application is supported by a Circular Economy Statement and GLA template. These have been updated through the course of the application and has addressed all comments raised by GLA officers,
254. The submission of a post-construction monitoring is secured by condition. Subject to details secured by condition, the development would comply with policy SI7 of the London Plan.

## Digital Connectivity

255. The site is located within the Wood Wharf Masterplan area where new residential developments have been constructed and are currently being constructed with digital infrastructure having been introduced within the Masterplan already. Officers are therefore satisfied that a condition is not reasonable or necessary in this instance as the site is clearly capable of making a connection.

## Water

### *Flood risk*

256. London Plan Policy SI12 and Tower Hamlets Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage. Policy D.ES6 requires new development to minimise the pressure on the combined sewer network.
257. The application is supported by a Flood Risk Assessment (FRA) which identifies the site as being in Flood Zone 3a (high risk) and concludes that all the proposed uses are appropriate.
258. The Environment Agency have commented on the application and noted the very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%)

chance in any year flood event and recommended that, where feasible, finished floor levels are set above the 2100 breach flood level, which is 5.38m AOD

259. The finished floor level of the lower basement will be 0m AOD and the ground level of the commercial unit will be 5.10m. Whilst these are below that recommended by the EA, these spaces will be used for retail and back of housing facilities such as plant and storage and are therefore 'less vulnerable' uses.
260. The approach to flood risk is acceptable and satisfies London Plan Policy SI12 and Local Plan Policy D.ES4, D,ES5 and D.ES6.

### Drainage

261. The application is supported by a Drainage Strategy. The proposed new surface water drainage strategy would maintain the current flood risk on-site whilst allowing for the increased rainfall potential associated with climate change. The proposed incorporation of SuDS and reduction in surface water discharge rates to the public sewers would be beneficial in contributing to a reduction of flood risk in the area.
262. The SuDS Strategy incorporates blue and brown roofs on the building and planting at ground level. No surface water attenuation is proposed within the scheme as it is proposed that surface water runoff is proposed to run straight into the Blackwall Basin. This approach is supported in principle and aligns with the strategy of the Wood Wharf Masterplan.
263. The proposed scheme is designed to connect its foul water drainage network to the existing Wood Wharf sewerage network which was designed from the outset to manage anticipated flows from planned developments. This is a private sewer network.
264. A SuDS strategy will be secured by condition which will outline the final adopted SuDS measures. With reference to the Tower Hamlet's SFRA, the site is located within a rapid inundation area and as a result, the proposed strategy during a significant overtopping or breach event is to stay within the building. Consequently, a Flood Warning and Evacuation Plan is required to be developed to include the relevant guidance and advice to the residents with regards to the flood risk on the site. It should provide details of the flood warning system, how the plan is triggered and what actions are required. The plan should be reviewed regularly for the lifetime of the development. This will be secured through a condition.
265. The proposals would therefore be acceptable and satisfies the requirements of London Plan Policy SI13 and Local Plan policy D.ES5.

### Water efficiency

266. London Plan policy SI5 sets out water uses and Local Plan Policy D.ES6 requires new residential development achieve a maximum water use of 105 litres per person per day, to minimise the pressure on the combined sewer

network and to demonstrate that the local water supply and public sewerage networks have adequate capacity both on and off-site to serve the development, taking into consideration the cumulative impact of current and proposed development.

267. To minimise water use on site, a number of water reduction measures are included within the proposal including low flow/flush fittings and efficient water supply (e.g. smart meters and efficient appliances etc.).
268. The water efficiency targets in policies SI5 and D.ES6 are secured by condition and therefore the proposals satisfy the requirements of policy.

### Air quality

269. London Plan Policy SI1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution.
270. Tower Hamlets Local Plan Policy D.ES2 requires development to be at least 'Air Quality Neutral' and calls on air quality impacts to identify any necessary mitigation for developments that would cause harm to air quality.
271. The site is within the borough-wide Air Quality Management Area (AQMA) (NO<sub>2</sub> objective and 24-hour mean PM<sub>10</sub> objective).
272. An Air Quality Assessment has been provided with the application, which includes a dust risk assessment, air quality neutral and air quality positive.
273. The site is determined to be medium risk for dust risk, and appropriate mitigation has been included. The proposals would be air quality neutral. The development would therefore be acceptable and subject to conditions, would comply with policy SI1 of the London Plan and D.ES2 of the Local Plan.

### Contamination

274. The application is supported by a Geoenvironmental Desk Study Report which concludes sets out the characteristic ground conditions and elements of the surrounding environment and identifies potential sources of contamination. Conditions secure contamination remediation and verification reports are recommended and therefore the proposals would accord with Tower Hamlets Local Plan Policy D.ES8.

### **Transport**

275. Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; safe and suitable access to site would be achieved for all users; and any significant impacts from

development on transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree.

276. Paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 117 of the NPPF sets out additional criteria which should be addressed which includes giving priority to pedestrian and cycle movements; addressing the needs of people with disabilities and reduced mobility; minimising the scope for conflicts between pedestrians, cyclists and vehicles; allowing the efficient delivery of goods; and allowing for charging of plug-in and other ultra-low emission vehicles.
277. London Plan Policy T1 (Strategic approach to transport) reflects the Mayor's Transport Strategy insofar as it requires new development to support the strategic target mode share for active travel. Policy T2 (Healthy Streets) sets out where development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets indicators, reduce the dominance of vehicles on London's streets and be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport. Policy T9 (Funding transport infrastructure through planning) sets out how planning obligations will be sought to mitigate impacts from development, which may include the provision of new and improved public transport services, capacity and infrastructure, and making streets pleasant environments for walking and socialising.
278. The Mayor's Transport Strategy 2018 looks to put people's health and quality of life at the very heart of planning the city's transport with an aim that by 2041, 80 per cent of all Londoners' trips will be made on foot, by cycle or by public transport. Proposal 80 of the Strategy seeks to impose high expectations on developers to deliver transport solutions that will promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places.
279. Tower Hamlets' Local Plan 2031 Policy S.TR1 (Sustainable Travel) includes that development will be expected to prioritise the needs of pedestrians and cyclists as well as access to public transport, before vehicular modes of transport and not adversely impact the capacity, quality, accessibility and safety of the transport network in the borough.
280. Policy D.TR2 (Impacts on the Transport Network) includes that development that will have an adverse impact to traffic congestion on the highway network and/or the operation of public transport (including crowding levels) will be required to contribute and deliver appropriate transport infrastructure and/or effective mitigation measures.
281. Policy S.SG1 Areas of growth and opportunity within Tower Hamlets sets out how development will be required to support the delivery of significant new infrastructure to support growth within the four sub-areas, including improvements to the transport network, green grid projects and social infrastructure.

282. Policy S.SG2 Delivering sustainable growth in Tower Hamlets sets out how development will be supported where it delivers managed growth, though not resulting in unacceptable impacts on the natural and historic environment and its assets, transport capacity and infrastructure; contributing to creating healthy environments and delivering social and transport infrastructure and public realm improvements which are inclusive and accessible to all.
283. Policy D.DH2 Attractive streets, spaces and public realm sets out how development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined up and easily accessible street network and wider network of public spaces through improving connectivity to public transport hubs, social and community facilities and surrounding areas and incorporating the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users.
284. The site is located within the Isle of Dogs Opportunity Area (OA). The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) describes the area as being within the strategic transport corridor between central London and the east. The future mode share targets for residents in the OA is estimated at 90% for active travel and public transport. Significant public transport investment has taken place across the OA, including the Elizabeth Line, which was delivered in 2022 and has increased connectivity and capacity, with trains every 5 minutes at peak times to the city and beyond and the new Superloop bus route.

#### Vehicular, pedestrian and cycle access

285. The main student entrance would be located on Brannan Street and leads to the reception and into the building core meaning it is in a prominent and accessible location for students, who would most likely arrive via Brannan Street rather than the Basin Boardwalk. The proposed development includes public realm proposals improving the pedestrian environment around the site and tying into the wider Wood Wharf public realm delivery around the site.
286. Cycle parking access would be achieved via the western side of the building adjacent to the main entrance. Access to the cycle stores is provided through two LCDS compliant lifts down to the basement level as well as via a stairwell with a cycle channel.
287. Vehicles would access the proposed site via Brannan Street and the local highway network within Wood Wharf which is established by the Wood Wharf OPP masterplan. The highway network within Wood Wharf is all private highway, as such no S.278 highways works are to be secured.

#### Trip Generation

288. The submitted Transport Assessment (TA) states that the proposed student accommodation scheme is estimated to generate 133 arrivals and departures respectively in the AM peak with 266 arrivals and departures in the PM peak

and a total of 2,574 arrivals and departures across a typical day. There are expected to be 48 daily servicing trips to the student accommodation per day.

289. In terms of the commercial units, given their combined small size and excluding office use within Use Class E, these would not be a major attractor of trips and would serve the students, local residents and pedestrians in the general vicinity of the site, and very few staff trips. The commercial space would only attract a very small number of infrequent deliveries per week, approximately three a day.
290. The submitted Transport Assessment concludes the proposed scheme is well located to benefit from good access to public transport and ideally located in terms of pedestrian and cycle routes to all amenities and Officers agree with this conclusion. It is considered that the generated trips by each of the different modes of transport can be accommodated on the surrounding transport infrastructure with negligible impact and that the proposal meets the policy requirements towards sustainable result of its design and location.

### Transport Contributions

291. The proposed development is consistent with site F1 as defined in the original Wood Wharf Masterplan permission. The Wood Wharf masterplan is yet to trigger the final bus payment of £1.45m which would be payable 12 months before the anticipated first occupation of 428,766 square metres GIA of at grade floorspace. The occupation of this development could align with that trigger and require the contribution to be paid. The applicant has advised however, that around 100,000 square metres of floorspace is currently under construction, which will take the total to be occupied to 422,000 square metres in the next year to 18 months. With further current reserved matters applications that are under consideration, they anticipate that the triggers will be met during the remaining 4.5 years of the masterplan delivery. The necessary contributions are therefore expected to be paid upon the occupation of other plots within the remaining phases of development, albeit potentially later than if the payment triggers were adopted in parallel with this development.
292. Typically, contributions would be secured to mitigate the impact of development trips. In this case however, the necessary contributions have been paid in full or will be paid upon occupation of the remaining plots. Therefore, any potential impact on public transport will be mitigated.

### Deliveries & Servicing:

293. The forecast delivery and servicing trips for the PBSA and cafe use are a total of 51 daily two-way trips (outside AM and PM peaks), and split across motorcycles, cycles and vehicles. The loading bay for both the student and retail uses has already been provided as part of the wider Wood Wharf masterplan and will be located on-street on the northern side of Brannan Street and adjacent to the proposed site. Although servicing would usually be expected to be accommodated on-site however, Brannan Street is private highway. The on-street arrangement is also consistent with the wider Wood Wharf development and is considered to be acceptable.

294. The outline delivery and servicing plan sets out how deliveries will be minimised and consolidated, including the promotion of sustainable delivery methods; this is in line with the London Plan Policy T7 and the Mayor's Zero Carbon London approach. This is satisfactory and will be secured via a condition requiring submission of the final deliveries and servicing plan prior to occupation of the building.
295. Across the Wood Wharf development, loading bays have been strategically located to account for servicing requirements. Access to Wood Wharf is provided from Cartier Circle and Trafalgar Way to the northwest of the site or from the east via the Preston's Road junction which will be provided as part of the completion of the masterplan.

### Car Parking

296. London Plan Policy T6 provides that car parking should be restricted in line with levels of existing and future public transport accessibility and that appropriate levels of blue badge parking should be provided within the development. Tower Hamlets Local Plan policy D.TR3 requires all residential developments to be permit free and that all parking associated with the development should be provided off-street. The proposals will be car-free and permit-free which is in line with policy.
297. The permit free element of the proposals will be ensured through an obligation under section 106 and section 16 of the Greater London Council (General Powers) Act 1974 that will prevent occupiers from securing an on or off-street permit. Two blue badge spaces are proposed; one for the student accommodation use and one for the cafe use in line with London Plan policy T6.1E without the need for submission of a Parking Design and Management Plan upfront at application stage. This will however be secured via a planning condition to manage how requests from eligible occupiers will be accommodated. The accessible parking bays will be supplied with electric vehicle charging in line with London Plan policy T6.1 and will be secured via the S.106 agreement.

### Cycle Parking

298. The cycle parking quantum proposed does not meet the minimum cycle parking standards set out in the London Plan for student accommodation. This would require 456 long-stay and 22 short-stay cycle spaces. Instead, 50% of London Plan standards and 50% 'free to hire' bikes available for students are proposed. This results in 228 free-to-hire and 228 standard private cycle spaces. This approach has been set out by the applicant as often high cycle parking provision does not equate to high cycle ownership or use, as such a free to cycle hire scheme helps overcome the logistical and cost issues faced by students. These proposals have also been agreed in exceptional circumstances elsewhere on the Isle of Dogs including at 30 Marsh Wall and in this case is considered a valid option noting the site and development constraints.
299. The long-stay parking quantum will consist of Sheffield stands and two-tier stands including the provision of 12 spaces in each store for adaptable cycles.

The cycle parking stores will be located at the basement level in line with the wider strategy for the buildings being constructed on the Wood Wharf development.

300. To ensure that the free-to-hire cycle scheme is available for the life of the development, an obligation will require the developer to monitor the use of the cycle storage such that free-to-hire spaces can be converted to standard cycles should the need arise. The free-to-hire cycles will also be required to be reviewed annually to ensure cycles are maintained and replaced as necessary by the applicant to maintain the available stock of bikes at all times.
301. Short stay cycle parking for both uses will also be accommodated in the public realm through installation of appropriate and well-located Sheffield stands. The final location and detail of all cycle parking will be secured via condition.
302. The applicant has proposed two cargo bike spaces to the east of the building in the public realm. This is an acceptable location in meeting the ad-hoc delivery and servicing needs of the development in line with the London Plan T7.
303. As part of the Wood Wharf masterplan consent in 2014, two 45 cycle hire docking point stations were secured for the Wood Wharf estate. Since then, the Wood Wharf S.106 has been amended with an updated layout of three 30 cycle hire docking point stations, one on Preston's Road and the one in Berner's Court have been delivered. The approved cycle hire docking station provide appropriate capacity for the proposed development and have been secured through the masterplan consent.

#### Healthy Streets and Vision Zero

304. TfL's Healthy Streets approach aims to improve air quality, reduce congestion and make attractive places to live, work and do business. Alongside the Healthy Streets approach, the Vision Zero approach to road danger reduction is a key priority for TfL and the Boroughs, to deliver the MTS target for all deaths and serious injuries from road collisions to be eliminated.
305. The proposal is supported by two day-time ATZ assessments on separate days and times. The ATZ was made up of six routes, in order to route the key destinations, they include; bus stops, St Johns Park (greenspace), National Cycle Route 1, Poplar DLR Station, Chrisp Street (food and retail market), and Canary Wharf Station.
306. For Route 1 to Billingsgate bus stops, the lowest scoring section against the Healthy Streets Indicators was at Cartier Circle roundabout, characterised by inconsistent dropped kerbs and tactile paving at crossings and therefore, improvements to these crossings would be a considered potential interventions.
307. For Route 2 to St John's Park south of the site, the lowest scoring section against the Healthy Streets Indicators was across Blue Bridge, noting that the issues with narrow footways are related to current construction conditions and will improve once the Wood Wharf Charter Street junction works are completed. For Route 3, footway improvements are proposed along Marsh Wall there are

some inconsistencies with quality of footway and material. For Route 4 to Poplar DLR Station, the lowest scoring section against the Healthy Streets Indicators was on Upper Bank Street, whereby reducing street clutter would enhance the indicator 'people feel relaxed'. Route 5 to Chrisp Street includes an underpass across Preston's Road, where graffiti, lighting concerns and overgrown vegetation are identified. In order to address Healthy Streets indicator 'People feel safe' a redesign of the underpass with better lighting (to be reviewed in the night-time ATZ), visibility with removal of vegetation and addition of local artwork could enhance the pedestrian experience along this route. Route 6 to Canary Wharf station require no improvements in the assessment.

308. The ATZ assessment set out above has been reviewed within the wider context of the Wood Wharf masterplan. The improvements on Upper Bank Street and Preston's Road are within the control of wider estate and pedestrian improvement works contribution within the original Wood Wharf permission. The identified upgrades to the public highway such as Billingsgate bus stops are too remote to the site to be considered to directly relate to the development, as such could not be secured via obligation and would in fact be covered by CIL. This approach is satisfactory as appropriate improvements to the wider public realm have already been secured which have been identified in the ATZ.

### Travel Planning

309. A framework PBSA Travel Plan has been submitted. The aims and targets contained within the plan form an acceptable basis for planning and outlining how active travel would be promoted and travel patterns monitored post occupation. The final Travel Plan should be secured, implemented and monitored as part of any S.106 agreement in line with London Plan policy T4.

### Student Management Plan

310. A Student Management Plan has been submitted which set out measures of how a move in/move out strategy will be managed to minimise the impact on the local road network and promote sustainable travel. A full Student Management Plan will be secured by condition prior to occupation.

### Demolition and Construction Traffic

311. A Construction Environmental Management Plan has been submitted as well as an Outline Construction Logistics Plan (CLP) and the principles of this are acceptable and again consistent with the wider Wood Wharf OPP. The full CLP should be secured by condition, in accordance with London Plan policy T7.
312. The CLP should include vehicle numbers, routings, holding bays, consolidation, pit lanes, any impact on bus network or strategic cycle lanes.
313. To reduce road danger the applicant must ensure association with at least silver or gold Construction Logistics and Community Safety (CLOCS) and Fleet Operator Recognition Scheme (FORS) and is secured by condition. This is in line with London Plan Policy T7.

## London Underground Infrastructure Protection

314. Due to the proximity of the Jubilee Line to the development site, Infrastructure Protection have contacted the LBTH and request that the response provided is adhered to throughout all phases of development and future issues are raised with Infrastructure Protection directly.

## Conclusion

315. Overall, the transport impacts of the proposed development would be supported by necessary mitigation measures as set out above secured in the S106 Agreement and planning conditions, which are considered to be in accordance with London Plan Policies T1, T2, T4, T5, T6 and T7 and Local Plan Policies S.TR1, D.TR2, D.TR3, D.TR4, S.SG1, S.SG2, D.DH2 of the Local Plan.

## **Mitigating the impact of the development through planning obligations**

316. Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended in 2019 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.
317. The NPPF states that “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”
318. Tower Hamlets Planning obligations SPD 2021 provides further guidance on how the Council will secure planning obligations, where these are necessary to mitigate the impacts of development.
319. Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure several planning obligations required to appropriately mitigate the impact of this development, which are set out above and where appropriate there is detailed consideration given in the relevant topic section of the report. GLA officers are confident that the obligations in the Section 106 agreement meet the tests in Regulation 122 of the CIL Regulations 2010 as amended in 2019 as they either will not be spent on “infrastructure” as defined in the regulations or will be sufficiently narrowly described in the section 106 agreement.

## **Legal considerations**

320. Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 (as

amended) the Deputy Mayor, acting under delegated authority, is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: PA/24/002431.

321. Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 which includes a requirement that for applications the Mayor takes over, the Mayor must give the applicants and the borough the opportunity to make oral representations at a hearing. He is also required to publish a document setting out.
- who else may make oral representations;
  - the procedures to be followed at the hearing; and,
  - arrangements for identifying information, which must be agreed by persons making representations.
322. The details of the above are set out in the Mayor's Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.
323. In carrying out his duties in relation to the determination of this application, the Deputy Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.
324. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
325. Section 70(4) defines "local finance consideration" as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
326. Furthermore, in determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

327. Other guidance, which has been formally adopted by Tower Hamlets Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to this application are detailed in this Representation Hearing report.
328. GLA Officers are satisfied that the current report to the Deputy Mayor has had regard to the relevant provision of the Development Plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
329. As regards to the Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be £2,301,170.73 whilst the Tower Hamlets CIL payment is estimated to be £12,549,548.41.
330. In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990). These matters have been addressed within earlier sections of the report.
331. Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the section 106 content, and it has progressed on a number of key issues. Both the Mayor and the borough are given powers to enforce planning obligations.
332. When determining these planning applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.
333. The key Articles to be aware of include the following:
- A) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - B) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.

C) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

334. It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan.
335. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.
336. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
337. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
338. GLA Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of affordable housing, accessible housing and the protection of neighbouring residential amenity.

## **Conclusion and planning balance**

339. As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires matters to be determined in accordance with the development plan unless material considerations indicate otherwise.
340. When assessing the planning application, the Deputy Mayor is required to give full consideration to the provisions of the development plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development.

341. GLA officers consider that the proposals generally complies with relevant planning policies at national, regional and local level, with conflicts arising with policies HC1 of the London Plan and S.DH3 of the Local Plan, relating to heritage and policy G5 of the London Plan relating to Urban Greening.
342. As detailed in the Heritage section of this report, the proposed development would result in a low level of less than substantial harm to the significance to a number of heritage assets surrounding the site and would therefore conflict with policies HC1 and S.DH3. Great weight must be given to the harm identified.
343. The proposals would provide significant public benefits, which would weigh in favour of the scheme, particularly: provision of a substantial quantum of student accommodation which supports housing delivery targets and achieves exceptional design; and provision of affordable student accommodation.
344. The proposed development also results in a number of financial and non-financial obligations including construction apprenticeships, providing a further diversification of uses within Wood Wharf and a significant quantum of CIL.
345. Considerable weight and importance must be attached to the harm caused by the proposals to surrounding heritage assets in any balancing exercise. However, it is concluded that the public benefits delivered by the scheme would clearly and convincingly outweigh the heritage harm.
346. Whilst the proposals would not achieve the specific Urban Greening Factor and carbon reductions requirements set out in the London Plan, officers are satisfied that given the limited site area, footprint and design of the building and within the context of the wider Wood Wharf masterplan as consented, the proposals are considered acceptable.
347. The balancing exercise under paragraph 215 of the NPPF is therefore favourable to the proposals and the proposal would be acceptable in terms of impact on heritage assets. Overall, and notwithstanding some elements of policy conflict identified above, the proposed development is considered to accord with the development plan, read as a whole, and there are no material considerations justifying a departure from the plan or indicate that planning permission should be refused.
348. This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable. Accordingly, it is officers' recommendation that planning permission should be granted, subject to the obligations and conditions stated within this report.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.